

SENATE JOURNAL

— 1992 —

VOLUME 1

REGULAR SESSION

FIFTY-SECOND LEGISLATURE STATE OF WASHINGTON

AT

OLYMPIA, the State Capitol

1992 Regular Session Convened January 13, 1992
Adjourned Sine Die March 12, 1992

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1992

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**JOURNAL OF THE SENATE
STATE OF WASHINGTON
1992 REGULAR SESSION
FIFTY-SECOND LEGISLATURE**

FIRST DAY

NOON SESSION

Senate Chamber, Olympia, Monday, January 13, 1992

Pursuant to law, the Senate of the 1992 Regular Session of the Fifty-second Legislature of the state of Washington was called to order at 12:00 noon by Lieutenant Governor Joel Pritchard, President of the Senate.

The Sergeant at Arms Color Guard, consisting of Pages Katie Naismith and Ryan Olson, presented the Colors. Reverend Ben Harding, pastor of The United Churches of Olympia, offered the prayer.

REMARKS BY PRESIDENT PRITCHARD

President Pritchard: "Just a very short time ago one of our members, Frank "Tub" Hansen was taken from us and I think it is appropriate if we stand and have a moment of silence."

MOMENT OF SILENCE

At the request of President Pritchard, the members of the Senate stood in memory of Senator Frank "Tub" Hansen.

EDITOR'S NOTE: See letter of appointment and oath of office for Senator Wanda Hansen as the Senator for the 13th District on Day 17, January 29.

ROLL CALL

The Secretary called the roll and announced to the President that all Senators were present except Senators Matson and Moore. On motion of Senator Murray, Senator Moore was excused. On motion of Senator Anderson, Senator Matson was excused.

INTRODUCTION OF SPECIAL GUESTS

The President introduced Victoria Smith, the 1991-1992 Capital Lakefair Queen, accompanied by the 1992 Lakefair President, Jan Myhr and her husband, Lyle Myhr, and the Lakefair Royalty Chair, Vicki Kammerer, who were seated on the Senate Rostrum.

With permission of the Senate, business was suspended to permit Queen Victoria to welcome the Senators to Olympia.

JOURNAL OF THE SENATE

MOTION

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

SENATE RESOLUTION 1992-8707

By Senators Hayner, Sellar, Gaspard and Snyder

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

APPOINTMENT OF SPECIAL COMMITTEE

In accordance with Senate Resolution 1992-8707, the President appointed Senators Erwin, Pelz, Oke and Skratek to notify the House of Representatives that the Senate is organized and ready to transact business.

MOTION

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

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

INTRODUCTION AND FIRST READING

SB 6010 by Senators Bauer, Johnson, Craswell, L. Smith and Oke

AN ACT Relating to the exemption of church-provided day care from the business and occupation tax; and adding a new section to chapter 82.04 RCW.

Referred to Committee on Ways and Means.

SB 6011 by Senators Conner, Rasmussen, Bauer, Jesernig and Oke

AN ACT Relating to veterans; and amending RCW 41.04.005 and 41.06.150.

Referred to Committee on Governmental Operations.

SB 6012 by Senator Conner

AN ACT Relating to protecting the customers of escrow agents; and amending RCW 18.44.050.

Referred to Committee on Financial Institutions and Insurance.

SB 6013 by Senator Conner

AN ACT Relating to archaeological resources; and amending RCW 90.56.005, 90.56.060, 90.56.210, 88.46.060, 90.48.366, 90.48.368, and 90.48.400.

Referred to Committee on Environment and Natural Resources.

SB 6014 by Senator Conner

AN ACT Relating to the noise levels of certain heat pumps; adding a new section to chapter 70.107 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Energy and Utilities.

SB 6015 by Senators Barr, Madsen, Gaspard and Rasmussen

AN ACT Relating to bottled water; and adding a new chapter to Title 69 RCW.

Referred to Committee on Agriculture and Water Resources.

SB 6016 by Senators Sellar, Rasmussen and L. Smith

AN ACT Relating to exempting property from execution; and amending RCW 6.15.025.

Referred to Committee on Law and Justice.

SB 6017 by Senators McCaslin, Rasmussen and Sellar

AN ACT Relating to authorized combinations of vehicles; and amending RCW 46.44.037.

Referred to Committee on Transportation.

SB 6018 by Senators Niemi, Bauer, Saling, Rasmussen and Johnson (by request of Joint Committee on Pension Policy)

AN ACT Relating to membership of pension boards under chapter 41.18 RCW; and amending RCW 41.18.015.

Referred to Committee on Ways and Means.

SB 6019 by Senators Niemi, Bauer, Saling, Rasmussen and Johnson (by request of Joint Committee on Pension Policy)

AN ACT Relating to making technical corrections to chapter 35, Laws of 1991; amending RCW 41.26.005, 41.26.075, 41.32.005, 41.32.215, 41.32.755, 41.40.005, 41.40.145, and 41.50.210; reenacting RCW 41.32.310; adding a new section to chapter 41.26 RCW; creating a new section; recodifying RCW 41.26.058; and repealing RCW 41.26.405, 41.32.610, 41.32.620, 41.32.630, 41.32.700, and 41.40.605.

Referred to Committee on Ways and Means.

SB 6020 by Senators Nelson, Niemi, Bauer, Saling, Rasmussen and Johnson (by request of Joint Committee on Pension Policy)

AN ACT Relating to simplification of the designation of funds established for use by the teachers' retirement system and the public employees' retirement system; amending RCW 41.50.200, 41.32.540, 41.32.522, 41.32.523, 41.50.215, 41.32.260, 41.32.042, 41.32.380, 41.50.260, 41.33.020, 41.32.067, 41.32.300, 41.04.445, 41.32.013, 41.32.032, 41.32.345, and 41.32.812; reenacting and amending RCW 41.32.010 and 41.32.520; and repealing RCW 41.50.225.

Referred to Committee on Ways and Means.

SB 6021 by Senators Sellar, Snyder, Anderson, Sutherland, Conner, Thorsness, von Reichbauer, Barr, Jesernig, L. Smith, McMullen and Erwin.

AN ACT Relating to students in timber impact areas; and amending RCW 28B.80.575 and 28B.80.580.

Referred to Committee on Ways and Means.

SB 6022 by Senators Saling, Bauer, Oke, Thorsness, Nelson, West, Barr and Jesernig (by request of Legislative Budget Committee)

AN ACT Relating to the sunset provisions of the international marketing program for agriculture and trade center at Washington State University; and repealing RCW 43.131.329 and 43.131.330.

Referred to Committee on Higher Education.

SB 6023 by Senators Saling, Bauer, Oke, Gaspard, Conner, Thorsness and L. Smith (by request of Legislative Budget Committee)

AN ACT Relating to the center for international trade in forest products; and amending RCW 76.56.020, 43.131.333, and 43.131.334.

Referred to Committee on Higher Education.

SB 6024 by Senators Bauer, Newhouse and Thorsness

AN ACT Relating to brewers and domestic wineries; and amending RCW 66.28.010.

Referred to Committee on Commerce and Labor.

SB 6025 by Senators Barr, Anderson, Conner, Rasmussen and Newhouse

AN ACT Relating to providing building standards for temporary farm worker housing; adding a new section to chapter 19.27 RCW; and adding a new section to chapter 19.27A RCW.

Referred to Committee on Agriculture and Water Resources.

SB 6026 by Senators Thorsness, Owen, Kreidler, Nelson, von Reichbauer, West and Erwin (by request of Department of Corrections)

AN ACT Relating to inmate work programs; amending RCW 72.09.100 and 82.29A.130; and adding a new section to chapter 82.04 RCW.

Referred to Committee on Law and Justice.

SB 6027 by Senators Barr, Gaspard, Sellar, Bauer, Conner, Rasmussen, Bailey and Jesernig

AN ACT Relating to horticultural nurseries; adding a new section to chapter 15.13 RCW; and providing an effective date.

Referred to Committee on Agriculture and Water Resources.

SB 6028 by Senators Barr, Madsen, Williams and Erwin (by request of Joint Select Committee on Water Resource Policy)

AN ACT Relating to municipal water conservation programs; and amending RCW 35.92.105.

Referred to Committee on Agriculture and Water Resources.

SB 6029 by Senators West and Johnson

AN ACT Relating to health care quality assurance; amending RCW 7.06.040, 7.06.060, 4.24.260, 18.06.110, 18.19.050, 18.22.005, 18.25.019, 18.26.030, 18.26.360, 18.32.195, 18.32.655, 18.35.110, 18.35.161, 18.36A.060, 18.52C.040, 18.57.035, 18.64.160, 18.64.310, 18.64A.050, 18.71.019, 18.71.095, 18.71.230, 18.74.090, 18.83.050, 18.83.121, 18.84.040, 18.89.050, 18.108.085, 18.120.020, 18.122.150, 18.130.020, 18.130.040, 18.130.050, 18.130.060, 18.130.090, 18.130.165, 18.130.175, 18.130.185, 18.130.190, 18.130.270, 18.130.300, 18.135.070, 18.135.080, 18.138.070, 18.138.090, 18.155.040, 43.70.220, 43.70.240, and 43.70.300; reenacting and amending RCW 18.64.245, 18.71.030, and 18.88A.050; adding new sections to chapter 7.06 RCW; adding new sections to chapter 18.25 RCW; adding a new section to chapter 18.64 RCW; adding a new section to chapter 18.64A RCW; adding new sections to chapter 18.130 RCW; adding a new chapter to Title 18 RCW; creating a new section; recodifying RCW 18.26.030, 18.26.320, 18.26.330, 18.26.340, 18.26.350, 18.26.360, 18.26.370, and 18.26.380; repealing RCW 18.26.010, 18.26.020, 18.26.028, 18.26.040, 18.26.050, 18.26.060, 18.26.070, 18.26.080, 18.26.090, 18.26.110, 18.26.900, 18.32.500, 18.32.510, 18.32.520, 18.32.530, 18.32.534, 18.32.560, 18.32.570, 18.32.580, 18.32.590, 18.32.600, 18.32.610, 18.32.620, 18.32.665, 18.32.745, 18.35.220, 18.54.150, 18.57.174, 18.71A.070, 18.72.010, 18.72.020, 18.72.090, 18.72.100, 18.72.110, 18.72.120, 18.72.130, 18.72.150, 18.72.154, 18.72.155, 18.72.165, 18.72.190, 18.72.265, 18.72.301, 18.72.306, 18.72.311, 18.72.316, 18.72.321, 18.72.340, 18.72.380, 18.72.390, 18.72.400, 18.72.900, 18.72.910, 18.72.045, 18.72.345, 18.83.135, 18.83.155, 18.83.168, 18.92.047, 18.130.100, 18.130.140, 43.131.337, and 43.131.338; and declaring an emergency.

Referred to Committee on Health and Long-Term Care.

SB 6030 by Senators West, Johnson and Bailey

AN ACT Relating to prevention of head injuries by requiring the wearing of bicycle helmets; and adding a new section to chapter 46.61 RCW.

Referred to Committee on Transportation.

SB 6031 by Senators West and Johnson

AN ACT Relating to poison information centers; amending RCW 18.76.010, 18.76.030, and 18.76.060; adding new sections to chapter 18.76 RCW; and repealing RCW 18.76.040.

Referred to Committee on Health and Long-Term Care.

SB 6032 by Senators West and Johnson

AN ACT Relating to the emergency medical services committee; and repealing RCW 18.73.920 and 18.73.921.

Referred to Committee on Health and Long-Term Care.

SB 6033 by Senators West and Johnson

AN ACT Relating to emergency service medical personnel; amending RCW 18.71.205, 18.73.130, 18.73.140, and 18.73.150; and repealing RCW 18.73.120.

Referred to Committee on Health and Long-Term Care.

SB 6034 by Senators West, Conner, Johnson and Bailey

AN ACT Relating to health care; amending RCW 43.70.050, 28A.210.070, 43.59.030, and 74.38.020; reenacting and amending RCW 43.20.050; adding new sections to chapter 43.70 RCW; adding new sections to chapter 43.20 RCW; adding a new section to chapter 43.20A RCW; adding a new section to chapter 70.47 RCW; adding a new section to chapter 41.05 RCW; adding new sections to chapter 74.38 RCW; creating a new section; making appropriations; and declaring an emergency.

Referred to Committee on Health and Long-Term Care.

SB 6035 by Senators West, Johnson and Bailey

AN ACT Relating to the basic health plan; amending RCW 70.47.010, 70.47.020, 70.47.040, 70.47.050, 70.47.080, 70.47.090, 70.47.100, 70.47.110, 70.47.120, and 70.47.150; reenacting and amending RCW 70.47.030 and 70.47.060; adding a new section to chapter 70.47 RCW; creating new sections; and repealing RCW 43.131.355 and 43.131.356.

Referred to Committee on Health and Long-Term Care.

SB 6036 by Senators Metcalf, Rasmussen, L. Smith and Oke

AN ACT Relating to environmental strategies; adding a new chapter to Title 43 RCW; creating a new section; making an appropriation; and providing an expiration date.

Referred to Committee on Environment and Natural Resources.

SB 6037 by Senators West, Rinehart, Rasmussen and Johnson

AN ACT Relating to health care insurance claims; adding a new section to chapter 48.02 RCW; adding a new section to chapter 48.20 RCW; adding a new section to chapter 48.21 RCW; adding a new section to chapter 48.44 RCW; adding a new section to chapter 48.46 RCW; adding a new section to chapter 48.84 RCW; and creating a new section.

Referred to Committee on Health and Long-Term Care.

SB 6038 by Senators West, Johnson and L. Smith

AN ACT Relating to rebating by practitioners of healing professions; amending RCW 19.68.010; and creating a new section.

Referred to Committee on Health and Long-Term Care.

SB 6039 by Senators West and Johnson

AN ACT Relating to the premium tax on basic health insurance offered to certain employers; and amending RCW 48.14.022.

Referred to Committee on Financial Institutions and Insurance.

SB 6040 by Senators West and Johnson

AN ACT Relating to assaults on staff at state institutions; and adding new sections to chapter 71.05 RCW.

Referred to Committee on Health and Long-Term Care.

SB 6041 by Senators Nelson, A. Smith, Thorsness, Rasmussen, Anderson, Johnson, Madsen, Owen, Jesernig, Talmadge and Newhouse

AN ACT Relating to recommendations of the juvenile issues task force; amending RCW 13.40.020, 13.40.027, 13.40.0357, 13.40.038, 13.40.050, 13.40.070, 13.40.080, 13.40.100, 13.40.130, 13.40.150, 13.40.200, 9.41.010, 9.41.040, 9.41.280, 13.04.011, 28A.225.020, 28A.225.030, 28A.225.090, 28A.225.150, 13.32A.130, 13.32A.140, 74.13.032, 74.13.033, 74.13.034, 74.13.035, 74.04.055, and 71.34.010; amending 1991 c 234 s 1 (uncodified); amending 1991 c 234 s 2 (uncodified); adding new sections to chapter 13.40 RCW; adding a new section to chapter 28A.225 RCW; adding new sections to chapter 13.32A RCW; adding new sections to chapter 71.34 RCW; adding new sections to chapter 70.96A RCW; creating new sections; repealing RCW 13.40.010; prescribing penalties; making appropriations; and providing an effective date.

Referred to Committee on Law and Justice.

SB 6042 by Senators Nelson and Rasmussen

AN ACT Relating to condominiums; amending RCW 64.34.010, 64.34.020, 64.34.040, 64.34.200, 64.34.204, 64.34.216, 64.34.224, 64.34.228, 64.34.232, 64.34.256, 64.34.268, 64.34.300, 64.34.308, 64.34.324, 64.34.340, 64.34.352, 64.34.372, 64.34.400, 64.34.410, 64.34.415, 64.34.425, 64.34.430, 64.34.440, 64.34.445, and 58.17.040; and adding new sections to chapter 64.34 RCW.

Referred to Committee on Law and Justice.

SB 6043 by Senator Rasmussen

AN ACT Relating to campaign financing; adding new sections to chapter 42.17 RCW; creating a new section; and providing an effective date.

Referred to Committee on Governmental Operations.

SB 6044 by Senator Snyder

AN ACT Relating to regional support networks; and reenacting and amending RCW 71.24.300.

Referred to Committee on Health and Long-Term Care.

SB 6045 by Senators L. Smith and Rasmussen

AN ACT Relating to marriage licenses; amending RCW 26.04.210; and adding a new section to chapter 70.24 RCW.

Referred to Committee on Governmental Operations.

SB 6046 by Senators L. Smith and Anderson

AN ACT Relating to fisheries patrol officers and wildlife agents; amending RCW 4.24.350, 10.93.020, 46.09.200, 46.10.200, 69.30.110, 69.30.120, 70.93.050, 75.08.160, 75.10.020, 75.10.030, 75.10.040,

75.10.160, 75.25.140, 75.25.170, 76.04.045, 76.48.040, 77.08.010, 77.12.055, 77.12.060, 77.12.620, 77.16.610, 77.32.250, 77.32.380, and 91.14.100; reenacting and amending RCW 75.08.011; adding new sections to chapter 43.43 RCW; adding a new section to Title 75 RCW; adding a new section to Title 77 RCW; creating new sections; repealing RCW 75.08.206, 75.08.208, and 75.10.010; and providing an effective date.

Referred to Committee on Environment and Natural Resources.

SB 6047 by Senator L. Smith

AN ACT Relating to commercial salmon licenses; amending RCW 75.28.035 and 75.28.040; adding new sections to Title 75 RCW; and providing an effective date.

Referred to Committee on Environment and Natural Resources.

SB 6048 by Senator L. Smith

AN ACT Relating to the recreational and commercial sturgeon fishery; adding a new section to chapter 75.25 RCW; and adding a new section to chapter 75.30 RCW.

Referred to Committee on Environment and Natural Resources.

SB 6049 by Senator L. Smith

AN ACT Relating to referral of patients to laboratories by physicians; adding a new chapter to Title 19 RCW; and prescribing penalties.

Referred to Committee on Health and Long-Term Care.

SB 6050 by Senators Bauer, L. Smith and Barr

AN ACT Relating to water rights for counties with water reservations; amending RCW 90.03.345 and 75.20.050; and reenacting and amending RCW 90.03.247.

Referred to Committee on Agriculture and Water Resources.

SB 6051 by Senators L. Smith and Talmadge

AN ACT Relating to infants exposed to drugs; adding a new chapter to Title 70 RCW; creating a new section; and making an appropriation.

Referred to Committee on Health and Long-Term Care.

SB 6052 by Senators Snyder, Bauer, Sellar, Conner and Rasmussen (by request of Department of Fisheries)

AN ACT Relating to commercial crab fishing in coastal waters; adding a new section to chapter 75.30 RCW; creating new sections; and declaring an emergency.

Referred to Committee on Environment and Natural Resources.

SB 6053 by Senators Bauer, Saling, Rinehart, Stratton, Conner and Sutherland

AN ACT Relating to community and technical college tenure; amending RCW 28B.50.851; and adding a new section to chapter 28B.50 RCW.

Referred to Committee on Higher Education.

SB 6054 by Senators L. Smith, Bauer, Johnson, Murray, von Reichbauer, Snyder, Metcalf, Conner, Thorsness, Vognild, Sutherland, Jesernig, Kreidler and Pelz

AN ACT Relating to chiropractic; amending RCW 18.25.005 and 18.25.006; and declaring an emergency.

Referred to Committee on Health and Long-Term Care.

SB 6055 by Senators Nelson, Madsen and Newhouse

AN ACT Relating to the crime laboratory system of the state patrol; and adding a new section to chapter 43.43 RCW.

Referred to Committee on Law and Justice.

SB 6056 by Senators Nelson, Madsen, Newhouse, Thorsness, Rasmussen, Vognild and Bauer (by request of Washington State Patrol)

AN ACT Relating to fingerprinting of persons convicted under Title 26 RCW; and amending RCW 43.43.735.

Referred to Committee on Law and Justice.

SB 6057 by Senators Nelson, Madsen, Newhouse, Conner and Rasmussen (by request of Washington State Patrol)

AN ACT Relating to the state crime laboratory system; and adding new sections to chapter 43.43 RCW.

Referred to Committee on Law and Justice.

SCR 8420 by Senators Hayner, Sellar, Gaspard and Snyder

Organizing 1992 legislature.

MOTIONS

On motion of Senator Newhouse, the rules were suspended, Senate Concurrent Resolution No. 8420 was advanced to second reading and read the second time.

On motion of Senator Newhouse, the rules were suspended, Senate Concurrent Resolution No. 8420 was advanced to third reading, the second reading considered the third and the concurrent resolution was adopted.

APPOINTMENT OF SPECIAL COMMITTEE

In accordance with Senate Concurrent Resolution No. 8420, the President appointed Senators Amondson, Owen and Roach to join a like committee from the House of Representatives to notify the Governor that the Legislature is organized and ready to conduct business.

MOTION

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

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

REPORT OF SELECT COMMITTEE

WASHINGTON STATE REDISTRICTING COMMISSION
1110 CAPITAL WAY SOUTH, SUITE 306 (AN-31)
OLYMPIA, WASHINGTON 98504

January 1, 1992

Honorable Clyde Ballard
Minority Leader
Washington House of Representatives

Honorable Marc S. Gaspard
Democratic Leader
Washington Senate

Honorable Jeannette Hayner
Majority Leader
Washington Senate

Honorable Joseph E. King
Speaker
Washington House of Representatives

Dear Sirs and Madame:

Pursuant to the provisions of Article 2, section 43 of the State Constitution and Chapter 44.05 RCW, the Washington State Redistricting Commission has approved a redistricting plan, as set forth in the attached materials. The Commission hereby submits the plan to the Washington State Legislature.

Sincerely,
GRAHAM H. FERNALD, Chair

WASHINGTON STATE REDISTRICTING COMMISSION
REDISTRICTING PLAN

A PLAN Relating to the redistricting of state legislative and congressional districts.

BE IT APPROVED BY THE REDISTRICTING COMMISSION OF THE STATE OF WASHINGTON:

Sec. 1. It is the intent of the commission to reapportion and redistrict the congressional and legislative districts of the state of Washington in accordance with the Constitution and laws of the United States and the state of Washington.

Sec. 2. The definitions set forth in RCW 44.05.020 apply throughout this plan, unless the context requires otherwise.

Sec. 3. In every case the population of the congressional and legislative districts described by this plan has been ascertained on the basis of the total number of persons found inhabiting such areas as of January 1, 1990, in accordance with the 1990 federal decennial census data submitted pursuant to P.L. 94-171.

Sec. 4. (a) Any area not specifically included within the boundaries of any of the districts as described in this plan and which is completely surrounded by a particular district, shall be a part of that district. Any such area not completely surrounded by a particular district shall be a part of the district having the smallest number of inhabitants and having territory contiguous to such area.

(b) Any area described in this plan as specifically embraced in two or more noninclusive districts shall be a part of the adjacent district having the smallest number of inhabitants and shall not be a part of the other district or districts.

(c) Any area specifically mentioned as embraced within a district but separated from such district by one or more other districts, shall be assigned as though it had not been included in any district specifically described.

(d) The 1990 United States federal decennial census data submitted pursuant to P.L. 94-171 shall be used for determining the number of inhabitants under this plan.

(e) If any court of competent jurisdiction requires nonresident military personnel that were not included in the United States census bureau data to be included, these persons shall be included in the population of the district or districts from which the persons were excluded.

Sec. 5. For purposes of this plan, districts shall be described in terms of:

(1) Official United States census bureau tracts, block numbering areas, block groups, blocks, or census county divisions established by the United States bureau of the census in the 1990 federal decennial census;

(2) Counties, municipalities, or other political subdivisions as they existed on January 1, 1990;

(3) Any natural or artificial boundaries or monuments including but not limited to rivers, streams, or lakes as they existed on January 1, 1990;

(4) Roads, streets, or highways as they existed on January 1, 1990.

Sec. 6. The following abbreviations used in this plan have the following meanings:

(1) "T" means "census tract";

(2) "BG" means "census block group";

(3) "B" means "block";

(4) "BNA" means "block numbering area"; and

(5) "Division" or "div." means "census county division".

Sec. 7. For election of members of the legislature, the territory of the state shall be divided into forty-nine districts. Two members of the house of representatives shall be elected from and run at large within each legislative district. One member of the senate shall be elected from each legislative district.

Sec. 8. The legislative districts described by this plan shall be those recorded electronically as "PLAN PRCOM - 019L", maintained in computer files designated as FINAL-LEG, which are public records of the commission. As soon as practicable after approval and submission of this plan to the legislature, the commission shall publish PLAN PRCOM - 019L in conformity with the description terminology set forth in Sec. 6.

Sec. 9. For election of members of Congress, the territory of the state shall be divided into nine districts. The congressional districts described by this plan shall be those recorded electronically as "PLAN PRCOM - 022C", maintained in computer files designated as FINAL-CON, which are public records of the commission. As soon as practicable after approval and submission of this plan to the legislature, the commission shall publish PLAN PRCOM - 022C in conformity with the description terminology set forth in Sec. 6.

Sec. 10. The commission intends that existing law shall continue to govern such matters as the terms and dates of election for members of the senate to be elected from each district, the status of "hold-over" senators, and the elections to fill vacancies, when required, provided that

districts referred to in existing law and designated by number (without regard to any letter following that number) shall refer to districts of the same number described in this plan, beginning with the next elections in 1992.

Sec. 11. This commission intends that this plan supersede the district boundaries established by chapter 288, Laws of 1981 and chapter 17, Laws of 1983, and acknowledges that it is inconsistent with certain provisions of existing law, including but not limited to RCW 44.07B.001, RCW 44.07B.002, RCW 44.07B.005 through RCW 44.07B.800, RCW 44.07B.840, and RCW 29.69A.001 through RCW 29.69A.080.

MOTION

On motion of Senator Newhouse, the letter from the Washington State Redistricting Commission was held on the desk.

EDITOR'S NOTE: See Appendix A for individual maps of each Legislative and Congressional District.

The legal description of the Congressional District Boundaries are listed in the 1992 House Journal (First Day, January 13).

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

MOTION

Senator Newhouse moved that the Committee on Rules be relieved of further consideration of the following bills and the bills be referred to the Committees as listed:

THIRD READING

<u>Bill No.</u>		<u>Description</u>	<u>Referred to Committee</u>
ESB	5009	Pesticide record keeping	Commerce and Labor
ESSB	5086	f HIV testing/criminal offendr	Health and Long-Term Care
SB	5139	Incorporation elections	Governmental Operations
SSB	5202	Civil judgments	Law and Justice
SSB	5203	f Nursing home administration	Health and Long-Term Care
ESSB	5225	Environmental interpretation	Environment and Natural Resources
ESSB	5263	Underground storage tanks	Environment and Natural Resources
ESSB	5269	f Net pens waste disposal	Environment and Natural Resources
SSB	5303	Initiative/ref ballot titles	Governmental Operations
ESSB	5318	Money laundering penalties	Financial Institutions and Insurance
ESB	5432	f Traffic safety program funds	Transportation
SSB	5435	f Auto products/redeemable crd	Environment and Natural Resources

SSB	5457		HIV/employer notification	Health and Long-Term Care
SSB	5480		Underground storage tanks	Environment and Natural Resources
E2SSB	5534	f	Water discharge permit fees	Environment and Natural Resources
SB	5564	\$f	Van pool study	Transportation
SSB	5653	\$	Homeless parents/child care	Children and Family Services
ESB	5704	f	Flood control/local governmt	Environment and Natural Resources
SSB	5748	f	Long-term care of children	Children and Family Services
E2SSB	5753	f	Upland game bird enhanc	Environment and Natural Resources
ESSB	5841		Crop lien coverage/filing	Agriculture and Water Resources
SSB	5876		Oil spill response liability	Environment and Natural Resources

SECOND READING

SB	5118	f	Fisheries hotline	Environment and Natural Resources
SB	5145	\$f	Storm water regulation	Environment and Natural Resources
SB	5623	f	Offender sentencing	Law and Justice
SB	5680	f	Electrical transmissn siting	Energy and Utilities
SB	5682	\$f	Energy self-sufficiency cmsn	Energy and Utilities
SB	5739	\$f	Serious habitual juv offendr	Law and Justice
SB	5760		Licensing agents/subagents	Transportation
SB	5769	f	Nonpower vehicle fees/taxes	Transportation
SB	5855		Polystyrene products/ferries	Transportation
SB	5913	f	Pesticide application notice	Agriculture and Water Resources
SJR	8226	f	Emergency reserve fund	Ways and Means
SCR	8405		Public assistance plan	Children and Family Services

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WITHDRAWAL OF MOTION

On motion of Senator Newhouse, and there being no objection, the motion to relieve the Committee on Rules of the above listed bills was withdrawn.

The above listed bills remain in the Committee on Rules.

MESSAGE FROM THE SECRETARY OF STATE

The Honorable President of the Senate
The Legislature of the State of Washington
Olympia, Washington 98504
Dear Mr. President:

I, Ralph Munro, do hereby certify that I have caused the returns of the mandatory recount of the votes cast for and against Initiative Measure 120 to the Legislature to be canvassed and verified. According to the official returns received from the County Auditors for the thirty-nine counties of the state, the total number of votes cast for and against Initiative Measure 120 to the Legislature is as follows:

INITIATIVE MEASURE 120

County	Yes	No
Adams	1,178	2,191
Asotin	2,234	2,579
Benton	15,883	19,771
Chelan	7,094	9,608
Clallam	10,562	9,955
Clark	28,099	33,752
Columbia	607	929
Cowlitz	8,459	12,852
Douglas	3,029	4,848
Ferry	596	961
Franklin	3,119	5,045
Garfield	329	710
Grant	4,991	9,922
Grays Harbor	9,055	9,464
Island	10,047	9,443
Jefferson	5,986	3,526
King	301,898	207,102
Kitsap	28,221	29,161
Kittitas	3,912	3,911
Klickitat	2,129	2,677
Lewis	6,631	12,729
Lincoln	1,513	2,574
Mason	6,915	7,272
Okanogan	3,995	4,914
Pacific	3,627	3,071
Pend Oreille	1,303	1,979
Pierce	69,074	84,412
San Juan	3,550	1,549
Skagit	13,371	15,775
Skamania	1,069	1,174
Snohomish	67,651	76,259

Spokane	44,056	66,360
Stevens	3,334	6,443
Thurston	31,832	26,295
Wahkiakum	553	581
Walla Walla	6,371	7,451
Whatcom	21,242	22,562
Whitman	5,349	5,612
Yakima	17,948	27,171
TOTAL	756,812	752,590

IN WITNESS WHEREOF, I have set my hand and affixed the seal of the state of Washington, this 13th day of January, 1992.

(Seal)

RALPH MUNRO
Secretary of State

MESSAGE FROM THE SECRETARY OF STATE

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

I, Ralph Munro, Secretary of State of the state of Washington, do hereby certify that, according to the provisions of RCW 29.62.130, I have canvassed the returns of the 1,539,034 votes cast by the 2,266,617 registered voters of the state for and against the initiatives, referendum, constitutional amendments, and joint-judicial offices which were submitted to the vote of the people at the state general election held on November 5, 1991, as received from the County Auditors.

INITIATIVE MEASURE 553

"Shall there be limitations on terms of office for Governor, Lieutenant Governor, State Legislators, and Washington State Members of Congress?"

Yes	690,828
No	811,686

INITIATIVE MEASURE 559

"Shall property value for tax purposes be the January 1, 1985 value or subsequent sales price, adjusted for cost of living changes?"

Yes	592,391
No	869,626

REFERENDUM BILL 42

"Shall enhanced 911 emergency telephone dialing be provided throughout the state and be funded by a tax on telephone lines?"

Yes	901,854
No	573,251

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INITIATIVE MEASURE 119

"Shall adult patients who are in a medically terminal condition be permitted to request and receive from a physician aid-in-dying?"

Yes	701,808
No	810,623

INITIATIVE MEASURE 120

"Shall state abortion laws be revised, including declaring a woman's right to choose physician performed abortion prior to fetal viability?"

Yes	756,653
No	752,354

SENATE JOINT RESOLUTION 8203

"Shall the Constitution be amended to permit an alternative method of drafting county home rule charters for submission to voters?"

Yes	538,126
No	713,648

HOUSE JOINT RESOLUTION 4218

"Shall each county legislative body establish the number of Superior court Commissioners and the constitutional limit of three be repealed?"

Yes	583,318
No	706,807

SUBSTITUTE HOUSE JOINT RESOLUTION 4221

"Shall the Constitution's description of the Superior Court's original jurisdiction be amended by deleting the reference to "cases in equity?"

Yes	584,815
No	613,040

SUPERIOR COURT JUDGE
(Chelan Douglas)
(Position 1)

Carol A. Wardell	Nonpartisan	12,772
Gary A. Riesen	Nonpartisan	9,617

SUPERIOR COURT JUDGE
(Chelan-Douglas)
(Position 2)

T. W. "Chip" Small	Nonpartisan	13,150
S. Gay Cordell	Nonpartisan	8,968

COURT OF APPEALS, DIVISION 2, DISTRICT 3
(Clark, Cowlitz, Lewis, Pacific, Skamania, Wahkiakum)

J. Dean Morgan Nonpartisan 68,228

COURT OF APPEALS, DIVISION 3, DISTRICT 2
(Adams, Asotin, Benton, Columbia, Franklin, Garfield
Grant, Walla Walla, Whitman)

Dennis DeFelice Nonpartisan 8,547
Philip M. Rodriguez Nonpartisan 8,963
Robert L. Zagelow Nonpartisan 23,126
Dennis J. Sweeney Nonpartisan 40,833

IN WITNESS WHEREOF, I have set my hand and affixed
the seal of the state of Washington, this 13th day of
January, 1992.

(Seal)

RALPH MUNRO
Secretary of State

MESSAGE FROM THE SECRETARY OF STATE

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

We herewith respectfully transmit for your consideration a copy of Initiative to the Legislature Number 134, originally filed with this office on June 7, 1991. On January 2, 1992, the sponsor of the proposed initiative filed 16,003 signature petition sheets in support of the measure. We have completed our preliminary canvass of these petition sheets and have determined that they contain 227,060 signatures.

Accordingly, pursuant to the provisions of Article 2, section 1 of the State Constitution, we are provisionally certifying Initiative to the Legislature Number 134 to you at this time. We expect to complete verification of signatures no later than February 14, 1992 and we will provide the Legislature with a final certification as soon as possible thereafter.

IN WITNESS WHEREOF, I have set my hand and affixed
the seal of the state of Washington, this 13th day of
January, 1992.

(Seal)

RALPH MUNRO
Secretary of State

INITIATIVE TO THE LEGISLATURE NUMBER 134

AN ACT Relating to the regulation of political contributions and campaign expenditures; amending RCW 42.17.095, 42.17.125, 42.17.510, 41.04.230, 42.17.180, 42.17.390, and 42.17.240; adding new sections to chapter 42.17 RCW; creating new sections; repealing RCW 42.17.243; and prescribing penalties.

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

PART I
FINDINGS AND INTENT

NEW SECTION. Sec. 1. FINDINGS. The people of the state of Washington find and declare that:

(1) The financial strength of certain individuals or organizations should not permit them to exercise a disproportionate or controlling influence on the election of candidates.

(2) Rapidly increasing political campaign costs have led many candidates to raise larger percentages of money from special interests with a specific financial stake in matters before state government. This has caused the public perception that decisions of elected officials are being improperly influenced by monetary contributions.

(3) Candidates are raising less money in small contributions from individuals and more money from special interests. This has created the public perception that individuals have an insignificant role to play in the political process.

NEW SECTION. Sec. 2. INTENT. By limiting campaign contributions, the people intend to:

(1) Ensure that individuals and interest groups have fair and equal opportunity to influence elective and governmental processes;

(2) Reduce the influence of large organizational contributors; and

(3) Restore public trust in governmental institutions and the electoral process.

PART II
DEFINITIONS

NEW SECTION. Sec. 3. DEFINITIONS. The definitions of RCW 42.17.020 apply to sections 4 through 19 of this act except as modified by this section. Unless the context clearly requires otherwise, the definitions in this section apply throughout sections 4 through 19 of this act.

(1) "Authorized committee" means the political committee authorized by a candidate, or by the state official against whom recall charges have been filed, to accept contributions or make expenditures on behalf of the candidate or state official.

(2) "Bona fide political party" means:

(a) An organization that has filed a valid certificate of nomination with the secretary of state under chapter 29.24 RCW; or

(b) The governing body of the state organization of a major political party, as defined in RCW 29.01.090, which is the body authorized by the charter or bylaws of the party to exercise authority on behalf of the state party; or

(c) The county central committee or legislative district committee of a major political party.

(3) "Candidate" means an individual seeking nomination for election or seeking election to a state office. An individual is deemed to be seeking nomination for election or seeking election when the individual first:

(a) Announces publicly or files for the office;

(b) Purchases commercial advertising space or broadcast time to promote his or her candidacy;

(c) Receives contributions or makes expenditures for facilities with intent to promote his or her candidacy for the office; or

(d) Gives his or her consent to another person to take on behalf of the individual any of the actions in (b) or (c) of this subsection.

(4) "Caucus of the state legislature" means the caucus of members of a major political party in the state house of representatives or in the state senate.

(5)(a) "Contribution" includes a loan, gift, deposit, subscription, forgiveness of indebtedness, donation, advance, pledge, payment, transfer of funds between political committees, or transfer of anything of value, including personal and professional services for less than full consideration.

(b) Subject to further definition by the commission, "contribution" does not include the following:

- (i) Interest on money deposited in a political committee's account;
- (ii) Ordinary home hospitality;
- (iii) A contribution received by a candidate or political committee that is returned to the contributor within five business days of the date on which it is received by the candidate or political committee;
- (iv) An expenditure or contribution earmarked for voter registration, for absentee ballot information, for precinct caucuses, for get-out-the-vote campaigns, for precinct judges or inspectors, for sample ballots, or for ballot counting, all without promotion of or political advertising for individual candidates;
- (v) A news item, feature, commentary, or editorial in a regularly scheduled news medium that is of primary interest to the general public, that is in a news medium controlled by a person whose primary business is that news medium, and that is not controlled by a candidate or political committee;
- (vi) An expenditure by a political committee for its own internal organization or fund raising without direct association with individual candidates;
- (vii) An internal political communication primarily limited to the contributors to a political party organization or political action committee, or the officers, management staff, and stockholders of a corporation or similar enterprise, or the members of a labor organization or other membership organization;
- (viii) The rendering of personal services of the sort commonly performed by volunteer campaign workers, or incidental expenses personally incurred by volunteer campaign workers not in excess of fifty dollars personally paid for by the worker. "Volunteer services," for the purposes of this section, means services or labor for which the individual is not compensated by any person and that are performed outside the individual's normal working hours; or
 - (ix) Legal or accounting services rendered to or on behalf of:
 - (A) A political party or caucus of the state legislature if the person paying for the services is the regular employer of the person rendering such services; or
 - (B) A candidate or an authorized committee if the person paying for the services is the regular employer of the individual rendering the services and if the services are solely for the purpose of ensuring compliance with state election or public disclosure laws.
 - (c) Contributions other than money or its equivalent are deemed to have a monetary value equivalent to the fair market value of the contribution.
 - (d) Sums paid for tickets to fund-raising events such as dinners and parties are contributions, except for the actual cost of the consumables furnished at the event.
 - (e) An expenditure made by a person in cooperation, consultation, or concert with, or at the request or suggestion of, a candidate, a political committee, or their agents, is considered to be a contribution to such candidate or political committee.
 - (f) The financing by a person of the dissemination, distribution, or republication, in whole or in part, of broadcast, written, graphic, or other form of political advertising prepared by a candidate, a political committee, or its authorized agent, is considered to be a contribution to the candidate or political committee.
- (6) "Election" means a primary or a general or special election in which a candidate is on the ballot.
- (7) "Election cycle" means the period beginning on the first day of December after the date of the last previous general election for the office that the candidate seeks and ending on November 30th after the next election for the office. In the case of a special election to fill a vacancy in an office, "election cycle" means the period beginning on the day the vacancy occurs and ending on November 30th after the special election.
- (8) "General election" means the election that results in the election of a person to a state office. It does not include a primary.
- (9) "Immediate family" means a candidate's spouse, and any child, stepchild, grandchild, parent, stepparent, grandparent, brother, half-brother, sister, or half-sister of the candidate and the

spouse of any such person and any child, stepchild, grandchild, parent, stepparent, grandparent, brother, half-brother, sister, or half-sister of the candidate's spouse and the spouse of any such person.

(10) "Independent expenditure" means an "expenditure" as defined in RCW 42.17.020 that has each of the following elements:

(a) It is made in support of or in opposition to a candidate for office by a person who is not (i) a candidate for that office, (ii) an authorized committee of that candidate for that office, (iii) a person who has received the candidate's encouragement or approval to make the expenditure, if the expenditure pays in whole or in part for any political advertising supporting that candidate or promoting the defeat of any other candidate or candidates for that office, or (iv) a person with whom the candidate has collaborated for the purpose of making the expenditure, if the expenditure pays in whole or in part for any political advertising supporting that candidate or promoting the defeat of any other candidate or candidates for that office;

(b) The expenditure pays in whole or in part for any political advertising that either specifically names the candidate supported or opposed, or clearly and beyond any doubt identifies the candidate without using the candidate's name; and

(c) The expenditure, alone or in conjunction with another expenditure or other expenditures of the same person in support of or opposition to that candidate, has a value of five hundred dollars or more. A series of expenditures, each of which is under five hundred dollars, constitutes one independent expenditure if their cumulative value is five hundred dollars or more.

(11)(a) "Intermediary" means an individual who transmits a contribution to a candidate or committee from another person unless the contribution is from the individual's employer, immediate family, or an association to which the individual belongs.

(b) A treasurer or a candidate is not an intermediary for purpose of the committee that the treasurer or candidate serves.

(c) A professional fund raiser is not an intermediary if the fund raiser is compensated for fund-raising services at the usual and customary rate.

(d) A volunteer hosting a fund-raising event at the individual's home is not an intermediary for purposes of that event.

(12) "Person" includes:

(a) An individual;

(b) A partnership, limited partnership, public or private corporation, or joint venture;

(c) A nonprofit corporation, organization, or association, including but not limited to, a national, state, or local labor union or collective bargaining organization and a national, state, or local trade or professional association;

(d) A federal, state, or local governmental entity or agency, however constituted;

(e) A candidate, committee, political committee, bona fide political party, or executive committee thereof; and

(f) Any other organization or group of persons, however organized.

(13) "Primary" means the procedure for nominating a candidate to state office under chapter 29.18 or 29.21 RCW or any other primary for an election which uses, in large measure, the procedures established in chapter 29.18 or 29.21 RCW.

(14) "Recall campaign" means the period of time beginning on the date of the filing of recall charges under RCW 29.82.015 and ending thirty days after the recall election.

(15) "State legislative office" means the office of a member of the state house of representatives and the office of a member of the state senate.

(16) "State office" means state legislative office or the office of governor, lieutenant governor, secretary of state, attorney general, commissioner of public lands, insurance commissioner, superintendent of public instruction, state auditor, or state treasurer.

(17) "State official" means a person who holds a state office.

PART III
CONTRIBUTIONS

NEW SECTION. Sec. 4. CAMPAIGN CONTRIBUTION LIMITS. (1) No person, other than a bona fide political party or a caucus of the state legislature, may make contributions to a candidate for a state legislative office that in the aggregate exceed five hundred dollars or to a candidate for a state office other than a state legislative office that in the aggregate exceed one thousand dollars for each election in which the candidate is on the ballot or appears as a write-in candidate. Contributions made with respect to a primary may not be made after the date of the primary. Contributions made with respect to a general election may not be made after the final day of the applicable election cycle.

(2) No person, other than a bona fide political party or a caucus of the state legislature, may make contributions to a state official against whom recall charges have been filed, or to a political committee having the expectation of making expenditures in support of the recall of the state official, during a recall campaign that in the aggregate exceed five hundred dollars if for a state legislative office or one thousand dollars if for a state office other than a state legislative office.

(3)(a) Notwithstanding subsection (1) of this section, no bona fide political party or caucus of the state legislature may make contributions to a candidate during an election cycle that in the aggregate exceed (i) fifty cents multiplied by the number of eligible registered voters in the jurisdiction from which the candidate is elected if the contributor is a caucus of the state legislature or the governing body of a state organization, or (ii) twenty-five cents multiplied by the number of registered voters in the jurisdiction from which the candidate is elected if the contributor is a county central committee or a legislative district committee.

(b) No candidate may accept contributions from a county central committee or a legislative district committee during an election cycle that when combined with contributions from other county central committees or legislative district committees would in the aggregate exceed twenty-five cents times the number of registered voters in the jurisdiction from which the candidate is elected.

(4)(a) Notwithstanding subsection (2) of this section, no bona fide political party or caucus of the state legislature may make contributions to a state official against whom recall charges have been filed, or to a political committee having the expectation of making expenditures in support of the recall of the state official, during a recall campaign that in the aggregate exceed (i) fifty cents multiplied by the number of eligible registered voters in the jurisdiction entitled to recall the state official if the contributor is a caucus of the state legislature or the governing body of a state organization, or (ii) twenty-five cents multiplied by the number of registered voters in the jurisdiction from which the candidate is elected if the contributor is a county central committee or a legislative district committee.

(b) No state official against whom recall charges have been filed, no authorized committee of the official, and no political committee having the expectation of making expenditures in support of the recall of a state official may accept contributions from a county central committee or a legislative district committee or a legislative district committee during an election cycle that when combined with contributions from other county central committees or legislative district committees would in the aggregate exceed twenty-five cents multiplied by the number of registered voters in the jurisdiction from which the candidate is elected.

(5) Notwithstanding subsections (1) through (4) of this section, no person other than an individual, bona fide political party, or caucus of the state legislature may make contributions reportable under this chapter to a caucus of the state legislature that in the aggregate exceed five hundred dollars in a calendar year or to a bona fide political party that in the aggregate exceed two thousand five hundred dollars in a calendar year. This subsection does not apply to loans made in the ordinary course of business.

(6) For the purposes of sections 4 through 19 of this act, a contribution to the authorized political committee of a candidate, or of a state official against whom recall charges have been filed, is considered to be a contribution to the candidate or state official.

(7) A contribution received within the twelve-month period after a recall election concerning a state office is considered to be a contribution during that recall campaign if the contribution is used to pay a debt or obligation incurred to influence the outcome of that recall campaign.

(8) The contributions allowed by subsection (2) of this section are in addition to those allowed by subsection (1) of this section, and the contributions allowed by subsection (4) of this section are in addition to those allowed by subsection (3) of this section.

(9) Sections 4 through 19 of this act apply to a special election conducted to fill a vacancy in a state office. However, the contributions made to a candidate or received by a candidate for a primary or special election conducted to fill such a vacancy shall not be counted toward any of the limitations that apply to the candidate or to contributions made to the candidate for any other primary or election.

(10) Notwithstanding the other subsections of this section, no corporation or business entity not doing business in Washington state, no labor union with fewer than ten members who reside in Washington state, and no political committee that has not received contributions of ten dollars or more from at least ten persons registered to vote in Washington state during the preceding one hundred eighty days may make contributions reportable under this chapter to a candidate, to a state official against whom recall charges have been filed, or to a political committee having the expectation of making expenditures in support of the recall of the official. This subsection does not apply to loans made in the ordinary course of business.

(11) Notwithstanding the other subsections of this section, no county central committee or legislative district committee may make contributions reportable under this chapter to a candidate, state official against whom recall charges have been filed, or political committee having the expectation of making expenditures in support of the recall of a state official if the county central committee or legislative district committee is outside of the jurisdiction entitled to elect the candidate or recall the state official.

(12) No person may accept contributions that exceed the contribution limitations provided in this section.

NEW SECTION. Sec. 5. ATTRIBUTION AND AGGREGATION OF FAMILY CONTRIBUTIONS. (1) Contributions by a husband and wife are considered separate contributions.

(2) Contributions by unemancipated children under eighteen years of age are considered contributions by their parents and are attributed proportionately to each parent. Fifty percent of the contributions are attributed to each parent or, in the case of a single custodial parent, the total amount is attributed to the parent.

NEW SECTION. Sec. 6. ATTRIBUTION OF CONTRIBUTIONS BY CONTROLLED ENTITIES. For purposes of this chapter:

(1) A contribution by a political committee with funds that have all been contributed by one person who exercises exclusive control over the distribution of the funds of the political committee is a contribution by the controlling person.

(2) Two or more entities are treated as a single entity if one of the two or more entities is a subsidiary, branch, or department of a corporation or a local unit, branch, or affiliate of a trade association, labor union, or collective bargaining association. All contributions made by a person or political committee whose contribution or expenditure activity is financed, maintained, or controlled by a trade association, labor union, collective bargaining organization, or the local unit of a trade association, labor union, or collective bargaining organization are considered made by the same person or entity.

NEW SECTION. Sec. 7. ATTRIBUTION OF CONTRIBUTIONS. All contributions made by a person or entity, either directly or indirectly, to a candidate, to a state official against whom recall charges have been filed, or to a political committee, are considered to be contributions from that person or entity to the candidate, state official, or political committee, as are contributions that are in any way earmarked or otherwise directed through an intermediary or conduit to the candidate, state official, or political committee. For the purposes of this section, "earmarked" means a designation, instruction, or encumbrance, whether direct or indirect, expressed or implied, or oral

or written, that is intended to result in or does result in all or any part of a contribution being made to a certain candidate or state official. If a conduit or intermediary exercises any direction or control over the choice of the recipient candidate or state official, the contribution is considered to be by both the original contributor and the conduit or intermediary.

NEW SECTION. Sec. 8. LIMITATIONS ON EMPLOYERS OR LABOR ORGANIZATIONS. (1) No employer or labor organization may increase the salary of an officer or employee, or give an emolument to an officer, employee, or other person or entity, with the intention that the increase in salary, or the emolument, or a part of it, be contributed or spent to support or oppose a candidate, state official against whom recall charges have been filed, political party, or political committee.

(2) No employer or labor organization may discriminate against an officer or employee in the terms or conditions of employment for (a) the failure to contribute to, (b) the failure in any way to support or oppose, or (c) in any way supporting or opposing a candidate, ballot proposition, political party, or political committee.

(3) No employer or other person or entity responsible for the disbursement of funds in payment of wages or salaries may withhold or divert a portion of an employee's wages or salaries for contributions to political committees or for use as political contributions except upon the written request of the employee. The request must be made on a form prescribed by the commission informing the employee of the prohibition against employer and labor organization discrimination described in subsection (2) of this section. The request is valid for no more than twelve months from the date it is made by the employee.

(4) Each person or entity who withholds contributions under subsection (3) of this section shall maintain open for public inspection for a period of no less than three years, during normal business hours, documents and books of accounts that shall include a copy of each employee's request, the amounts and dates funds were actually withheld, and the amounts and dates funds were transferred to a political committee. Copies of such information shall be delivered to the commission upon request.

NEW SECTION. Sec. 9. CHANGING MONETARY LIMITS. At the beginning of each even-numbered calendar year, the commission shall increase or decrease all dollar amounts in this chapter based on changes in economic conditions as reflected in the inflationary index used by the commission under RCW 42.17.370. The new dollar amounts established by the commission under this section shall be rounded off by the commission to amounts as judged most convenient for public understanding and so as to be within ten percent of the target amount equal to the base amount provided in this chapter multiplied by the increase in the inflationary index since the effective date of this act.

NEW SECTION. Sec. 10. CONTRIBUTIONS FROM BEFORE EFFECTIVE DATE OF ACT. Contributions made and received before the effective date of this act are considered to be contributions under sections 4 through 19 of this act. Monetary contributions that exceed the contribution limitations and that have not been spent by the recipient of the contribution by the effective date of this act must be disposed of in accordance with RCW 42.17.095.

NEW SECTION. Sec. 11. TIME LIMIT FOR STATE OFFICIAL TO SOLICIT OR ACCEPT CONTRIBUTIONS. During the period beginning on the thirtieth day before the date a regular legislative session convenes and continuing thirty days past the date of final adjournment, and during the period beginning on the date a special legislative session convenes and continuing through the date that session adjourns, no state official or a person employed by or acting on behalf of a state official or state legislator may solicit or accept contributions to a public office fund, to a candidate or authorized committee, or to retire a campaign debt.

NEW SECTION. Sec. 12. RESTRICTION ON LOANS. (1) A loan is considered to be a contribution from the maker and the guarantor of the loan and is subject to the contribution limitations of this chapter.

(2) A loan to a candidate or the candidate committee must be by written agreement.

(3) The proceeds of a loan made to a candidate:

- (a) By a commercial lending institution;
- (b) Made in the regular course of business;
- (c) On the same terms ordinarily available to members of the public; and
- (d) That is secured or guaranteed,

are not subject to the contribution limits of this chapter.

NEW SECTION. Sec. 13. CONTRIBUTIONS ON BEHALF OF ANOTHER. (1) A person, other than an individual, may not be an intermediary or an agent for a contribution.

(2) An individual may not make a contribution on behalf of another person or entity, or while acting as the intermediary or agent of another person or entity, without disclosing to the recipient of the contribution both his or her full name, street address, occupation, name of employer, if any, or place of business if self-employed, and the same information for each contributor for whom the individual serves as intermediary or agent.

NEW SECTION. Sec. 14. CERTAIN CONTRIBUTIONS REQUIRED TO BE BY WRITTEN INSTRUMENT. (1) An individual may not make a contribution of more than fifty dollars, other than an in-kind contribution, except by a written instrument containing the name of the donor and the name of the payee.

(2) A committee may not make a contribution, other than in-kind, except by a written instrument containing the name of the donor and the name of the payee.

NEW SECTION. Sec. 15. SOLICITATION OF CONTRIBUTIONS BY GOVERNMENT EMPLOYEES. (1) No state official or state official's agent may knowingly solicit, directly or indirectly, a contribution from an employee in the state official's agency.

(2) No state official or state employee may provide an advantage or disadvantage to an employee or applicant for employment in the classified civil service concerning the applicant's or employee's:

- (a) Employment;
- (b) Conditions of employment; or
- (c) Application for employment,

based on the employee's or applicant's contribution or promise to contribute or failure to make a contribution or contribute to a political party or committee.

NEW SECTION. Sec. 16. AGENCY SHOP FEES AS CONTRIBUTIONS. A labor organization may not use agency shop fees paid by an individual who is not a member of the organization to make contributions or expenditures to influence an election or to operate a political committee, unless affirmatively authorized by the individual.

NEW SECTION. Sec. 17. SOLICITATION FOR ENDORSEMENT FEES. A person or entity may not solicit from a candidate, committee, political party, or other person or entity money or other property as a condition or consideration for an endorsement, article, or other communication in the news media promoting or opposing a candidate, committee, or political party.

NEW SECTION. Sec. 18. REIMBURSEMENT FOR CONTRIBUTIONS. A person or entity may not, directly or indirectly, reimburse another person or entity for a contribution to a candidate, committee, or political party.

NEW SECTION. Sec. 19. PROHIBITION ON USE OF CONTRIBUTIONS FOR A DIFFERENT OFFICE. (1) Except as provided in subsection (2) of this section, a candidate committee may not use or permit the use of contributions solicited for or received by the candidate committee to further the candidacy of the individual for an office other than the office designated on the statement of organization. A contribution solicited for or received on behalf of the candidate is considered solicited or received for the candidacy for which the individual is then a candidate if the contribution is solicited or received before the general elections for which the candidate is a nominee or is unopposed.

(2) With the written approval of the contributor, a candidate committee may use or permit the use of contributions solicited for or received by the candidate committee from that contributor to further the candidacy of the individual for an office other than the office designated on the statement of organization.

Sec. 20. TRANSFER OF FUNDS--USE OF FUNDS FOR OTHER OFFICE ELIMINATED. RCW 42.17.095 and 1982 c 147 s 8 are each amended to read as follows:

The surplus funds of a candidate, or of a political committee supporting or opposing a candidate, may only be disposed of in any one or more of the following ways:

(1) Return the surplus to a contributor in an amount not to exceed that contributor's original contribution;

(2) Transfer the surplus to the candidate's personal account as reimbursement for lost earnings incurred as a result of that candidate's election campaign. Such lost earnings shall be verifiable as unpaid salary or, when the candidate is not salaried, as an amount not to exceed income received by the candidate for services rendered during an appropriate, corresponding time period. All lost earnings incurred shall be documented and a record thereof shall be maintained by the candidate or the candidate's political committee. The committee shall include a copy of such record when its expenditure for such reimbursement is reported pursuant to RCW 42.17.090;

(3) Transfer the surplus to ~~((one or more candidates or to))~~ a political ~~((committee or))~~ party or to a caucus of the state legislature;

(4) Donate the surplus to a charitable organization registered in accordance with chapter 19.09 RCW;

(5) Transmit the surplus to the state treasurer for deposit in the general fund; or

(6) Hold the surplus in the campaign depository or depositories designated in accordance with RCW 42.17.050 for possible use in a future election campaign ~~((, for political activity, for community activity, or for nonreimbursed public office related expenses))~~ for the same office last sought by the candidate and report any such disposition in accordance with RCW 42.17.090: **PROVIDED**, That if the candidate subsequently announces or publicly files for office, information as appropriate is reported to the commission in accordance with RCW 42.17.040 through 42.17.090. If a subsequent office is not sought the surplus held shall be disposed of in accordance with the requirements of this section.

(7) No candidate or authorized committee may transfer funds to any other candidate or other political committee.

Sec. 21. CANDIDATE PERSONAL FUND LOANS LIMITED. RCW 42.17.125 and 1989 c 280 s 12 are each amended to read as follows:

Contributions received and reported in accordance with RCW 42.17.060 through 42.17.090 may only be transferred to the personal account of a candidate, or of a treasurer or other individual or expended for such individual's personal use under the following circumstances:

(1) Reimbursement for or loans to cover lost earnings incurred as a result of campaigning or services performed for the committee. Such lost earnings shall be verifiable as unpaid salary, or when the individual is not salaried, as an amount not to exceed income received by the individual for services rendered during an appropriate, corresponding time period. All lost earnings incurred shall be documented and a record thereof shall be maintained by the individual or the individual's political committee. The committee shall include a copy of such record when its expenditure for such reimbursement is reported pursuant to RCW 42.17.090.

(2) Reimbursement for direct out-of-pocket election campaign and postelection campaign related expenses made by the individual. To receive reimbursement from the political committee, the individual shall provide the committee with written documentation as to the amount, date, and description of each expense, and the committee shall include a copy of such information when its expenditure for such reimbursement is reported pursuant to RCW 42.17.090.

(3) Repayment of loans made by the individual to political committees, which repayment shall be reported pursuant to RCW 42.17.090. However, contributions may not be used to reimburse a candidate for loans totaling more than three thousand dollars made by the candidate to the candidate's own authorized committee or campaign.

PART IV
INDEPENDENT EXPENDITURES

Sec. 22. INDEPENDENT EXPENDITURE ADVERTISING DISCLOSURE. RCW 42.17.510 and 1984 c 216 s 1 are each amended to read as follows:

(1) All written political advertising, whether relating to candidates or ballot propositions, shall include the sponsor's name and address. All radio and television political advertising, whether relating to candidates or ballot propositions, shall include the sponsor's name. The use of an assumed name shall be unlawful. The party with which a candidate files shall be clearly identified in political advertising for partisan office.

(2) In addition to the materials required by subsection (1) of this section, all political advertising undertaken as an independent expenditure by a person or entity other than a party organization must include the following statement on the communication "NOTICE TO VOTERS (Required by law): This advertisement is not authorized or approved by any candidate. It is paid for by (name, address, city, state)." If the advertisement is undertaken by a nonindividual, then the following notation must also be included: "Top Five Contributors," followed by a listing of the names of the five persons or entities making the largest contributions reportable under this chapter during the twelve-month period before the date of the advertisement.

(3) The statements and listings of contributors required by subsections (1) and (2) of this section shall:

(a) Appear on each page or fold of the written communication in at least ten-point type, or in type at least ten percent of the largest size type used in a written communication directed at more than one voter, such as a billboard or poster, whichever is larger;

(b) Not be subject to the half-tone or screening process;

(c) Be in a printed or drawn box set apart from any other printed matter; and

(d) Be clearly spoken on any broadcast advertisement.

(4) Political yard signs are exempt from the requirement of subsections (1) and (2) of this section that the name and address of the sponsor of political advertising be listed on the advertising. In addition, the public disclosure commission shall, by rule, exempt from the identification requirements of subsections (1) and (2) of this section forms of political advertising such as campaign buttons, balloons, pens, pencils, sky-writing, inscriptions, and other forms of advertising where identification is impractical.

((3)) (5) For the purposes of this section, "yard sign" means any outdoor sign with dimensions no greater than eight feet by four feet.

NEW SECTION. Sec. 23. INDEPENDENT EXPENDITURE DISCLOSURE. A person or entity other than a party organization making an independent expenditure by mailing one thousand or more identical or nearly identical cumulative pieces of political advertising in a single calendar year shall, within two working days after the date of the mailing, file a statement disclosing the number of pieces in the mailing and an example of the mailed political advertising with the election officer of the county or residence for the candidate supported or opposed by the independent campaign expenditure or, in the case of an expenditure made in support of or in opposition to a ballot proposition, the county of residence for the person making the expenditure.

PART V

USE OF PUBLIC FUNDS OR OFFICE FOR POLITICAL PURPOSES

NEW SECTION. Sec. 24. Public funds, whether derived through taxes, fees, penalties, or any other sources, shall not be used to finance political campaigns for state or local office.

NEW SECTION. Sec. 25. FRANKING PRIVILEGE LIMITED. During the twelve-month period preceding the expiration of a state legislator's term in office, no incumbent to that office may mail to a constituent at public expense a letter, newsletter, brochure, or other piece of literature that is not in direct response to that constituent's request for a response or for information. However, one mailing mailed within thirty days after the start of a regular legislative session and one mailing mailed within sixty days after the end of a regular legislative session of identical newsletters to

constituents are permitted. A violation of this section constitutes use of the facilities of a public office for the purpose of assisting a campaign under RCW 42.17.130.

The house of representatives and senate shall specifically limit expenditures per member for the total cost of mailings, including but not limited to production costs, printing costs, and postage.

Sec. 26. STATE PAYROLL POLITICAL CHECK-OFF ELIMINATED. RCW 41.04.230 and 1988 c 107 s 19 are each amended to read as follows:

Any official of the state authorized to disburse funds in payment of salaries and wages of public officers or employees is authorized, upon written request of the officer or employee, to deduct from the salaries or wages of the officers or employees, the amount or amounts of subscription payments, premiums, contributions, or continuation thereof, for payment of the following:

(1) Credit union deductions: PROVIDED, That the credit union is organized solely for public employees: AND PROVIDED FURTHER, That twenty-five or more employees of a single state agency or a total of one hundred or more state employees of several agencies have authorized such a deduction for payment to the same credit union.

(2) Parking fee deductions: PROVIDED, That payment is made for parking facilities furnished by the agency or by the department of general administration.

(3) U.S. savings bond deductions: PROVIDED, That a person within the particular agency shall be appointed to act as trustee. The trustee will receive all contributions; purchase and deliver all bond certificates; and keep such records and furnish such bond or security as will render full accountability for all bond contributions.

(4) Board, lodging or uniform deductions when such board, lodging and uniforms are furnished by the state, or deductions for academic tuitions or fees or scholarship contributions payable to the employing institution.

(5) Dues and other fees deductions: PROVIDED, That the deduction is for payment of membership dues to any professional organization formed primarily for public employees or college and university professors: AND PROVIDED, FURTHER, That twenty-five or more employees of a single state agency, or a total of one hundred or more state employees of several agencies have authorized such a deduction for payment to the same professional organization.

(6) Labor or employee organization dues may be deducted in the event that a payroll deduction is not provided under a collective bargaining agreement under the provisions of RCW 41.06.150: PROVIDED, That twenty-five or more officers or employees of a single agency, or a total of one hundred or more officers or employees of several agencies have authorized such a deduction for payment to the same labor or employee organization: PROVIDED, FURTHER, That labor or employee organizations with five hundred or more members in state government may have payroll deduction for employee benefit programs.

~~(7) ((Voluntary deductions for political committees duly registered with the public disclosure commission and/or the federal election commission: PROVIDED, That twenty five or more officers or employees of a single agency or a total of one hundred or more officers or employees of several agencies have authorized such a deduction for payment to the same political committee.~~

(8)) Insurance contributions to the authority for payment of premiums under contracts authorized by the state health care authority.

Deductions from salaries and wages of public officers and employees other than those enumerated in this section or by other law, may be authorized by the director of financial management for purposes clearly related to state employment or goals and objectives of the agency and for plans authorized by the state health care authority.

The authority to make deductions from the salaries and wages of public officers and employees as provided for in this section shall be in addition to such other authority as may be provided by law: PROVIDED, That the state or any department, division, or separate agency of

the state shall not be liable to any insurance carrier or contractor for the failure to make or transmit any such deduction.

PART VI

POLITICAL EXPENDITURE AND CONTRIBUTION REPORTING

Sec. 27. INDEPENDENT EXPENDITURE ANNUAL REPORTING. RCW 42.17.180 and 1990 c 139 s 4 are each amended to read as follows:

(1) Every employer of a lobbyist registered under this chapter during the preceding calendar year and every person other than an individual that made contributions aggregating to more than ten thousand dollars or independent expenditures aggregating to more than five hundred dollars during the preceding calendar year shall file with the commission on or before ~~((March 31st))~~ the last day of February of each year a statement disclosing for the preceding calendar year the following information:

(a) The name of each state elected official and the name of each candidate for state office who was elected to the office and any member of the immediate family of those persons to whom the ~~((employer))~~ person reporting has paid any compensation in the amount of five hundred dollars or more during the preceding calendar year for personal employment or professional services, including professional services rendered by a corporation, partnership, joint venture, association, union, or other entity in which the person holds any office, directorship, or any general partnership interest, or an ownership interest of ten percent or more, the value of the compensation in accordance with the reporting provisions set out in RCW 42.17.241(2), and the consideration given or performed in exchange for the compensation.

(b) The name of each state elected official, successful candidate for state office, or members of his immediate family to whom the ~~((lobbyist-employer))~~ person reporting made expenditures, directly or indirectly, either through a lobbyist or otherwise, the amount of the expenditures and the purpose for the expenditures. For the purposes of this subsection, the term expenditure shall not include any expenditure made by the employer in the ordinary course of business if the expenditure is not made for the purpose of influencing, honoring, or benefiting the elected official, successful candidate, or member of his immediate family, as an elected official or candidate.

(c) The total expenditures made by the ~~((employer))~~ person reporting for lobbying purposes, whether through or on behalf of a registered lobbyist or otherwise.

(d) All contributions made to a ~~((candidate for state office, to a))~~ political committee supporting or opposing a candidate for state office, or to a political committee supporting or opposing a state-wide ballot proposition. Such contributions shall be identified by the name and the address of the recipient and the aggregate amount contributed to each such recipient.

(e) The name and address of each registered lobbyist employed by the ~~((employer))~~ person reporting and the total expenditures made by ~~((the employer))~~ such person for each such lobbyist for lobbying purposes.

(f) The names, offices sought, and party affiliations of candidates for state offices supported or opposed by independent expenditures of the person reporting and the amount of each such expenditure.

(g) The identifying proposition number and a brief description of any state-wide ballot proposition supported or opposed by expenditures not reported under (d) of this subsection and the amount of each such expenditure.

(h) Such other information as the commission prescribes by rule.

(2)(a) Except as provided in (b) of this subsection, an employer of a lobbyist registered under this chapter shall file a special report with the commission if the employer makes a contribution or contributions aggregating more than one hundred dollars in a calendar month to any one of the following: A candidate, elected official, officer or employee of an agency, or political committee. The report shall identify the date and amount of each such contribution and the name of the candidate, elected official, agency officer or employee, or political committee receiving the contribution or to be benefitted by the contribution. The report shall be filed on a form prescribed

by the commission and shall be filed within fifteen days after the last day of the calendar month during which the contribution was made.

(b) The provisions of (a) of this subsection do not apply to a contribution which is made through a registered lobbyist and reportable under RCW 42.17.170.

PART VII PENALTIES

Sec. 28. PENALTIES. RCW 42.17.390 and 1973 c 1 s 39 are each amended to read as follows:

~~((1))~~ One or more of the following civil remedies and sanctions may be imposed by court order in addition to any other remedies provided by law:

~~((a))~~ (1) If the court finds that the violation of any provision of this chapter by any candidate or political committee probably affected the outcome of any election, the result of said election may be held void and a special election held within sixty days of such finding. Any action to void an election shall be commenced within one year of the date of the election in question. It is intended that this remedy be imposed freely in all appropriate cases to protect the right of the electorate to an informed and knowledgeable vote.

~~((b))~~ (2) If any lobbyist or sponsor of any grass roots lobbying campaign violates any of the provisions of this chapter, his registration may be revoked or suspended and he may be enjoined from receiving compensation or making expenditures for lobbying: PROVIDED, HOWEVER, That imposition of such sanction shall not excuse said lobbyist from filing statements and reports required by this chapter.

~~((c))~~ (3) Any person who violates any of the provisions of this chapter may be subject to a civil penalty of not more than ten thousand dollars for each such violation. However, a person or entity who violates section 4 of this act may be subject to a civil penalty of ten thousand dollars or three times the amount of the contribution illegally made or accepted, whichever is greater.

~~((d))~~ (4) Any person who fails to file a properly completed statement or report within the time required by this chapter may be subject to a civil penalty of ten dollars per day for each day each such delinquency continues.

~~((e))~~ (5) Any person who fails to report a contribution or expenditure may be subject to a civil penalty equivalent to the amount he failed to report.

~~((f))~~ (6) The court may enjoin any person to prevent the doing of any act herein prohibited, or to compel the performance of any act required herein.

PART VIII PUBLIC DISCLOSURE COMMISSION

NEW SECTION. Sec. 29. COMMISSION AUDITS. The commission shall conduct a sufficient number of audits and field investigations so as to provide a statistically valid finding regarding the degree of compliance with the provisions of this chapter by all required filers.

PART IX GIFTS

NEW SECTION. Sec. 30. DEFINITIONS. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Benefit" means a commercial, proprietary, financial, economic, or monetary advantage, or the avoidance of a commercial, proprietary, financial, economic, or monetary disadvantage.

(2) "Gift" means a rendering of money, property, services, discount, loan forgiveness, payment of indebtedness, reimbursements from or payments by persons, other than the state of Washington or an agency or political subdivision thereof, for travel or anything else of value in excess of fifty dollars in return for which legal consideration of equal or greater value is not given and received but does not include:

(a) A contribution that is required to be reported under RCW 42.17.090 or 42.17.243;

(b) Informational material that is transferred for the purpose of informing the recipient about matters pertaining to official agency business, and that is not intended to financially benefit that recipient;

(c) A symbolic presentation that is not intended to financially benefit the recipient;

(d) An honorarium that is required to be reported under this chapter;

(e) Hosting in the form of entertainment, meals, or refreshments, the value of which does not exceed fifty dollars, furnished in connection with official appearances, official ceremonies, and occasions where official agency business is discussed;

(f) Gifts that are not used and that, within thirty days after receipt, are returned to the donor or delivered to a charitable organization without being claimed as a charitable contribution for tax purposes;

(g) Intrafamily gifts; or

(h) Gifts received in the normal course of private business or social interaction that are not related to public policy decisions or agency actions.

Sec. 31. PUBLIC OFFICIAL ANNUAL REPORTING OF "GIFTS." RCW 42.17.240 and 1989 c 158 s 1 are each amended to read as follows:

(1) Every elected official and every executive state officer shall after January 1st and before April 15th of each year file with the commission a statement of financial affairs for the preceding calendar year. However, any local elected official whose term of office expires immediately after December 31st shall file the statement required to be filed by this section for the year that ended on that December 31st. In addition to and in conjunction with the statement of financial affairs, every official and officer shall file a statement describing any gifts received during the preceding calendar year.

(2) Every candidate shall within two weeks of becoming a candidate file with the commission a statement of financial affairs for the preceding twelve months.

(3) Every person appointed to a vacancy in an elective office or executive state officer position shall within two weeks of being so appointed file with the commission a statement of financial affairs for the preceding twelve months.

(4) A statement of a candidate or appointee filed during the period from January 1st to April 15th shall cover the period from January 1st of the preceding calendar year to the time of candidacy or appointment if the filing of the statement would relieve the individual of a prior obligation to file a statement covering the entire preceding calendar year.

(5) No individual may be required to file more than once in any calendar year.

(6) Each statement of financial affairs filed under this section shall be sworn as to its truth and accuracy.

(7) For the purposes of this section, the term "executive state officer" includes those listed in RCW 42.17.2401.

(8) This section does not apply to incumbents or candidates for a federal office or the office of precinct committee officer.

NEW SECTION. Sec. 32. LOBBYIST NOTIFICATION OF GIFTS. When a listing or a report of contributions is made to the commission under RCW 42.17.170(2)(c), a copy of the listing or report must be given to the candidate, elected official, professional staff member of the legislature, or officer or employee of an agency, or a political committee supporting or opposing a ballot proposition named in the listing or report.

PART X

MISCELLANEOUS

NEW SECTION. Sec. 33. CODIFICATION DIRECTIONS. (1) Sections 1 through 19 of this act are each added to chapter 42.17 RCW as a subchapter and codified with the subchapter heading of "CAMPAIGN CONTRIBUTION LIMITATIONS."

(2) Sections 23 through 25, 29, 30, and 32 of this act are each added to chapter 42.17 RCW.

NEW SECTION. Sec. 34. CAPTIONS. Section captions and part headings used in this act do not constitute any part of the law.

NEW SECTION. Sec. 35. REPEALER. RCW 42.17.243 and 1977 ex.s. c 336 s 5 are each repealed.

NEW SECTION. Sec. 36. SHORT TITLE. This act may be known and cited as the Fair Campaign Practices Act.

MESSAGE FROM THE SECRETARY OF STATE

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

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

Section 5, Engrossed Substitute Senate Bill No. 5149, the remainder of which has been designated Chapter 18, Laws of 1991 Special Session;

Sections 3 and 4, Engrossed Senate Bill No. 5985, the remainder of which has been designated Chapter 27, Laws of 1991 Special Session.

IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed the seal of the state of Washington, this 13th day of January, 1992.

(Seal)

RALPH MUNRO
Secretary of State

PARTIAL VETO MESSAGE ON ENGROSSED SUBSTITUTE SENATE BILL NO. 5149

July 2, 1991

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

I am returning herewith, without my approval as to section 5, Engrossed Substitute Senate Bill No. 5149 entitled:

"AN ACT Relating to gifts and public office funds."

This bill represents a positive step in the area of public disclosure by requiring lobbyists and public officials to report certain gifts. The bill contains an emergency clause making the disclosure requirements effective immediately. The bill was originally proposed by the Public Disclosure Commission and did not contain any emergency clause. A short period of time is required to allow both the Commission and the approximately five thousand individuals affected by this bill to set up reporting procedures and record-keeping mechanisms. The Public Disclosure Commission agrees that a veto of the emergency clause is appropriate. For this reason, I have vetoed the emergency clause set out in section 5.

With the exception of section 5, Engrossed Substitute Senate Bill No. 5149 is approved.

Respectfully submitted,
BOOTH GARDNER, Governor

PARTIAL VETO MESSAGE ON ENGROSSED SENATE BILL NO. 5985

July 2, 1991

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

I am returning herewith, without my approval as to sections 3 and 4, Engrossed Senate Bill No. 5985, entitled:

"AN ACT Relating to higher education health care training."

In the 1991 Regular Legislative Session, the Legislature passed House Bill No. 1960, which I signed on May 21st. House Bill No. 1960 contained an emergency clause and a null and void clause tying the effectiveness of the bill to a specific proviso in the 1991-93 appropriation act. Engrossed Substitute House Bill No. 1330 (the 1991-93 appropriation act) contained a proviso for House Bill No. 1960, so when I signed Engrossed Substitute House Bill No. 1330 into law on June 30, 1991, chapter 332, laws of 1991 (House Bill No. 1960) was enacted.

Section 3 of Engrossed Senate Bill No. 5985 repeals section 45 of chapter 332, laws of 1991 (the uncodified null and void clause). Section 4 of Engrossed Substitute House Bill No. 5985 replaces it with a limited null and void clause. Because the conditions of section 45 of Chapter 332, Laws of 1991 were met on June 30th, neither section 3 nor section 4 of this bill would have any effect or purpose if signed into law. For this reason, I have vetoed sections 3 and 4 of Engrossed Senate Bill No. 5985.

With the exception of sections 3 and 4, Engrossed Senate Bill No. 5985 is approved.

Respectfully submitted,
BOOTH GARDNER, Governor

MOTIONS

On motion of Senator Newhouse, Engrossed Substitute Senate Bill No. 5149 was referred to the Committee on Law and Justice.

On motion of Senator Newhouse, Engrossed Senate Bill No. 5985 was referred to the Committee on Health and Long-Term Care.

MESSAGE FROM THE SECRETARY OF STATE

The Honorable President of the Senate
The Legislature of the State of Washington
Olympia, Washington 98504
Mr. President:

We respectfully transmit for your consideration the following bill which was vetoed by the governor, together with the official veto message of the Governor setting for this objections to the bill as required by Article III, section 12, of the Washington State Constitution:

Senate Bill No. 5560.

IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed the seal of the state of Washington, at Olympia, this 13th day of January, 1992.

(Seal)

RALPH MUNRO
Secretary of State

VETO MESSAGE ON SENATE BILL NO. 5560

June 30, 1991

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

I am returning herewith, without my approval, Senate Bill No. 5560 entitled:

"AN ACT Relating to enforcement of cigarette and tobacco statutes."

Senate Bill No. 5560 transfers the administration of various taxes relating to tobacco products from the Department of Revenue to the Liquor Control Board. The primary impetus for this bill was to increase state enforcement efforts with respect to collection of tobacco taxes, and thereby increase state revenue. To implement this program, it would be necessary to provide the Liquor Control Board with an additional large appropriation and a substantial increase in personnel.

During the 1991 session, I recommended legislation that would have modernized the management structure of the Liquor Control Board by providing it with a chief executive officer, which it currently lacks. The legislation also would have provided the agency with an integrated management structure. I believe both of these changes are needed before the Liquor Control Board assumes additional enforcement responsibilities and substantially increases its staff. It simply does not make good management sense to burden an agency with more duties without first making the basic structural and organizational changes that will better enable it to handle those duties.

For these reasons, I have vetoed Senate Bill No. 5560 in its entirety.

Respectfully submitted,
BOOTH GARDNER, Governor

MOTION

On motion of Senator Newhouse, Senate Bill No. 5560 was referred to the Committee on Ways and Means.

COMMITTEE FROM THE HOUSE

A committee from the House of Representatives consisting of Representatives Cantwell, Zellinsky, Casada and Chandler appeared before the bar of the Senate and notified the Senate that the House is organized and ready to transact business.

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

MESSAGES FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS

June 19, 1991

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

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

Ludwig Lobe, reappointed June 19, 1991, for a term ending June 19, 1995, as a member of the Health Care Facilities Authority.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Health and Long-Term Care.

June 20, 1991

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Judge S. Frederick Feller, appointed June 20, 1991, for a term ending June 17, 1997, as Chair of the Board of Industrial Insurance Appeals.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Commerce and Labor.

June 20, 1991

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

David LaRose, reappointed June 20, 1991, for a term beginning July 1, 1991, and ending June 30, 1996, as Chief Administrative Law Judge.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Law and Justice.

July 2, 1991

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Judith Wiseman, reappointed appointed July 2, 1991, and ending June 30, 1995, as a member of the Higher Education Coordinating Board.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

July 9, 1991

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

David Clack, appointed July 9, 1991, for a term ending September 30, 1995, as a member of the Spokane Joint Center Board of Governors.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

July 9, 1991

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Richard Davis, appointed July 9, 1991, for a term ending September 30, 1994, as a member of the Spokane Center Board of Governors.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

July 9, 1991

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Roberta J. Greene, appointed July 9, 1991, for a term ending September 30, 1994, as a member of the Spokane Joint Center Board of Governors.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

July 9, 1991

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Maurice McGrath, appointed July 9, 1991, for a term ending September 30, 1995, as a member of the Spokane Joint Center Board of Governors.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

July 9, 1991

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Michael Ormsby, appointed July 9, 1991, for a term ending September 30, 1994, as a member of the Spokane Joint Center Board of Governors.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

July 9, 1991

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Gerald P. Leahy, appointed July 9, 1991, for a term ending September 30, 1993, as a member of the Spokane Joint Center Board of Governors.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

July 9, 1991

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Thomas L. Perko, appointed July 9, 1991, for a term ending September 30, 1993, as a member of the Spokane Joint Center Board of Governors.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

July 9, 1991

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Shirley Rector, appointed July 9, 1991, for a term ending September 30, 1993, as a member of the Spokane Joint Center Board of Governors.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

July 9, 1991

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Carol A. Wendle, appointed July 9, 1991, for a term ending September 30, 1995, as a member of the Spokane Joint Center Board of Governors.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

July 10, 1991

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Dale Brighton, appointed July 10, 1991, for a term ending September 30, 1995, as a member of the Board of Trustees for Wenatchee Valley Community College District No. 15.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

July 10, 1991

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Alicia Nakata, appointed July 10, 1991, for a term ending September 30, 1993, as a member of the Board of Trustees for Wenatchee Valley Community College District No. 15.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

July 11, 1991

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Dr. Ray Tobiason, appointed July 11, 1991, for a term ending March 26, 1994, as a member of the Higher Education Facilities Authority.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

July 17, 1991

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Mitchell S. Johnson, appointed July 17, 1991, for a term ending January 19, 1997, as a member of the Wildlife Commission.

FIRST DAY, JANUARY 13, 1992

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Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Environment and Natural Resources.

July 17, 1991

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Terry Karro, reappointed July 17, 1991, for a term ending January 19, 1997, as a member of the Wildlife Commission.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Environment and Natural Resources.

August 14, 1991

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Barbara Shinpoch, appointed August 14, 1991, for a term ending June 30, 1997, as a member of the Transportation Commission.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Transportation.

August 29, 1991

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Mitchell Bower, Jr. reappointed August 29, 1991, for a term ending April 30, 1995, as a member of the State Board for Community and Technical Colleges.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

August 29, 1991

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Clyde H. Hupp, appointed August 29, 1991, for a term ending April 30, 1994, as a member of the State Board for Community and Technical Colleges.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

August 29, 1991

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Richard Sonstelie, appointed August 29, 1991, for a term ending April 30, 1995, as a member of the State Board for Community and Technical Colleges.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

August 29, 1991

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Patricia Stell, reappointed August 29, 1991, for a term ending July 1, 1997, as a member of the Higher Education Personnel Board.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

September 16, 1991

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Barbara Herman, appointed September 16, 1991, for a term beginning November 15, 1991, and continuing at the Governor's pleasure, as Administrator of the Office of Marine Safety.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Environment and Natural Resources.

October 1, 1991

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

James H. Freeman, appointed October 1, 1991; for a term ending September 30, 1994, as a member of the Bellingham Technical College Board of Trustees.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

October 1, 1991

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

F. Murray Haskell, appointed October 1, 1991, for a term ending September 30, 1993, as a member of the Bellingham Technical College Board of Trustees.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

October 1, 1991

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Mary Nichols, appointed October 1, 1991, for a term ending September 30, 1992, as a member of the Bellingham Technical College Board of Trustees.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

October 1, 1991

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Melanie Prinsen, appointed October 1, 1991, for a term ending September 30, 1996, as a member of the Bellingham Technical College Board of Trustees.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

October 1, 1991

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Art Runestrand, appointed October 1, 1991, for a term ending September 30, 1995, as a member of the Bellingham Technical College Board of Trustees.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

October 7, 1991

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Ronald Dotzauer, reappointed October 7, 1991, for a term ending September 30, 1997, as a member of the Board of Trustees for Central Washington University.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

October 7, 1991

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Judge Jerome Farris, reappointed October 7, 1991, for a term ending September 30, 1997, as a member of the Board of Regents for the University of Washington.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

October 7, 1991

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Samuel Stroum, reappointed October 7, 1991, for a term ending September 30, 1997, as a member of the Board of Regents for the University of Washington.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

October 10, 1991

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Samuel R. Johnston, reappointed October 10, 1991, for a term ending September 25, 1995,
as a member of the Clemency and Pardons Board.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Law and Justice.

October 15, 1991

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Jack Durney, reappointed October 15, 1991, for a term ending September 30, 1996, as a
member of the Board of Trustees for Grays Harbor Community College District No. 2.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

October 15, 1991

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Mary Ann Funk, reappointed October 15, 1991, for a term ending September 30, 1996, as
a member of the Board of Trustees for Skagit Valley Community College District No. 4.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

October 15, 1991

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Kathleen Gutierrez, reappointed October 15, 1991, for a term ending September 30, 1996,
as a member of the Board of Trustees for Everett Community College District No. 5.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

October 15, 1991

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Lowell E. Knutson, reappointed October 15, 1991, for a term ending September 30, 1996,
as a member of the Board of Trustees for Seattle Community College District No. 6.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

October 15, 1991

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Inez Johnson, reappointed October 15, 1991, for a term ending September 30, 1996, as a member of the Board of Trustees for Whatcom Community College District No. 21.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

October 15, 1991

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Linda S. Johnson, reappointed October 15, 1991, for a term ending September 30, 1996, as a member of the Board of Trustees for Shoreline Community College District No. 7.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

October 15, 1991

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

The Reverend Lawrence R. Robertson, reappointed October 15, 1991, for a term ending September 30, 1996, as a member of the Board of Trustees for Olympic Community College District No. 3.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

October 15, 1991

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Jim Sherrill, reappointed October 15, 1991, for a term ending September 30, 1996, as a member of the Board of Trustees for Centralia Community College No. 12.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

October 15, 1991

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Alexander Swantz, reappointed October 15, 1991, for a term ending September 30, 1996, as a member of the Board of Trustees for Walla Walla Community College District No. 20.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

October 16, 1991

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Carl R. Brown, appointed October 16, 1991, for a term ending September 30, 1992, as a member of the Bates Technical College Board of Trustees.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

October 16, 1991

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Theresa Ceccarelli, appointed October 16, 1991, for a term ending September 30, 1995, as a member of the Bates Technical College Board of Trustees.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

October 16, 1991

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

D. E. Chillberg, reappointed October 16, 1991, for a term ending June 30, 1995, as a member of the Housing Finance Commission.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Governmental Operations.

October 16, 1991

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Roland Dewhurst, appointed October 16, 1991, for a term ending September 30, 1993, as a member of the Bates Technical College Board of Trustees.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

October 16, 1991

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Kevin M. Hughes, appointed October 16, 1991, for a term ending June 30, 1995, as a member of the Housing Finance Commission.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Governmental Operations.

October 16, 1991

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Robert Hunt, appointed October 16, 1991, for a term ending September 30, 1996, as a member of the Bates Technical College Board of Trustees.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

October 16, 1991

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Lawrence J. Kowbel, reappointed October 16, 1991, for a term ending June 30, 1995, as a member of the Housing Finance Commission.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Governmental Operations.

October 16, 1991

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

John I. McGinnis, appointed October 16, 1991, for a term ending September 30, 1994, as a member of the Bates Technical College Board of Trustees.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

October 16, 1991

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Phyllis Pulfer, appointed October 16, 1991, for a term ending June 17, 1996, as a member of the Human Rights Commission.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Law and Justice.

October 16, 1991

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

John A. Steffens, reappointed October 16, 1991, for a term ending June 30, 1995, as a member of the Housing Finance Commission.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Governmental Operations.

October 25, 1991

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Carol Bender, appointed October 25, 1991, for a term ending September 30, 1992, as a member of the Lake Washington Technical College Board of Trustees.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

October 25, 1991

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Delores I. Brown, appointed October 25, 1991, for a term ending September 30, 1995, as a member of the Lake Washington Technical College Board of Trustees.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

October 25, 1991

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Fredrica Denton, appointed October 25, 1991, for a term ending September 30, 1993, as a member of the Lake Washington Technical College Board of Trustees.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

October 25, 1991

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Robert Patterson, appointed October 25, 1991, for a term ending September 30, 1994, as a member of the Lake Washington Technical College Board of Trustees.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

November 4, 1991

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Peter Badame, appointed November 4, 1991, for a term ending December 26, 1994, as a member of the Board of Pilotage Commissioners.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Transportation.

November 4, 1991

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Louis O. Stewart, reappointed November 4, 1991, for a term ending June 15, 1996, as a member of the Marine Employees' Commission.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Transportation.

November 25, 1991

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Frederick T. Haley, appointed November 25, 1991, for a term ending September 30, 1997, as a member of the Board of Trustees for The Evergreen State College.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

November 25, 1991

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Edward Kelly, appointed November 25, 1991, for a term ending September 30, 1997, as a member of the Board of Trustees for The Evergreen State College.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

December 4, 1991

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Betty G. Shreve, reappointed December 4, 1991, for a term beginning January 1, 1992, and ending December 31, 1996, as a member of the Public Disclosure Commission.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Law and Justice.

December 9, 1991

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Pam Lucas, reappointed December 9, 1991, for a term ending December 5, 1994, as a member of the Eastern State Hospital Advisory Board.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Health and Long-Term Care.

December 9, 1991

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Michael Moseley, appointed December 9, 1991, for a term ending December 5, 1994, as a member of the Eastern State Hospital Advisory Board.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Health and Long-Term Care.

December 9, 1991

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Dennis Twigg, appointed December 9, 1991, for a term ending December 5, 1994, as a member of the Eastern State Hospital Advisory Board.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Health and Long-Term Care.

December 10, 1991

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Dale Boose, appointed December 10, 1991, for a term ending June 30, 1993, as a member of the Work Force Training and Education Coordinating Board.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

December 10, 1991

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Al Brisbois, appointed December 10, 1991, for a term ending June 30, 1995, as a member of the Work Force Training and Education Coordinating Board.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

December 10, 1991

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

John Carter, appointed December 10, 1991, for a term ending June 30, 1994, as a member of the Work Force Training and Education Coordinating Board.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

December 10, 1991

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Karen Carter, appointed December 10, 1991, for a term ending June 30, 1993, as a member of the Work Force Training and Education Coordinating Board.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

December 10, 1991

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Roberta J. Greene, appointed December 10, 1991, for a term ending June 30, 1993, as a member of the Work Force Training and Education Coordinating Board.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

December 10, 1991

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Betty Jane Narver, appointed for a term beginning immediately and continuing at the Governor's pleasure as Chair of the Work Force Training and Education Coordinating Board.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

December 10, 1991

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Marian Svinth, appointed December 10, 1991, for a term ending June 30, 1995, as a member of the Work Force Training and Education Coordinating Board.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

December 11, 1991

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Theodore Bolton, appointed December 11, 1991, for a term ending September 30, 1995, as a member of the Board of Trustees for Clover Park Technical College District No. 29.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

December 11, 1991

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Phil Hayes, appointed December 11, 1991, for a term ending September 30, 1994, as a member of the Board of Trustees for Clover Park Technical College District No. 29.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

December 11, 1991

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Lieutenant Colonel Janet Kovatch, appointed December 11, 1991, for a term ending September 30, 1993, as a member of the Board of Trustees for Clover Park Technical College District No. 29.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

December 11, 1991

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Tom Ryan, appointed December 11, 1991, for a term ending September 30, 1996, as a member of the Board of Trustees for Clover Park Technical College District No. 29.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

December 11, 1991

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Arnold Wright, appointed December 11, 1991, for a term ending September 30, 1992, as a member of the Board of Trustees for Clover Park Technical College District No. 29.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

December 23, 1991

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Timothy J. Adams, appointed December 23, 1991, for a term ending December 5, 1993, as a member of the Eastern State Hospital Advisory Board.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Health and Long-Term Care.

December 23, 1991

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Phil Boguch, reappointed December 23, 1991, for a term beginning January 11, 1992, and ending August 2, 1997, as a member of the Lottery Commission.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Commerce and Labor.

December 23, 1991

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

James S. Hattori, appointed December 23, 1991, for a term beginning January 11, 1992, and ending August 2, 1993, as a member of the Lottery Commission.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Commerce and Labor.

December 23, 1991

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Thomas Roe, reappointed December 23, 1991, for a term ending December 5, 1994, as a member of the Eastern State Hospital Advisory Board.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Health and Long-Term Care.

At 12:24 p.m., there being no objection, the President declared the Senate to be at ease.

The Senate was called to order at 12:26 p.m. by President Pritchard.

REPORT OF COMMITTEE

The special committee composed of Senators Erwin, Pelz, Oke and Skratek appeared before the bar of the Senate and reported that the House of Representatives had been notified that the Senate is organized and ready to transact business.

The report was received and the committee was discharged.

At 12:28 p.m., there being no objection, the President declared the Senate to be at ease.

The Senate was called to order at 12:34 p.m. by President Pritchard.

REPORT OF COMMITTEE

The special committee composed of Senators Amondson, Owen and Roach appeared before the bar of the Senate to report that the Governor had been notified, under the provisions of Senate Concurrent Resolution No. 8420, that the Legislature is organized and ready to transact business.

The report was received and the committee was discharged.

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

JOURNAL OF THE SENATE

MESSAGE FROM THE HOUSE

January 13, 1992

MR. PRESIDENT:

The House has adopted SENATE CONCURRENT RESOLUTION NO. 8420, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

MESSAGE FROM THE HOUSE

January '13, 1992

MR. PRESIDENT:

The House has adopted HOUSE CONCURRENT RESOLUTION NO. 4424, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

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

INTRODUCTION AND FIRST READING OF HOUSE BILL

HCR 4424 by Representatives Ebersole and Ballard.

Reintroducing bills from the regular session.

MOTIONS

On motion of Senator Newhouse, the rules were suspended, House Concurrent Resolution No. 4424 was advanced to second reading and read the second time.

On motion of Senator Newhouse, the rules were suspended, House Concurrent Resolution No. 4424 was advanced to third reading, the second reading considered the third and the concurrent resolution was adopted.

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

MESSAGE FROM THE HOUSE

January 13, 1992

MR. PRESIDENT:

The House has adopted HOUSE CONCURRENT RESOLUTION NO. 4425, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

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

INTRODUCTION AND FIRST READING OF HOUSE BILL

HCR 4425 by Representatives Ebersole and Ballard.

Resolving that the House and Senate meet in Joint Session on January 13, 1992, to receive the State of the State Message of the Governor.

MOTIONS

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

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

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

MESSAGE FROM THE HOUSE

January 13, 1992

MR. PRESIDENT:

The House has adopted HOUSE CONCURRENT RESOLUTION NO. 4427, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

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

INTRODUCTION AND FIRST READING OF HOUSE BILL

HCR 4427 by Representatives Ebersole and Ballard.

Allowing concurrent resolutions to deal with redistricting plans.

MOTION

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

Debate ensued.

MOTION

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

At 12:57 p.m., there being no objection, the President declared the Senate to be at ease.

The Senate was called to order at 1:22 p.m. by President Pritchard.

MOTION

At 1:22 p.m., on motion of Senator Newhouse, the Senate was recessed until 4:30 p.m.

The Senate was called to order at 4:35 p.m. by President Pritchard.

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

JOINT SESSION

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

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

The Speaker (Representative O'Brien presiding) invited the Senators to seats within the House Chamber.

Speaker King assumed the Chair.

The Speaker presented the gavel to President Pritchard.

The Secretary of the Senate called the roll of the Senate and all members were present except Senator Matson, who was excused.

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

APPOINTMENT OF SPECIAL COMMITTEES

The President of the Senate appointed Senators Anderson and Murray and Representatives Dellwo and Mitchell as a special committee to advise His Excellency, Governor Booth Gardner, that the Joint Session had assembled and to escort him from his office to the House Rostrum.

The President of the Senate appointed Senators Nelson, Thorsness, Rinehart and A. Smith and Representatives Heavey, Rayburn, Vance and Paris as a special committee to escort the Supreme Court Justices from the State Reception Room to seats within the House Chamber.

The President of the Senate appointed Senators Cantu, Erwin and Stratton and Representatives Inslee, Prentice, Beck and Edmondson as a special committee to escort the State Elected Officials from the State Reception Room to seats within the House Chamber.

The President of the Senate introduced the Supreme Court Justices, the State Elected Officials and First Lady Jean Gardner.

The President of the Senate presented Speaker King.

REMARKS BY SPEAKER KING

Speaker King: "Thank you, Lieutenant Governor. It is once again my pleasure and honor to introduce the Governor of this great state. Washington is fortunate to have had many great Governors. As long as there is a state of Washington, Governor Booth Gardner will be remembered as one of the strongest, most courageous and widely loved chief executive officers of this state. And I am sure that Jean Gardner will be remembered as among the most active, the most dedicated, the most committed first ladies to ever grace the Governor's mansion.

"I am not going to try to offer a list of Governor Gardner's many accomplishments in office, partly because the list would be too long for a short introduction and partly because Governor Gardner's agenda isn't completed yet. He'll be adding to his already long list of accomplishments for another full year.

"But, as Governor Gardner enters his last year of office, I can't help but remember his first year of office. Many of you here will remember it. We were just coming out of a nasty recession. We had a very anxious public. We needed a leader to get in, ease the pain, ease the fear and get this state moving again. Governor Gardner helped to do that when he took office. As the state recovered in the mid-1980's and boomed in the late 1980's, Governor Gardner proposed bold agendas in education, health care, higher education and kept the state running strongly. As he acquired national stature as one of the country's most respected Governors, he helped to make the state of Washington a national leader in many of these same issues. Of course he couldn't have done it without the Legislature assembled here--and we should all take some pride in our ability to work with him--but we certainly couldn't have done it without him at the helm.

"Then last year--last fall--another national recession caught up to the state of Washington. Most of us remember the immediate reaction when people first heard the dramatic revenue forecasts last fall. When that forecast hit, Governor Gardner acted quickly and decisively to show that the situation was indeed manageable and, by that very fact, helped to calm an uneasy state. Probably none of us here agree with every one of the Governor's budget decisions, but we can all admire his decisiveness and courage under intense pressure.

"Governor Gardner, we applaud you, sir. We applaud your record of achievement to date. We are ready to work with you in the coming year to make this great state even greater."

STATE OF THE STATE ADDRESS
BY GOVERNOR BOOTH GARDNER

Governor Gardner: "Mr. President, Mr. Speaker, Mr. Chief Justice, distinguished justices of the Supreme Court, members of the Legislature, honored elected officials, fellow citizens of Washington State and wannabe Governors:

"I haven't changed my mind--but for the next three hundred and sixty-six days, I'm still Governor. I am the Governor of the state with the number one college football team. I am the Governor of the home state of Nirvana--the hottest new rock band in the country. I'm even the real Governor of Cicely, Alaska, which is, of course, Roslyn, Washington.

"I've also learned some important lessons about leadership and history during the past seven years. Think about this: When you remember John F. Kennedy, what is the one thing he said that every one of us remembers? For nearly all of us, the memory is from that first inaugural speech. We can remember him standing in his dark overcoat on a freezing January day. And we can still hear him say, 'Ask not what your country can do for you--ask what you can do for your country.'

"Why, of all the eloquent things Kennedy said, does that sentence have such resonance across the years? What is its special power? It's not a campaign promise. It's not an attack on an opponent. And it's not an appeal to fear or self-interest. It's a call to personal responsibility--not only for ourselves, but for each other. And we remember it because it's a call that nourishes the best in every person who hears it.

"That's what leadership is about. It's about bringing out the best in people. It's about appealing to people's courage instead of their fears and nurturing their compassion rather than their self-interest. It's about staying focused on the prospects of the next generation, not the prospect of the next election. And lately that quality of leadership has been a missing element in America's national politics. People long for moral leadership, and they are ready to turn the system upside down and inside out in order to reclaim it.

"When I spoke here a year ago, I talked about the dangers of cynicism and apathy. Today, apathy is being replaced by anger and impatience and by the danger of quick-fix non-solutions like term limits. People want leaders who solve problems, not leaders who are problems. So, in this session, the challenge for all of us is to prove that the voters of this state were right to reject term limits. And we can only do that by solving the crisis in our budget and the crisis of our health care system.

"We have sixty days in which to accomplish those goals. So, I'm going to set the pace by giving the fastest and shortest State of the State speech in Washington State history. That's easy, because my message is simple: This is Washington State, not Washington, D.C.

"We breathe cleaner air; we have better schools; and we maintain a political culture that is less ego-driven and less partisan than the other Washington. That's why it's realistic to believe that we can do in this Washington what cannot be done in the other Washington: balance our budget and reform our health care system.

"We've already proven that we can lead the nation in school reform, in equal rights for women and in environmental protection. Now, it is time for us to lead again. When it comes to health care reform, we have to lead, because the alternative is fiscal and moral disaster. This year you and I face a \$950 million hole in our budget. In this biennium, we're spending \$857 million more on health care than we did in the previous biennium. Yet, some people still don't get it. Some people are still saying we shouldn't enact comprehensive health care reform legislation because we can't afford it.

"So, let me recite Logic 101 on this issue:

"Lesson one. This year the Boeing Company will be paying \$3,600 per employee for health benefits. In eight years that cost is projected to rise to nearly \$20,000 per employee per year.

"Lesson two. In the past year thirty percent of our people put off going to the doctor because they couldn't afford it, in spite of the fact that most of them had some kind of health insurance.

"Lesson three. Those of you fortunate enough to be re-elected this fall will return to the Legislature in 1993 facing yet another increase in health care costs in the state budget--an increase of over a billion dollars. Your choice will be to either cut funding for schools, environmental protection and social services, or to slam the doors to the doctor's offices for thousands more Washington citizens.

"And now, a question. What is the most compelling reason to enact health care reform now? If you answered in your mind 'costs,' you responded correctly. And if you answered 'cost and access,' you qualify for honors.

"The simple fact is that the higher costs rise, the fewer people will have access to care. That's the moral dimension of this crisis. On the issue of access to health care the people of this state and this country are way ahead of the politicians. An overwhelming majority of people believe that every American should have access to high quality, affordable health care. It's time we paid attention to the moral convictions of the people who vote for us. They want insurance reform now. They want costs controlled now. And they want decisions about health care pulled out of corporate board rooms and into the open air of the democratic process. The people who sent us here to Olympia are tired of studies. They are tired of discouraging statistics about our infant mortality rate. They are tired of filling out unnecessary forms and paperwork every time they wish to see a doctor, and they are tired of waiting for that perpetual future called 'after the next election.' They want practical solutions that are consistent with our own American values.

"That's why I'm introducing comprehensive reform legislation that builds on our tradition of employer-provided health insurance. I know that some of you worry about the effect of this legislation on small businesses, and I appreciate that concern. But one-half of our small businesses in this state already provide health insurance to their employees. Those are the small businesses you should worry about, because they operate at a competitive disadvantage. By bringing all business into the health care system, we can level the playing field for everyone. And that's the goal of my proposal: A health care system in which everyone shares the burden, and everyone shares the benefits.

"For every enterprise in Washington that will mean a healthier state and a healthier economy. For the citizens of this state it will mean a new source of both personal security and communal pride. And for the country we love it will mean new hope that America can and will rise to the challenges that confront us. It will mean that, in spite of special interests, elected leaders do respond to the needs and values of their constituents.

"I can't emphasize enough how important that is to our future. In my seven years as Governor nothing has caused me more pain than the growing alienation of people from their government and the discouraging decline in voter participation. But nothing gives me more hope than the dawning of a new decade marked by a renewal of citizen activism. We cannot ignore the new and militant citizen demand for elected leaders who respond to John F. Kennedy's timeless challenge to ask what they can do for our country and for the people of this state.

"It is time for all of us to raise our expectations of each other. It is time for citizens to hold elected officials accountable, and it is time for elected officials to nurture and expect the best from the people they lead. It is time for citizens who want action on health care reform to say so--loudly and clearly--by writing letters or by calling the legislative hotline at 1-800-562-6000.

"In the next sixty days we have a chance to show the world how four million people who really believe in democracy--and who elect leaders who share that belief--can solve problems that stumped the cynics in our federal government for years on end. We can have health care reform here and now. There are no obstacles we can't overcome, and there are no reasons for further delay. At the end of sixty days there will be no good excuses if we have not done what we were sent here to do. When this session ends, we will all share responsibility for its effect on the people's level of trust and respect for their government.

"That is our ultimate responsibility. For the people of Washington, the people of America, and for the people of the democracies struggling to rise from the ashes of the Soviet Union our mission is to do our part to make the global force of democracy stronger, prouder, kinder and more responsive to the real needs of real people.

"Thank you."

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

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

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

MOTION

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

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

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

The President called the Senate to order at 5:44 p.m.

MOTION

At 5:44 p.m., on motion of Senator Newhouse, the Senate adjourned until 11:55 a.m., Tuesday, January 14, 1992.

JOEL PRITCHARD, President of the Senate.

GORDON A. GOLOB, Secretary of the Senate.

SECOND DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, January 14, 1992
The Senate was called to order at 11:55 a.m. by President Pritchard. No roll call was taken.

MOTION

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

MESSAGE FROM THE HOUSE

January 13, 1992

MR. PRESIDENT:

The House has adopted ENGROSSED HOUSE CONCURRENT RESOLUTION NO. 4426, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Newhouse, the Message from the House of Representatives stating they had adopted Engrossed House Concurrent Resolution No. 4426 was held on the desk.

SIGNED BY THE PRESIDENT

The President signed:

SENATE CONCURRENT RESOLUTION NO. 8420.

INTRODUCTION AND FIRST READING

SB 6058 by Senator L. Smith

AN ACT Relating to tax consultants and preparers; adding a new chapter to Title 18 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Commerce and Labor.

SB 6059 by Senators Kreidler, Metcalf, Owen and Conner

AN ACT Relating to shellfish protection; amending RCW 82.49.030, 88.36.020, 82.27.010, 82.27.020, and 82.27.070; reenacting and amending RCW 70.146.060; adding a new chapter to Title 36 RCW; adding a new chapter to Title 75 RCW; adding a new section to chapter 90.50A RCW; adding a new section to chapter 88.36 RCW; creating a new section; prescribing penalties; making an appropriation; and declaring an emergency.

Referred to Committee on Environment and Natural Resources.

SB 6060 by Senators Roach and Stratton (by request of Department of Social and Health Services)

AN ACT Relating to coordination between public assistance programs; amending RCW 74.04.005 and 74.12.010; and repealing RCW 74.12.245.

Referred to Committee on Children and Family Services.

SB 6061 by Senator West (by request of Department of Social and Health Services)

AN ACT Relating to provision of medical services; and amending RCW 74.09.120.

Referred to Committee on Health and Long-Term Care.

SB 6062 by Senators Niemi and West (by request of Department of Social and Health Services)

AN ACT Relating to the mental health information system; and reenacting and amending RCW 71.24.035.

Referred to Committee on Health and Long-Term Care.

SB 6063 by Senators Nelson and Rasmussen

AN ACT Relating to technical corrections to corporations statutes; and amending RCW 18.100.120 and 50.04.165.

Referred to Committee on Law and Justice.

SB 6064 by Senators Thorsness and Williams

AN ACT Relating to municipal electric utility access to high voltage transmission facilities; and amending RCW 35.92.052.

Referred to Committee on Energy and Utilities.

SB 6065 by Senators Saling and Stratton

AN ACT Relating to public utility districts; amending RCW 54.16.030 and 54.16.040; and adding a new section to chapter 80.04 RCW.

Referred to Committee on Energy and Utilities.

SB 6066 by Senator McCaslin

AN ACT Relating to surface mining; adding new sections to chapter 78.44 RCW; and creating new sections.

Referred to Committee on Environment and Natural Resources.

SB 6067 by Senator McCaslin

AN ACT Relating to residency requirements for elected officials; amending RCW 42.04.020, 2.06.050, 17.04.070, 17.06.050, 35.23.030, 35.24.030, 35.27.080, 35.61.050, 35A.12.030, 36.16.030, 36.27.010, 36.54.090, 36.69.090, 36.69.440, 52.14.010, 53.12.020, 56.12.030, 57.12.039, 85.38.070, 87.03.045, 87.03.051,

and 89.30.226; reenacting and amending RCW 36.16.030; providing an effective date; and providing an expiration date.

Referred to Committee on Governmental Operations.

SB 6068 by Senator McCaslin

AN ACT Relating to fire inspections required for the issuance of business operation permits and licenses; and adding a new section to chapter 48.48 RCW.

Referred to Committee on Governmental Operations.

SB 6069 by Senators Snyder, Conner, Wojahn, West, L. Smith, Kreidler, Talmadge, Rasmussen, Johnson, Gaspard and Skratek

AN ACT Relating to bone marrow transplants; adding new sections to chapter 70.54 RCW; creating a new section; and making an appropriation.

Referred to Committee on Health and Long-Term Care.

SB 6070 by Senators Amondson and Snyder

AN ACT Relating to physician's assistants; and amending RCW 18.57A.020 and 18.71A.020.

Referred to Committee on Health and Long-Term Care.

SB 6071 by Senators von Reichbauer, Pelz and Johnson

AN ACT Relating to permitted transactions by insurance agent-brokers; and amending RCW 48.17.270.

Referred to Committee on Financial Institutions and Insurance.

SB 6072 by Senators Bluechel, Rinehart, McDonald and Skratek

AN ACT Relating to amending the capital appropriation for Lake Washington Technical College; amending 1991 sp.s. c 14 s 31 (uncodified); making appropriations; and declaring an emergency.

Referred to Committee on Ways and Means.

MOTION

At 12:03 p.m., on motion of Senator Newhouse, the Senate adjourned until 10:00 a.m., Wednesday, January 15, 1992.

GORDON A. GOLOB, Secretary of the Senate.

JOEL PRITCHARD, President of the Senate.

THIRD DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, January 15, 1992

The Senate was called to order at 10:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Anderson, Bailey, Erwin, Hayner, Matson, Oke and von Reichbauer.

The Sergeant at Arms Color Guard, consisting of Pages Hannah Busic and Brian Criddle, presented the Colors. Reverend Ben Harding, pastor of The United Churches of Olympia, offered the prayer.

MOTION

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

MESSAGE FROM THE GOVERNOR

January 14, 1992

**TO THE HONORABLE, THE SENATE AND HOUSE OF REPRESENTATIVES
 OF THE STATE OF WASHINGTON**

Ladies and Gentlemen:

In compliance with the provision of Section 11 of Article III of the Constitution of the state of Washington, the Governor hereby submits his report of each case of reprieve, commutation, or pardon that he has granted since the adjournment of the 1991 First Special Session of the Fifty-second Legislature, copy of which is attached.

Respectfully submitted,
KALEEN COTTINGHAM
 Legal Counsel to the Governor

COMMUTATION OF SENTENCE

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING:

John Marshall Coleman pleaded guilty to three counts of robbery in the first degree in Cowlitz County Superior Court, Juvenile Department, Cause No. 88-8-276. A Disposition Order was entered on November 1, 1988, committing Mr. Coleman to the Division of Juvenile Rehabilitation of two consecutive terms for 103 to 129 months. Mr. Coleman was 17 years old at the time of the offense and is now 20 years old. Mr. Coleman currently resides in the Canyon View Group Home and his release date is March 28, 1992.

Mr. Coleman's performance within the Division of Juvenile Rehabilitation has been exemplary. He is described as a model resident. During his period of commitment, Mr. Coleman has obtained his high school degree, made full restitution for his crimes in the sum of \$1,218.90 and maintained employment. His petition for commutation is supported by numerous individuals in the community and within the juvenile justice system, including the Director of the Division of Juvenile Rehabilitation.

This commutation is based on Mr. Coleman's lack of a prior criminal record his excellent performance during the period of his commitment, and a belief that further commitment will not benefit Mr. Coleman or society.

NOW THEREFORE, I, Booth Gardner, Governor of the state of Washington, do hereby commute the balance of the term of commitment of John Marshall Coleman in Cause No. 88-8-276, for the crime of robbery in the first degree, three counts, entered in The Superior Court of The State of Washington in and for the County of Cowlitz, Juvenile Department, on November 1, 1988.

(SEAL)

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia, this 7th day of October, A.D., nineteen hundred and ninety-one.

BOOTH GARDNER, Governor

BY THE GOVERNOR:

RALPH MUNRO
Secretary of State

MESSAGE FROM THE GOVERNOR
INTRODUCTION AND FIRST READING

SB 6073 by Senators Snyder and Rasmussen

AN ACT Relating to driving with an instruction permit; and amending RCW 46.20.025.

Referred to Committee on Transportation.

SB 6074 by Senators Conner, Owen, Sutherland, Snyder, Amondson, Anderson, Bauer, McMullen and Erwin

AN ACT Relating to additional unemployment insurance benefits; amending RCW 50.22.090; creating new sections; and declaring an emergency.

Referred to Committee on Commerce and Labor.

SB 6075 by Senators Thorsness, Rasmussen, McCaslin, Owen, Metcalf, Nelson, Oke, Stratton, Cantu, L. Smith, Amondson, Barr, Anderson, Craswell and Erwin

AN ACT Relating to state government employment; adding a new section to chapter 41.04 RCW; and creating a new section.

Referred to Committee on Governmental Operations.

SB 6076 by Senators West, Kreidler, Amondson and Barr (by request of Department of Health)

AN ACT Relating to rural health care facilities; amending RCW 70.38.105, 70.38.111, 70.41.090, and 70.175.130; and adding a new section to chapter 70.175 RCW.

Referred to Committee on Health and Long-Term Care.

SB 6077 by Senator Metcalf

AN ACT Relating to shellfish; and adding a new section to chapter 69.30 RCW.

Referred to Committee on Environment and Natural Resources.

SB 6078 by Senators Skratek, Patterson and Vognild

AN ACT Relating to state route 901; amending RCW 47.39.020 and 47.42.140; and repealing RCW 47.17.830.

Referred to Committee on Transportation.

SB 6079 by Senators L. Smith, McCaslin, Oke, Sellar, Thorsness, Metcalf, Rasmussen and Nelson

AN ACT Relating to county treasurer's duties; and amending RCW 84.56.050.

Referred to Committee on Governmental Operations.

SB 6080 by Senators L. Smith, McCaslin, Metcalf, Stratton, Saling, Oke, Thorsness, Sellar and Craswell

AN ACT Relating to explanatory statements regarding ballot measures; and amending RCW 29.81.020.

Referred to Committee on Governmental Operations.

SB 6081 by Senators L. Smith and Craswell

AN ACT Relating to vehicle noise; amending RCW 46.63.020; adding new sections to chapter 46.61 RCW; and prescribing penalties.

Referred to Committee on Transportation.

SB 6082 by Senators L. Smith, Nelson and Thorsness

AN ACT Relating to criminal impersonation of a law enforcement officer; amending RCW 9A.60.040; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 6083 by Senator L. Smith

AN ACT Relating to repossessing motor vehicles; and amending RCW 62A.9-503.

Referred to Committee on Law and Justice.

SB 6084 by Senators L. Smith, Craswell, Stratton, Metcalf, Oke and Roach

AN ACT Relating to interviews of children conducted by the department of social and health services; and amending RCW 26.44.030.

Referred to Committee on Children and Family Services.

SB 6085 by Senators Bauer, McCaslin, Sutherland, Sellar, Madsen and Vognild

AN ACT Relating to boundary review boards; and amending RCW 36.93.090 and 36.93.100.

Referred to Committee on Governmental Operations.

SB 6086 by Senators McCaslin, Kreidler, Oke and Bauer (by request of Department of Veterans Affairs)

AN ACT Relating to the advisory committee of the department of veterans affairs; and amending RCW 43.60A.080.

Referred to Committee on Governmental Operations.

SB 6087 by Senators Skratek, Barr, Madsen, Oke, Rasmussen and Nelson

AN ACT Relating to domestic animals; amending RCW 16.08.070, 16.08.090, and 16.08.100; adding new sections to chapter 16.08 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Agriculture and Water Resources.

SB 6088 by Senator Sellar

AN ACT Relating to prohibiting discrimination based on source of payment for nursing home services; and amending RCW 74.42.055.

Referred to Committee on Health and Long-Term Care.

SB 6089 by Senators West, Kreidler, Patterson, Bailey, Vognild, Madsen, Talmadge, Johnson and McMullen (by request of Governor Gardner)

AN ACT Relating to health care; amending RCW 42.17.2401, 70.47.010, 70.47.020, 70.47.040, 70.47.080, 70.47.120, 82.26.020, 82.24.020, 82.08.150, 82.08.160, 66.24.210, 66.08.180, 66.24.290, and 48.14.020; reenacting and amending RCW 70.38.115, 70.47.030, and 70.47.060; adding a new section to chapter 70.170 RCW; adding a new section to chapter 70.47 RCW; adding new sections to Title 48 RCW; adding new sections to chapter 48.21 RCW; adding new sections to chapter 48.44 RCW; adding new sections to chapter 48.46 RCW; adding a new section to Title 51 RCW; adding a new section to chapter 74.09 RCW; adding a new chapter to Title 70 RCW; adding a new chapter to Title 50 RCW; repealing RCW 43.131.355 and 43.131.356; creating new sections; prescribing penalties; making appropriations; providing effective dates; and declaring an emergency.

Referred to Committee on Health and Long-Term Care.

SB 6090 by Senator McCaslin

AN ACT Relating to credit cards; and amending RCW 63.14.167.

Referred to Committee on Financial Institutions and Insurance.

SB 6091 by Senators Talmadge and Williams

AN ACT Relating to historic preservation; amending RCW 27.34.020; adding a new section to chapter 27.34 RCW; and creating a new section.

Referred to Committee on Governmental Operations.

SB 6092 by Senator Talmadge

AN ACT Relating to HIV testing of juveniles; and amending RCW 13.40.070 and 70.24.340.

Referred to Committee on Law and Justice.

SB 6093 by Senators Barr, Murray, Anderson and Bauer

AN ACT Relating to providing pesticide-sensitive individuals notification of urban pesticide applications; amending RCW 17.21.020; and adding new sections to chapter 17.21 RCW.

Referred to Committee on Agriculture and Water Resources.

SB 6094 by Senator Anderson

AN ACT Relating to sales and use taxes for criminal justice purposes; and reenacting and amending RCW 82.14.340.

Referred to Committee on Law and Justice.

SB 6095 by Senators Bailey, Skratek, Anderson and Barr

AN ACT Relating to flood control; amending RCW 43.21C.020, 75.20.100, 75.20.103, 79.01.134, 86.16.120, 86.26.007, 86.26.060, 90.58.030, and 90.58.100; adding a new section to chapter 43.21C RCW; adding new sections to chapter 75.20 RCW; adding a new section to chapter 79.01 RCW; adding a new section to chapter 86.26 RCW; and declaring an emergency.

Referred to Committee on Agriculture and Water Resources.

SB 6096 by Senators Bailey, Anderson, L. Smith and Barr

AN ACT Relating to wetland regulation; amending RCW 36.70A.050, 36.70A.060, and 36.70A.170; and adding a new chapter to Title 90 RCW.

Referred to Committee on Agriculture and Water Resources.

SB 6097 by Senators Roach, Johnson and L. Smith

AN ACT Relating to persons with developmental disabilities; adding a new section to chapter 71A.10 RCW; and creating a new section.

Referred to Committee on Children and Family Services.

SB 6098 by Senators Roach, L. Smith, Gaspard and Newhouse

AN ACT Relating to students receiving public assistance; amending RCW 74.04.005; creating new sections; and providing an expiration date.

Referred to Committee on Children and Family Services.

SB 6099 by Senators L. Smith and Bauer

AN ACT Relating to compensating taxes on lands valued at current use; and amending RCW 84.34.108.

Referred to Committee on Ways and Means.

SB 6100 by Senators Talmadge, Nelson and Rasmussen

AN ACT Relating to judges; and amending RCW 4.12.050.

Referred to Committee on Law and Justice.

SB 6101 by Senators Nelson, Rasmussen and Thorsness

AN ACT Relating to timely filing of claims against political subdivisions, municipal corporations, and quasi municipal corporations; and amending RCW 4.96.020, 35.31.020, and 36.45.010.

Referred to Committee on Law and Justice.

SB 6102 by Senators Nelson and Rasmussen

AN ACT Relating to merging double amendments governing background checks for workers having access to children or other vulnerable persons; and reenacting and amending RCW 43.43.830.

Referred to Committee on Law and Justice.

SB 6103 by Senators Nelson, Rasmussen, Thorsness, Kreidler, Sutherland and Erwin

AN ACT Relating to using electronic monitoring as a condition of release or condition of probation; amending RCW 9.95.210, 10.99.040, 26.50.010, 26.50.060, and 26.50.110; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 6104 by Senators Nelson, Rasmussen, Thorsness, Hayner, Sellar, A. Smith and Erwin

AN ACT Relating to creating the crimes of first, second, and third degree assault against a child; amending RCW 9.94A.320, 9.41.010, 9.94A.150, 9.94A.310, 9.94A.360, 9.94A.440, 9A.46.060, 9A.82.010, 13.34.130, 13.34.190, and 71.09.020; reenacting and amending RCW 9.94A.030, 9.94A.120, and 43.43.830; adding new sections to chapter 9A.36 RCW; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 6105 by Senators Nelson, Rasmussen and Thorsness

AN ACT Relating to defendants' access to copies of discovery materials; and adding a new section to chapter 10.58 RCW.

Referred to Committee on Law and Justice.

SB 6106 by Senators Nelson and Rasmussen

AN ACT Relating to weapons in restricted areas; amending RCW 9.41.300 and 9.41.098; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 6107 by Senators Nelson, Rasmussen, Thorsness and Craswell

AN ACT Relating to corroborating evidence of a child's out of court statement; and amending RCW 9A.44.120.

Referred to Committee on Law and Justice.

SB 6108 by Senators Nelson, Rasmussen and Thorsness

AN ACT Relating to the authority of the attorney general to investigate and prosecute crimes upon the request of a victim; and amending RCW 43.10.232.

Referred to Committee on Law and Justice.

SB 6109 by Senators Nelson and Rasmussen

AN ACT Relating to the sale at auction or trade of legal forfeited firearms and firearm parts; and amending RCW 9.41.098.

Referred to Committee on Law and Justice.

SB 6110 by Senators Kreidler, Gaspard, Snyder, McMullen, Skratek, Pelz, A. Smith, Rinehart, Murray, Wojahn, Niemi, Bauer, Madsen, Williams, Vognild, Stratton, Conner and Sutherland

AN ACT Relating to health care; adding a new section to chapter 50.44 RCW; adding a new section to chapter 70.170 RCW; adding a new chapter to Title 70 RCW; creating new sections; prescribing penalties; providing effective dates; and declaring an emergency.

Referred to Committee on Health and Long-Term Care.

SB 6111 by Senators Craswell, Wojahn, Rasmussen, Roach, Stratton, Owen and Oke

AN ACT Relating to family preservation services; and adding a new chapter to Title 74 RCW.

Referred to Committee on Children and Family Services.

SB 6112 by Senators Nelson, Rasmussen, Sellar and Kreidler

AN ACT Relating to jurors; amending RCW 2.36.010, 2.36.150, 2.40.010, and 4.44.160; and adding a new section to chapter 2.36 RCW.

Referred to Committee on Law and Justice.

SB 6113 by Senators Craswell, Owen, Oke and McCaslin

AN ACT Relating to review of local permits under the shoreline management act; and amending RCW 90.58.180.

Referred to Committee on Environment and Natural Resources.

SB 6114 by Senators Craswell, Stratton, Rasmussen, Roach, Cantu, Sellar and McDonald

AN ACT Relating to child support enforcement of medical care costs; and amending RCW 26.18.020 and 74.20.040.

Referred to Committee on Law and Justice.

SB 6115 by Senators Anderson and McMullen

AN ACT Relating to juvenile serious habitual offenders; adding a new section to chapter 2.56 RCW; and adding a new chapter to Title 13 RCW.

Referred to Committee on Law and Justice.

SJM 8023 by Senators Snyder, Conner, Johnson, Talmadge, McMullen, A. Smith and Skratek

Requesting that Congress recognize Washington tribes not officially recognized by the Bureau of Indian Affairs.

Referred to Committee on Governmental Operations.

MOTION

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

The Senate was called to order at 10:56 a.m. by President Pritchard.

MOTIONS

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

On motion of Senator Newhouse, the Committee on Rules was relieved of the following bills and the bills were referred to the Committees as listed:

THIRD READING

<u>Bill No.</u>	<u>Description</u>	<u>Referred to Committee</u>
ESB 5009	Pesticide record keeping	Commerce and Labor
ESSB 5086 f	HIV testing/criminal offendr	Health and Long-Term Care
SB 5139	Incorporation elections	Governmental Operations
SSB 5202	Civil judgments	Law and Justice
SSB 5203 f	Nursing home administration	Health and Long-Term Care
ESSB 5225	Environmental interpretation	Environment and Natural Resources
ESSB 5263	Underground storage tanks	Environment and Natural Resources
ESSB 5269 f	Net pens waste disposal	Environment and Natural Resources

SSB	5303		Initiative/ref ballot titles	Governmental Operations
ESSB	5318		Money laundering penalties	Financial Institutions and Insurance
ESB	5432	f	Traffic safety program funds	Transportation
SSB	5435	f	Auto products/redeemable crd	Environment and Natural Resources
SSB	5457		HIV/employer notification	Health and Long-Term Care
SSB	5480		Underground storage tanks	Environment and Natural Resources
E2SSB	5534	f	Water discharge permit fees	Environment and Natural Resources
SB	5564	\$f	Van pool study	Transportation
SSB	5653	\$	Homeless parents/child care	Children and Family Services
ESB	5704	f	Flood control/local govermnt	Environment and Natural Resources
SSB	5748	f	Long-term care of children	Children and Family Services
E2SSB	5753	f	Upland game bird enhanc	Environment and Natural Resources
ESSB	5841		Crop lien coverage/filing	Agriculture and Water Resources
SSB	5876		Oil spill response liability	Environment and Natural Resources

SECOND READING

SB	5118	f	Fisheries hotline	Environment and Natural Resources
SB	5145	\$f	Storm water regulation	Environment and Natural Resources
SB	5623	f	Offender sentencing	Law and Justice
SB	5680	f	Electrical transmissn siting	Energy and Utilities
SB	5682	\$f	Energy self-sufficiency cmsn	Energy and Utilities
SB	5739	\$f	Serious habitual juv offendr	Law and Justice
SB	5760		Licensing agents/subagents	Transportation
SB	5769	f	Nonpower vehicle fees/taxes	Transportation
SB	5913	f	Pesticide application notice	Agriculture and Water Resources
SJR	8226	f	Emergency reserve fund	Ways and Means
SCR	8405		Public assistance plan	Children and Family Services

MOTIONS

On motion of Senator Newhouse, the Committee on Transportation was relieved of further consideration of Senate Bill No. 6030.

On motion of Senator Newhouse, Senate Bill No. 6030 was referred to the Committee on Health and Long-Term Care.

MOTION

At 10:58 a.m., on motion of Senator Newhouse, the Senate adjourned until 11:55 a.m., Thursday, January 16, 1992.

JOEL PRITCHARD, President of the Senate.

GORDON A. GOLOB, Secretary of the Senate.

FOURTH DAY

MORNING SESSION

Senate Chamber, Olympia, Thursday, January 16, 1992
The Senate was called to order at 11:55 a.m. by President Pritchard. No roll call was taken.

MOTION

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

MESSAGES FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS

January 13, 1992

TO THE HONORABLE, THE SENATE
OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.
Frank Armijo, appointed January 13, 1992, for a term ending September 30, 1994, as a member of the Board of Trustees for Columbia Basin Community College District No. 19.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

January 13, 1992

TO THE HONORABLE, THE SENATE
OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.
Victor S. Hirakawa, appointed January 13, 1992, for a term ending September 30, 1996, as a member of the Board of Trustees for Edmonds Community College District No. 23.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

January 13, 1992

TO THE HONORABLE, THE SENATE
OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.
Dr. Erik Pearson, reappointed January 13, 1992, for a term ending September 30, 1996, as a member of the Board of Trustees for Columbia Basin Community College District No. 19.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

January 13, 1992

TO THE HONORABLE, THE SENATE
OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

R. C. Strauss, appointed January 13, 1992, for a term ending September 30, 1996, as a member of the Board of Trustees for Bellevue Community College District No. 8.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

INTRODUCTION AND FIRST READING

SB 6116 by Senators Sellar, Murray, Anderson and McMullen

AN ACT Relating to the deferral of sales and use taxes for cogeneration facilities; and amending RCW 82.61.010, 82.61.020, and 82.61.030.

Referred to Committee on Energy and Utilities.

SB 6117 by Senators A. Smith, Murray and Pelz

AN ACT Relating to the relationship between franchisors and franchisees; amending RCW 19.100.250 and 19.100.190; and adding a new section to chapter 19.100 RCW.

Referred to Committee on Law and Justice.

SB 6118 by Senators Metcalf, Owen, Oke, Snyder, Sutherland and Conner

AN ACT Relating to fish passage; and adding a new section to chapter 75.20 RCW.

Referred to Committee on Environment and Natural Resources.

SB 6119 by Senators Amondson, Sutherland, L. Smith, Bauer, McCaslin, Metcalf, Saling and Barr

AN ACT Relating to mining; amending RCW 78.44.010, 78.44.020, 78.44.040, 78.44.050, 78.44.060, 78.44.070, 78.44.150, 78.44.170, and 78.44.910; adding new sections to chapter 78.44 RCW; creating new sections; repealing RCW 78.44.030, 78.44.035, 78.44.080, 78.44.090, 78.44.100, 78.44.110, 78.44.120, 78.44.130, 78.44.140, 78.44.160, and 78.44.180; prescribing penalties; and providing an effective date.

Referred to Committee on Environment and Natural Resources.

SB 6120 by Senators A. Smith and von Reichbauer

AN ACT Relating to the relationship between a sales representative and the representative's principal; adding new sections to chapter 49.48 RCW; and prescribing penalties.

Referred to Committee on Financial Institutions and Insurance.

SB 6121 by Senators Bauer, West, Kreidler, Amondson, Wojahn and L. Smith

AN ACT Relating to the release of patient information and records; amending RCW 71.05.390 and 71.05.400; and adding a new section to chapter 71.05 RCW.

Referred to Committee on Health and Long-Term Care.

SB 6122 by Senators Sutherland, L. Smith, Bauer, Rasmussen and Gaspard

AN ACT Relating to arrest without warrant; and amending RCW 10.31.100.

Referred to Committee on Law and Justice.

SB 6123 by Senator A. Smith

AN ACT Relating to sports collectibles; adding a new chapter to Title 19 RCW; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 6124 by Senators Wojahn, Johnson, Gaspard, Niemi, Rasmussen and Madsen

AN ACT Relating to long-term care ombudsmen; amending RCW 43.190.030; and making an appropriation.

Referred to Committee on Health and Long-Term Care.

MOTION

At 11:58 a.m., on motion of Senator Newhouse, the Senate adjourned until 10:00 a.m., Friday, January 17, 1991.

JOEL PRITCHARD, President of the Senate.

GORDON A. GOLOB, Secretary of the Senate.

FIFTH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, January 17, 1992

The Senate was called to order at 10:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Amondson, Barr, Bauer, Matson, McCaslin, McDonald, McMullen, Owen, Patterson, Roach, Saling, von Reichbauer, Williams and Wojahn. On motion of Senator Anderson, Senators Amondson, Barr, Matson, McCaslin, McDonald, Patterson, Roach, Saling and von Reichbauer were excused. On motion of Senator Murray, Senators Bauer, McMullen, Owen, Williams and Wojahn were excused.

The Sergeant at Arms Color Guard, consisting of Pages Sarah McPherson and Sean Johnson, presented the Colors. Reverend Ben Harding, pastor of The United Churches of Olympia, offered the prayer.

MOTION

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

INTRODUCTION OF SPECIAL GUESTS

The President introduced special guests, the 1992 Hubert H. Humphrey Scholars from the University of Washington Graduate School of Public Affairs, who were seated on the Senate Rostrum.

**REPORTS OF STANDING COMMITTEES
 GUBERNATORIAL APPOINTMENTS**

January 16, 1992

GA 9174 DONNA M. MASON, appointed March 22, 1991, for a term ending December 31, 1993, as a member of the Interagency Committee for Outdoor Recreation.
 Reported by Committee on Environment and Natural Resources

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Metcalf, Chairman; Bob Oke, Vice Chairman; Amondson, Barr, Conner, Owen, Snyder, Sutherland.

Passed to Committee on Rules.

January 16, 1992

GA 9235 BARBARA HERMAN, appointed September 16, 1991, for a term ending at the Governor's pleasure, as Administrator of the Office of Marine Safety.
 Reported by Committee on Environment and Natural Resources

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Metcalf, Chairman; Bob Oke, Vice Chairman; Amondson, Barr, Conner, Owen, Snyder, Sutherland.

Passed to Committee on Rules.

INTRODUCTION AND FIRST READING

SB 6125 by Senator Bailey

AN ACT Relating to subsistence payments for offenders upon release from confinement; amending RCW 72.02.100; adding a new section to chapter 72.02 RCW; creating a new section; and repealing RCW 72.02.110.

Referred to Committee on Law and Justice.

SB 6126 by Senator L. Smith

AN ACT Relating to salmon guide licenses; amending RCW 75.28.010 and 75.28.710; and adding a new section to chapter 75.28 RCW.

Referred to Committee on Environment and Natural Resources.

SB 6127 by Senator Bailey

AN ACT Relating to school construction.

Referred to Committee on Education.

SB 6128 by Senators Owen and Amondson

AN ACT Relating to erosion of shoreline uplands used for residential purposes; and amending RCW 90.58.020, 90.58.100, 90.58.140, and 84.70.010.

Referred to Committee on Environment and Natural Resources.

SB 6129 by Senators Patterson, Vognild and McCaslin

AN ACT Relating to issuance of drivers' licenses to new residents; and amending RCW 46.20.031.

Referred to Committee on Transportation.

SB 6130 by Senators Patterson, Vognild and McCaslin

AN ACT Relating to timely registration of motor vehicles; and adding a new section to chapter 46.20 RCW.

Referred to Committee on Transportation.

SB 6131 by Senators Roach, Stratton, Bailey, von Reichbauer, Kreidler, Vognild, Johnson, Williams, Bauer, McMullen, Gaspard, Niemi and Murray (by request of Governor Gardner)

AN ACT Relating to state employee child care; amending RCW 41.04.370, 41.04.375, 41.04.380, 41.04.385, 43.88.160, and 74.13.090; adding new sections to chapter 41.04 RCW; and creating a new section.

Referred to Committee on Governmental Operations.

SB 6132 by Senators Metcalf, Owen, Oke, Kreidler, Snyder and Conner (by request of Puget Sound Water Quality Authority)

AN ACT Relating to the reduction of nonpoint source pollution in counties with shellfish growing tidelands; amending RCW 90.72.030, 90.72.040, 90.72.070, 82.49.030, 36.70A.020, 36.70A.030, and 36.70A.070; adding new sections to chapter 90.72 RCW; adding a new section to chapter 88.36 RCW; repealing RCW 90.72.010 and 90.72.050; and providing effective dates.

Referred to Committee on Environment and Natural Resources.

SB 6133 by Senators Bailey, Rinehart, Erwin, Murray, Oke, Pelz and Gaspard (by request of Board of Education)

AN ACT Relating to state board of education size and terms; and amending RCW 28A.305.010, 28A.305.080, and 28A.305.030.

Referred to Committee on Education.

SB 6134 by Senators Nelson, A. Smith, Erwin and Madsen

AN ACT Relating to seals for district courts; and adding a new section to chapter 3.54 RCW.

Referred to Committee on Law and Justice.

SB 6135 by Senators Nelson, A. Smith, Erwin and Madsen

AN ACT Relating to filing of name change orders in district court; and amending RCW 4.24.130.

Referred to Committee on Law and Justice.

SB 6136 by Senators Nelson, A. Smith, Erwin and Madsen

AN ACT Relating to deleting obsolete references in determining the weighted caseload for district court judges; repealing RCW 3.34.030; and declaring an emergency.

Referred to Committee on Law and Justice.

SB 6137 by Senators Nelson, A. Smith, Erwin, Gaspard and Oke

AN ACT Relating to conformation of penalties for alcoholic beverage violations with other criminal penalties; and amending RCW 66.44.180.

Referred to Committee on Law and Justice.

SB 6138 by Senators Nelson, A. Smith, Erwin and Madsen

AN ACT Relating to the power of district courts to require bonds to keep the peace; and repealing RCW 10.13.010, 10.13.020, 10.13.030, 10.13.040, 10.13.050, 10.13.060, 10.13.070, 10.13.075, 10.13.080, 10.13.090, 10.13.100, 10.13.110, 10.13.120, 10.13.130, 10.13.140, and 10.13.150.

Referred to Committee on Law and Justice.

SB 6139 by Senators Nelson and Erwin

AN ACT Relating to waiver of a jury trial for granting deferred prosecution; and amending RCW 10.05.020 and 10.05.140.

Referred to Committee on Law and Justice.

SB 6140 by Senators Nelson, A. Smith, Erwin and Madsen

AN ACT Relating to nonappearance by a traffic violator after a written promise to appear; amending RCW 46.64.020, 46.52.120, 46.63.020, and 46.90.700; adding a new section to chapter 46.64 RCW; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 6141 by Senators Erwin, A. Smith, Madsen and Gaspard

AN ACT Relating to venue for antiharassment petitions; and amending RCW 10.14.160.

Referred to Committee on Law and Justice.

SB 6142 by Senators Nelson, A. Smith and Erwin

AN ACT Relating to appearance bonds; and amending RCW 10.19.140.

Referred to Committee on Law and Justice.

SB 6143 by Senator McCaslin

AN ACT Relating to payment of debt; and adding a new section to chapter 26.16 RCW.

Referred to Committee on Law and Justice.

SB 6144 by Senators Thorsness, Sutherland, Saling and Stratton

AN ACT Relating to authorizing a temporary reduction or waiver of existing tariff charges for the purpose of promoting a telecommunications service; and amending RCW 80.04.130 and 80.36.130.

Referred to Committee on Energy and Utilities.

SB 6145 by Senators Barr and Rasmussen

AN ACT Relating to use tax exemptions for motor vehicles and trailers; and amending RCW 82.12.0251.

Referred to Committee on Ways and Means.

SB 6146 by Senators McDonald, Gaspard, Craswell and Niemi (by request of Department of Community Development)

AN ACT Relating to appropriations for projects recommended by the public works board; creating a new section; and declaring an emergency.

Referred to Committee on Ways and Means.

INTRODUCTION AND FIRST READING OF HOUSE BILL

EHCR 4426 by Representatives Ebersole and Ballard

Resolving to establish cutoff dates for the consideration of legislation.

MOTION

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

MOTION

Senator Gaspard moved that the following amendment by Senators Gaspard and Snyder be adopted:

On page 1, line 7, after "of" insert "matters relating to initiatives and alternatives to initiatives, health care reform, education reform consistent with the work of the Governor's Council on Education Reform and Funding, juvenile justice task force recommendations and"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Gaspard and Snyder on page 1, line 7, to Engrossed House Concurrent Resolution No. 4426.

The motion by Senator Gaspard carried and the amendment was adopted.

MOTION

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

CHANGE IN STANDING COMMITTEE ASSIGNMENT

The President appointed Senator George Sellar as a member of the Committee on Environment and Natural Resources, replacing Senator E. G. "Pat" Patterson.

MOTION

On motion of Senator Newhouse, the appointment was confirmed.

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

MOTIONS

On motion of Senator Newhouse, the Committee on Law and Justice was relieved of further consideration of Senate Bill No. 6094 and Senate Bill No. 6115.

On motion of Senator Newhouse, Senate Bill No. 6094 and Senate Bill No. 6115 were referred to the Committee on Ways and Means.

MOTION

At 10:15 a.m., on motion of Senator Newhouse, the Senate adjourned until 10:00 a.m., Monday, January 20, 1992.

JOEL PRITCHARD, President of the Senate.

GORDON A. GOLOB, Secretary of the Senate.

EIGHTH DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, January 20, 1992

The Senate was called to order at 10:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Cantu, Hayner, Matson and McMullen.

The Sergeant at Arms Color Guard, consisting of Pages Karen Zehnder and Jamie Wark, presented the Colors. Reverend Sandra Lee, pastor of the Unitarian Universalist Fellowship of Olympia, offered the prayer.

MOTION

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

REPORT OF SELECT COMMITTEE

STATE OF WASHINGTON
 DEPARTMENT OF VETERANS AFFAIRS
 P. O. BOX 9778, M.S. PM-41
 Olympia, Washington 98504

January 16, 1992

The Honorable Gordon A. Golob
 Secretary of the Washington State Senate
 306 Legislative Building
 Olympia, Washington 98504

Dear Secretary Golob:

The Legislature has requested information and a study of the issues surrounding the advisability of seeking Medicaid certification for Washington State's two veterans homes. A study has been completed and a copy is enclosed.

Sincerely,
 JESSE FARIAS, Director

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

**MESSAGES FROM THE GOVERNOR
 GUBERNATORIAL APPOINTMENTS**

January 13, 1992

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

John Ellis, appointed January 13, 1992, for a term ending September 30, 1997, as a member of the Board of Regents for Washington State University.

Sincerely,
 BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

January 13, 1992

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Scott Lukins, reappointed January 13, 1992, for a term ending September 30, 1997, as a member of the Board of Regents for Washington State University.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

INTRODUCTION AND FIRST READING

SB 6147 by Senator Moore

AN ACT Relating to boards and commissions; and amending RCW 9.46.040, 39.19.040, 47.86.020, 67.16.014, and 72.09.080.

Referred to Committee on Governmental Operations.

SB 6148 by Senators Moore and Snyder

AN ACT Relating to applications for business licenses; adding a new section to chapter 66.24 RCW; adding a new section to chapter 9.46 RCW; and creating a new section.

Referred to Committee on Commerce and Labor.

SB 6149 by Senators Moore, Talmadge and Skratek

AN ACT Relating to death and funeral notices; adding a new section to chapter 65.16 RCW; and prescribing penalties.

Referred to Committee on Governmental Operations.

SB 6150 by Senators Barr, Sutherland, Owen, Snyder, Amondson, Newhouse, Rasmussen, L. Smith, Bauer and Conner

AN ACT Relating to the accounting of salmon and steelhead; adding new sections to Title 75 RCW; and creating a new section.

Referred to Committee on Environment and Natural Resources.

SB 6151 by Senators Barr, Anderson, Sutherland, Owen, Snyder, Hayner, Newhouse, Rasmussen, L. Smith, Bauer, Roach and Conner

AN ACT Relating to harvest management of weak stocks of anadromous fish; amending RCW 75.08.012 and 77.12.010; creating new sections; providing an expiration date; and declaring an emergency.

Referred to Committee on Environment and Natural Resources.

SB 6152 by Senators McDonald, West and Niemi

AN ACT Relating to county hospitals; amending RCW 36.62.110, 36.62.120, 36.62.140, 36.62.150, 36.62.160, 36.62.180, and 36.62.290; adding a new section to chapter 36.62 RCW; and creating a new section.

Referred to Committee on Health and Long-Term Care.

SB 6153 by Senators Amondson, Rasmussen, A. Smith, Thorsness, Hayner, Nelson, Gaspard, Erwin, Kreidler and Jesernig

AN ACT Relating to the unlawful use of explosives; amending RCW 70.74.010, 70.74.160, 70.74.180, 70.74.191, 70.74.270, and 70.74.295; adding new sections to chapter 70.74 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 6154 by Senator Owen

AN ACT Relating to recreational diving; amending RCW 75.25.005, 75.25.090, and 75.25.190; adding a new section to chapter 75.25 RCW; adding a new section to chapter 75.08 RCW; and adding a new section to chapter 75.12 RCW.

Referred to Committee on Environment and Natural Resources.

SB 6155 by Senators Bailey, Gaspard, Anderson, Conner, Newhouse and Barr

AN ACT Relating to state milk marketing orders; and amending RCW 15.35.080.

Referred to Committee on Agriculture and Water Resources.

SB 6156 by Senators Talmadge, Nelson, Rasmussen, Newhouse, Moore, Bluechel, Gaspard, Hayner, Erwin, Pelz, Thorsness, Williams, Madsen, Niemi, Kreidler, von Reichbauer, Stratton, Barr, McDonald, Murray and Johnson

AN ACT Relating to warrant officers; amending RCW 35.20.270; providing an effective date; and declaring an emergency.

Referred to Committee on Law and Justice.

SB 6157 by Senators Oke, Bauer, Barr and McCaslin

AN ACT Relating to dangerous weapons on elementary or secondary school premises; amending RCW 9.41.280; and prescribing penalties.

Referred to Committee on Education.

SB 6158 by Senators L. Smith, Snyder and Conner

AN ACT Relating to persons under the age of twenty-one who are apparently under the influence of alcohol in a public place; amending RCW 66.44.270; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 6159 by Senator Oke

AN ACT Relating to reorganizing recreational boating laws; creating a new section; and recodifying RCW 88.12.070, 88.12.060, 88.02.095, 88.08.070, 88.08.080, 88.02.080, 43.51.402, 43.51.403, 88.20.010, 88.20.020, 88.20.030, 88.20.040, 88.20.050, 88.20.060, 88.20.070, 91.14.005, 91.14.010, 91.14.020, 91.14.030, 91.14.040, 91.14.050, 91.14.060, 91.14.070, 91.14.080, 91.14.090, 91.14.100, 91.14.110, 43.51.404, 88.36.010, 88.36.020, 88.36.030, 88.36.040, 88.36.050, 88.36.060, 88.36.070, 88.36.080, 88.36.090, 88.36.100, 88.36.110, and 88.36.120.

Referred to Committee on Environment and Natural Resources.

SB 6160 by Senators Amondson, Snyder, Metcalf, Oke, Anderson, Sutherland and Bauer (by request of Department of Natural Resources)

AN ACT Relating to incentives to maintain the productive forest land base; amending RCW 7.48.300, 7.48.305, 7.48.310, 76.09.330, 84.33.100, 84.34.300, 84.34.310, 84.34.320, 84.34.330, 84.34.340, 84.34.360, 84.34.370, 84.34.380, 76.09.060, 76.09.230, and 76.04.005; reenacting and amending RCW 4.24.210; adding new sections to chapter 84.33 RCW; adding a new section to chapter 82.45 RCW; and creating a new section.

Referred to Committee on Environment and Natural Resources.

SB 6161 by Senators Oke and Sutherland (by request of Department of Natural Resources)

AN ACT Relating to the disposition of real property by the commissioner of public lands; adding a new section to chapter 43.30 RCW; adding a new section to chapter 79.01 RCW; and declaring an emergency.

Referred to Committee on Environment and Natural Resources.

SB 6162 by Senators Craswell, Conner, Metcalf, Oke, Barr and McCaslin

AN ACT Relating to shoreline management policy; and amending RCW 90.58.020.

Referred to Committee on Environment and Natural Resources.

SB 6163 by Senators Skratek and Bailey

AN ACT Relating to recording flood insurance documents; and amending RCW 65.08.160.

Referred to Committee on Governmental Operations.

SB 6164 by Senators Talmadge, Moore, Skratek and Pelz

AN ACT Relating to enhancement of youth recreation opportunities; amending RCW 9A.36.031; adding new sections to chapter 43.63A RCW; adding new sections to chapter 43.131 RCW; adding a new chapter to Title 67 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Children and Family Services.

SB 6165 by Senators Talmadge, Snyder, Moore, Niemi and Pelz

AN ACT Relating to acquisition of a professional sports franchise in King county; adding a new chapter to Title 67 RCW; making an appropriation; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 6166 by Senators McCaslin, Rasmussen, Anderson, Snyder, Bluechel, Jesernig, Roach, Nelson, Barr and Erwin

AN ACT Relating to economic impact of agency rules on small businesses; amending RCW 43.31.085 and 34.05.320; reenacting and amending RCW 19.85.030; adding new sections to chapter 19.85 RCW; and creating a new section.

Referred to Committee on Governmental Operations.

SB 6167 by Senators Murray, Nelson, A. Smith, Rasmussen, Niemi, Madsen, Sutherland, Rinehart, Gaspard and Pelz

AN ACT Relating to civil actions for violations of the law against discrimination; amending RCW 49.60.030; and creating a new section.

Referred to Committee on Law and Justice.

SB 6168 by Senator McCaslin

AN ACT Relating to identification of law enforcement vehicles; and amending RCW 46.61.210.

Referred to Committee on Transportation.

SB 6169 by Senators Rasmussen, Bluechel, Newhouse, Johnson, Snyder, Moore, Bauer, Nelson and McCaslin

AN ACT Relating to the senior citizen property tax exemption; and amending RCW 84.36.383.

Referred to Committee on Ways and Means.

SB 6170 by Senators L. Smith, West, Amondson, A. Smith, Roach, Kreidler, Moore, Johnson, Talmadge and Oke

AN ACT Relating to the long-term care ombudsman program; adding a new section to chapter 18.20 RCW; adding a new section to chapter 18.51 RCW; adding a new section to chapter 70.128 RCW; adding a new section to chapter 43.190 RCW; creating a new section; making an appropriation; and declaring an emergency.

Referred to Committee on Health and Long-Term Care.

SB 6171 by Senators McCaslin and Madsen (by request of State Treasurer)

AN ACT Relating to the definition of money market fund and mutual fund for the sole purpose of investing public funds; and amending RCW 39.59.010.

Referred to Committee on Financial Institutions and Insurance.

SB 6172 by Senators Nelson, Vognild, Thorsness and Rasmussen

AN ACT Relating to fuel tax exemptions for power take-off units; and amending RCW 82.36.280 and 82.38.080.

Referred to Committee on Transportation.

SB 6173 by Senators Nelson, McCaslin, Rasmussen, Oke and Cantu

AN ACT Relating to a prohibition on the use of public funds to support or oppose ballot propositions; amending RCW 42.17.130; and creating a new section.

Referred to Committee on Governmental Operations.

SB 6174 by Senators Nelson, Rasmussen, Thorsness, Erwin, Bailey and Jesernig

AN ACT Relating to family members of homicide victims; and amending RCW 7.68.070.

Referred to Committee on Law and Justice.

SB 6175 by Senators Moore, Johnson, Talmadge, Rasmussen and Barr

AN ACT Relating to state government employment; adding new sections to chapter 41.04 RCW; and declaring an emergency.

Referred to Committee on Governmental Operations.

SB 6176 by Senators McCaslin and Madsen (by request of State Treasurer)

AN ACT Relating to the transfer of investment responsibilities between the state investment board and the office of the state treasurer; amending RCW 51.44.090; adding new sections to chapter 43.33A RCW; adding a new section to chapter 43.08 RCW; creating new sections; and providing an effective date.

Referred to Committee on Financial Institutions and Insurance.

SB 6177 by Senators Skratek, Bailey, Rinehart, Murray, Pelz and A. Smith

AN ACT Relating to community schools; amending RCW 28A.305.140, 28A.150.220, and 28A.150.260; adding new sections to chapter 28A.240 RCW; adding a new section to chapter 28A.150 RCW; repealing RCW 28A.240.010, 28A.240.020, and 28A.240.030; and making appropriations.

Referred to Committee on Education.

SB 6178 by Senators Bailey, Erwin, Oke, Barr and Nelson

AN ACT Relating to better schools; amending RCW 28A.410.040, 28A.410.050, 28A.410.030, 28A.405.220, 28A.150.040, 41.59.020, 41.56.030, 28A.225.220, 28A.150.230, and 28A.230.090; adding new sections to chapter 28A.320 RCW; adding new sections to chapter 28A.230 RCW; adding a new section to chapter 28A.150 RCW; and creating a new section.

Referred to Committee on Education.

SB 6179 by Senators Bailey and Erwin

AN ACT Relating to the REACH for excellence program; amending RCW 84.52.0531 and 28A.500.010; and adding a new section to chapter 28A.305 RCW.

Referred to Committee on Education.

SB 6180 by Senators Bailey, Erwin, Oke, Barr, Nelson and Skratek

AN ACT Relating to education programs; adding new sections to chapter 28A.600 RCW; adding a new section to chapter 28A.300 RCW; adding new sections to chapter 28A.150 RCW; and creating new sections.

Referred to Committee on Education.

SJM 8024 by Senators Conner, Owen, Snyder, Jesernig and Anderson

Petitioning congress for the right to salvage downed timber in the Olympic National Forest.

Referred to Committee on Environment and Natural Resources.

SJR 8230 by Senator Bailey

Changing the number of electors necessary to approve school levy measures.

Referred to Committee on Education.

MOTION

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

MOTIONS

On motion of Senator Newhouse, the Committee on Law and Justice was relieved of further consideration of Senate Bill No. 6114.

On motion of Senator Newhouse, Senate Bill No. 6114 was referred to the Committee on Children and Family Services.

On motion of Senator Newhouse, the Committee on Higher Education was relieved of further consideration of Senate Bill No. 6022 and Senate Bill No. 6023.

On motion of Senator Newhouse, Senate Bill No. 6022 and Senate Bill No. 6023 were referred to the Committee on Commerce and Labor.

MOTION

On motion of Senator Newhouse, the Senate will now consider Senate Resolution 1992-8709.

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

MOTION

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

SENATE RESOLUTION 1992-8709

By Senators Pelz and Hayner, Wojahn, Murray, Snyder, Owen, Skratek, Talmadge, Bauer, Johnson, Sutherland and Conner

WHEREAS, The Reverend Dr. Martin Luther King, Jr. devoted his life and teachings to the fight against injustice, intolerance, and segregation; and

WHEREAS, Dr. King's legacy of nonviolent change gave all Americans a share in his dream that "one day this nation will rise up and live out the true meaning of its creed... that all men are created equal"; and

WHEREAS, Dr. King's speech "I Have A Dream" expressed the dreams of all Americans for equality and justice when he said he prayed that one day his children would live in a nation where they will be judged not by the color of their skin but by the content of their character; and

WHEREAS, Dr. King symbolizes this nation's promise of liberty and democracy for all its citizens, and has become the symbol of freedom and democracy for all people throughout the world; and

WHEREAS, Dr. King understood the work of God, he know that justice must overcome injustice, peace must overcome violence, and love must overcome hate;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate hereby honors the work of Dr. King and embraces his ideals and teachings; and

BE IT FURTHER RESOLVED, That the Washington State Senate joins with the people of our state in celebration of Dr. King's dream and his legacy.

Senator Pelz spoke to Senate Resolution 1992-8709.

MOTION

At 10:14 a.m., on motion of Senator Newhouse, the Senate adjourned until 12:00 noon, Tuesday, January 21, 1992.

JOEL PRITCHARD, President of the Senate.

GORDON A. GOLOB, Secretary of the Senate.

NINTH DAY

NOON SESSION

Senate Chamber, Olympia, Tuesday, January 21, 1992

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

MOTION

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

REPORTS OF STANDING COMMITTEES
GUBERNATORIAL APPOINTMENTS

January 20, 1992

GA 9019 DOROTHY KNECHTEL, reappointed October 1, 1990, for a term ending September 30, 1995, as a member of the Board of Trustees for Spokane Community College District No. 17.
Reported by Committee on Higher Education

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

Passed to Committee on Rules.

January 20, 1992

GA 9189 DAVID A. CLACK, appointed September 1, 1991, for a term ending September 30, 1995, as a member of the Spokane Joint Center Board of Governors.
Reported by Committee on Higher Education

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

Passed to Committee on Rules.

January 20, 1992

GA 9190 RICHARD A. DAVIS, appointed September 1, 1991, for a term ending September 30, 1994, as a member of the Spokane Joint Center Board of Governors.
Reported by Committee on Higher Education

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

Passed to Committee on Rules.

January 20, 1992

GA 9211 GERALD P. LEAHY, appointed September 1, 1991, for a term ending September 30, 1993, as a member of the Spokane Joint Center Board of Governors.
Reported by Committee on Higher Education

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

Passed to Committee on Rules.

January 20, 1992

GA 9214 MAURICE L. McGRATH, appointed September 1, 1991, for a term ending September 30, 1995, as a member of the Spokane Joint Center Board of Governors.
Reported by Committee on Higher Education

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

Passed to Committee on Rules.

January 20, 1992

GA 9217 MICHAEL C. ORMSBY, appointed September 1, 1991, for a term ending September 30, 1994, as a member of the Spokane Joint Center Board of Governors.
Reported by Committee on Higher Education

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

Passed to Committee on Rules.

January 20, 1992

GA 9218 THOMAS L. PERKO, appointed September 1, 1991, for a term ending September 30, 1993, as a member of the Spokane Joint Center Board of Governors.
Reported by Committee on Higher Education

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

Passed to Committee on Rules.

January 20, 1992

GA 9221 SHIRLEY J. RECTOR, appointed September 1, 1991, for a term ending September 30, 1993, as a member of the Spokane Joint Center Board of Governors.
Reported by Committee on Higher Education

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

Passed to Committee on Rules.

January 20, 1992

GA 9233 CAROL A. WENDLE, appointed September 1, 1991, for a term ending September 30, 1995, as a member of the Spokane Joint Center Board of Governors.
Reported by Committee on Higher Education

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

Passed to Committee on Rules.

REPORT OF SELECT COMMITTEE

STATE OF WASHINGTON
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
OLYMPIA, WASHINGTON 98504-0095

January 17, 1992

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

Enclosed is our Report to the Legislature on Juvenile Rehabilitation Institution Leaves and Escapes, as required by RCW 13.40.030 (1b).

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

Sincerely,
RICHARD J. THOMPSON, Secretary

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

MESSAGE FROM THE HOUSE

January 20, 1992

MR. PRESIDENT:

The House has adopted HOUSE CONCURRENT RESOLUTION NO. 4426, as amended by the Senate.

ALAN THOMPSON, Chief Clerk

INTRODUCTION AND FIRST READING

SB 6181 by Senators Newhouse, Rasmussen, Anderson, Nelson, McDonald, Talmadge, Wojahn, Hayner, Thorsness, Sellar, Murray, Snyder, Kreidler, Patterson, Johnson, Craswell, Amondson, Bauer, McMullen, Oke, L. Smith and Erwin

AN ACT Relating to senior volunteers; adding a new section to chapter 43.63A RCW; creating new sections; providing an effective date; and declaring an emergency.

Referred to Committee on Governmental Operations.

SB 6182 by Senators Talmadge and Bailey

AN ACT Relating to the protection of students in kindergarten through twelfth grades; adding a new section to chapter 9A.84 RCW; and prescribing penalties.

Referred to Committee on Education.

SB 6183 by Senator Metcalf

AN ACT Relating to dogs; and adding a new section to chapter 16.52 RCW.

Referred to Committee on Governmental Operations.

SB 6184 by Senators Newhouse, Bauer, Anderson, Gaspard, Snyder, West, Johnson and L. Smith

AN ACT Relating to real estate brokers and salespersons; amending RCW 18.85.040, 18.85.220, and 18.85.315; adding a new section to chapter 18.85 RCW; and providing an effective date.

Referred to Committee on Commerce and Labor.

SB 6185 by Senators Johnson, Conner, Craswell, Snyder, Nelson, Oke, Skratek, Amondson, Bauer and Erwin (by request of Board for Volunteer Fire Fighters)

AN ACT Relating to the volunteer fire fighters' relief and pension fund; amending RCW 41.24.030 and 41.24.170; and providing an effective date.

Referred to Committee on Ways and Means.

SB 6186 by Senators Nelson, Johnson, Niemi, Craswell, Rasmussen, Moore, Snyder, Oke, Bauer, Gaspard, Saling and Bailey (by request of Joint Committee on Pension Policy)

AN ACT Relating to providing service credit for periods of unpaid leave of absence as an elected official of a Washington education association; reenacting and amending RCW 41.32.010; adding new sections to chapter 41.32 RCW; and creating a new section.

Referred to Committee on Ways and Means.

SB 6187 by Senators Nelson, Madsen and A. Smith

AN ACT Relating to service of process; and amending RCW 4.28.080.

Referred to Committee on Law and Justice.

SB 6188 by Senators Bluechel, Sutherland, Nelson and Skratek (by request of Joint Select Committee on WASHINGTON 2000)

AN ACT Relating to the fiscal impact of proposed legislation; amending RCW 43.88A.010, 43.88A.020, 43.88A.030, 43.88A.040, 43.132.010, 43.132.020, 43.132.030, 43.132.040, and 43.132.050; and adding a new section to chapter 43.88A RCW.

Referred to Committee on Ways and Means.

SB 6189 by Senators Amondson, von Reichbauer, Owen, McDonald and Johnson

AN ACT Relating to crime and safety at institutions of higher education; amending RCW 28B.10.550 and 28B.10.555; and creating a new section.

Referred to Committee on Higher Education.

SB 6190 by Senators Erwin, Madsen, Nelson, Thorsness, Sellar, Skratek, Newhouse, Hayner, Rasmussen, Bauer and Oke

AN ACT Relating to traffic infractions; amending RCW 46.63.060, 46.63.070, and 46.63.100; and adding a new section to chapter 46.63 RCW.

Referred to Committee on Law and Justice.

SB 6191 by Senators West, Vognild, Sellar, Murray and L. Smith

AN ACT Relating to controlled substances; amending RCW 69.50.201, 69.50.203, 69.50.204, 69.50.205, 69.50.206, 69.50.207, 69.50.208, 69.50.209, 69.50.210, 69.50.211, 69.50.212, and 69.50.213; and adding a new section to chapter 69.50 RCW.

Referred to Committee on Health and Long-Term Care.

SB 6192 by Senators West, Vognild, Sellar, Murray and L. Smith

AN ACT Relating to drugs; amending RCW 18.64.011; and reenacting and amending RCW 69.41.010 and 69.50.101.

Referred to Committee on Health and Long-Term Care.

SB 6193 by Senators von Reichbauer and Pelz

AN ACT Relating to stop loss insurance; amending RCW 48.11.030 and 48.21.010; and adding a new section to chapter 48.21 RCW.

Referred to Committee on Financial Institutions and Insurance.

SB 6194 by Senators Rinehart and Patterson

AN ACT Relating to automobile manufacturers' adjustment programs; and adding a new chapter to Title 19 RCW.

Referred to Committee on Commerce and Labor.

SB 6195 by Senators Rinehart, Bailey, Bauer and Oke

AN ACT Relating to the prevention of violence in the schools; and adding a new section to chapter 28A.300 RCW.

Referred to Committee on Education.

SB 6196 by Senators Rinehart, Conner and Madsen

AN ACT Relating to used motor vehicle warranties; adding a new chapter to Title 19 RCW; prescribing penalties; providing effective dates; and declaring an emergency.

Referred to Committee on Commerce and Labor.

SB 6197 by Senators Owen, Craswell and Oke

AN ACT Relating to establishing Hood Canal as a marine fish preservation area; adding new sections to Title 75 RCW; adding a new section to chapter 75.12 RCW; and creating new sections.

Referred to Committee on Environment and Natural Resources.

SB 6198 by Senators Moore, Johnson, A. Smith, von Reichbauer, Niemi and Snyder

AN ACT Relating to trustee's duties of disclosure; amending RCW 11.106.020 and 11.97.010; and adding a new section to chapter 11.106 RCW.

Referred to Committee on Financial Institutions and Insurance.

SB 6199 by Senators Sutherland and Snyder

AN ACT Relating to the boating offense compact; and adding a new chapter to Title 88 RCW.

Referred to Committee on Environment and Natural Resources.

SB 6200 by Senators Skratek and Metcalf

AN ACT Relating to ongoing absentee voters; amending RCW 29.36.013; and providing an effective date.

Referred to Committee on Governmental Operations.

SB 6201 by Senators Amondson, L. Smith, Snyder, Hayner, Owen, Oke, McCaslin, Sutherland, Metcalf, Rasmussen, Barr, Nelson, Newhouse, Thorsness, Saling, Conner, Patterson, Stratton, Erwin, Bailey, Anderson, Johnson, Craswell, Roach, von Reichbauer, McDonald, West, Cantu and Bauer

AN ACT Relating to regulatory takings of private property; adding a new chapter to Title 8 RCW; adding a new section to chapter 35.21 RCW; adding a new section to chapter 35A.21 RCW; and adding a new section to chapter 36.01 RCW.

Referred to Committee on Governmental Operations.

SB 6202 by Senators Barr, Stratton, Saling and Amondson (by request of Department of Natural Resources)

AN ACT Relating to fire protection; amending RCW 76.04.005 and 58.17.020; adding new sections to chapter 76.04 RCW; adding a new section to chapter 19.27 RCW; adding a new section to chapter 58.17 RCW; and creating a new section.

Referred to Committee on Environment and Natural Resources.

SB 6203 by Senators Thorsness and Williams

AN ACT Relating to the Northwest low-level waste compact; adding a new section to chapter 43.145 RCW; and creating a new section.

Referred to Committee on Energy and Utilities.

SB 6204 by Senators Thorsness, Metcalf, Barr, Sellar, Amondson, Craswell, Bailey and Rasmussen

AN ACT Relating to appointment of the director of wildlife; and amending RCW 77.04.080.

Referred to Committee on Environment and Natural Resources.

SB 6205 by Senators Thorsness, Rasmussen, Newhouse, Oke, Erwin, A. Smith and Metcalf

AN ACT Relating to participation in criminal street gangs; amending RCW 9.94A.390; adding a new section to chapter 9.91 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Law and Justice.

SB 6206 by Senator West

AN ACT Relating to insurable interests of employers; and amending RCW 48.18.030.

Referred to Committee on Financial Institutions and Insurance.

SB 6207 by Senators West, McCaslin and Thorsness

AN ACT Relating to campaigning by state employees and officials; and amending RCW 42.17.130.

Referred to Committee on Governmental Operations.

SB 6208 by Senators Erwin, Stratton and Saling

AN ACT Relating to a public utility district customer utilizing an electrical contractor; adding a new section to chapter 54.04 RCW; and creating a new section.

Referred to Committee on Energy and Utilities.

SB 6209 by Senators Bluechel, Skratek, Erwin, Bailey, McDonald and Thorsness

AN ACT Relating to public transportation; amending RCW 35.58.140, 35.58.050, and 36.57A.050; adding new sections to chapter 35.58 RCW; adding a new chapter to Title 81 RCW; creating new sections; repealing RCW 35.58.120, 35.58.150, 35.58.280, 35.58.290, 35.58.300, 35.58.310, 36.56.010, 36.56.020, 36.56.030, 36.56.040, 36.56.050, 36.56.060, 36.56.070, 36.56.080, 36.56.090, 36.56.100, 36.56.110, 36.56.900, and 36.56.910; providing effective dates; and declaring an emergency.

Referred to Committee on Transportation.

SB 6210 by Senators Thorsness, Niemi, Nelson, Erwin, Newhouse and Kreidler

AN ACT Relating to sentencing options for select nonviolent offenders; amending RCW 9.94A.150, 9.94A.180, 9.94A.205, 9.94A.210, 9.94A.310, 9.94A.370, and 9.94A.410; reenacting and amending RCW 9.94A.030 and 9.94A.120; creating a new section; and prescribing penalties.

Referred to Committee on Law and Justice.

MOTION

At 12:05 p.m., on motion of Senator Newhouse, the Senate adjourned until 10:00 a.m., Wednesday, January 22, 1992.

GORDON A. GOLOB, Secretary of the Senate.

JOEL PRITCHARD, President of the Senate.

TENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, January 22, 1992

The Senate was called to order at 10:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Johnson, Matson, Patterson and Rasmussen.

The Sergeant at Arms Color Guard, consisting of Pages Shelli Jenkins and Ian McFarlane, presented the Colors. Reverend Sandra Lee, pastor of the Unitarian Universalist Fellowship of Olympia, offered the prayer.

MOTION

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

REPORT OF STANDING COMMITTEE

January 16, 1992

SSB 5203 Prime Sponsor, Senator West: Changing provisions relating to nursing home administration. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass as amended. Signed by Senators West, Chairman; L. Smith, Vice Chairman; Amondson, Kreidler, Niemi, Wojahn.

Passed to Committee on Rules for second reading.

INTRODUCTION AND FIRST READING

SB 6211 by Senators Bailey, Rinehart, Pelz, Johnson, McDonald, Murray, Gaspard, Erwin, Oke and Bauer

AN ACT Relating to excess levies by school districts; and amending RCW 84.52.0531 and 28A.500.010.

Referred to Committee on Education.

SB 6212 by Senators Anderson, Bailey, Barr, Gaspard, Newhouse, Sellar, Jesernig and Bauer

AN ACT Relating to the fruit commission; and amending RCW 15.28.180.

Referred to Committee on Agriculture and Water Resources.

SB 6213 by Senator Roach

AN ACT Relating to special elections; amending RCW 29.13.010 and 29.13.020; and declaring an emergency.

Referred to Committee on Governmental Operations.

SB 6214 by Senator Roach

AN ACT Relating to public assistance; commissioning a study by the department of social and health services; and creating a new section.

Referred to Committee on Children and Family Services.

SB 6215 by Senator Roach

AN ACT Relating to public assistance; amending RCW 74.04.055; and adding a new section to chapter 71.34 RCW.

Referred to Committee on Children and Family Services.

SB 6216 by Senator Roach

AN ACT Relating to compulsory school education; amending RCW 28A.225.020, 28A.225.030, 28A.225.090, and 28A.225.150; and adding a new section to chapter 28A.225 RCW.

Referred to Committee on Education.

SB 6217 by Senator Roach

AN ACT Relating to chemical dependency; and adding new sections to chapter 70.96A RCW.

Referred to Committee on Children and Family Services.

SB 6218 by Senator Roach

AN ACT Relating to mental health services for minors; amending RCW 71.34.010; and adding new sections to chapter 71.34 RCW.

Referred to Committee on Children and Family Services.

SB 6219 by Senator Roach

AN ACT Relating to crisis residential centers; amending RCW 13.32A.130, 13.32A.140, 74.13.032, 74.13.033, 74.13.034, and 74.13.035; adding new sections to chapter 13.32A RCW; creating a new section; and providing an effective date.

Referred to Committee on Children and Family Services.

SB 6220 by Senators Oke, Bailey, Rinehart, Craswell, Erwin, Pelz, Murray and Conner

AN ACT Relating to schools for the twenty-first century; amending RCW 28A.630.140; and adding a new section to chapter 28A.630 RCW.

Referred to Committee on Education.

SB 6221 by Senators Oke, Snyder, Bailey, Erwin and Bauer

AN ACT Relating to western Washington pheasant hunting; amending RCW 77.32.350; prescribing penalties; and providing an effective date.

Referred to Committee on Environment and Natural Resources.

SB 6222 by Senators Madsen and Barr

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

Referred to Committee on Agriculture and Water Resources.

SB 6223 by Senators Sellar, Madsen, Barr, Jesernig, Bauer, Anderson and Amondson

AN ACT Relating to agricultural practices; and amending RCW 7.48.305.

Referred to Committee on Agriculture and Water Resources.

SB 6224 by Senators Madsen and Bauer

AN ACT Relating to licenses for private detective agencies; and adding a new section to chapter 18.165 RCW.

Referred to Committee on Governmental Operations.

SB 6225 by Senators West, McDonald, Wojahn and Niemi

AN ACT Relating to the reimbursement of facilities specifically authorized to meet the needs of persons living with AIDS; and amending RCW 74.46.500.

Referred to Committee on Health and Long-Term Care.

SB 6226 by Senators McCaslin, Madsen and Conner

AN ACT Relating to investment of the moneys of the firemen's pension fund; and amending RCW 41.16.040.

Referred to Committee on Governmental Operations.

SB 6227 by Senators Saling, Stratton, Craswell, Cantu, Patterson and Rasmussen

AN ACT Relating to the art acquisition program for institutions of higher education; amending RCW 43.46.090, 43.17.200, 43.17.205, 43.17.210, 28B.10.025, and 28B.10.027; and adding a new section to chapter 28B.10 RCW.

Referred to Committee on Higher Education.

SB 6228 by Senators Saling, Stratton, Bauer, Patterson and von Reichbauer

AN ACT Relating to public disclosure reporting for members of certain higher education boards; and amending RCW 42.17.2401.

Referred to Committee on Higher Education.

SB 6229 by Senators Saling, von Reichbauer, Bauer, Conner and Anderson

AN ACT Relating to the Washington state teachers' retirement system; and adding a new section to chapter 41.32 RCW.

Referred to Committee on Education.

SB 6230 by Senators Saling, Newhouse, McCaslin, Oke and Bauer

AN ACT Relating to cosmetology; and amending RCW 18.16.020 and 18.16.100.

Referred to Committee on Commerce and Labor.

SB 6231 by Senators Saling and Bluechel

AN ACT Relating to the presidential preference primary; and amending RCW 29.19.030, 29.19.040, and 29.19.050.

Referred to Committee on Governmental Operations.

SB 6232 by Senators Rasmussen and Wojahn

AN ACT Relating to the liability of municipal corporations in ownership and operation of solid waste facilities; amending RCW 70.95D.090; and creating a new section.

Referred to Committee on Environment and Natural Resources.

SB 6233 by Senators Johnson, Wojahn and Niemi

AN ACT Relating to portability of public employment retirement benefits; amending RCW 41.54.061 and 41.54.040; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 6234 by Senators West, M. Kreidler, Johnson and Wojahn

AN ACT Relating to granting temporary licenses to dental hygienists licensed in another state; and adding a new section to chapter 18.29 RCW.

Referred to Committee on Health and Long-Term Care.

SB 6235 by Senator Owen

AN ACT Relating to electricians; and amending RCW 19.28.530.

Referred to Committee on Commerce and Labor.

SB 6236 by Senators Owen and von Reichbauer

AN ACT Relating to crimes against senior citizens; amending RCW 9.94A.310; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 6237 by Senators Patterson, Vognild and Conner (by request of Governor Gardner)

AN ACT Relating to transportation appropriations; amending 1991 sp.s. c 15 s 3 (uncodified), 1991 sp.s. c 15 s 5 (uncodified), 1991 sp.s. c 15 s 7 (uncodified), 1991 sp.s. c 15 s 9 (uncodified), 1991 sp.s. c 15 s 10 (uncodified), 1991 sp.s. c 15 s 11 (uncodified), 1991 sp.s. c 15 s 12 (uncodified), 1991 sp.s. c 15 s 13 (uncodified), 1991 sp.s. c 15 s 18 (uncodified), 1991 sp.s. c 15 s 23 (uncodified), 1991 sp.s. c 15 s 28 (uncodified), 1991 sp.s. c 15 s 36 (uncodified), 1991 sp.s. c 15 s 37 (uncodified), 1991 sp.s. c 15 s 38 (uncodified), and 1991 sp.s. c 15 s 39 (uncodified); and declaring an emergency.

Referred to Committee on Transportation.

SB 6238 by Senators Talmadge, Niemi, Stratton and Skratek

AN ACT Relating to community planning for children, youth, and family services; amending RCW 74.14A.020; adding new sections to chapter 74.14A RCW; adding a new section to Title 28A RCW; adding a new section to chapter 43.63A RCW; adding a new section to chapter 43.70 RCW; adding a new section to chapter 43.41 RCW; and creating a new section.

Referred to Committee on Children and Family Services.

SB 6239 by Senators West, Wojahn, Sellar and Niemi

AN ACT Relating to the vision care consumer assistance act; adding a new chapter to Title 18 RCW; and creating a new section.

Referred to Committee on Health and Long-Term Care.

SB 6240 by Senators Bailey, Rinehart, Amondson and Skratek (by request of Superintendent of Public Instruction and Board of Education)

AN ACT Relating to educational employees; amending RCW 28A.410.090; reenacting and amending RCW 28A.410.010; adding a new section to chapter 28A.400 RCW; adding a new section to chapter 28A.410 RCW; and creating a new section.

Referred to Committee on Education.

SB 6241 by Senators von Reichbauer, Moore and Newhouse

AN ACT Relating to life insurance for the benefit of certain tax exempt organizations; and amending RCW 48.18.030.

Referred to Committee on Financial Institutions and Insurance.

SB 6242 by Senators Nelson, Rasmussen, Johnson and von Reichbauer

AN ACT Relating to waiver of the department of retirement systems' duty to recoup overpayments made due to an administrative error in calculating cost of living adjustments; and amending RCW 41.50.133.

Referred to Committee on Ways and Means.

SB 6243 by Senators Sutherland and Bauer

AN ACT Relating to notification of adult family homes; and adding a new section to chapter 70.128 RCW.

Referred to Committee on Health and Long-Term Care.

SB 6244 by Senators L. Smith and von Reichbauer

AN ACT Relating to public utility district managers' compensation; and amending RCW 54.16.100.

Referred to Committee on Governmental Operations.

SB 6245 by Senators Nelson, Rasmussen, Thorsness, Erwin, Madsen, McCaslin and Oke (by request of Attorney General)

AN ACT Relating to the rights of victims; and amending RCW 7.69.030.

Referred to Committee on Law and Justice.

SB 6246 by Senators von Reichbauer, Rasmussen and McCaslin (by request of Attorney General)

AN ACT Relating to charitable solicitations; amending RCW 19.09.020, 19.09.065, 19.09.075, 19.09.076, 19.09.079, 19.09.085, 19.09.097, 19.09.271, 19.09.100, 19.09.190, 19.09.200, 19.09.210, 19.09.230, 19.09.240, 19.09.275, 19.09.305, 19.09.315, and 19.09.340; adding new sections to chapter 19.09 RCW; repealing RCW 19.09.078; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 6247 by Senators Murray, Wojahn, Rinehart, Kreidler and West

AN ACT Relating to toxic household products; adding a new chapter to Title 69 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Commerce and Labor.

SB 6248 by Senator Owen

AN ACT Relating to boating safety; amending RCW 88.02.010; adding a new section to chapter 88.02 RCW; and prescribing penalties.

Referred to Committee on Environment and Natural Resources.

SB 6249 by Senators Anderson, Rasmussen and Newhouse

AN ACT Relating to fees and costs of the judicial review of agency actions; adding new sections to chapter 4.84 RCW; and creating new sections.

Referred to Committee on Commerce and Labor.

SB 6250 by Senators Anderson, Owen, Newhouse and Rasmussen

AN ACT Relating to legislative activities of state agencies and employees; and amending RCW 42.17.190.

Referred to Committee on Governmental Operations.

SB 6251 by Senator Roach

AN ACT Relating to public employee duties; and adding a new section to chapter 4.24 RCW.

Referred to Committee on Governmental Operations.

SB 6252 by Senators Roach and Pelz

AN ACT Relating to disclosure of public records; and reenacting and amending RCW 42.17.310.

Referred to Committee on Governmental Operations.

SB 6253 by Senators Anderson, Owen, Bluechel and Johnson

AN ACT Relating to government; adding a new chapter to Title 43 RCW; and adding a new section to chapter 43.09.

Referred to Committee on Commerce and Labor.

SB 6254 by Senators Snyder, Matson, Vognild, Amondson, Barr, Gaspard, Owen, Conner, Oke, Bailey, Bauer, Newhouse, Rasmussen, Sellar, McCaslin, West, Jesernig and Erwin

AN ACT Relating to consistency with the federal wetland regulatory program; adding a new section to chapter 36.70A RCW; and declaring an emergency.

Referred to Committee on Agriculture and Water Resources.

SB 6255 by Senators Anderson, Snyder, Sutherland, Vognild, Amondson, Barr, Gaspard, Owen, Conner, Oke, Matson, Bailey, Bauer, Newhouse, Rasmussen, Sellar, Hayner, McCaslin, West, Jesernig, von Reichbauer and Erwin

AN ACT Relating to requiring the mapping of regulated wetlands; adding new sections to chapter 36.70A RCW; and declaring an emergency.

Referred to Committee on Agriculture and Water Resources.

SB 6256 by Senator McCaslin

AN ACT Relating to formal advertisement for public works; and amending RCW 39.04.020.

Referred to Committee on Governmental Operations.

SB 6257 by Senators Metcalf, Oke, Owen and von Reichbauer (by request of Interagency for Outdoor Recreation)

AN ACT Relating to the establishment of an account for the operation and maintenance of state-owned fish and wildlife habitat, natural areas such as natural area preserves and natural resource conservation areas, parks, and other recreation lands; adding a new chapter to Title 43 RCW; and creating a new section.

Referred to Committee on Environment and Natural Resources.

SB 6258 by Senators Talmadge and Barr

AN ACT Relating to water conservation; amending RCW 43.155.070, 19.27.170, 35.63.010, 35.63.060, 35.63.080, 35A.63.010, 35A.63.062, 36.70.020, 36.70.750, 36.70A.030, 36.70A.080, 43.20.230, 70.119A.110, and 35.92.105; adding a new chapter to Title 90 RCW; and adding new sections to chapter 70.119A RCW.

Referred to Committee on Agriculture and Water Resources.

SB 6259 by Senators Moore, Skratek and Pelz

AN ACT Relating to before-and-after-school child care; amending RCW 28A.215.010; adding new sections to chapter 28A.215 RCW; and making an appropriation.

Referred to Committee on Education.

SJM 8025 by Senators Saling, Metcalf, Stratton, Oke, Bauer, Sellar and Patterson

Petitioning Congress to restructure the federal student loan program.

Referred to Committee on Higher Education.

MOTION

At 10:08 a.m., on motion of Senator Newhouse, the Senate adjourned until 12:00 noon, Thursday, January 23, 1992.

JOEL PRITCHARD, President of the Senate.

GORDON A. GOLOB, Secretary of the Senate.

ELEVENTH DAY

NOON SESSION

Senate Chamber, Olympia, Thursday, January 23, 1992

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

MOTION

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

LETTER OF RESIGNATION

WASHINGTON STATE SENATE
SENATOR STANLEY C. JOHNSON
28th LEGISLATIVE DISTRICT
412 LEGISLATIVE BUILDING
OLYMPIA, WASHINGTON 98504-0428

January 22, 1992

THE HONORABLE BOOTH GARDNER
Legislative Building
Olympia, Washington 98504

Dear Governor Gardner:

I hereby resign my seat in the Washington State Senate effective immediately.

I believe that the allegations being made against me are unfair and are, at best, a misrepresentation of the facts.

I further believe that in due course, when my side of the story is heard, I will be vindicated. However, this matter has hung like a cloud over my family and my loved ones for far too long and I can no longer subject them to the stress this incident is causing.

I believe it is in the best interests of my family, the Senate and the people of the 28th District to put this matter behind us.

I have enjoyed the privilege of serving the people of my community as a member of the Clover Park School Board, the State House of Representatives and the State Senate. I intend to continue to serve the people of my community as a private citizen.

Sincerely,
STANLEY C. JOHNSON,
State Senator

EDITOR'S NOTE: See letter of appointment and oath of office for Senator Susan Casey Sumner as the Senator for the 28th District on Day 32, February 13, 1992.

REPORTS OF STANDING COMMITTEES

January 21, 1992

SB 6013 Prime Sponsor, Senator Conner: Including archaeological resources in oil and hazardous substance spill prevention and response. Reported by Committee on Environment and Natural Resources

MAJORITY Recommendation: Do pass. Signed by Senators Metcalf, Chairman; Oke, Vice Chairman; Conner, Owen, Snyder, and Sutherland.

Passed to Committee on Rules for second reading.

January 21, 1992

SB 6027 Prime Sponsor, Senator Barr: Funding horticultural nursery research. Reported by Committee on Agriculture and Water Resources

MAJORITY Recommendation: Do pass. Signed by Senators Barr, Chairman; Anderson, Vice Chairman; Bailey, Conner, Gaspard, and Newhouse.

Passed to Committee on Rules for second reading.

January 21, 1992

SB 6028 Prime Sponsor, Senator Barr: Authorizing cities and towns to issue revenue bonds for financing water conservation programs. Reported by Committee on Agriculture and Water Resources

MAJORITY Recommendation: Do pass as amended. Signed by Senators Barr, Chairman; Bailey, Gaspard, and Newhouse.

Passed to Committee on Rules for second reading.

January 22, 1992

SB 6055 Prime Sponsor, Senator Nelson: Providing for the use as evidence of reports by or testimony from criminologists of the state's crime laboratory. Reported by Committee on Law and Justice

MAJORITY Recommendation: That Substitute Senate Bill No. 6055 be substituted therefor, and the substitute bill do pass. Signed by Senators Nelson, Chairman; Erwin, Kreidler, Madsen, Newhouse, Rasmussen, and A. Smith.

Passed to Committee on Rules for second reading.

January 22, 1992

SB 6057 Prime Sponsor, Senator Nelson: Creating a crime laboratory analysis fee. Reported by Committee on Law and Justice

MAJORITY Recommendation: That Substitute Senate Bill No. 6057 be substituted therefor, and the substitute bill do pass. Signed by Senators Nelson, Chairman; Erwin, Kreidler, Madsen, Newhouse, Rasmussen, and A. Smith.

Referred to Committee on Ways and Means.

January 21, 1992

SB 6085 Prime Sponsor, Senator Bauer: Providing for waiver of review of water and sewer extensions by boundary review board. Reported by Committee on Governmental Operations

MAJORITY Recommendation: That Substitute Senate Bill No. 6085 be substituted therefor, and the substitute bill do pass. Signed by Senators McCaslin, Chairman; Roach, Vice Chairman; Madsen, and Sutherland.

Passed to Committee on Rules for second reading.

January 22, 1992

SB 6132 Prime Sponsor, Senator Metcalf: Modifying shellfish protection. Reported by Committee on Environment and Natural Resources

MAJORITY Recommendation: That Substitute Senate Bill No. 6132 be substituted therefor, and the substitute bill do pass. Signed by Senators Metcalf, Chairman; Oke, Vice Chairman; Amondson, Barr, Conner, Owen, Snyder, and Sutherland.

Passed to Committee on Rules for second reading.

January 22, 1992

SB 6159 Prime Sponsor, Senator Oke: Reorganizing the recreational boating code. Reported by Committee on Environment and Natural Resources

MAJORITY Recommendation: Do Pass. Signed by Senators Metcalf, Chairman; Oke, Vice Chairman; Amondson, Barr, Conner, Owen, Snyder and Sutherland.

Passed to Committee on Rules for second reading.

January 20, 1992

SJR 8226 Prime Sponsor, Senator McDonald: Amending the Constitution to create an emergency reserve fund. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bluechel, Cantu, Hayner, Johnson, Matson, Metcalf, Newhouse, L. Smith, and West.

MINORITY Recommendation: Do not pass. Signed by Senators Bauer, Gaspard, Kreidler, Murray, Niemi, Rinehart, Talmadge, and Wojahn.

Passed to Committee on Rules for second reading.

MESSAGES FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS

January 10, 1992

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Chuck Clarke, appointed for a term beginning January 17, 1992, and continuing at the Governor's pleasure as Director of the Department of Ecology.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Environment and Natural Resources.

January 10, 1992

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Barbara Gooding, appointed for a term beginning January 17, 1992, and continuing at the Governor's pleasure as Director of the Department of Community Development.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Commerce and Labor.

January 14, 1992

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Doug Ward, appointed January 14, 1992, for a term ending December 26, 1995, as a member of the board of Pilotage Commissioners.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Transportation.

January 14, 1992

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Benjamin L. Watson, reappointed January 14, 1992, for a term ending December 26, 1995, as a member of the Board of Pilotage Commissioners.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Transportation.

January 17, 1992

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Beverly Freeman, appointed January 17, 1992, for a term ending May 3, 1995, as a member of the State Board for Community and Technical Colleges.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

January 21, 1992

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Jimmy Cason, reappointed January 21, 1992, for a term ending December 31, 1994, as a member of the Investment Board.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Ways and Means.

MESSAGES FROM THE HOUSE

January 22, 1992

MR. PRESIDENT:

The Speaker has signed:
 HOUSE CONCURRENT RESOLUTION NO. 4424,
 HOUSE CONCURRENT RESOLUTION NO. 4425,
 ENGROSSED HOUSE CONCURRENT RESOLUTION NO. 4426,
 HOUSE CONCURRENT RESOLUTION NO. 4427,
 SENATE CONCURRENT RESOLUTION NO. 8420, and the same are herewith
 transmitted.

ALAN THOMPSON, Chief Clerk

January 22, 1992

MR. PRESIDENT:

The House has passed:
 SUBSTITUTE HOUSE BILL NO. 1212,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1320,
 SUBSTITUTE HOUSE BILL NO. 1392,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1457,
 ENGROSSED HOUSE BILL NO. 2053,
 HOUSE BILL NO. 2220, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
 HOUSE CONCURRENT RESOLUTION NO. 4424,
 HOUSE CONCURRENT RESOLUTION NO. 4425,
 ENGROSSED HOUSE CONCURRENT RESOLUTION NO. 4426,
 HOUSE CONCURRENT RESOLUTION NO. 4427.

INTRODUCTION AND FIRST READING

SB 6260 by Senators Roach and Erwin

AN ACT Relating to defining developmental disability; and amending 71A.10.020.

Referred to Committee on Children and Family Services.

SB 6261 by Senators Roach, Stratton, L. Smith, Murray, Cantu, Jesernig, Hayner, Thorsness, Amondson and Erwin

AN ACT Relating to the well-being of children; amending RCW 9.68A.110; and repealing RCW 9.68A.140, 9.68A.150, and 9.68A.160.

Referred to Committee on Children & Family Services.

SB 6262 by Senators Roach, Stratton, L. Smith, Murray, Cantu, Jesernig, Hayner, Thorsness, Amondson, Bailey, Metcalf, Barr, Nelson and Erwin

AN ACT Relating to the well-being of children; adding new sections to chapter 9.68 RCW; repealing RCW 9.68.050, 9.68.060, 9.68.070, 9.68.080, 9.68.090, 9.68.100, 9.68.110, 9.68.120, and 9.68.130; and prescribing penalties.

Referred to Committee on Children and Family Services.

SB 6263 by Senators West and McMullen

AN ACT Relating to licensure of physical therapist assistants who are supervised by physical therapists; amending RCW 18.74.010, 18.74.020, 18.74.027, 18.74.060, 18.74.070, and 18.74.090; reenacting and amending RCW 18.74.023; and adding new sections to chapter 18.74 RCW.

Referred to Committee on Health and Long-Term Care.

SB 6264 by Senators Nelson, A. Smith, Erwin and McMullen

AN ACT Relating to registration of process servers; adding a new chapter to Title 18 RCW; and adding a new section to chapter 2.32 RCW.

Referred to Committee on Law and Justice.

SB 6265 by Senators Newhouse and Snyder

AN ACT Relating to registration for kegs or other similar containers for malt liquor; and amending RCW 66.24.360 and 66.28.200.

Referred to Committee on Commerce and Labor.

SB 6266 by Senators Amondson and McMullen

AN ACT Relating to employee privacy; and adding a new section to chapter 49.44 RCW.

Referred to Committee on Commerce and Labor.

SB 6267 by Senator Roach

AN ACT Relating to metropolitan municipal corporations; amending RCW 35.58.120, 35.58.130, 35.58.160, and 35.58.040; adding a new section to chapter 35.58 RCW; creating a new section; and repealing RCW 35.58.118, 35.58.140, 35.58.150, and 35.58.270.

Referred to Committee on Governmental Operations.

SB 6268 by Senators Johnson, Rasmussen, Roach and Vognild

AN ACT Relating to state employee safety at eastern and western state hospitals; creating a new section; and making an appropriation.

Referred to Committee on Health and Long-Term Care.

SB 6269 by Senators Bailey, Rinehart, Bauer, Pelz, Murray and Oke

AN ACT Relating to special educational services demonstration projects; amending RCW 28A.630.820 and 28A.630.840; and providing an expiration date.

Referred to Committee on Education.

SB 6270 by Senators Newhouse, Niemi, Anderson, McMullen and Thorsness (by request of Task Force on City/County Finances)

AN ACT Relating to municipal criminal justice account distributions based on city crime rates; reenacting and amending RCW 82.14.320; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 6271 by Senators Nelson, West, Murray, Niemi, Vognild, Johnson, L. Smith, Moore, Anderson, Stratton, Gaspard, Wojahn, Amondson and Newhouse

AN ACT Relating to prescription medicine insurance coverage; adding a new section to chapter 48.20 RCW; adding a new section to chapter 48.21 RCW; adding a new section to chapter 48.44 RCW; adding a new section to chapter 48.46 RCW; adding a new section to chapter 41.05 RCW; and creating a new section.

Referred to Committee on Health and Long-Term Care.

SB 6272 by Senators McCaslin, Madsen, Sutherland, Matson and Roach

AN ACT Relating to mobilization of fire service resources; and adding a new chapter to Title 38 RCW.

Referred to Committee on Governmental Operations.

SB 6273 by Senators Patterson, Snyder and Barr

AN ACT Relating to clarifying the department of agriculture's authority to regulate pesticides; amending RCW 15.58.020 and 17.21.010; adding a new section to chapter 15.58 RCW; adding a new section to chapter 17.21 RCW; and declaring an emergency.

Referred to Committee on Agriculture and Water Resources.

SB 6274 by Senator Barr (by request of Department of Agriculture)

AN ACT Relating to animal health regulation; amending RCW 16.36.005, 16.36.010, 16.36.020, 16.36.050, 16.36.040, 16.36.060, 16.36.070, 16.36.080, and 16.36.100; and prescribing penalties.

Referred to Committee on Agriculture and Water Resources.

SB 6275 by Senators von Reichbauer, Williams and Pelz (by request of Attorney General)

AN ACT Relating to consumer credit reporting agencies; adding a new chapter to Title 19 RCW; and prescribing penalties.

Referred to Committee on Financial Institutions and Insurance.

SB 6276 by Senators Snyder and Nelson

AN ACT Relating to district judges; and amending RCW 3.34.100.

Referred to Committee on Law and Justice.

SB 6277 by Senators Rasmussen, Wojahn, Madsen and Johnson

AN ACT Relating to metropolitan park districts; and adding a new section to chapter 35.61 RCW.

Referred to Committee on Governmental Operations.

SB 6278 by Senators Skratek, Newhouse, Snyder, Anderson, Jesernig, Patterson, Owen, Erwin and Barr

AN ACT Relating to the Washington rural development council; adding new sections to chapter 43.31 RCW; and adding new sections to chapter 43.131 RCW.

Referred to Committee on Commerce and Labor.

SB 6279 by Senators Skratek, Newhouse, Snyder, Anderson, Jesernig, Patterson, Owen and Barr

AN ACT Relating to urban/rural economic partnerships; amending RCW 43.63A.560; adding new sections to chapter 43.63A RCW; and creating new sections.

Referred to Committee on Commerce and Labor.

SB 6280 by Senators Madsen, Kroidler, Rasmussen, A. Smith, Wojahn, Moore, Talmadge, Murray and West

AN ACT Relating to long-term care insurance; amending RCW 48.84.020 and 48.84.040; and adding a new section to chapter 48.84 RCW.

Referred to Committee on Health and Long-Term Care.

SB 6281 by Senators Niemi, Pelz and Talmadge

AN ACT Relating to bank concentration levels; adding a new section to chapter 19.86 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Financial Institutions and Insurance.

SB 6282 by Senator Niemi (by request of Governor Gardner)

AN ACT Relating to earnings on the balances of certain treasury accounts; amending RCW 43.84.092 and 43.79A.040; and providing an effective date.

HOLD.

SB 6283 by Senators McDonald, Niemi and Talmadge (by request of Governor Gardner)

AN ACT Relating to superior court fees; amending RCW 36.18.020; adding a new section to chapter 36.18 RCW; repealing RCW 36.18.025; providing an effective date; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 6284 by Senators McDonald and Niemi (by request of Governor Gardner)

AN ACT Relating to the budget stabilization account; making an appropriation; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 6285 by Senators McDonald and Niemi (by request of Governor Gardner)

AN ACT Relating to higher education tuition waivers; amending RCW 28B.10.265, 28B.15.520, 28B.15.543, 28B.15.545, 28B.15.620, 28B.15.628, 28B.50.259, and 28B.80.580; and reenacting and amending RCW 28B.15.014.

Referred to Committee on Higher Education.

SB 6286 by Senators McDonald and Niemi (by request of Governor Gardner)

AN ACT Relating to adjusting pension contribution rates to reflect the state actuary's 1990 valuations; amending RCW 41.45.060; adding a new section to chapter 41.45 RCW; and providing an effective date.

Referred to Committee on Ways and Means.

SB 6287 by Senators McDonald, Rinehart and Skratek (by request of Governor Gardner)

AN ACT Relating to the capital budget; amending 1991 sp.s. c 14 ss 6, 7, 13, 16, 18, 23, 24, 29, 30, 31, 34, 35, 44, 57, and 59 (uncodified); adding new sections to chapter 14, Laws of 1991 sp.s.; making appropriations and authorizing expenditures for the capital improvements; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 6288 by Senators McDonald and Niemi (by request of Governor Gardner)

AN ACT Relating to fiscal matters; amending 1991 sp.s. c 16 ss 101, 102, 103, 104, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 128, 129, 131, 133, 134, 135, 136, 138, 139, 140, 141, 142, 144, 146, 148, 149, 151, 152, 201, 202, 203, 204, 205, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 301, 302, 303, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 401, 402, 501, 502, 503, 504, 505, 506, 507, 509, 511, 513, 514, 515, 516, 517, 519, 520, 521, 522, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 615, 616, 617, 618, 619, 620, 621, 622, 701, 706, 707, 708, 709, 710, 711, 712, 714, 715, 716, 717, 801, and 804; 1991 sp.s. c 9 s 10; 1991 c 206 s 2; 1991 c 251 s 5; creating new sections; repealing 1991 c 236 s 10; making appropriations; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 6289 by Senators Bauer, Sellar, Gaspard, Newhouse, Sutherland, Snyder, Owen, Madsen, McMullen, Vognild and Rasmussen

AN ACT Relating to electronic transmission of comments to administrative rule-making hearings; and amending RCW 34.05.325.

Referred to Committee on Governmental Operations.

SB 6290 by Senators Bauer, Sellar, Gaspard, Newhouse, Sutherland, Snyder, Owen, Madsen, McMullen and Rasmussen

AN ACT Relating to small business innovation research awards; and adding a new section to chapter 82.04 RCW.

Referred to Committee on Ways and Means.

SB 6291 by Senator Talmadge

AN ACT Relating to open government; amending RCW 42.17.020, 42.30.020, 43.06.092, 43.88.080, 43.88.160, 42.18.221, 42.18.290, 29.15.170, and 29.15.230; reenacting and amending RCW 49.60.040; creating a new section; repealing RCW 43.06.094; prescribing penalties; making an appropriation; and providing an effective date.

Referred to Committee on Governmental Operations.

SB 6292 by Senators Bauer, Newhouse, Thorsness, Moore and Vognild

AN ACT Relating to on-premises sales by licensed brewers and domestic wineries; and amending RCW 66.28.010.

Referred to Committee on Commerce and Labor.

SB 6293 by Senators Thorsness, Owen, Metcalf, Rasmussen and Oke

AN ACT Relating to harvest of Puget Sound chinook salmon by recreational fishermen; and adding a new section to chapter 75.08 RCW.

Referred to Committee on Environment and Natural Resources.

SB 6294 by Senators Thorsness, Rasmussen, Nelson and Stratton

AN ACT Relating to liability of parent for child's actions; amending RCW 4.24.190; and prescribing penalties.

Referred to Committee on Law and Justice.

SJM 8026 by Senators Thorsness, Owen, West, Roach, Stratton, Sellar, Amondson, Anderson, Hayner, L. Smith, Bailey, Metcalf, Nelson and Erwin

Requesting Congress to promote national health care through tax incentives.

Referred to Committee on Health and Long-Term Care.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 1212 by House Committee on Education (originally sponsored by Representatives Peery, Brough, Ebersole, Vance, Winsley, Betrozoff, Pruitt and Orr)

Changing the dollar amounts for school district competitive bidding.

Referred to Committee on Education.

ESHB 1320 by House Committee on Judiciary (originally sponsored by Representatives R. Meyers, Dellwo, R. King, Inslee, Riley, Ludwig, Ebersole, Leonard, Wineberry and Wang)

Requiring full disclosure of civil court proceedings relating to public hazards.

Referred to Committee on Law and Justice.

SHB 1392 by House Committee on Health Care (originally sponsored by Representatives Locke, Prince, Braddock, Ballard, Wang and Brekke)

Making major changes to acupuncturist licensure.

Referred to Committee on Health and Long-Term Care.

ESHB 1457 by House Committee on Environmental Affairs (originally sponsored by Representatives Haugen, Wilson and Zellinsky)

Prohibiting additives for on-site sewage disposal systems.

Referred to Committee on Environment and Natural Resources.

EHB 2053 by Representatives Heavey, Fuhrman, G. Fisher, Grant, D. Sommers, Cooper, Mielke, Wood, Orr, Day, Ludwig and Silver

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

Referred to Committee on Commerce and Labor.

HB 2220 by Representatives Ebersole, Wang, Heavey, Jacobsen, Jones, Nelson, Franklin, Belcher, Cantwell, Anderson, Leonard, Spanel, Inslee, Pruitt, O'Brien, Prentice, Brekke, Peery, Appelwick and Wineberry

Changing employment leave provisions.

Referred to Committee on Commerce and Labor.

MOTION

On motion of Senator Newhouse, Senate Bill No. 6282 was held on the desk.

MOTIONS

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

On motion of Senator Newhouse, the Committee on Governmental Operations was relieved of further consideration of Senate Bill No. 6224.

On motion of Senator Newhouse, Senate Bill No. 6224 was referred to the Committee on Commerce and Labor.

On motion of Senator Newhouse, the Committee on Education was relieved of further consideration of Senate Bill No. 6229.

On motion of Senator Newhouse, Senate Bill No. 6229 was referred to the Committee on Ways and Means.

On motion of Senator Newhouse, the Committee on Law and Justice was relieved of further consideration of Senate Bill No. 6246.

On motion of Senator Newhouse, Senate Bill No. 6246 was referred to the Committee on

Financial Institutions and Insurance.

MOTION

At 12:08 p.m., on motion of Senator Newhouse, the Senate adjourned until 10:00 a.m., Friday, January 24, 1992.

JOEL PRITCHARD, President of the Senate

GORDON GOLOB, Secretary of the Senate.

TWELFTH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, January 24, 1992

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

The Sergeant at Arms Color Guard, consisting of Pages Erin Hansen and Richard Mar, presented the Colors. Reverend Sandra Lee, pastor of the Unitarian Universalist Fellowship of Olympia, offered the prayer.

MOTION

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

REPORT OF SELECT COMMITTEE

STATE OF WASHINGTON
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Olympia, Washington 98504-0095
January 22, 1992

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

Dear Gordon:

Enclosed is our Report to the Legislature on Adult Family Home Care Multiple Facility Ownership as required by Chapter 427, Laws of 1989.

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

Sincerely,
RICHARD J. THOMPSON, Secretary

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

INTRODUCTION AND FIRST READING

SB 6295 by Senators Erwin, A. Smith, Kreidler, Newhouse, Nelson, Rasmussen, McCaslin and von Reichbauer

AN ACT Relating to penalties for driving or being in physical control of a motor vehicle while under the influence of intoxicating liquor or drugs; adding a new section to chapter 46.61 RCW; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 6296 by Senators West, Niemi, Amondson, Stratton, Newhouse, Kreidler, Wojahn, Gaspard and Pelz

AN ACT Relating to infant mortality reviews by local health departments; adding new sections to chapter 70.05 RCW; adding a new section to chapter 42.17 RCW; and declaring an emergency.

Referred to Committee on Health and Long-Term Care.

SB 6297 by Senators Saling and Erwin

AN ACT Relating to higher education tuition and fees; amending RCW 28B.10.265, 28B.15.031, 28B.15.065, 28B.15.067, 28B.15.202, 28B.15.225, 28B.15.380, 28B.15.402, 28B.15.502, 28B.15.520, 28B.15.527, 28B.15.543, 28B.15.545, 28B.15.556, 28B.15.615, 28B.15.620, 28B.15.628, 28B.15.730, 28B.15.740, 28B.15.750, 28B.15.756, 28B.35.361, 28B.40.361, 28B.50.259, 28B.80.580, and 28C.04.545; reenacting and amending RCW 28B.15.014; adding new sections to chapter 28B.15 RCW; creating a new section; and providing an effective date.

Referred to Committee on Higher Education.

SB 6298 by Senators Erwin, Moore and Craswell

AN ACT Relating to watercraft violations; amending RCW 88.02.110 and 88.12.060; and prescribing penalties.

Referred to Committee on Environment and Natural Resources.

SB 6299 by Senators Anderson, Moore, Murray and Bailey (by request of Department of Labor and Industries)

AN ACT Relating to health care and vocational services provided under industrial insurance; amending RCW 51.36.110 and 51.52.060; adding a new section to chapter 51.36 RCW; and declaring an emergency.

Referred to Committee on Commerce and Labor.

SB 6300 by Senators Oke, McMullen, Metcalf, Sutherland and Owen

AN ACT Relating to the education, testing, and licensing of paint or coating applicators; adding a new chapter to Title 18 RCW; and creating a new section.

Referred to Committee on Commerce and Labor.

SB 6301 by Senator Newhouse

AN ACT Relating to juvenile court jurisdiction; and amending RCW 13.04.030.

Referred to Committee on Law and Justice.

SB 6302 by Senators Stratton, Saling and Vognild

AN ACT Relating to accountability and collaboration in higher education and K-12 education; and adding new sections to chapter 28B.10 RCW.

Referred to Committee on Higher Education.

SB 6303 by Senators Anderson, Barr, Amondson, Hayner, Craswell, L. Smith, Patterson, Rasmussen, Conner, Roach, Skratek and McCaslin

AN ACT Relating to land use; and adding new sections to chapter 8.28 RCW.

Referred to Committee on Governmental Operations.

SB 6304 by Senators Owen, Metcalf, Bauer and Craswell

AN ACT Relating to the administration of the outdoor burning control program in rural areas; and amending RCW 70.94.750 and 70.94.780.

Referred to Committee on Environment and Natural Resources.

SB 6305 by Senators Sellar, Vognild and McCaslin

AN ACT Relating to a national competitive retail credit market; reenacting and amending RCW 63.14.130; and repealing RCW 63.14.135.

Referred to Committee on Financial Institutions and Insurance.

SB 6306 by Senator Snyder

AN ACT Relating to the Puget Island ferry; and amending RCW 47.56.720.

Referred to Committee on Transportation.

SB 6307 by Senator Amondson

AN ACT Relating to local tax revenues; amending RCW 9.46.110, 35.21.280, 35.21.710, 35.22.280, 35.23.440, 35.24.290, 35.27.370, 35A.82.020, 36.38.010, 82.14.030, 82.29A.080, 82.46.030, and 84.33.081; adding a new section to chapter 35.21 RCW; adding a new section to chapter 35A.21 RCW; adding a new section to chapter 36.01 RCW; and adding a new section to chapter 84.52 RCW.

Referred to Committee on Governmental Operations.

SB 6309 by Senators McCaslin and Madsen

AN ACT Relating to elections for nonpartisan offices; amending RCW 29.30.085; adding a new section to chapter 29.30 RCW; and providing an effective date.

Referred to Committee on Governmental Operations.

SB 6310 by Senators McMullen, Bauer, Anderson and Metcalf

AN ACT Relating to government purchasing; and adding a new section to chapter 43.19 RCW.

Referred to Committee on Environment and Natural Resources.

SB 6311 by Senators Saling, Bauer, Skratek, Rinehart, Gaspard, Jesemig, Murray, Kreidler, A. Smith, Pelz and Wojahn

AN ACT Relating to retirement allowances for members of the teachers' and public employees' retirement systems; and amending RCW 41.32.575 and 41.40.325.

Referred to Committee on Ways and Means.

SB 6312 by Senators Saling, Bauer, Skratek, Rinehart, Gaspard, Jesernig, Murray, Kreidler, Sutherland, A. Smith, Pelz and Wojahn

AN ACT Relating to providing cost-of-living increases to retirees of the public employees' retirement system and the teachers' retirement system; and amending RCW 41.32.575 and 41.40.325.

Referred to Committee on Ways and Means.

SB 6313 by Senators Saling, Bauer, Skratek, Rinehart, Gaspard, Jesernig, Murray, Kreidler, Sutherland, A. Smith, Pelz and Wojahn

AN ACT Relating to providing cost-of-living increases to retirees of the public employees' retirement system and the teachers' retirement system; and amending RCW 41.32.575 and 41.40.325.

Referred to Committee on Ways and Means.

SB 6314 by Senators Bauer, Newhouse, Vognild and Rasmussen

AN ACT Relating to administrative rule making; amending RCW 34.05.010, 34.05.315, 34.05.370, and 34.08.020; adding a new section to chapter 34.05 RCW; adding a new section to chapter 44.04 RCW; and creating a new section.

Referred to Committee on Governmental Operations.

SB 6315 by Senators Barr, Owen and Metcalf

AN ACT Relating to solid fuel burning devices; creating new sections; making an appropriation; and providing an expiration date.

Referred to Committee on Environment and Natural Resources.

SB 6316 by Senators Kreidler, Oke, Moore, Owen, Anderson, Niemi, Bauer, Gaspard, McMullen, Matson, L. Smith and Vognild

AN ACT Relating to public assistance medical care for treatment of ailments of the human foot; and adding new sections to chapter 74.09 RCW.

Referred to Committee on Health and Long-Term Care.

SB 6317 by Senators Barr, Vognild and Patterson

AN ACT Relating to overweight permits for trucks; amending RCW 46.16.070, 46.16.160, 46.44.0941, 46.44.095, 46.44.096, and 46.68.035; reenacting and amending RCW 46.44.041; and repealing RCW 46.44.160.

Referred to Committee on Transportation.

SB 6318 by Senators Niemi, West and Bailey

AN ACT Relating to refining the provisions for mental health reform; amending RCW 71.24.025; reenacting and amending RCW 71.24.035, 71.24.045, and 71.24.300; creating a new section; repealing RCW 72.06.010, 72.06.050, 72.06.060, and 72.06.070; and providing an effective date.

Referred to Committee on Health and Long-Term Care.

SB 6319 by Senators Niemi, West, Wojahn and Bailey

AN ACT Relating to the placement of people with disabilities; amending RCW 72.23.025; adding a new section to chapter 72.23 RCW; and declaring an emergency.

Referred to Committee on Health and Long-Term Care.

SB 6320 by Senators Amondson, Kreidler, Stratton, Sellar, Rinehart, Bailey, McCaslin, Snyder, Gaspard, Wojahn, Bauer, Niemi, Jesernig, Nelson, Moore, Williams, Talmadge, Owen, Bluechel, Barr, Skratek and Erwin

AN ACT Relating to the natural death act; amending RCW 70.122.010, 70.122.020, 70.122.030, 70.122.060, 70.122.070, 70.122.080, 70.122.090, and 70.122.100; adding new sections to chapter 70.122 RCW; adding a new section to chapter 43.70 RCW; creating a new section; and repealing RCW 70.122.050.

Referred to Committee on Health and Long-Term Care.

SB 6321 by Senators Skratek, Metcalf, Gaspard and von Reichbauer

AN ACT Relating to local government whistleblowers; adding new sections to chapter 42.40 RCW; and adding a new section to chapter 43.09 RCW.

Referred to Committee on Governmental Operations.

SB 6322 by Senators Vognild, Owen and Moore

AN ACT Relating to Longshore and Harbor Workers' Compensation Act insurance; amending RCW 48.32.020; adding new sections to chapter 48.22 RCW; and declaring an emergency.

Referred to Committee on Commerce and Labor.

SB 6323 by Senators Matson, Moore, Anderson and McMullen (by request of Department of Trade and Economic Development)

AN ACT Relating to public disclosure of business, financial, and commercial information and records for the community economic revitalization board's program services; and reenacting and amending RCW 42.17.310.

Referred to Committee on Law and Justice.

SB 6324 by Senator Snyder

AN ACT Relating to purchase of Columbia river/ Willapa Bay/ Grays Harbor commercial salmon licenses; adding new sections to Title 75 RCW; and providing an effective date.

Referred to Committee on Environment and Natural Resources.

POINT OF INQUIRY

Senator Gaspard: "Senator Newhouse, just a question. As we are going through the introduction of bills, I noticed that there is a Senate Bill No. 6307 and then it jumps to Senate Bill No. 6309. We're looking for Senate Bill No. 6308.

Senator Newhouse: "I have no detailed explanation at this time. I understand that the bill remains in the workroom at the request of the sponsor and we will be talking to you to perfect a system for handling such a situation."

Senator Gaspard: "I just wanted to bring it to your attention, whether it was just an error in the sheet or actually was a bill that had been introduced originally. I thought there was a bill that had been introduced."

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

REPORTS OF STANDING COMMITTEES

January 22, 1992

SB 6031 Prime Sponsor, Senator West: Modifying poison information center authority. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass as amended. Signed by Senators West, Chairman; L. Smith, Vice Chairman; Amondson, Kreidler and Wojahn.

Passed to Committee on Rules for second reading.

January 22, 1992

SB 6032 Prime Sponsor, Senator West: Repealing the termination provisions of the emergency medical services committee. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass. Signed by Senators West, Chairman; L. Smith, Vice Chairman; Amondson, Kreidler, Niemi and Wojahn.

Passed to Committee on Rules for second reading.

January 22, 1992

SB 6033 Prime Sponsor, Senator West: Modifying certification provisions for emergency medical services personnel. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass. Signed by Senators West, Chairman; L. Smith, Vice Chairman; Amondson, Kreidler, Niemi and Wojahn.

Passed to Committee on Rules for second reading.

January 23, 1992

SB 6042 Prime Sponsor, Senator Nelson: Revising the Washington condominium act. Reported by Committee on Law and Justice

MAJORITY Recommendation: That Substitute Senate Bill No. 6042 be substituted therefor, and the substitute bill do pass. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Hayner, Rasmussen and A. Smith.

Passed to Committee on Rules for second reading.

January 23, 1992

SB 6063 Prime Sponsor, Senator Nelson: Making technical corrections to corporations statutes. Reported by Committee on Law and Justice

MAJORITY Recommendation: That Substitute Senate Bill No. 6063 be substituted for Senate therefor, and the substitute bill do pass. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Hayner, Kreidler, Newhouse, Rasmussen and A. Smith.

Passed to Committee on Rules for second reading.

January 23, 1992

SB 6137 Prime Sponsor, Senator Nelson: Conforming penalties for alcoholic beverage violations with other criminal penalties. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Newhouse, Rasmussen and A. Smith.

Passed to Committee on Rules for second reading.

January 23, 1992

SB 6138 Prime Sponsor, Senator Nelson: Repealing the power of district courts to require a "peace bond". Reported by Committee on Law and Justice

MAJORITY Recommendation: That Substitute Senate Bill No. 6138 be substituted therefor, and the substitute bill do pass. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Newhouse, Rasmussen and A. Smith.

Passed to Committee on Rules for second reading.

January 23, 1992

SB 6139 Prime Sponsor, Senator Nelson: Allowing jury waiver for granting deferred prosecution. Reported by Committee on Law and Justice

MAJORITY Recommendation: That Substitute Senate Bill No. 6139 be substituted therefor, and the substitute bill do pass. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Newhouse, Rasmussen and A. Smith.

Passed to Committee on Rules for second reading.

January 23, 1992

SB 6140 Prime Sponsor, Senator Nelson: Recodifying the penalty for failure to comply with a written promise to appear after a traffic infraction. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Newhouse, Rasmussen and A. Smith.

Passed to Committee on Rules for second reading.

January 23, 1992

SB 6141 Prime Sponsor, Senator Erwin: Allowing an antiharassment action to be brought in the appropriate judicial district. Reported by Committee on Law and Justice

MAJORITY Recommendation: That Substitute Senate Bill No. 6141 be substituted therefor, and the substitute bill do pass. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Newhouse, Rasmussen and A. Smith.

Passed to Committee on Rules for second reading.

REPORTS OF STANDING COMMITTEES
GUBERNATORIAL APPOINTMENTS

January 22, 1992

GA 9000 DEBBIE ALDRICH, appointed September 26, 1990, for a term ending September 30, 1994, as a member of the Board of Trustees for Skagit Valley Community College District No. 4.
Reported by Committee on Higher Education

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

Passed to Committee on Rules.

January 22, 1992

GA 9020 JANICE LUDWIG, reappointed September 26, 1990, for a term ending September 30, 1995, as a member of the Board of Trustees for Columbia Basin Community College District No. 19.
Reported by Committee on Higher Education

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

Passed to Committee on Rules.

January 22, 1992

GA 9025 KAREN MILLER, reappointed October 1, 1990, for a term ending September 30, 1995, as a member of the Board of Trustees for Edmonds Community College District No. 23.
Reported by Committee on Higher Education

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

Passed to Committee on Rules.

January 22, 1992

GA 9026 ARLENE MILLER, reappointed October 1, 1990, for a term ending September 30, 1995, as a member of the Board of Trustees for Skagit Valley Community College District No. 4.

Reported by Committee on Higher Education

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

Passed to Committee on Rules.

January 22, 1992

GA 9027 JOHN MITCHELL, reappointed October 1, 1990, for a term ending September 30, 1995, as a member of the Board of Trustees for Olympic Community College District No. 3.

Reported by Committee on Higher Education

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

Passed to Committee on Rules.

January 22, 1992

GA 9033 SALLY G. SCHAEFER, reappointed October 1, 1990, for a term ending September 30, 1995, as a member of the Board of Trustees for Clark Community College District No. 14.

Reported by Committee on Higher Education

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

Passed to Committee on Rules.

January 22, 1992

GA 9035 ANN HOBI SCROGGS, appointed October 1, 1990, for a term ending September 30, 1993, as a member of the Board of Trustees for Grays Harbor Community College District No. 2.

Reported by Committee on Higher Education

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

Passed to Committee on Rules.

January 22, 1992

GA 9040 BERNIE THOMAS, reappointed October 1, 1990, for a term ending September 30, 1995, as a member of the Board of Trustees for Whatcom Community College District No. 21.

Reported by Committee on Higher Education

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

Passed to Committee on Rules.

January 22, 1992

GA 9041 DR. GREGORY TRUIJILLO, reappointed October 1, 1990, for a term ending September 30, 1995, as a member of the Board of Trustees for Yakima Valley Community College District No. 16.
Reported by Committee on Higher Education

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

Passed to Committee on Rules.

January 22, 1992

GA 9043 DENNIS UYEMURA, appointed October 2, 1990, for a term ending September 30, 1995, as a member of the Board of Trustees for Bellevue Community College District No. 8.
Reported by Committee on Higher Education

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

Passed to Committee on Rules.

January 22, 1992

GA 9086 SALLY JARVIS, reappointed December 4, 1990, for a term ending September 30, 1995, as a member of the Board of Trustees for Bellevue Community College District No. 8.
Reported by Committee on Higher Education

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

Passed to Committee on Rules.

January 22, 1992

GA 9087 CHARLES D. KEE, appointed January 23, 1990, for a term ending September 30, 1994, as a member of the Board of Trustees for Edmonds Community College District No. 23.
Reported by Committee on Higher Education

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

Passed to Committee on Rules.

January 22, 1992

GA 9150 LYNN KESSLER, appointed December 10, 1990, for a term ending September 30, 1995, as a member of the Board of Trustees for Grays Harbor Community College District No. 2.
Reported by Committee on Higher Education

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

Passed to Committee on Rules.

January 22, 1992

GA 9156 NORA PORTER, appointed January 7, 1991, for a term ending September 30, 1995, as a member of the Board of Trustees for Peninsula Community College District No. 1.
Reported by Committee on Higher Education

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

Passed to Committee on Rules.

January 22, 1992

GA 9238 CAROL BENDER, appointed October 28, 1991, for a term ending September 30, 1992, as a member of the Board of Trustees for Lake Washington Technical College.
Reported by Committee on Higher Education

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

Passed to Committee on Rules.

January 22, 1992

GA 9239 DELORES I. BROWN, appointed October 28, 1991, for a term ending September 30, 1995, as a member of the Board of Trustees for Lake Washington Technical College.
Reported by Committee on Higher Education

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

Passed to Committee on Rules.

January 22, 1992

GA 9240 FREDRICA DENTON, appointed October 28, 1991, for a term ending September 30, 1993, as a member of the Board of Trustees for Lake Washington Technical College.

Reported by Committee on Higher Education

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

Passed to Committee on Rules.

January 22, 1992

GA 9241 ROBERT PATTERSON, appointed October 12, 1991, for a term ending September 30, 1994, as a member of the Board of Trustees for Lake Washington Technical College.

Reported by Committee on Higher Education

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

Passed to Committee on Rules.

MOTION

At 10:09 a.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 10:57 a.m. by President Pritchard.

STANDING COMMITTEE ASSIGNMENTS

The President announced that Senator Irv Newhouse would be a member of the Committee on Health and Long-Term Care; Senator Neil Amondson would be a member of the Committee on Ways and Means; Senator Bob Oke would be a member of the Committee on Rules and Senator Tim Erwin would be a member of the Committee on Financial Institutions and Insurance.

MOTION

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

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

STATEMENT FOR THE JOURNAL

Due to court business in Seattle, I missed the votes on Senate Bill No. 5661, Engrossed Substitute Senate Bill No. 5481, Senate Bill No. 5389, Reengrossed Substitute Senate Bill No. 5226, Engrossed Substitute Senate Bill No. 5759, Senate Joint Resolution No. 8217, Substitute Senate Bill No. 5666, Reengrossed Second Substitute Senate Bill No. 5780, Engrossed Substitute Senate Bill No. 5727 and Senate Bill No. 5375. I would have voted 'aye' on all but Senate Joint Resolution No. 8217, Substitute Senate Bill No. 5666 and Engrossed Substitute Senate Bill No. 5727, on which I would have voted 'no.'

SENATOR PHIL TALMADGE
34th District

JOURNAL OF THE SENATE

THIRD READING

SENATE BILL NO. 5661, by Senators McDonald, A. Smith and Bluechel

Adding a business and occupation tax deduction.

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

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5661.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5661 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 11; Absent, 1; Excused, 5.

Voting yea: Senators Amondson, Bailey, Barr, Bauer, Cantu, Craswell, Erwin, Gaspard, Hayner, Jesernig, Kreidler, McCaslin, McDonald, McMullen, Metcalf, Nelson, Newhouse, Oke, Owen, Patterson, Rasmussen, Rinehart, Saling, Sellar, A. Smith, L. Smith, Sutherland, Thorsness, von Reichbauer, West - 30.

Voting nay: Senators Anderson, Madsen, Moore, Murray, Niemi, Pelz, Skratek, Stratton, Vognild, Williams, Wojahn - 11.

Absent: Senator Roach - 1.

Excused: Senators Bluechel, Conner, Matson, Snyder, Talmadge - 5.

SENATE BILL NO. 5661, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5481, by Senate Committee on Agriculture and Water Resources (originally sponsored by Senators Sellar and McMullen)

Modifying open space classification provisions.

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

Debate ensued.

MOTION

On motion of Senator Anderson, Senator Roach was excused.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5481.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5481 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Cantu, Craswell, Erwin, Gaspard, Hayner, Jesernig, Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Saling, Sellar, Skratek, A. Smith, L. Smith, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 41.

Excused: Senators Bluechel, Conner, Matson, Roach, Snyder, Talmadge - 6.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5481, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Saling: "Mr. President, a point of personal privilege. We have a little catastrophe over on this side right now. Senator Hayner has been wandering around and asking who stole her Three Little Piggy book. We would like to know where her Three Little Piggy book is. Has anyone seen it?"

"Oh, it's found. Thank you very much."

THIRD READING

SENATE BILL NO. 5389, by Senators Sutherland, Newhouse, Barr and Hansen

Providing for filing a statement of claim for water rights.

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

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5389.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5389 and the bill passed the Senate by the following vote: Yeas, 39; Nays, 1; Absent, 1; Excused, 6.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Cantu, Craswell, Erwin, Gaspard, Hayner, Jesernig, Kreidler, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Saling, Sellar, Skratek, A. Smith, L. Smith, Sutherland, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 39.

Voting nay: Senator Madsen - 1.

Absent: Senator Stratton - 1.

Excused: Senators Bluechel, Conner, Matson, Roach, Snyder, Talmadge - 6.

SENATE BILL NO. 5389, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5526, by Senate Committee on Commerce and Labor (originally sponsored by Senators Bauer, Newhouse, Moore, Nelson and Johnson)

Governing employee noncompetition clauses.

MOTION

On motion of Senator Newhouse, the rules were suspended, Engrossed Substitute Senate Bill No. 5526 was returned to second reading and read the second time.

MOTIONS

On motion of Senator Bauer, the following amendment was adopted:

On page 2, line 8, after "after", strike "December 31, 1991" and insert "December 31, 1992"

On motion of Senator Anderson, the rules were suspended, Reengrossed Substitute Senate Bill No. 5526 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

MOTIONS

On motion of Senator Murray, Senator Stratton was excused.
On motion of Senator Anderson, Senator Saling was excused.

The President declared the question before the Senate to be the roll call on the final passage of Reengrossed Substitute Senate Bill No. 5526.

ROLL CALL

The Secretary called the roll on the final passage of Reengrossed Substitute Senate Bill No. 5526 and the bill passed the Senate by the following vote: Yeas, 39; Nays, 0; Absent, 0; Excused, 8.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Cantu, Craswell, Erwin, Gaspard, Hayner, Jesernig, Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Sellar, Skratek, A. Smith, L. Smith, Sutherland, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 39.

Excused: Senators Bluechel, Conner, Matson, Roach, Saling, Snyder, Stratton, Talmadge - 8.

REENGROSSED SUBSTITUTE SENATE BILL NO. 5526, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

SUBSTITUTE SENATE BILL NO. 5759, by Senate Committee on Commerce and Labor (originally sponsored by Senator Rasmussen)

Revising provisions regulating funeral directors, embalmers, and crematories.

MOTION

On motion of Senator Anderson, the rules were suspended, Substitute Senate Bill No. 5759 was returned to second reading and read the second time.

MOTIONS

On motion of Senator Rasmussen, the following amendment was adopted:
On page 3, line 9, after "shall" insert "have the right to"

On motion of Senator Rasmussen, the rules were suspended, Engrossed Substitute Senate Bill No. 5759 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5759.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5759 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 0; Absent, 0; Excused, 7.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Cantu, Craswell, Erwin, Gaspard, Hayner, Jesernig, Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Sellar, Skratek, A. Smith, L. Smith, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 40.

Excused: Senators Bluechel, Conner, Matson, Roach, Saling, Snyder, Talmadge - 7.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5759, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

SENATE JOINT RESOLUTION NO. 8217, by Senators Wojahn, Nelson, Rasmussen, Bauer, Bailey and McCaslin

Allowing video testimony of children under ten years of age who are sexual abuse victims.

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

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Joint Resolution No. 8217.

ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Resolution No. 8217 and the joint resolution passed the Senate by the following vote: Yeas, 35; Nays, 5; Absent, 0; Excused, 7.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Cantu, Craswell, Erwin, Gaspard, Hayner, Jesernig, Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Oke, Owen, Patterson, Pelz, Rasmussen, Sellar, Skratek, L. Smith, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, West, Wojahn - 35.

Voting nay: Senators Moore, Niemi, Rinehart, A. Smith, Williams - 5.

Excused: Senators Bluechel, Conner, Matson, Roach, Saling, Snyder, Talmadge - 7.

SENATE JOINT RESOLUTION NO. 8217, having received the constitutional majority, was declared passed.

THIRD READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5812, by Senate Committee on Ways and Means (originally sponsored by Senators Williams and Wojahn)

Deferring interest and penalties on certain delinquent property taxes.

MOTION

On motion of Senator Newhouse, the rules were suspended, Engrossed Substitute Senate Bill No. 5812 was returned to second reading and read the second time.

MOTION

Senator Williams moved that the following amendment be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 84.56 RCW to read as follows: RCW 84.56.020 notwithstanding, if current year's taxes payable on real property exceed one hundred fifty percent of the prior year's taxes payable on the property:

(1) No interest or penalties may be assessed for the period from the current April 30, through the next April 30, on the amount that the current year's taxes exceed one hundred fifty percent of the prior year's taxes; and

(2) The provisions of RCW 84.56.020 regarding the payment of taxes on the property shall be computed separately for the amount that current year's taxes do not exceed one hundred fifty percent of prior year's taxes and for the remaining amount.

This section does not apply to taxes attributable to increases in value due to new construction, improvements to property, or the subdivision of land.

NEW SECTION. Sec. 2. A new section is added to chapter 84.38 RCW to read as follows:

RCW 84.38.100 notwithstanding, no interest may be assessed for the period from the current April 30, through the next April 30, on the amount that current year's taxes deferred under this chapter exceed one hundred fifty percent of the prior year's taxes on the property.

This section does not apply to taxes attributable to increases in value due to new construction, improvements to property, or the subdivision of land.

NEW SECTION. Sec. 3. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

MOTION

On motion of Senator Newhouse, further consideration of Engrossed Substitute Senate Bill No. 5812 was deferred.

THIRD READING

SUBSTITUTE SENATE BILL NO. 5666, by Senate Committee on Environment and Natural Resources (originally sponsored by Senators Rasmussen, Metcalf, Snyder, Hansen, Patterson, Bauer, von Reichbauer, Barr and Thorsness)

Protecting salmon and steelhead resources from nonendangered marine mammals.

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

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5666.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5666 and the bill passed the Senate by the following vote: Yeas, 31; Nays, 9; Absent, 0; Excused, 7.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Cantu, Craswell, Erwin, Gaspard, Hayner, Jesernig, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Oke, Owen, Patterson, Rasmussen, Sellar, L. Smith, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, West, Wojahn - 31.

Voting nay: Senators Kreidler, Madsen, Moore, Niemi, Pelz, Rinehart, Skratek, A. Smith, Williams - 9.

Excused: Senators Bluechel, Conner, Matson, Roach, Saling, Snyder, Talmadge - 7.

SUBSTITUTE SENATE BILL NO. 5666, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5780, by Senate Committee on Ways and Means (originally sponsored by Senators L. Smith, Wojahn, Niemi, Johnson, West, Thorsness, von Reichbauer, L. Kreidler and Craswell)

Enhancing employment transition programs for developmentally disabled high school students.

MOTION

On motion of Senator West, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5780 was returned to second reading and read the second time.

MOTIONS

On motion of Senator Linda Smith, the following amendment was adopted:
On page 5, line 23, after "30," strike "1991" and insert "1992"

On motion of Senator Linda Smith, the rules were suspended, Reengrossed Second Substitute Senate Bill No. 5780 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Rengrossed Second Substitute Senate Bill No. 5780.

ROLL CALL

The Secretary called the roll on the final passage of Reengrossed Second Substitute Senate Bill No. 5780 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 0; Absent, 0; Excused, 7.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Cantu, Craswell, Erwin, Gaspard, Hayner, Jesemig, Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Sellar, Skratek, A. Smith, L. Smith, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 40.

Excused: Senators Bluechel, Conner, Matson, Roach, Saling, Snyder, Talmadge - 7.

REENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5780, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5727, by Senate Committee on Governmental Operations (originally sponsored by Senators Amondson, Vognild, Owen, Stratton, McCaslin, West and Johnson)

Altering interim zoning by permit-granting agencies.

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

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5727.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5727 and the bill passed the Senate by the following vote: Yeas, 31; Nays, 9; Absent, 0; Excused, 7.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Cantu, Craswell, Erwin, Gaspard, Hayner, Jesemig, Madsen, McCaslin, McDonald, McMullen, Metcalf, Nelson, Newhouse, Oke, Owen, Patterson, Rasmussen, Sellar, L. Smith, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, West, Williams - 31.

Voting nay: Senators Kreidler, Moore, Murray, Niemi, Pelz, Rinehart, Skratek, A. Smith, Wojahn - 9.

Excused: Senators Bluechel, Conner, Matson, Roach, Saling, Snyder, Talmadge - 7.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5727, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

JOURNAL OF THE SENATE

THIRD READING

SENATE BILL NO. 5375, by Senators Anderson, Rasmussen, Bailey, Johnson, Metcalf, Matson, McCaslin, Thorsness, Roach, Cantu, Oke, Craswell, A. Smith and L. Smith

Eliminating the masters degree requirement for teachers.

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

Debate ensued.

MOTION

On motion of Senator Murray, Senator Moore was excused.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5375.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5375 and the bill passed the Senate by the following vote: Yeas, 39; Nays, 0; Absent, 0; Excused, 8.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Cantu, Craswell, Erwin, Gaspard, Hayner, Jesernig, Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Sellar, Skratek, A. Smith, L. Smith, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 39.

Excused: Senators Bluechel, Conner, Matson, Moore, Roach, Saling, Snyder, Talmadge - 8.

SENATE BILL NO. 5375, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

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

On motion of Senator Newhouse, the Committee on Governmental Operations was relieved of further consideration of Senate Bill No. 6244.

On motion of Senator Newhouse, Senate Bill No. 6244 was referred to the Committee on Financial Institutions and Insurance.

On motion of Senator Newhouse, the Committee on Governmental Operations was relieved of further consideration of Senate Bill No. 6310.

On motion of Senator Newhouse, Senate Bill No. 6310 was referred to the Committee on Environment and Natural Resources.

MOTION

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

REPORT OF STANDING COMMITTEE

January 23, 1992

SB 6011 Prime Sponsor, Senator Conner: Extending veteran's benefits to Desert Storm veterans. Reported by Committee on Governmental Operations

MAJORITY Recommendation: That Substitute Senate Bill No. 6011 be substituted therefor, and the substitute bill do pass. Signed by Senators McCaslin, Chairman; Roach, Vice Chairman; Madsen and Sutherland.

Passed to Committee on Rules for second reading.

MOTION

At 11:51 a.m., on motion of Senator Newhouse, the Senate adjourned until 10:00 a.m., Monday, January 27, 1992.

JOEL PRITCHARD, President of the Senate.

GORDON A. GOLOB, Secretary of the Senate.

FIFTEENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, January 27, 1992

The Senate was called to order at 10:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Matson, Metcalf and Niemi.

The Sergeant at Arms Color Guard, consisting of Pages Carather Johnson and Chad Amos, presented the Colors. Reverend Arla Elston, pastor of the First Christian Church of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

January 23, 1992

SB 6030 Prime Sponsor, Senator West: Requiring bicyclists to wear helmets. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass as amended. Signed by Senators West, Chairman; Kreidler, Niemi and Wojahn.

Passed to Committee on Rules for second reading.

January 23, 1992

SB 6064 Prime Sponsor, Senator Thorsness: Changing municipal electric utility access to high voltage transmission facilities. Reported by Committee on Energy and Utilities

MAJORITY Recommendation: That Substitute Senate Bill No. 6064 be substituted therefor, and the substitute bill do pass. Signed by Senators Thorsness, Chairman; Saling, Vice Chairman; Jesernig, Nelson, Patterson, Roach, Stratton, Sutherland and Williams.

Passed to Committee on Rules for second reading.

January 23, 1992

SB 6067 Prime Sponsor, Senator McCaslin: Creating uniform residency requirements for elected officials. Reported by Committee on Governmental Operations

MAJORITY Recommendation: That Substitute Senate Bill No. 6067 be substituted therefor, and the substitute bill do pass. Signed by Senators McCaslin, Chairman; Madsen and Sutherland.

MAJORITY Recommendation: Do not substitute. Signed by Senator Roach, Vice Chairman.

Passed to Committee on Rules for second reading.

MESSAGE FROM THE HOUSE

January 24, 1992

MR. PRESIDENT:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 1003,
HOUSE BILL NO. 1073,
HOUSE BILL NO. 1102,
ENGROSSED HOUSE BILL NO. 1122,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1133,
HOUSE BILL NO. 1159,
HOUSE BILL NO. 1217,
SUBSTITUTE HOUSE BILL NO. 1255,
ENGROSSED HOUSE BILL NO. 1285,
HOUSE BILL NO. 1286,
SUBSTITUTE HOUSE BILL NO. 1463, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

INTRODUCTION AND FIRST READING

SB 6325 by Senators Madsen, Vognild, McMullen, McCaslin and Rasmussen

AN ACT Relating to solicitation of signatures on initiative and referendum petitions; amending RCW 29.79.490; adding a new section to chapter 29.79 RCW; creating a new section; prescribing penalties; and declaring an emergency.

Referred to Committee on Governmental Operations.

SB 6326 by Senators Gaspard, Bailey, Rinehart and Bauer

AN ACT Relating to the Washington award for excellence; amending RCW 28A.625.041, 28A.625.065, 28B.80.255, and 28B.80.265; providing an effective date; and declaring an emergency.

Referred to Committee on Education.

SB 6327 by Senators Gaspard, Bailey, Johnson, Jesernig, Murray, Pelz, Anderson, von Reichbauer, Skratek, McMullen, Bauer, Erwin, Rinehart and Roach

AN ACT Relating to the award for excellence in education program; and amending RCW 28A.625.041, 28B.80.255, and 28A.625.060.

Referred to Committee on Education.

SB 6328 by Senators Rinehart and Saling

AN ACT Relating to higher education purchasing; and reenacting and amending RCW 43.19.1906.

Referred to Committee on Higher Education.

SB 6329 by Senators Nelson and Rasmussen

AN ACT Relating to obsolete sections in the Revised Code of Washington; and repealing RCW 19.62.010, 19.62.020, and 19.62.900.

Referred to Committee on Law and Justice.

SB 6330 by Senators Nelson, Madsen, Bauer, McCaslin, Oke and Roach

AN ACT Relating to driving while license suspended or revoked; and amending RCW 46.20.342.

Referred to Committee on Law and Justice.

SB 6331 by Senators Pelz, Kreidler, Bailey, West and Oke

AN ACT Relating to funding of tobacco education; adding a new section to chapter 82.24 RCW; adding new sections to chapter 43.70 RCW; creating a new section; and providing an effective date.

Referred to Committee on Health and Long-Term Care.

SB 6332 by Senator Thorsness (by request of Department of Licensing)

AN ACT Relating to vessel dealer registration; amending RCW 88.02.010 and 88.02.050; adding a new chapter to Title 88 RCW; recodifying RCW 88.02.230; repealing RCW 88.02.023, 88.02.060, 88.02.078, 88.02.112, 88.02.115, 88.02.118, 88.02.125, 88.02.184, 88.02.188, 88.02.210, and 88.02.220; and prescribing penalties.

Referred to Committee on Commerce and Labor.

SB 6333 by Senators Thorsness and Roach (by request of Department of Licensing)

AN ACT Relating to vehicle licenses; and amending RCW 46.12.160, 46.16.006, and 46.70.090.

Referred to Committee on Transportation.

SB 6334 by Senator Talmadge

AN ACT Relating to residential and treatment services for children; amending RCW 74.13.300; adding a new section to chapter 74.13 RCW; and creating a new section.

Referred to Committee on Children and Family Services.

SB 6335 by Senators Owen, Barr, Sellar, Snyder and von Reichbauer

AN ACT Relating to a commercial salmon producers commodity commission; amending RCW 15.66.010; adding a new section to Title 75 RCW; and creating a new section.

Referred to Committee on Environment and Natural Resources.

SB 6336 by Senator Saling

AN ACT Relating to vocational education.

Referred to Committee on Higher Education.

SB 6337 by Senators Nelson, Newhouse and Stratton

AN ACT Relating to sheriffs' fees and costs; and amending RCW 36.18.040.

Referred to Committee on Law and Justice.

SB 6338 by Senators Matson, McMullen and Snyder

AN ACT Relating to alcohol servers on-premise; adding new sections to chapter 66.20 RCW; adding a new chapter to Title 66 RCW; and prescribing penalties.

Referred to Committee on Commerce and Labor.

SB 6339 by Senator Hayner

AN ACT Relating to class F wine retailer's licenses; and amending RCW 66.24.370.

Referred to Committee on Commerce and Labor.

SB 6340 by Senators Sellar, Moore, Pelz and Matson

AN ACT Relating to health maintenance organizations; and amending RCW 48.46.020, 48.46.275, 48.46.290, and 48.46.530.

Referred to Committee on Financial Institutions and Insurance.

SB 6341 by Senators Thorsness, Newhouse and Erwin

AN ACT Relating to jail industries; and adding a new chapter to Title 36 RCW.

Referred to Committee on Law and Justice.

SB 6342 by Senators Thorsness, Rasmussen, Conner and Oke

AN ACT Relating to commercial bottom trawling for food fish; and amending RCW 75.12.390.

Referred to Committee on Environment and Natural Resources.

SB 6343 by Senators Thorsness and Madsen

AN ACT Relating to a pilot program of monetary fines; and adding a new section to chapter 2.56 RCW.

Referred to Committee on Law and Justice.

SB 6344 by Senators Nelson, McMullen and Oke

AN ACT Relating to the modification of the clean air act to provide for the testing of marine vessels; amending RCW 70.94.040; and adding a new section to chapter 70.94 RCW.

Referred to Committee on Environment and Natural Resources.

SB 6345 by Senators Roach and Oke

AN ACT Relating to nonparental relationships with a child; and amending RCW 13.34.130, 13.34.190, 13.34.260, and 26.09.240.

Referred to Committee on Children and Family Services.

SB 6346 by Senators Kreidler, Skratek, Rinehart, Murray and Pelz

AN ACT Relating to discrimination by clubs; and amending RCW 66.24.450.

Referred to Committee on Commerce and Labor.

SB 6347 by Senators Nelson, A. Smith, Erwin, Madsen, Rinehart, Thorsness and von Reichbauer

AN ACT Relating to domestic violence; amending RCW 26.50.030, 26.50.035, 26.50.060, 10.99.030, 26.50.010, 26.50.020, 4.08.050, 12.04.140, 12.04.150, and 26.28.015; creating new sections; and making an appropriation.

Referred to Committee on Law and Justice.

SB 6348 by Senators von Reichbauer, Vognild and Sellar

AN ACT Relating to reimbursement for producing financial institutions records; adding a new section to chapter 30.04 RCW; adding a new section to chapter 31.04 RCW; adding a new section to chapter 31.12 RCW; adding a new section to chapter 32.04 RCW; and adding a new section to chapter 33.04 RCW.

Referred to Committee on Financial Institutions and Insurance.

SB 6349 by Senators von Reichbauer, Owen and Pelz

AN ACT Relating to the unlawful factoring of credit card transactions; adding new sections to chapter 9A.56 RCW; and prescribing penalties.

Referred to Committee on Financial Institutions and Insurance.

SB 6350 by Senators West, A. Smith, Saling, Stratton, Kreidler, Hayner, Owen, von Reichbauer, McCaslin, Pelz, Patterson, McMullen, Gaspard, Niemi, Erwin, Thorsness, Anderson, Nelson, Amondson, Oke, Moore, Sellar, Vognild, Jesernig, Bailey, Craswell, Metcalf, Madsen, Barr, Bauer and Roach

AN ACT Relating to aircraft maintenance vocational training; creating a new section; making appropriations; and declaring an emergency.

Referred to Committee on Commerce and Labor.

SB 6351 by Senators Nelson and Rasmussen

AN ACT Relating to obsolete sections in the Revised Code of Washington; and repealing RCW 37.16.020 and 37.16.130.

Referred to Committee on Law and Justice.

SB 6352 by Senators Jesernig, Barr, Madsen, Metcalf, Stratton, Bailey, Thorsness, Patterson, Vognild, Moore, Owen, Bauer, Sutherland and von Reichbauer

AN ACT Relating to the disparagement of agricultural food products; amending RCW 4.16.080; adding a new chapter to Title 7 RCW; prescribing penalties; and declaring an emergency.

Referred to Committee on Agriculture and Water Resources.

SB 6353 by Senator McCaslin

AN ACT Relating to railroads; amending RCW 81.48.010; and adding a new section to chapter 81.48 RCW.

Referred to Committee on Transportation.

SB 6354 by Senators Craswell, Barr, Pelz, Murray, Moore, West, Hayner, Newhouse, Williams, Metcalf, A. Smith, Vognild, McDonald, Stratton, Bauer, Oke and Roach

AN ACT Relating to conditions of participation in the prospective cost-related reimbursement system; and amending RCW 74.46.660.

Referred to Committee on Health and Long-Term Care.

SB 6355 by Senators Metcalf, Bailey, Owen and Barr

AN ACT Relating to resurveys by the department of natural resources; and adding new sections to chapter 58.24 RCW.

Referred to Committee on Environment and Natural Resources.

SB 6356 by Senators Metcalf, Bailey, Owen and Barr

AN ACT Relating to compensating a landowner whose bona fide rights were impaired by a department of natural resources resurvey; and adding a new section to chapter 58.24 RCW.

Referred to Committee on Environment and Natural Resources.

SB 6357 by Senator Metcalf

AN ACT Relating to technical corrections to solid waste and recycling laws; amending RCW 70.95G.020, 70.95H.030, and 36.58.090; and reenacting and amending RCW 36.58.040.

Referred to Committee on Environment and Natural Resources.

SB 6358 by Senator Metcalf

AN ACT Relating to the litter assessment; amending RCW 70.93.010, 70.93.020, 70.93.120, 70.93.130, 70.93.140, 70.93.160, 70.93.170, and 70.93.180; adding a new chapter to Title 82 RCW; recodifying RCW 70.93.120, 70.93.130, 70.93.140, 70.93.160, and 70.93.170; repealing RCW 70.93.150 and 70.93.194; and providing an effective date.

Referred to Committee on Environment and Natural Resources.

SB 6359 by Senator Metcalf

AN ACT Relating to pension funds investment policy; and amending RCW 41.50.080 and 43.33A.110.

Referred to Committee on Financial Institutions and Insurance.

SB 6360 by Senators Metcalf, Thorsness, Erwin, L. Smith, Craswell and Bauer

AN ACT Relating to salaries of state elected officials; and amending RCW 43.03.011, 43.03.012, and 43.03.013.

Referred to Committee on Governmental Operations.

SB 6361 by Senators Anderson, McMullen and Rasmussen (by request of Department of Labor and Industries)

AN ACT Relating to the industrial insurance labor-management cooperation program; and repealing 1991 c 172 s 6 (uncodified).

Referred to Committee on Commerce and Labor.

SB 6362 by Senators Anderson, Murray and McMullen (by request of Department of Labor and Industries)

AN ACT Relating to the definition of hospital in regard to self-insurers; and amending RCW 51.14.150;

Referred to Committee on Commerce and Labor.

SB 6363 by Senators Anderson, Murray and McMullen (by request of Department of Labor and Industries)

AN ACT Relating to industrial insurance assessments; and amending RCW 51.16.200, 51.48.120, and 51.48.150.

Referred to Committee on Commerce and Labor.

SB 6364 by Senators Hayner, Owen, McDonald, Rasmussen, West, Vognild, Newhouse, Nelson, Bailey, McMullen, Saling, Metcalf, Thorsness, Cantu, Amondson, L. Smith, Craswell, Patterson, Oke, Erwin, McCaslin and Sellar

AN ACT Relating to fraudulent document use; amending RCW 29.07.080, 29.07.092, 46.20.116, 46.20.091, 46.20.117, and 46.20.118; adding new sections to chapter 43.24 RCW; creating a new section; prescribing penalties; and providing an effective date.

Referred to Committee on Law and Justice.

SB 6365 by Senators Sellar, Vognild, Newhouse, Owen, Amondson, Hayner, Thorsness, Craswell, L. Smith, Bailey, Patterson, Stratton, Oke, Metcalf, McCaslin and Barr

AN ACT Relating to counties that plan under the growth management act; and amending RCW 36.70A.040.

Referred to Committee on Governmental Operations.

SB 6366 by Senators Pelz, Bailey, Erwin, Craswell, Rinehart, Murray and A. Smith

AN ACT Relating to school-age children at risk due to prenatal drug or alcohol exposure; creating new sections; and making an appropriation.

Referred to Committee on Education.

SB 6367 by Senators Oke, Roach, West, Sutherland, Nelson, Vognild, Saling, Bauer, Patterson, Amondson, Metcalf, McCaslin, Erwin, Thorsness, Owen, Craswell, L. Smith, Newhouse, Bailey, McDonald, Barr, von Reichbauer, Anderson and Sellar

AN ACT Relating to public assistance award levels; and amending RCW 74.08.025.

Referred to Committee on Children and Family Services.

SB 6368 by Senator Skratek

AN ACT Relating to the vesting of property rights upon an application for the development or improvement of land; adding new sections to chapter 58.17 RCW; creating a new section; and repealing RCW 58.17.033.

Referred to Committee on Governmental Operations.

SB 6369 by Senators Nelson, Rasmussen, Thorsness, Vognild, von Reichbauer and Oke

AN ACT Relating to prohibiting possession of firearms for persons committed for treatment of mental illness; amending RCW 9.41.040 and 71.05.240; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 6370 by Senators Metcalf, Thorsness and McCaslin

AN ACT Relating to valuation of property; and amending RCW 84.40.030.

Referred to Committee on Governmental Operations.

SB 6371 by Senators Erwin, Patterson, Barr, A. Smith and Oke

AN ACT Relating to transportation; adding a new section to chapter 47.68 RCW; adding a new section to chapter 53.08 RCW; creating new sections; and declaring an emergency.

Referred to Committee on Transportation.

SB 6372 by Senator Erwin

AN ACT Relating to a study of pedestrians and bicycle facilities; creating a new section; and making an appropriation.

Referred to Committee on Transportation.

SB 6373 by Senators Erwin, Skratek, Thorsness, Oke, Patterson and Vognild

AN ACT Relating to the membership of the transportation improvement board; reenacting and amending RCW 47.26.121; and providing an effective date.

Referred to Committee on Transportation.

SB 6374 by Senators Nelson and Rasmussen

AN ACT Relating to obsolete sections in the Revised Code of Washington; and repealing RCW 37.16.020 and 37.16.130.

Referred to Committee on Law and Justice.

SB 6375 by Senator Thorsness

AN ACT Relating to the regulatory oversight of private branch exchanges for the public health and safety; amending RCW 80.36.370; adding new sections to chapter 80.36 RCW; adding new sections to chapter 38.52 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Energy and Utilities.

SB 6376 by Senator Thorsness

AN ACT Relating to funding priorities for the program to implement enhanced 911 emergency telephone service state-wide; adding a new section to chapter 38.52 RCW; and creating a new section.

Referred to Committee on Energy and Utilities.

SB 6377 by Senator Thorsness

AN ACT Relating to the TDD state-wide relay system; amending RCW 43.20A.725 and 43.20A.730; adding a new section to chapter 80.36 RCW; and creating a new section.

Referred to Committee on Energy and Utilities.

SB 6378 by Senators Barr, Vognild and Patterson

AN ACT Relating to the escape of waste products from vehicles hauling live animals across ferries; and amending RCW 46.61.655.

Referred to Committee on Transportation.

SB 6379 by Senator Barr

AN ACT Relating to public assistance incentives; and adding a new section to chapter 74.04 RCW.

Referred to Committee on Children and Family Services.

SJR 8231 by Senators Vognild, Hayner, Skratek, McCaslin, Snyder, Newhouse, Madsen, Erwin, Stratton, Sellar, Sutherland and Nelson

Changing nomination procedures for filling certain legislative vacancies and vacancies in the office of county commissioner.

Referred to Committee on Governmental Operations.

SCR 8421 by Senators Hayner and Gaspard

Making technical adjustments in the Congressional redistricting plan.

HOLD.

SCR 8422 by Senators Hayner, Gaspard, Cantu, Rinehart, von Reichbauer and Bauer

Endorsing the Council on Education Reform and Funding's goals and mission.

HOLD.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 1003 by House Committee on Health Care (originally sponsored by Representatives O'Brien, Dellwo, Wineberry and Brough)

Requiring practitioners to provide information on prescription drugs.

Referred to Committee on Health and Long-Term Care.

HB 1073 by Representatives O'Brien, Anderson, Pruitt, Wineberry, Rasmussen, Franklin, P. Johnson, Casada and Tate

Dealing with voter registration for high school students.

Referred to Committee on Governmental Operations.

HB 1102 by Representatives Kremen, Heavey and Braddock

Requiring certification of electric spa equipment.

Referred to Committee on Commerce and Labor.

EHB 1122 by Representatives Heavey, G. Cole and Prentice

Regulating labor relations consultants.

Referred to Committee on Commerce and Labor.

ESHB 1133 by House Committee on State Government (originally sponsored by Representatives Valle, Ferguson, Belcher, Bowman, Sprenkle, Brekke, Pruitt, Dellwo, Sheldon, Morris, Jones, Betrozoff and Orr)

Changing review and approval of personal service contracts.

Referred to Committee on Governmental Operations.

HB 1159 by Representatives G. Cole, Leonard, Roland, Jacobsen, Rust, Prentice, Ebersole, Phillips, Holland, Scott, R. Fisher, Fraser, Jones, Pruitt, Franklin, Brekke, Sprenkle,

R. King, Wood, Basich, Wang, Spanel, Belcher, H. Myers, Appelwick, Orr, Beck, Braddock, Horn, Dellwo, R. Johnson, Morris, Nelson, Miller, Wineberry and Anderson

Requiring the adoption of a policy prohibiting corporal punishment in schools.

Referred to Committee on Education.

HB 1217 by Representatives Wineberry, McLean, Dellwo, Jones, Wang, Riley, Pruitt and Anderson

Extending the voter registration period.

Referred to Committee on Governmental Operations.

SHB 1255 by House Committee on Judiciary (originally sponsored by Representatives Appelwick, Padden, Inslee, Locke, Riley, Miller, Former, Heavey, Paris, Wang, R. Meyers, Jacobsen, Phillips, Orr, G. Fisher and Belcher) (by request of Human Rights Commission)

Pertaining to discrimination.

Referred to Committee on Law and Justice.

EHB 1285 by Representatives Franklin, G. Cole, Heavey, R. King, Prentice, O'Brien, Hargrove, Ludwig, Jones, Leonard, Riley, Dellwo and Basich

Providing for payments for time lost from work while attending a medical examination for industrial insurance.

Referred to Committee on Commerce and Labor.

HB 1286 by Representatives Franklin, Winsley, R. King and Wineberry

Revising collective bargaining provisions for superior court employees.

Referred to Committee on Commerce and Labor.

SHB 1463 by House Committee on Commerce and Labor (originally sponsored by Representatives R. King, Fuhrman, G. Cole, Heavey, Jones and Franklin)

Establishing procedures for industrial insurance claims.

Referred to Committee on Commerce and Labor.

MOTIONS

On motion of Senator Newhouse, Senate Bill No. 6282 which was held on the desk January 23, 1992, was referred to the Committee on Transportation.

On motion of Senator Newhouse, the rules were suspended, Senate Concurrent Resolution No. 8421 and Senate Concurrent Resolution No. 8422 were advanced to second reading and placed on the second reading calendar.

THIRD READING

SUBSTITUTE SENATE BILL NO. 5305, by Senate Committee on Education (originally sponsored by Senators Owen and Craswell)

Conditioning the reduction of a student's suspension on the commencement of counseling.

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

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5305.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5305 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 3; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hayner, Jesernig, Kreidler, Madsen, McCaslin, McDonald, McMullen, Moore, Murray, Nelson, Newhouse, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 44.

Absent: Senators Matson, Metcalf, Niemi - 3.

SUBSTITUTE SENATE BILL NO. 5305, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Anderson, Senators Matson and Metcalf were excused.

THIRD READING

SUBSTITUTE SENATE BILL NO. 5634, by Senate Committee on Health and Long-Term Care (originally sponsored by Senators Cantu, Bailey and A. Smith)

Requiring that dentists' offices comply with requirements for sterilization of equipment and infection control.

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

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5634.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5634 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hayner, Jesernig, Kreidler, Madsen, McCaslin, McDonald, McMullen, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 45.

Excused: Senators Matson, Metcalf - 2.

SUBSTITUTE SENATE BILL NO. 5634, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

SUBSTITUTE SENATE BILL NO. 5116, by Senate Committee on Education (originally sponsored by Senators Murray, Bailey, Thorsness, Gaspard, A. Smith, Rinehart, Madsen, Talmadge, Bauer and Erwin (by request of Task Force on Student Transportation Safety)

Allowing school bus drivers to report violators.

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

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5116.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5116 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Jesernig, Kreidler, Madsen, McCaslin, McDonald, McMullen, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 44.

Voting nay: Senator Hayner - 1.

Excused: Senators Matson, Metcalf - 2.

SUBSTITUTE SENATE BILL NO. 5116, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Murray, Senator Rinehart was excused.

THIRD READING

SENATE BILL NO. 5302, by Senators Snyder, Metcalf, Rasmussen, Anderson, L. Smith, Amondson, Patterson and Oke

Designating salmon production as the primary mission of the department of fisheries.

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

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5302.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5302 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hayner, Jesernig, Kreidler, Madsen, McCaslin, McDonald, McMullen, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 44.

Excused: Senators Matson, Metcalf, Rinehart - 3.

SENATE BILL NO. 5302, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

SENATE BILL NO. 5510, by Senators Rasmussen, Moore, Nelson, Bauer, Saling and L. Smith

Allowing for restoration of withdrawn contributions in annual installments to the Washington public employees' retirement system.

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

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5510.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5510 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hayner, Jesernig, Kreidler, Madsen, McCaslin, McDonald, McMullen, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Rasmussen, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 43.

Absent: Senator Pelz - 1.

Excused: Senators Matson, Metcalf, Rinehart - 3.

SENATE BILL NO. 5510, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Murray, Senator Pelz was excused.

THIRD READING

SUBSTITUTE SENATE BILL NO. 5237, by Senate Committee on Transportation (originally sponsored by Senators Bailey, Johnson, Patterson, Rinehart, Vognild, Anderson, Cantu, McCaslin, Oke, Nelson, Conner and Erwin)

Requiring large, slow vehicles to keep right.

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

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5237.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5237 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hayner, Jesernig, Kreidler, Madsen, McCaslin, McDonald, McMullen, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Rasmussen, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 43.

Excused: Senators Matson, Metcalf, Pelz, Rinehart - 4.

SUBSTITUTE SENATE BILL NO. 5237, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

SUBSTITUTE SENATE BILL NO. 5559, by Senate Committee on Law and Justice (originally sponsored by Senators Nelson, Madsen, Matson, Thorsness and Rasmussen)

Declaring landlord-tenant duties as being state-wide.

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

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5559.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5559 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 15; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bluechel, Cantu, Conner, Craswell, Erwin, Hayner, Jesernig, Madsen, McDonald, Metcalf, Nelson, Newhouse, Owen, Patterson, Rasmussen, Roach, Saling, Sellar, L. Smith, Snyder, Stratton, Sutherland, Thorsness, West, Williams - 29.

Voting nay: Senators Bauer, Gaspard, Kreidler, McCaslin, McMullen, Moore, Murray, Niemi, Oke, Skratek, A. Smith, Talmadge, Vognild, von Reichbauer, Wojahn - 15.

Excused: Senators Matson, Pelz, Rinehart - 3.

SUBSTITUTE SENATE BILL NO. 5559, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

SUBSTITUTE SENATE BILL NO. 5465, by Senate Committee on Health and Long-Term Care (originally sponsored by Senators West, Moore, Conner, McDonald, Newhouse, Nelson, Bluechel, Johnson, Niemi, Wojahn and von Reichbauer)

Concerning the ratio of pharmacy assistants.

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

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5465.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5465 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hayner, Jesernig, Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Rasmussen, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 44.

Excused: Senators Matson, Pelz, Rinehart - 3.

SUBSTITUTE SENATE BILL NO. 5465, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5724, by Senate Committee on Ways and Means (originally sponsored by Senators Sutherland, Hayner and Owen)

Requiring the department of ecology to study impacts of regulating paper mill waste.

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

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute Senate Bill No. 5724.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5724 and the bill passed the Senate by the following vote: Yeas, 38; Nays, 6; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hayner, Jesernig, Madsen, McCaslin, McDonald, McMullen, Metcalf, Nelson, Newhouse, Oke, Owen, Patterson, Rasmussen, Roach, Saling, Sellar, Skratek, L. Smith, Snyder, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 38.

Voting nay: Senators Kreidler, Moore, Murray, Niemi, A. Smith, Talmadge - 6.

Excused: Senators Matson, Pelz, Rinehart - 3.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5724, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

SENATE BILL NO. 5848, by Senator Rasmussen

Increasing the homestead exemption.

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

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5848.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5848 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hayner, Jesernig, Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Rasmussen, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 44.

Excused: Senators Matson, Pelz, Rinehart - 3.

SENATE BILL NO. 5848, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8422, by Senators Hayner, Gaspard, Cantu, Rinehart, von Reichbauer and Bauer

Endorsing the Council on Education Reform and Funding's goals and mission.

The concurrent resolution was read the second time.

MOTION

On motion of Senator Newhouse, the rules were suspended, Senate Concurrent Resolution No. 8422 was advanced to third reading, the second reading considered the third and the concurrent resolution was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the adoption of Senate Concurrent Resolution No. 8422.

Senate Concurrent Resolution No. 8422 was adopted by voice vote.

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8421, by Senators Hayner and Gaspard

Making technical adjustments in the Congressional redistricting plan.

The concurrent resolution was read the second time.

MOTION

At 10:58 a.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 11:48 a.m. by President Pritchard.

There being no objection, the Senate resumed consideration of Senate Concurrent Resolution No. 8421, being considered on second reading, before the Senate went at ease.

MOTION

On motion of Senator Newhouse, the rules were suspended, Senate Concurrent Resolution No. 8421 was advanced to third reading, the second reading considered the third and the concurrent resolution was placed on final passage.

Debate ensued.

PARLIAMENTARY INQUIRY

Senator Snyder: "A parliamentary inquiry, Mr. President. Can the Legislature amend the redistricting plan submitted by the Redistricting Commission more than once during this legislative session?"

REPLY BY THE PRESIDENT

President Pritchard: "According to RCW 44.05.100, the Legislature may amend the plan for 'the next thirty days during any regular or special session.' Further, Article 2, Section 43 of the State Constitution states: 'Any amendment must have passed both houses by the end

of the thirtieth day of the first session convened after the commission has submitted its plan to the Legislature. After that day, the plan, with any legislative amendments, constitutes the state districting law.'

"Therefore, passage of SCR 8421 does not preclude consideration of any other resolutions amending the plan, so long as they are before the Legislature on or before the 30th day of this session (February 11, 1992)."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Concurrent Resolution No. 8421.

ROLL CALL

The Secretary called the roll on the final passage of Senate Concurrent Resolution No. 8421 and the concurrent resolution passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 2; Excused, 1.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hayner, Jesernig, Kreidler, Madsen, McCaslin, McDonald, McMullen, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 44.

Absent: Senators Bailey, Metcalf - 2.

Excused: Senator Matson - 1.

SENATE CONCURRENT RESOLUTION NO. 8421, having received the constitutional majority was declared passed.

MOTION

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

MOTION

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

SENATE RESOLUTION 1992-8712

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

WHEREAS, A major league baseball franchise is a valuable community asset in terms of spirit, employment, economic development, and family entertainment; and

WHEREAS, Major league baseball is truly an international enterprise in terms of players, ownership, and fan enjoyment; and

WHEREAS, The major league baseball franchise located in Seattle is for sale and, without sale to persons committed to retaining the franchise in Seattle, may be relocated; and

WHEREAS, Sale of the franchise to persons committed to retention of the franchise in Seattle is in the best interests of the entire state; and

WHEREAS, The state of Washington has significant cultural, economic, and historical ties with nations on the Pacific Rim and is a major trading partner with such nations; and

WHEREAS, A bona fide offer has been made to the ownership of the franchise in Seattle; and

WHEREAS, The offer has been made by persons who have demonstrated their intent to voluntarily and willingly agree to maintain the franchise in Seattle and forgo any legal option to relocate;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate urges the Commissioner of Major League Baseball to recognize and applaud the international appeal of baseball; and

BE IT FURTHER RESOLVED, That the Senate urges the Commissioner to accept the realities of the economics of operating a franchise in a highly competitive market; and

BE IT FURTHER RESOLVED, That the Senate urges the Commissioner to do everything in his power to remove any artificial barriers to the sale of the Seattle franchise to persons committed to retaining the franchise within the state of Washington; and

BE IT FURTHER RESOLVED, That the Senate declares that any opposition to the sale of the Seattle franchise which is based on the national origin or country of residence of prospective owners is such an artificial barrier and the Commissioner should use his good offices to eliminate such barriers and encourage the owners of other franchises to approve the sale; and

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to the Commissioner of Major League Baseball, the current owner of the Seattle franchise, the individuals who have offered to purchase the franchise, the Governor, the King County Executive, and the Mayor of Seattle.

Senators Talmadge and Hayner spoke to Senate Resolution 1992-8712.

MOTION

At 12:04 p.m., on motion of Senator Newhouse, the Senate adjourned until 12:00 noon, Tuesday, January 28, 1992.

JOEL PRITCHARD, President of the Senate.

GORDON A. GOLOB, Secretary of the Senate.

SIXTEENTH DAY

NOON SESSION

Senate Chamber, Olympia, Tuesday, January 28, 1992

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

MOTION

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

REPORTS OF STANDING COMMITTEES

January 23, 1992

SB 6134 Prime Sponsor, Senator Nelson: Requiring seals for district courts. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Kreidler, Madsen, Newhouse, Rasmussen and A. Smith.

Passed to Committee on Rules for second reading.

January 27, 1992

SB 6150 Prime Sponsor, Senator Barr: Improving the accounting system for salmon and steelhead. Reported by Committee on Environment and Natural Resources

MAJORITY Recommendation: Do pass. Signed by Senators Metcalf, Chairman; Oke, Vice Chairman; Amondson, Barr, Conner, Owen, Sellar, Snyder and Sutherland.

Passed to Committee on Rules for second reading.

January 27, 1992

SB 6226 Prime Sponsor, Senator McCaslin: Changing the standards for the investment of the moneys of the firemen's pension fund. Reported by Committee on Governmental Operations

MAJORITY Recommendation: Do pass. Signed by Senators McCaslin, Chairman; Roach, Vice Chairman; Madsen and Sutherland.

Passed to Committee on Rules for second reading.

REPORTS OF STANDING COMMITTEES
GUBERNATORIAL APPOINTMENTS

January 27, 1992

GA 9186 CARL BROWN, appointed October 17, 1991, for a term ending September 30, 1992, as a member of the Board of Trustees for Bates Technical College.

Reported by Committee on Higher Education

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

Passed to Committee on Rules.

January 27, 1992

GA 9187 THERESA CECCARELLI, appointed October 17, 1991, for a term ending September 30, 1995, as a member of the Board of Trustees for Bates Technical College.

Reported by Committee on Higher Education

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

Passed to Committee on Rules.

January 27, 1992

GA 9191 ROWLAND DEWHURST, appointed October 17, 1991, for a term ending September 30, 1993, as a member of the Board of Trustees for Bates Technical College.

Reported by Committee on Higher Education

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

Passed to Committee on Rules.

January 27, 1992

GA 9202 CLYDE HUPP, appointed October 1, 1991, for a term ending April 30, 1994, as a member of the State Board for Community and Technical Colleges.

Reported by Committee on Higher Education

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

Passed to Committee on Rules.

January 27, 1992

GA 9213 JOHN MCGINNIS, appointed October 17, 1991, for a term ending September 30, 1994, as a member of the Board of Trustees for Bates Technical College.

Reported by Committee on Higher Education

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

Passed to Committee on Rules.

January 27, 1992

GA 9227 RICHARD SONSTELIE, appointed October 1, 1991, for a term ending April 30, 1995, as a member of the State Board for Community and Technical Colleges.
Reported by Committee on Higher Education

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

Passed to Committee on Rules.

January 27, 1992

GA 9232 DR. RAY TOBIASON, appointed July 11, 1991, for a term ending March 26, 1994, as a member of the Higher Education Facilities Authority.
Reported by Committee on Higher Education

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

Passed to Committee on Rules.

MESSAGE FROM THE HOUSE

January 27, 1992

MR. PRESIDENT:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 1464,

SUBSTITUTE HOUSE BILL NO. 1466, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

INTRODUCTION AND FIRST READING

SB 6380 by Senators Bauer and McCaslin

AN ACT Relating to death certificates; and adding new sections to chapter 70.58 RCW.

Referred to Committee on Health and Long-Term Care.

SB 6381 by Senator Niemi

AN ACT Relating to business and occupation taxation of hospitals; amending RCW 82.04.290, 82.04.300, 82.04.4288, and 82.04.4289; adding a new section to chapter 82.04 RCW; and providing an effective date.

Referred to Committee on Ways and Means.

SB 6382 by Senators Owen and Metcalf

AN ACT Relating to supporting threatened or endangered food fish; amending RCW 46.16.605; and adding a new section to chapter 46.16 RCW.

Referred to Committee on Environment and Natural Resources.

SB 6383 by Senator Thorsness

AN ACT Relating to financial assurance; and amending RCW 43.200.200, 43.200.210, 70.98.095, and 70.98.098.

Referred to Committee on Energy and Utilities.

SB 6384 by Senators Sellar, Snyder, West and McMullen

AN ACT Relating to small employer health insurance, data collection, and administrative reform; adding a new chapter to Title 48 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Financial Institutions and Insurance.

SB 6385 by Senators Sutherland, Owen, Oke and Barr

AN ACT Relating to wild salmon; adding new sections to chapter 75.50 RCW; creating a new section; and providing for submission of this act to a vote of the people.

Referred to Committee on Environment and Natural Resources.

SB 6386 by Senators Roach, McMullen, Anderson and Bauer

AN ACT Relating to radon testing required by the state building code council; amending RCW 4.24.560; adding a new section to chapter 19.27 RCW; and declaring an emergency.

Referred to Committee on Energy and Utilities.

SB 6387 by Senators Nelson, Thorsness, Kreidler and Rasmussen (by request of Department of Community Development and Department of Social and Health Services)

AN ACT Relating to the office of crime victims' advocacy; amending RCW 43.280.010, 43.280.020, 43.280.030, 43.280.050, and 43.280.060; reenacting and amending RCW 42.17.310; adding new sections to chapter 43.280 RCW; and adding a new section to chapter 41.06 RCW.

Referred to Committee on Law and Justice.

SB 6388 by Senators Williams, Rinehart, Pelz and Niemi

AN ACT Relating to public employees' retirement exemptions; reenacting and amending RCW 41.40.023; and adding a new section to chapter 41.40 RCW.

Referred to Committee on Ways and Means.

SB 6389 by Senators Moore and Rasmussen

AN ACT Relating to real estate loan servicing; adding a new chapter to Title 19 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Financial Institutions and Insurance.

SB 6390 by Senators Moore, von Reichbauer and Rasmussen

AN ACT Relating to enforcement powers of the director of licensing in regard to the securities industry; and amending RCW 21.20.110.

Referred to Committee on Financial Institutions and Insurance.

SB 6391 by Senators Barr, Madsen, Talmadge, Bailey, Williams and Newhouse

AN ACT Relating to water conservation and reclamation; adding new sections to chapter 43.70 RCW; creating new sections; and making an appropriation.

Referred to Committee on Agriculture and Water Resources.

SB 6392 by Senators Erwin, A. Smith, Thorsness and Conner

AN ACT Relating to preventing price discrimination by major oil companies; and adding a new chapter to Title 19 RCW.

Referred to Committee on Commerce and Labor.

SB 6393 by Senator Bailey (by request of Department of Agriculture)

AN ACT Relating to milk producers and distributors and food processors; amending RCW 15.36.080, 69.07.040, 69.07.050, and 69.07.120; adding new sections to chapter 15.36 RCW; and adding a new section to chapter 69.07 RCW.

Referred to Committee on Agriculture and Water Resources.

SB 6394 by Senators Vognild and Nelson

AN ACT Relating to superior court fees; and amending RCW 36.18.020.

Referred to Committee on Law and Justice.

SB 6395 by Senators von Reichbauer, Moore, Erwin, Vognild and Conner

AN ACT Relating to the business and occupation taxation of stock brokers, broker-dealers, and security houses; and amending RCW 82.04.260.

Referred to Committee on Financial Institutions and Insurance.

SB 6396 by Senators von Reichbauer, Pelz, Erwin, Moore, Vognild and Conner

AN ACT Relating to persons making contracts of insurance with unauthorized insurance providers; and amending RCW 48.15.020.

Referred to Committee on Financial Institutions and Insurance.

SB 6397 by Senators Matson, Talmadge, Snyder, Murray, Anderson, Amondson, Skratek and Conner

AN ACT Relating to the Washington work opportunities program; adding new sections to chapter 74.25 RCW; creating new sections; and making an appropriation.

Referred to Committee on Commerce and Labor.

SB 6398 by Senators West, Rasmussen, Nelson, L. Smith, Bailey, Craswell, Barr, Bluechel, Metcalf, Oke, Saling, Patterson and Thorsness

AN ACT Relating to limitations on attorneys' contingent fees in actions for injuries resulting from health care; amending RCW 7.70.070; and adding a new section to chapter 7.70 RCW.

Referred to Committee on Law and Justice.

SB 6399 by Senator Barr

AN ACT Relating to acquisition of land by state agencies; adding a new section to chapter 43.19 RCW; and declaring an emergency.

Referred to Committee on Governmental Operations.

SJM 8027 by Senators McDonald, Snyder, Amondson, Owen, Anderson and Barr

Memorializing the endangered species act.

Referred to Committee on Environment and Natural Resources.

SCR 8423 by Senators Barr and Conner

Creating a committee for affordable farmworker housing.

Referred to Committee on Agriculture and Water Resources.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 1464 by House Committee on Commerce and Labor (originally sponsored by Representatives Prentice, G. Cole, Heavey, Jacobsen, Franklin, Leonard, Ogden, R. King, Riley, Phillips, Winsley, Jones and R. Meyers)

Providing civil penalties for prohibited practices in industrial insurance.

Referred to Committee on Commerce and Labor.

SHB 1466 by House Committee on Commerce and Labor (originally sponsored by Representatives Ludwig, R. King, G. Cole, Heavey, Jones and Franklin)

Reimbursement for attorneys' fees in certain social security benefit cases.

Referred to Committee on Commerce and Labor.

MOTION

At 12:07 p.m., on motion of Senator Amondson, the Senate adjourned until 10:00 a.m., Wednesday, January 29, 1992.

JOEL PRITCHARD, President of the Senate

GORDON GOLOB, Secretary of the Senate.

SEVENTEENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, January 29, 1992

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

The Sergeant at Arms Color Guard, consisting of Pages Jessica Jackson and Stephen Gridley, presented the Colors. Reverend Arla Elston, pastor of the First Christian Church of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

January 28, 1992

SB 6052 Prime Sponsor, Senator Snyder: Directing a study of the coastal crab fishery. Reported by Committee on Environment and Natural Resources

MAJORITY Recommendation: Do pass. Signed by Senators Metcalf, Chairman; Oke, Vice Chairman; Amondson, Barr, Conner, Owen, Snyder and Sutherland.

Passed to Committee on Rules for second reading.

January 28, 1992

SB 6060 Prime Sponsor, Senator Roach: Making changes regarding the coordination of general assistance programs. Reported by Committee on Children and Family Services

MAJORITY Recommendation: Do pass. Signed by Senators Roach, Chairman; Craswell and Stratton.

Passed to Committee on Rules for second reading.

January 28, 1992

SB 6093 Prime Sponsor, Senator Barr: Providing pesticide-sensitive individuals notification of urban pesticide applications. Reported by Committee on Agriculture and Water Resources

MAJORITY Recommendation: Do pass as amended. Signed by Senators Barr, Chairman; Anderson, Vice Chairman; Bailey, Conner, Gaspard and Newhouse.

Passed to Committee on Rules for second reading.

January 28, 1992

SB 6223 Prime Sponsor, Senator Sellar: Protecting agricultural practices. Reported by Committee on Agriculture and Water Resources

MAJORITY Recommendation: Do pass. Signed by Senators Barr, Chairman; Anderson, Vice Chairman; Bailey, Gaspard and Newhouse.

Passed to Committee on Rules for second reading.

MESSAGE FROM THE GOVERNOR

January 23, 1992

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

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

Aubrey Davis, appointed for a term beginning February 1, 1992, and ending June 30, 1995, as a member of the Transportation Commission.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Transportation.

MESSAGE FROM THE HOUSE

January 28, 1992

MR. PRESIDENT:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 1015,

SUBSTITUTE HOUSE BILL NO. 1061,

ENGROSSED HOUSE BILL NO. 1083,

HOUSE BILL NO. 1116,

SUBSTITUTE HOUSE BILL NO. 1183,

SUBSTITUTE HOUSE BILL NO. 1186,

HOUSE BILL NO. 1191,

HOUSE BILL NO. 1193, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

INTRODUCTION AND FIRST READING

SB 6400 by Senators Matson, Madsen, Roach, Vognild and Sellar

AN ACT Relating to prohibiting the duplication of mitigation for the same system improvements; and adding a new section to chapter 82.02 RCW.

Referred to Committee on Governmental Operations.

SB 6401 by Senators Barr, Bauer, Hayner and Snyder

AN ACT Relating to corridor designations; and amending RCW 36.70A.160.

Referred to Committee on Governmental Operations.

SB 6402 by Senators Newhouse, Bauer, Amondson, McCaslin, McMullen and von Reichbauer

AN ACT Relating to amendments to the state building code; amending RCW 19.27.015 and 19.27.074; reenacting and amending RCW 19.27.060; and creating new sections.

Referred to Committee on Governmental Operations.

SB 6403 by Senators Sellar and Owen

AN ACT Relating to life insurance and annuities; amending RCW 48.23.300; and providing an effective date.

Referred to Committee on Financial Institutions and Insurance.

SB 6404 by Senators McMullen, Bluechel and McCaslin

AN ACT Relating to payment for work of improvement on real property; amending RCW 39.76.010, 60.28.010, 60.28.020, and 60.28.050; adding a new chapter to Title 60 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Commerce and Labor.

SB 6405 by Senators Nelson and Skratek

AN ACT Relating to civil commitment of sexually violent predators; and amending RCW 71.09.090.

Referred to Committee on Law and Justice.

SB 6406 by Senator Rinehart

AN ACT Relating to court reporting schools; amending RCW 18.145.080; and creating a new section.

Referred to Committee on Commerce and Labor.

SB 6407 by Senators Madsen, Anderson, Matson and Vognild

AN ACT Relating to public works construction contracts; and adding a new section to chapter 39.04 RCW.

Referred to Committee on Commerce and Labor.

SB 6408 by Senators Matson, Vognild, Hayner, Sutherland, Madsen, McCaslin and Roach

AN ACT Relating to the use of locally imposed real estate excise tax proceeds for financing capital projects; and amending RCW 82.46.010 and 82.46.035.

Referred to Committee on Governmental Operations.

SB 6409 by Senators Bauer and Barr

AN ACT Relating to outdoor burning; and amending RCW 70.94.743.

Referred to Committee on Agriculture and Water Resources.

SB 6410 by Senators Madsen and Sutherland

AN ACT Relating to the right to refuse treatment after pleading not guilty due to insanity and being found incompetent; and amending RCW 10.77.090.

Referred to Committee on Law and Justice.

SB 6411 by Senators Madsen and Murray

AN ACT Relating to open government; amending RCW 42.17.020, 42.17.260, 42.17.290, 42.17.320, 42.17.330, 42.17.340, 42.30.020, 42.30.060, 42.30.070, 42.30.075, 42.30.080, 42.30.110, 42.30.120, and 42.30.900; reenacting and amending RCW 42.17.310; adding new sections to chapter 42.17 RCW; adding new sections to chapter 42.30 RCW; creating new sections; repealing RCW 42.32.030; and prescribing penalties.

Referred to Committee on Governmental Operations.

SB 6412 by Senators Madsen, McCaslin, Sutherland and Thorsness

AN ACT Relating to accountability in state government; amending RCW 43.09.050, 43.88.160, 44.28.085, 43.88.010, and 43.88.090; amending 1987 c 480 s 3 (uncodified); adding a new section to chapter 43.06 RCW; adding a new section to chapter 43.88 RCW; adding a new chapter to Title 43 RCW; creating new sections; and providing an effective date.

Referred to Committee on Governmental Operations.

SB 6413 by Senators McCaslin, Pelz and Moore (by request of Insurance Commissioner)

AN ACT Relating to insurance fraud; adding a new section to chapter 48.30 RCW; making an appropriation; and providing an effective date.

Referred to Committee on Financial Institutions and Insurance.

SB 6414 by Senators Bailey, Rinehart, Murray, Pelz and Skratek

AN ACT Relating to validation requirements for school district elections; and amending RCW 84.52.056.

Referred to Committee on Education.

SB 6415 by Senator Nelson

AN ACT Relating to fraud; amending RCW 4.24.230 and 19.48.110; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 6416 by Senators Barr, Newhouse and Gaspard

AN ACT Relating to producer liens; amending RCW 60.13.010, 60.13.050, 60.13.060, 60.13.070, and 62A-9.310; reenacting and amending RCW 60.13.040; and adding a new section to chapter 60.13 RCW.

Referred to Committee on Agriculture and Water Resources.

SB 6417 by Senator West

AN ACT Relating to dispensing drug outlets; amending RCW 18.64.011, 18.64.246, and 18.64.255; reenacting and amending RCW 18.64.165 and 18.64.245; adding a new section to chapter 18.64 RCW; and prescribing penalties.

Referred to Committee on Health and Long-Term Care.

SB 6418 by Senators Bauer, Anderson, Amondson, von Reichbauer and McMullen

AN ACT Relating to the governing board of the state's higher education institutes; amending RCW 28B.20.100, 28B.30.100, and 28B.35.100; and providing an effective date.

Referred to Committee on Higher Education.

SB 6419 by Senators Rasmussen, Vognild, Moore and Owen

AN ACT Relating to voting membership on the state investment board; and amending RCW 43.33A.020 and 43.33A.040.

Referred to Committee on Financial Institutions and Insurance.

SB 6420 by Senator Metcalf

AN ACT Relating to the environmental hearings office; amending RCW 43.21B.005, 43.21B.010, 43.21B.020, 43.21B.030, 43.21B.040, 43.21B.180, and 43.21B.230; and amending 1987 c 109 s 1 (uncodified).

Referred to Committee on Environment and Natural Resources.

SB 6421 by Senator Metcalf

AN ACT Relating to hazardous waste management; and amending RCW 70.105.005, 70.105.007, 70.105.010, and 70.105.150.

Referred to Committee on Environment and Natural Resources.

SB 6422 by Senators Cantu and Thorsness

AN ACT Relating to limiting prevailing wage requirements to on-site work; and amending RCW 39.12.020 and 39.12.030.

Referred to Committee on Commerce and Labor.

SB 6423 by Senators Erwin and Craswell

AN ACT Relating to malicious harassment because of race, color, religion, ancestry, national origin, or mental, physical, or sensory handicap; amending RCW 9A.36.080; adding a new section to chapter 36.28A RCW; creating new sections; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 6424 by Senator Erwin

AN ACT Relating to community self-government; and adding a new chapter to Title 35A RCW.

Referred to Committee on Governmental Operations.

SB 6425 by Senator Erwin

AN ACT Relating to exemptions from the uniform fire code; and reenacting and amending RCW 19.27.060.

Referred to Committee on Commerce and Labor.

SB 6426 by Senator Erwin

AN ACT Relating to addition of territory to public transportation benefit areas; and amending RCW 36.57A.040.

Referred to Committee on Transportation.

SB 6427 by Senators Murray and Skratek

AN ACT Relating to unauthorized mailings; and amending RCW 19.56.020.

Referred to Committee on Commerce and Labor.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 1015 by House Committee on Local Government (originally sponsored by Representatives Haugen, Ferguson, Roland, Horn, Zellinsky, Phillips, Winsley, Nealey, Nelson, Fraser and Rayburn)

Creating a procedure for local government service agreements.

Referred to Committee on Governmental Operations.

SHB 1061 by House Committee on Judiciary (originally sponsored by Representatives Ludwig, Padden, R. Meyers, Ferguson, Miller, Orr, Kremen, Winsley and Sheldon)

Making funeral expenses and cost of administration fully deductible from the decedent's estate.

Referred to Committee on Law and Justice.

EHB 1083 by Representatives Braddock and Sprenkle (by request of Health Care Authority)

Revising provisions for voluntary payroll deductions for public employees.

Referred to Committee on Health and Long-Term Care.

HB 1116 by Representatives R. Meyers, Appelwick, R. Fisher, Wood, Paris and Edmondson (by request of Department of Licensing)

Authorizing alternative forms of financial responsibility.

Referred to Committee on Financial Institutions and Insurance.

SHB 1183 by House Committee on Judiciary (originally sponsored by Representatives Ludwig, Wynne, Orr and Rasmussen)

Changing provisions relating to negligent driving.

Referred to Committee on Law and Justice.

SHB 1186 by House Committee on Judiciary (originally sponsored by Representatives Appelwick, Ludwig, Paris, Wineberry, Scott and Riley)

Requiring that criminal penalties set by cities and counties be the same as those set in state law.

Referred to Committee on Law and Justice.

HB 1191 by Representatives Ogden, Jacobsen, Roland, Prentice, Wood, Edmondson, Fraser, Franklin, H. Myers, Ferguson, Winsley, D. Sommers, Paris, Bowman, Fomer, Rayburn, Dellwo, Jones, Wynne, R. Johnson, Riley, Scott, Moyer, Phillips, Brekke, Basich, Spanel, Mitchell, Leonard and Anderson

Providing assistance to single parents in higher education.

Referred to Committee on Higher Education.

HB 1193 by Representatives Zellinsky, Franklin, Nealey, Haugen, Bray, Wynne, Cooper, Rayburn, Winsley, R. Meyers and Scott

Modifying compensation conditions for fire commissioners who serve as volunteer fire fighters.

Referred to Committee on Governmental Operations.

INTRODUCTION OF SPECIAL GUESTS

The President introduced John and Donna Bosma of Outlook in Yakima Valley, the 1992 Washington Dairy Family of the Year, as well as the Dairy Ambassadors accompanying the Washington Dairy Princesses, seated in the gallery.

The President introduced Karen McKay, the Washington State Dairy Princess, Tracy Barnes, the first alternate Dairy Princess, and Erin Woodside, the second alternate Dairy Princess, who were seated on the rostrum.

With permission of the Senate, business was suspended to permit Princess Karen to address the Senate.

LETTER OF APPOINTMENT 13th LEGISLATIVE DISTRICT

January 28, 1992

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

Dear Governor Gardner:

The Boards of County Commissioners of Grant, Yakima, Kittitas and one Commissioner from Adams County did meet jointly at 4:30 p.m., January 27, 1992, in Vantage, Washington, to select a successor to the late Senator Frank "Tub" Hansen.

Pursuant to Article II, Section 15 of the Washington State Constitution as amended by Amendment 52, the Boards of Commissioners of Grant, Yakima, Kittitas and Adams Counties do hereby appoint Wanda Hansen to fill the 13th Legislative District Senate vacancy left by the death of Senator Frank "Tub" Hansen.

Sincerely,

**BOARD OF COUNTY COMMISSIONERS
GRANT COUNTY, WASHINGTON**

Helen Fancher
Don Goodwin
Sid Winzler

**BOARD OF COUNTY COMMISSIONERS
KITTTAS COUNTY, WASHINGTON**

John Perrie
Ray Owens
Mary Seubert

**BOARD OF COUNTY COMMISSIONERS
YAKIMA COUNTY, WASHINGTON**

Alex Deccio
Graham Tollefson
Chuck Klarich

**BOARD OF COUNTY COMMISSIONERS
ADAMS COUNTY, WASHINGTON**

Bill Morris

INTRODUCTION OF SPECIAL GUEST

The President introduced the Honorable Richard P. Guy, Justice of the Supreme Court of the state of Washington, who was seated on the rostrum.

APPOINTMENT OF SPECIAL COMMITTEE

The President appointed Senators Hayner, Gaspard, Barr and Bauer as a committee of honor to escort newly appointed Senator Wanda Hansen to the rostrum.

Justice Richard P. Guy of the Washington State Supreme Court administered the oath of office to Senator Wanda Hansen.

REMARKS BY PRESIDENT PRITCHARD

President Pritchard: "I want to say, in behalf of all the Senate, that Wanda comes as not a stranger to us, but a good friend. We are delighted to have you here with us and I know everyone--everyone--in the Chamber will do everything they can to work with you and cooperate with you and we are just delighted to have you."

REMARKS BY SENATOR WANDA HANSEN

Senator Hansen: "I just want to say 'thank you' for Tub, for all the years that you were his companions and his competitors. This was a separate family from what we had at home and he loved it and I thank you all for your part in that."

INTRODUCTION OF HANSEN FAMILY

The President introduced members of the Hansen family who were seated in the gallery.

The committee of honor escorted Senator Wanda Hansen to her seat in the Senate Chamber and the committee was discharged.

STATEMENT FOR THE JOURNAL

TO: Gordon Golob, Secretary of the Senate
 FROM: Senator Dean Sutherland
 SUBJECT: Wednesday, January 29, 1992

I was excused from session on Wednesday, January 29, 1992. I had a prearranged legislative commitment in my district.

I missed the following votes and for the record, I would like to state that I would have voted 'yes' on them: Substitute Senate Bill No. 5031, Engrossed Substitute Senate Bill No. 5929, Engrossed Substitute Senate Bill No. 5810, Engrossed Substitute Senate Bill No. 5055, Engrossed Senate Bill No. 5140, Engrossed Senate Bill No. 5675, Senate Bill No. 5371 and Senate Joint Memorial No. 8002.

THIRD READING

SUBSTITUTE SENATE BILL NO. 5031, by Senate Committee on Law and Justice (originally sponsored by Senators Nelson, Madsen, Thorsness, Talmadge, Rasmussen, Oke, Gaspard, A. Smith, Snyder, Wojahn and Johnson) (by request of Attorney General)

Creating a crime stoppers assistance office.

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

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5031.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5031 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, Matson, McCaslin, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Talmadge, Thorsness, Vognild, von Reichbauer, West, Wojahn - 44.

Absent: Senator Conner - 1.

Excused: Senators McDonald, Sutherland, Williams - 3.

SUBSTITUTE SENATE BILL NO. 5031, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5929, by Senate Committee on Ways and Means (originally sponsored by Senators Cantu, McDonald and Rasmussen)

Providing tax exemptions for nonprofit organizations serving meals for fundraising purposes.

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

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5929.

MOTION

On motion of Senator Murray, Senator Conner was excused.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5929 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 1; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, Matson, McCaslin, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Talmadge, Thorsness, Vognild, von Reichbauer, West, Wojahn - 43.

Voting nay: Senator Niemi - 1.

Excused: Senators Conner, McDonald, Sutherland, Williams - 4.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5929, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5810, by Senate Committee on Governmental Operations (originally sponsored by Senators Rasmussen, McCaslin and L. Smith)

Creating state-wide affordable housing.

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

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5810.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5810 and the bill passed the Senate by the following vote: Yeas, 37; Nays, 7; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Cantu, Craswell, Erwin, Gaspard, Hansen, Jesernig, Kreidler, Madsen, Matson, McCaslin, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Rasmussen, Roach, Saling, Sellar, Skratek, L. Smith, Snyder, Stratton, Thorsness, Vognild, West, Wojahn - 37.

Voting nay: Senators Bluechel, Hayner, Pelz, Rinehart, A. Smith, Talmadge, von Reichbauer - 7.

Excused: Senators Conner, McDonald, Sutherland, Williams - 4.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5810, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

President Pro Tempore Craswell assumed the Chair.

THIRD READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5055, by Senate Committee on Environment and Natural Resources (originally sponsored by Senators Rasmussen and Amondson)

Providing for a certificate of completion for certain hazardous waste clean-up.

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

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5055.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5055 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 1; Excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, McCaslin, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Talmadge, Thorsness, Vognild, von Reichbauer, West, Wojahn - 43.

Absent: Senator Matson - 1.

Excused: Senators Conner, McDonald, Sutherland, Williams - 4.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5055, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Anderson, Senator Matson was excused.

THIRD READING

ENGROSSED SENATE BILL NO. 5140, by Senators McCaslin, Patterson and L. Smith

Authorizing the use of physical force against intruders.

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

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5140.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5140 and the bill passed the Senate by the following vote: Yeas, 36; Nays, 7; Absent, 0; Excused, 5.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, McCaslin, McMullen, Metcalf, Moore, Nelson, Newhouse, Oke, Owen, Patterson, Rasmussen, Roach, Saling, Sellar, Skratek, L. Smith, Snyder, Stratton, Thorsness, Vognild, von Reichbauer, West - 36.

Voting nay: Senators Murray, Niemi, Pelz, Rinehart, A. Smith, Talmadge, Wojahn - 7.

Excused: Senators Conner, Matson, McDonald, Sutherland, Williams - 5.

ENGROSSED SENATE BILL NO. 5140, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

SENATE BILL NO. 5675, by Senators Metcalf, McMullen, Anderson and Bailey

Requiring a restoration plan for Skagit river salmon.

MOTION

On motion of Senator Metcalf, the rules were suspended, Senate Bill No. 5675 was returned to second reading and read the second time.

MOTIONS

On motion of Senator Metcalf, the following amendment was adopted:

On page 1, line 12, after "31," strike "1991" and insert "1992"

On motion of Senator Metcalf, the rules were suspended, Engrossed Senate Bill No. 5675 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5675.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5675 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 1; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, McCaslin, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Talmadge, Thorsness, Vognild, von Reichbauer, West, Wojahn - 43.

Voting nay: Senator Patterson - 1.

Excused: Senators Matson, McDonald, Sutherland, Williams - 4.

ENGROSSED SENATE BILL NO. 5675, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

President Pritchard assumed the Chair.

THIRD READING

SENATE BILL NO. 5371, by Senators Matson, Rasmussen, Erwin, Thorsness, Oke, Craswell, Stratton and Wojahn

Allowing retired physicians to provide medical services to low-income persons.

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

Debate ensued.

MOTION

On motion of Senator Cantu, Senator Craswell was excused.

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5371.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5371 and the bill passed the Senate by the following vote: Yeas, 32; Nays, 10; Absent, 1; Excused, 5.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Erwin, Gaspard, Hansen, Hayner, Jesernig, McCaslin, Metcalf, Moore, Nelson, Newhouse, Oke, Owen, Patterson, Rasmussen, Roach, Saling, Sellar, L. Smith, Snyder, Stratton, Thorsness, von Reichbauer, West, Wojahn - 32.

Voting nay: Senators Kreidler, Madsen, McMullen, Murray, Niemi, Pelz, Rinehart, Skratek, A. Smith, Talmadge - 10.
Absent: Senator Vognild - 1.

Excused: Senators Craswell, Matson, McDonald, Sutherland, Williams - 5.

SENATE BILL NO. 5371, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

INTRODUCTION OF SPECIAL GUESTS

The President introduced the following honored guests, seated in the gallery, who were in Washington State to discuss Washington's potential participation at EXPO '93: Mr. Ki-Ho Chang, Counsellor For Economic Affairs, Korean Embassy, Washington, D.C; The Honorable Chang Soo Ko, Consul General of Korea, Seattle; Mr. H.Y. Kim, Korean Consul, Seattle Korean Consulate and Mr. Kyung-Hoon Lee, Deputy Commissioner for Taejon EXPO.

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

MOTION

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

SENATE RESOLUTION 1992-8710

By Senators Conner, Rasmussen, Snyder, Bauer, Wojahn, Hayner, McCaslin, Thorsness, Stratton, Sellar, Talmadge, Amondson and von Reichbauer

WHEREAS, The Benevolent and Protective Order of the Elks is a nationwide organization that embodies the spirit of community service and compassion to people in all walks of life; and

WHEREAS, The Benevolent and Protective Order of the Elks has established lodges in fifty different communities in the state of Washington, representing over 64,000 members; and

WHEREAS, These local lodges and members dedicate countless hours and resources to improving the lives of citizens throughout the state of Washington through many important and charitable projects; and

WHEREAS, The Benevolent and Protective Order of the Elks wishes to pay its respects to the officials of the state of Washington, including all members of the 52nd Washington State Legislature; and

WHEREAS, The Washington State Elks Association is holding their annual Elks Government Relations Day on this day, January 29, 1992; and

WHEREAS, It is the custom of the Washington State Senate to acknowledge the unselfish service and dedication of the community organizations in this state;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate does hereby recognize and honor the Benevolent and Protective Order of Elks for its outstanding service and programs for youth, disabled children, educational scholarships, drug prevention, and a variety of community-oriented charities and service programs; and

BE IT FURTHER RESOLVED, That copies of this resolution be transmitted by the Secretary of the Senate to Manuel Helm, President of the Washington State Elks Association.

Senators Conner, Rasmussen and Amondson spoke to Senate Resolution 1992-8710.

INTRODUCTION OF SPECIAL GUESTS

The President introduced members of the Washington State Elks Association, guests of Senator Conner, who were seated in the gallery.

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

MOTION

On motion of Senator Murray, Senators Kreidler and Vognild were excused.

THIRD READING

SENATE JOINT MEMORIAL NO. 8002, by Senators Metcalf, Conner and Roach

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

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

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Joint Memorial No. 8002.

ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Memorial No. 8002 and the joint memorial passed the Senate by the following vote: Yeas, 40; Nays, 0; Absent, 1; Excused, 7.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Bluechel, Cantu, Conner, Erwin, Gaspard, Hansen, Hayner, Jesernig, Madsen, McCaslin, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Talmadge, Thorsness, von Reichbauer, West, Wojahn - 40.

Absent: Senator Barr - 1.

Excused: Senators Craswell, Kreidler, Matson, McDonald, Sutherland, Vognild, Williams - 7.

SENATE JOINT MEMORIAL NO. 8002, having received the constitutional majority was declared passed.

MOTIONS

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

On motion of Senator Newhouse, the Committee on Children and Family Services was relieved of further consideration of Senate Bill No. 6218.

On motion of Senator Newhouse, Senate Bill No. 6218 was referred to the Committee on Health and Long-Term Care.

On motion of Senator Newhouse, the Committee on Commerce and Labor was relieved of further consideration of Senate Bill No. 6300.

On motion of Senator Newhouse, Senate Bill No. 6300 was referred to the Committee on Environment and Natural Resources.

On motion of Senator Newhouse, the Committee on Law and Justice was relieved of further consideration of Senate Bill No. 6323.

On motion of Senator Newhouse, Senate Bill No. 6323 was referred to the Committee on Commerce and Labor.

On motion of Senator Newhouse, the Committee on Law and Justice was relieved of further consideration of Senate Bill No. 6364.

On motion of Senator Newhouse, Senate Bill No. 6364 was referred to the Committee on Governmental Operations.

STANDING COMMITTEE ASSIGNMENTS

The President announced that Senator Wanda Hansen would be a member of the Committee on Agriculture and Water Resources and a member of the Committee on Transportation.

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MOTION

On motion of Senator Newhouse, the appointments were confirmed.

MOTION

At 11:23 a.m., on motion of Senator Newhouse, the Senate adjourned until 12:00 noon, Thursday, January 30, 1992.

JOEL PRITCHARD, President of the Senate.

GORDON A. GOLOB, Secretary of the Senate.

EIGHTEENTH DAY

NOON SESSION

Senate Chamber, Olympia, Thursday, January 30, 1992

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

MOTION

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

REPORTS OF STANDING COMMITTEES

January 29, 1992

SB 5425 Prime Sponsor, Senator Owen: Permitting old vehicles to have blue dot taillights.
Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 5425 be substituted therefor, and the substitute bill do pass. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; von Reichbauer, Vice Chairman; Erwin, Hansen, Madsen, McMullen, Oke, Skratek, Snyder, Thorsness and Vognild.

Passed to Committee on Rules for second reading.

January 28, 1992

SB 6034 Prime Sponsor, Senator West: Making major changes to health care and planning.
Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 6034 be substituted therefor, and the substitute bill do pass. Signed by Senators West, Chairman; L. Smith, Vice Chairman; Amondson and Newhouse.

MINORITY Recommendation: That it not be substituted. Signed by Senator Niemi.

Referred to Committee on Ways and Means.

January 28, 1992

SB 6037 Prime Sponsor, Senator West: Requiring a uniform health care insurance claim form. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass as amended. Signed by Senators West, Chairman; L. Smith, Vice Chairman; Amondson, Newhouse, Niemi and Wojahn.

Passed to Committee on Rules for second reading.

January 28, 1992

SB 6038 Prime Sponsor, Senator West: Requiring disclosure to the patient's insurer, as well as the patient, of a health care provider's financial interest in an entity to which the patient is referred. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass as amended. Signed by Senators West, Chairman; L. Smith, Vice Chairman; Amondson, Newhouse and Niemi.

Passed to Committee on Rules for second reading.

January 28, 1992

SB 6041 Prime Sponsor, Senator Nelson: Changing provisions relating to juveniles. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass as amended. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Hayner, Kreidler, Madsen, Newhouse, Rasmussen and A. Smith.

Referred to Committee on Children and Family Services.

January 28, 1992

SB 6051 Prime Sponsor, Senator L. Smith: Providing a program to assess and monitor infants exposed to drugs. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass as amended. Signed by Senators West, Chairman; L. Smith, Vice Chairman; Amondson, Newhouse and Niemi.

Passed to Committee on Rules for second reading.

January 29, 1992

SB 6073 Prime Sponsor, Senator Snyder: Authorizing driving under out of state instruction permits. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; von Reichbauer, Vice Chairman; Barr, Conner, Erwin, Hansen, Madsen, McMullen, Oke, Skratek, Snyder, Thorsness and Vognild.

Passed to Committee on Rules for second reading.

January 29, 1992

SB 6083 Prime Sponsor, Senator L. Smith: Protecting personal property when motor vehicles are repossessed. Reported by Committee on Law and Justice

MAJORITY Recommendation: That Substitute Senate Bill No. 6083 be substituted therefor, and the substitute bill do pass. Signed by Senators Nelson, Chairman; Erwin, Kreidler, Rasmussen and A. Smith.

Passed to Committee on Rules for second reading.

January 29, 1992

SB 6103 Prime Sponsor, Senator Nelson: Allowing electronic monitoring as a condition of release or condition of probation. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Hayner, Kreidler and Rasmussen.

Passed to Committee on Rules for second reading.

January 29, 1992

SB 6104 Prime Sponsor, Senator Nelson: Creating the crime of assault against a child. Reported by Committee on Law and Justice

MAJORITY Recommendation: That Substitute Senate Bill No. 6104 be substituted therefor, and the substitute bill do pass. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Hayner, Kreidler, Rasmussen and A. Smith.

Passed to Committee on Rules for second reading.

January 29, 1992

SB 6106 Prime Sponsor, Senator Nelson: Regulating weapons in restricted areas. Reported by Committee on Law and Justice

MAJORITY Recommendation: That Substitute Senate Bill No. 6106 be substituted therefor, and the substitute bill do pass. Signed by Senators Nelson, Chairman; Hayner, Kreidler, Madsen, Newhouse and Rasmussen.

Passed to Committee on Rules for second reading.

January 29, 1992

SB 6109 Prime Sponsor, Senator Nelson: Modifying requirements for disposition of forfeited firearms. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Hayner, Kreidler, Madsen, Newhouse and Rasmussen.

Passed to Committee on Rules for second reading.

January 29, 1992

SB 6122 Prime Sponsor, Senator Sutherland: Concerning arrest without warrant. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Hayner, Kreidler, Madsen, Newhouse, Rasmussen and A. Smith.

Passed to Committee on Rules for second reading.

January 29, 1992

SB 6357 Prime Sponsor, Senator Metcalf: Making technical changes to statutes concerning solid waste and recycling. Reported by Committee on Environment and Natural Resources

MAJORITY Recommendation: Do pass. Signed by Senators Metcalf, Chairman; Oke, Vice Chairman; Amondson, Barr, Conner, Owen, Snyder and Sutherland.

Passed to Committee on Rules for second reading.

January 29, 1992

SB 6358 Prime Sponsor, Senator Metcalf: Revising the model litter control and recycling act. Reported by Committee on Environment and Natural Resources

MAJORITY Recommendation: That Substitute Senate Bill No. 6358 be substituted therefor, and the substitute bill do pass. Signed by Senators Metcalf, Chairman; Oke, Vice Chairman; Amondson, Barr, Conner, Owen and Snyder.

Passed to Committee on Rules for second reading.

MESSAGE FROM THE SECRETARY OF STATE

The Honorable President of the Senate
Legislature of the State of Washington
Olympia, Washington 98504

Mr. President:

As required by Article II, Section 1, of the State Constitution and RCW 29.79.200, we herewith respectfully certify that we have completed the verification of the signatures on Initiative to the Legislature 134, a copy of which was preliminarily certified to you on January 13, 1992, and we have determined that the initiative contains the signatures of at least 188,687 legal voters of the state of Washington. As this number exceeds that required by the State Constitution (150,001), we hereby certify that the Initiative to the Legislature 134 is qualified to appear on the state general election ballot unless approved by the Legislature during this session.

(Seal)

IN TESTIMONY WHEREOF, I
hereunto set my hand, and affixed
the Seal of the state of Washington,
this 29th day of January, 1992.

RALPH MUNRO
Secretary of State

CERTIFICATION OF INITIATIVE TO THE LEGISLATURE 134

Pursuant to Article II, Section 1 of the Washington State Constitution, RCW 29.79.200, and WAC 434-79-010, the office of the Secretary of State has caused the signatures submitted in support of Initiative to the Legislature 134 to be examined in the following manner:

- 1) It was determined that 227,060 signatures were submitted by the sponsors of the initiative. A random sample of 22,604 signatures was taken from those submitted;
- 2) Each sampled signature was examined to determine if the signer was a registered voter of the state at the address indicated on the petition, if the signature was reasonably similar to the one appearing on the record of that voter, and if the same signature appeared more than once in the sample. We found 19,709 valid signatures, 2,792 signatures invalid due to non-registration or improper form, and 103 pairs of duplicated signatures in the sample;
- 3) We calculated an allowance for the chance error of sampling (80) by multiplying the square root of the number of invalid signatures by 1.5;
- 4) We estimated the upper limit of the number of signatures on the initiative petition which were invalid (28,850) by dividing the sum of the number of invalid signatures in the sample and the allowance for the chance error of sampling by the sampling ratio;
- 5) We determined the maximum allowable number of pairs of signatures on the petition (33,208) by subtracting the sum of 110% of the number of signatures required by Article II, section 1 of the Washington State Constitution (165,002) and the estimate of the upper limit of the number of invalid signatures on the petition from the number of signatures submitted;
- 6) We determined the expected number of pairs of signatures in the sample (329) by multiplying the square of the sampling ratio by the maximum allowable number of pairs of signatures on the initiative petition;
- 7) We determined the acceptable number of pairs of signatures in the sample (299) by subtracting 1.65 times the square root of the expected number of pairs of signatures in the sample from the expected number of pairs of signatures in the sample; and
- 8) Since the number of pairs of signatures in the sample is less than the acceptable number of pairs of signature in the sample, I hereby declare Initiative to the Legislature 134 to be sufficient.

(Seal)

IN WITNESS WHEREOF, I have hereunto
set my hand and affixed the Seal of
the state of Washington, this 28th day
of January, 1992.

RALPH MUNRO
Secretary of State

MESSAGES FROM THE HOUSE

January 29, 1992

MR. PRESIDENT:

The House has adopted SENATE CONCURRENT RESOLUTION NO. 8421, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

January 29, 1992

MR. PRESIDENT:

The House has passed:
SUBSTITUTE HOUSE BILL NO. 1207,
SUBSTITUTE HOUSE BILL NO. 1234,
ENGROSSED HOUSE BILL NO. 1246,
SUBSTITUTE HOUSE BILL NO. 1258,

HOUSE BILL NO. 1279, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

INTRODUCTION AND FIRST READING

SB 6428 by Senators Roach, Stratton and Oke (by request of Department of Social and Health Services, Department of Health, Superintendent of Public Instruction, Department of Community Development and Employment Security Department)

AN ACT Relating to at-risk families; amending RCW 28A.300.040, 43.63A.065, and 43.70.020; adding a new section to chapter 43.20A RCW; adding a new section to chapter 50.08 RCW; adding a new chapter to Title 70 RCW; creating a new section; and providing an effective date.

Referred to Committee on Children and Family Services.

SB 6429 by Senators Metcalf, Vognild and Rasmussen

AN ACT Relating to eliminating additional operators on Puget Sound gill net salmon licenses; and amending RCW 75.28.035.

Referred to Committee on Environment and Natural Resources.

SB 6430 by Senators Nelson and Rasmussen

AN ACT Relating to review of eminent domain judgments; amending RCW 8.12.200; and declaring an emergency.

Referred to Committee on Law and Justice.

SB 6431 by Senators Murray, Moore, Wojahn, Kreidler and Craswell (by request of Human Rights Commission)

AN ACT Relating to housing discrimination; amending RCW 49.60.030, 49.60.222, 49.60.223, 49.60.224, 49.60.225, 49.60.227, 49.60.230, 49.60.250, and 49.60.260; reenacting and amending RCW 49.60.040; adding new sections to chapter 49.60 RCW; and prescribing penalties.

Referred to Committee on Commerce and Labor.

SB 6432 by Senators L. Smith, West and Sellar

AN ACT Relating to early intervention services for infants and toddlers; and adding a new chapter to Title 70 RCW.

Referred to Committee on Health and Long-Term Care.

SB 6433 by Senators Stratton, Erwin, Saling, Williams, Snyder, Talmadge and Skratek

AN ACT Relating to youth gang violence reduction; adding a new chapter to Title 43 RCW; creating a new section; and making appropriations.

Referred to Committee on Children and Family Services.

SB 6434 by Senators Stratton, Snyder, Talmadge, Kreidler and Pelz

AN ACT Relating to basic health plan coverage for foster parents; amending RCW 70.47.020; reenacting and amending RCW 70.47.060; adding a new section to chapter 70.47 RCW; and making an appropriation.

Referred to Committee on Health and Long-Term Care.

SB 6435 by Senator Metcalf

AN ACT Relating to education.

Referred to Committee on Education.

SB 6436 by Senators Matson, Moore, McMullen, Amondson and Vognild

AN ACT Relating to video reproduction games; amending RCW 9.46.0311, 9.46.0325, 9.46.070, and 9.46.110; reenacting and amending RCW 9.46.230; and adding new sections to chapter 9.46 RCW.

Referred to Committee on Commerce and Labor.

SB 6437 by Senators Moore, Amondson and Vognild

AN ACT Relating to gambling; and amending RCW 9.46.0281, 9.46.0351, 9.46.070, 9.46.110, and 9.46.198.

Referred to Committee on Commerce and Labor.

SB 6438 by Senator Erwin

AN ACT Relating to parental choice in education; and adding a new chapter to Title 28A RCW.

Referred to Committee on Education.

SB 6439 by Senator Owen

AN ACT Relating to the definition of "dependent child" for purposes of aid to families with dependent children; and amending RCW 74.12.010.

Referred to Committee on Children and Family Services.

SB 6440 by Senator Owen

AN ACT Relating to businesses that offer job lists to the public; and adding a new section to chapter 19.31 RCW.

Referred to Committee on Commerce and Labor.

SB 6441 by Senators McMullen and Matson

AN ACT Relating to construction liens; amending RCW 60.04.011, 60.04.031, 60.04.041, 60.04.051, 60.04.081, 60.04.091, 60.04.141, 60.04.151, 60.04.161, 60.04.171, 60.04.181, and 60.04.221; and providing an effective date.

Referred to Committee on Commerce and Labor.

SB 6442 by Senators Anderson and Murray

AN ACT Relating to child labor; amending RCW 49.12.121, 49.12.105, 49.12.185, 49.12.390, 49.12.410, 49.12.005, and 49.12.902; adding new sections to chapter 49.12 RCW; creating new sections; prescribing penalties; providing an effective date; and declaring an emergency.

Referred to Committee on Commerce and Labor.

SB 6443 by Senators Bluechel, Snyder and McCaslin

AN ACT Relating to growth management deadlines; amending RCW 36.70A.060 and 36.70A.210; and declaring an emergency.

Referred to Committee on Governmental Operations.

SB 6444 by Senators Madsen and Sellar

AN ACT Relating to television reception improvement districts; and amending RCW 36.95.060.

Referred to Committee on Energy and Utilities.

SB 6445 by Senators Madsen, McMullen and Skratek

AN ACT Relating to the mobile home landlord-tenant act; and amending RCW 59.20.080 and 59.20.090.

Referred to Committee on Commerce and Labor.

SB 6446 by Senators Madsen, Murray, Niemi and Wojahn

AN ACT Relating to nursing homes; amending RCW 74.46.620; adding a new section to chapter 74.42 RCW; adding a new section to chapter 74.46 RCW; and making an appropriation.

Referred to Committee on Health and Long-Term Care.

SB 6447 by Senators Snyder, Amondson, Owen, Jesernig and L. Smith

AN ACT Relating to forest practices; and adding a new section to chapter 76.01 RCW.

Referred to Committee on Environment and Natural Resources.

SB 6448 by Senators Sellar, Barr, Hayner, McCaslin, Saling, Thorsness, L. Smith, Amondson, Craswell, Patterson, Bailey, Owen and Vognild

AN ACT Relating to county legislative authority not to plan pursuant to chapter 36.70A RCW; and amending RCW 36.70A.040.

Referred to Committee on Governmental Operations.

SB 6449 by Senator Conner

AN ACT Relating to vessels hauling freight in a regulated launch service on state waters; amending RCW 81.84.010; and prescribing penalties.

Referred to Committee on Transportation.

SJM 8028 by Senators McCaslin, Oke, Cantu, Barr, Sellar, Amondson, Anderson, Hayner, L. Smith, Craswell, Bailey, Roach, West, Rasmussen and Pelz

Petitioning the federal government to balance the budget.

Referred to Committee on Governmental Operations.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 1207 by House Committee on Commerce and Labor (originally sponsored by Representatives G. Cole, Fuhrman, Jones, R. King and Winsley) (by request of Department of Labor and Industries)

Revising information requirements for contractor registration.

Referred to Committee on Commerce and Labor.

SHB 1234 by House Committee on Judiciary (originally sponsored by Representatives Anderson, Miller, Appelwick, Wineberry, Paris, Scott, Hargrove, Ludwig, D. Sommers, Broback, R. Meyers, Belcher, Prince, H. Myers, Riley, Locke, Former, Ballard, Ferguson, Horn, Dellwo, Wang, Roland, R. Johnson, O'Brien, Jacobsen, R. Fisher, Phillips, Ogden, Rasmussen, Leonard and Cooper)

Prohibiting the execution of the mentally retarded.

Referred to Committee on Law and Justice.

EHB 1246 by Representatives R. King, Winsley, Jones, Ebersole, Prentice, O'Brien, R. Meyers, Scott and Phillips

Enforcing the payment of prevailing wages.

Referred to Committee on Commerce and Labor.

SHB 1258 by House Committee on Health Care (originally sponsored by Representatives Day, Moyer, Prentice, Braddock, Paris and Orr) (by request of Department of Health)

Changing provisions relating to nursing home administration.

Referred to Committee on Health and Long-Term Care.

HB 1279 by Representatives Heavey, G. Cole, R. King, Prentice, O'Brien, Jones, Leonard, Riley, Brekke and Basich

Revising provisions for unemployment compensation during labor disputes.

Referred to Committee on Commerce and Labor.

SIGNED BY THE PRESIDENT

The President signed:

SENATE CONCURRENT RESOLUTION NO. 8421.

MOTION

At 12:06 p.m., on motion of Senator Newhouse, the Senate adjourned until 10:00 a.m., Friday, January 31, 1992.

JOEL PRITCHARD, President of the Senate

GORDON GOLOB, Secretary of the Senate.

NINETEENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, January 31, 1992

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

The Sergeant at Arms Color Guard, consisting of Pages Alesha Hogman and Katrin Ratassepp, presented the Colors. Reverend Steve Meyer, pastor of the Central Lutheran Church of Bellingham, and a guest of Senator Ann Anderson, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

January 30, 1992

SB 5935 Prime Sponsor, Senator Madsen: Dealing with the destruction of rural mailboxes.
Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass as amended. Signed by Senators Nelson, Chairman; Erwin, Kreidler, Madsen, Newhouse and Rasmussen.

Passed to Committee on Rules for second reading.

January 29, 1992

SB 6010 Prime Sponsor, Senator Bauer: Exempting church day cares from the business and occupation tax. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bauer, Bluechel, Gaspard, Kreidler, Murray, Newhouse, L. Smith, Talmadge, Williams and Wojahn.

Passed to Committee on Rules for second reading.

January 30, 1992

SB 6078 Prime Sponsor, Senator Skratek: Removing SR 901 from the state highway system.
Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Patterson, Chairman; Barr, Erwin, Hansen, Madsen, Oke, Sellar, Skratek, Snyder, Thorsness and Vognild.

Passed to Committee on Rules for second reading.

January 30, 1992

SB 6112 Prime Sponsor, Senator Nelson: Establishing limitations for jurors. Reported by Committee on Law and Justice

MAJORITY Recommendation: That Substitute Senate Bill No. 6112 be substituted therefor, and the substitute bill do pass. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Kreidler, Madsen, Newhouse, Rasmussen and A. Smith.

Passed to Committee on Rules for second reading.

January 30, 1992

SB 6135 Prime Sponsor, Senator Nelson: Requiring permanent retention of name change orders. Reported by Committee on Law and Justice

MAJORITY Recommendation: That Substitute Senate Bill No. 6135 be substituted therefor, and the substitute bill do pass. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Kreidler, Madsen, Newhouse, Rasmussen and A. Smith.

Passed to Committee on Rules for second reading.

January 29, 1992

SB 6146 Prime Sponsor, Senator McDonald: Allocating moneys for public works projects recommended by the public works board. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 6146 be substituted therefor, and the substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bauer, Bluechel, Gaspard, Kreidler, Metcalf, Murray, Newhouse, Niemi, Rinehart, Saling, L. Smith, Talmadge, Williams and Wojahn.

Passed to Committee on Rules for second reading.

January 30, 1992

SB 6155 Prime Sponsor, Senator Bailey: Clarifying milk marketing order regulations. Reported by Committee on Agriculture and Water Resources

MAJORITY Recommendation: Do pass. Signed by Senators Barr, Chairman; Anderson, Vice Chairman; Bailey, Conner, Hansen and Newhouse.

Passed to Committee on Rules for second reading.

January 30, 1992

SB 6156 Prime Sponsor, Senator Talmadge: Revising provisions relating to warrant servers. Reported by Committee on Law and Justice

MAJORITY Recommendation: That Substitute Senate Bill No. 6156 be substituted therefor, and the substitute bill do pass. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Kreidler, Madsen, Newhouse, Rasmussen and A. Smith.

Passed to Committee on Rules for second reading.

January 29, 1992

SB 6172 Prime Sponsor, Senator Nelson: Concerning the use of fuel that is not subject to the vehicle fuel excise tax. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; von Reichbauer, Vice Chairman; Erwin, Hansen, Madsen, McMullen, Oke, Skratek, Snyder, Thorsness and Vognild.

Passed to Committee on Rules for second reading.

MESSAGE FROM THE HOUSE

January 29, 1992

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2470, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

INTRODUCTION AND FIRST READING

SB 6450 by Senators Nelson, Craswell, McMullen, Vognild, Erwin, Conner, Oke and Madsen

AN ACT Relating to state ferry bonds; and adding new sections to chapter 47.60 RCW.

Referred to Committee on Transportation.

SB 6451 by Senators von Reichbauer, Vognild and Rasmussen

AN ACT Relating to insurance coverage; and adding new sections to chapter 19.72 RCW.

Referred to Committee on Financial Institutions and Insurance.

SB 6452 by Senators Snyder and Conner

AN ACT Relating to the allowed uses of the proceeds from the special excise tax on lodging; and amending RCW 67.28.210.

Referred to Committee on Governmental Operations.

SB 6453 by Senators Madsen and Gaspard

AN ACT Relating to the exercise of condemnation or eminent domain by public utility districts or water districts; amending RCW 57.08.010; and adding a new section to chapter 54.20 RCW.

Referred to Committee on Energy and Utilities.

SB 6454 by Senators Madsen and Gaspard

AN ACT Relating to public water systems in receivership; and amending RCW 43.70.195.

Referred to Committee on Energy and Utilities.

SB 6455 by Senators Madsen and Gaspard

AN ACT Relating to investigation of customer requests regarding drinking water quality; reenacting and amending RCW 80.04.110; and adding a new section to chapter 80.28 RCW.

Referred to Committee on Energy and Utilities.

SB 6456 by Senators Cantu, Madsen, McDonald and Talmadge (by request of Department of Information Services and Office of Financial Management)

AN ACT Relating to state information resources; amending RCW 43.105.017, 43.105.020, 43.105.032, 43.105.041, 43.105.047, 43.105.052, 43.88.030, 39.29.006, and 43.19.1901; reenacting and amending RCW 43.88.030; adding new sections to chapter 43.105 RCW; repealing RCW 43.105.005; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 6457 by Senator Cantu

AN ACT Relating to the state convention and trade center; amending RCW 67.40.045; making an appropriation; and declaring an emergency.

Referred to Committee on Ways and Means.

INTRODUCTION AND FIRST READING OF HOUSE BILL

ESHB 2470 by House Committee on Appropriations (originally sponsored by Representatives Locke, Silver, Spanel and Inslee) (by request of Governor Gardner)

Making supplemental appropriations.

Referred to Committee on Ways and Means.

THIRD READING

SENATE BILL NO. 5067, by Senators Nelson, Talmadge, Oke, Rasmussen, Bailey, Craswell, Roach, Thorsness, McCaslin, Johnson, Anderson and Conner

Changing the alcohol standards for intoxication.

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

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5067.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5067 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 1; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, West, Williams - 45.

Voting nay: Senator Vognil - 1.

Absent: Senator Barr - 1.

Excused: Senator Wojahn - 1.

SENATE BILL NO. 5067, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

SUBSTITUTE SENATE BILL NO. 5300, by Senate Committee on Ways and Means (originally sponsored by Senators Snyder, Rasmussen and Amondson)

Limiting business and occupation tax on fisheries.

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

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5300.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5300 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 2; Absent, 1; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, A. Smith, L. Smith, Snyder, Stratton, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams - 44.

Voting nay: Senators Skratek, Sutherland - 2.

Absent: Senator Matson - 1.

Excused: Senator Wojahn - 1.

SUBSTITUTE SENATE BILL NO. 5300, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

SUBSTITUTE SENATE BILL NO. 5702, by Senate Committee on Ways and Means (originally sponsored by Senators McDonald, Talmadge, Craswell, McMullen, Anderson, Rasmussen, Bluechel and Thorsness)

Directing the economic and revenue forecast council to forecast caseloads.

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

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5702.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5702 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West - 45.

Voting nay: Senators Rinehart, Williams - 2.

Excused: Senator Wojahn - 1.

SUBSTITUTE SENATE BILL NO. 5702, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

SENATE BILL NO. 5746, by Senators Barr, Hansen, Owen, Hayner, McMullen, Anderson, Newhouse, Oke, Patterson, Thorsness, Rasmussen and Vognild

Modifying requirements for compliance with environmental protection measures.

MOTION

On motion of Senator Newhouse, the rules were suspended, Senate Bill No. 5746 was returned to second reading and read the second time.

MOTION

Senator Barr moved that the following amendment by Senators Barr and Rasmussen be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The department, to the greatest extent possible, within available resources and without jeopardizing the department's ability to carry out its legal responsibilities, may designate one or more of its employees as a technical assistance officer, and may organize the officers into one or more technical assistance units within the department. The duties of a technical assistance officer are to coordinate voluntary compliance with the regulatory laws administered by the department and to provide technical assistance concerning compliance with the laws.

NEW SECTION. Sec. 2. An employee designated by the department as a technical assistance officer or as a member of a technical assistance unit may not, during the period of the designation, have authority to issue orders or assess penalties on behalf of the department. Requests for technical assistance shall be kept confidential by the technical assistance unit. Such an employee who provides on-site consultation at an industrial or commercial facility and who observes violations of the law shall inform the owner or operator of the facility of the violations. On-site consultation visits by such an employee may not be regarded as inspections or investigations and no notices or citations may be issued or civil penalties assessed during such a visit. However, violations of the law must be reported to the appropriate officers within the department. If the owner or operator of the facility does not correct the observed violations within a reasonable time the department may reinspect the facility and take appropriate enforcement action. If a technical assistance officer or member of a technical assistance unit observes a violation of the law that places a person in danger of death or substantial bodily harm, or has caused or is likely to cause physical damage to the property of others in an amount exceeding one thousand dollars, the department may initiate enforcement action immediately upon observing the violation.

NEW SECTION. Sec. 3. Notwithstanding any other provision of sections 1 and 2 of this act, neither the state, the department, nor an officer or employee of the state is liable in damages to a person to the extent that the liability is asserted to arise from the performance by technical assistance officers of their duties, or where the liability is asserted to arise from the failure of the department to supply technical assistance.

NEW SECTION. Sec. 4. Sections 1 through 3 of this act are each added to chapter 43.21A RCW.

Debate ensued.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Barr and Rasmussen.

The motion by Senator Barr carried and the amendment was adopted.

MOTIONS

On motion of Senator Barr, the following title amendment was adopted:

On page 1, line 2 of the title, after "measures;" strike the remainder of the title and insert "and adding new sections to chapter 43.21A RCW."

On motion of Senator Metcalf, the rules were suspended, Engrossed Senate Bill No. 5746 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5746.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5746 and the bill passed the Senate by the following vote: Yeas, 39; Nays, 7; Absent, 1; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Oke, Owen, Patterson, Rasmussen, Roach, Saling, Sellar, L. Smith, Snyder, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, West, Williams - 39.

Voting nay: Senators Kreidler, Murray, Niemi, Pelz, Skratek, A. Smith, Talmadge - 7.

Absent: Senator Rinehart - 1.

Excused: Senator Wojahn - 1.

ENGROSSED SENATE BILL NO. 5746, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

SECOND READING

SENATE BILL NO. 5105, by Senators Rasmussen, Moore and West

Revising collective bargaining provisions for superior court employees.

The bill was read the second time.

MOTION

At 10:39 a.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 11:42 a.m. by President Pritchard.

There being no objection, the Senate resumed consideration of Senate Bill No. 5105 which was being deliberated on second reading before the Senate went at ease.

MOTION

On motion of Senator Rasmussen, the rules were suspended, Senate Bill No. 5105 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5105.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5105 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 3; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, Matson, McCaslin, McMullen, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams - 44.

Voting nay: Senators Bluechel, McDonald, Metcalf - 3.

Excused: Senator Wojahn - 1.

SENATE BILL NO. 5105, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Murray, Senator Rinehart was excused.

SECOND READING

SENATE BILL NO. 6223, by Senators Sellar, Madsen, Barr, Jesernig, Bauer, Anderson and Amondson

Protecting agricultural practices.

The bill was read the second time.

MOTION

On motion of Senator Newhouse, the rules were suspended, Senate Bill No. 6223 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6223.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6223 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, West, Williams - 45.

Voting nay: Senator Talmadge - 1.

Excused: Senators Rinehart, Wojahn - 2.

SENATE BILL NO. 6223, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

THIRD READING

SUBSTITUTE SENATE BILL NO. 5342, by Senate Committee on Commerce and Labor (originally sponsored by Senators Matson, Anderson, Owen, McCaslin and Oke)

Authorizing payment by annuity by self-insured employers.

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

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5342.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5342 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams - 46.

Excused: Senators Rinehart, Wojahn - 2.

SUBSTITUTE SENATE BILL NO. 5342, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

SECOND READING

SENATE BILL NO. 6085, by Senators Bauer, McCaslin, Sutherland, Sellar, Madsen and Vognild

Providing for waiver of review of water and sewer extensions by boundary review board.

MOTIONS

On motion of Senator McCaslin, Substitute Senate Bill No. 6085 was substituted for Senate Bill No. 6085 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Newhouse, the rules were suspended, Substitute Senate Bill No. 6085 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6085.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6085 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 2; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, West, Williams - 44.

Voting nay: Senators Kreidler, Talmadge - 2.

Excused: Senators Rinehart, Wojahn - 2.

SUBSTITUTE SENATE BILL NO. 6085, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5425, by Senator Owen

Permitting old vehicles to have blue dot taillights.

MOTIONS

On motion of Senator Patterson, Substitute Senate Bill No. 5425 was substituted for Senate Bill No. 5425 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Patterson, the rules were suspended, Substitute Senate Bill No. 5425 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

MOTION

On motion of Senator Murray, Senators Moore and Talmadge were excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5425.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5425 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, West, Williams - 44.

Excused: Senators Moore, Rinehart, Talmadge, Wojahn - 4.

SUBSTITUTE SENATE BILL NO. 5425, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

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

On motion of Senator Newhouse, the Committee on Governmental Operations was relieved of further consideration of Senate Bill No. 6183.

On motion of Senator Newhouse, Senate Bill No. 6183 was referred to the Committee on Environment and Natural Resources.

MOTION

At 12:09 p.m., on motion of Senator Newhouse, the Senate adjourned until 10:00 a.m., Monday, February 3, 1992.

JOEL PRITCHARD, President of the Senate.

GORDON A. GOLOB, Secretary of the Senate.

TWENTY-SECOND DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, February 3, 1992

The Senate was called to order at 10:00 a.m. by President Pro Tempore Craswell. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senators Anderson, Erwin, Gaspard, Matson, McDonald, Moore, Murray, Patterson and von Reichbauer. On motion of Senator Skratek, Senators Gaspard, Moore and Murray were excused. On motion of Senator Linda Smith, Senators Anderson, Matson, McDonald, Patterson and von Reichbauer were excused.

The Sergeant at Arms Color Guard, consisting of Pages Jennifer Mielenz and Lynde Nauert, presented the Colors. Reverend Dan MacDonald, pastor of the Westside Alliance Church of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

January 30, 1992

SB 6080 Prime Sponsor, Senator L. Smith: Requiring the voters' pamphlet explanatory statement to summarize laws repealed by a ballot measure. Reported by Committee on Governmental Operations

MAJORITY Recommendation: Do pass. Signed by Senators McCaslin, Chairman; Madsen and Sutherland.

Passed to Committee on Rules for second reading.

January 31, 1992

SB 6116 Prime Sponsor, Senator Sellar: Deferring certain taxes for cogeneration facilities. Reported by Committee on Energy and Utilities

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Thorsness, Chairman; Jesernig, Patterson, Roach, Stratton, Sutherland and Williams.

Referred to Committee on Ways and Means.

January 30, 1992

SB 6133 Prime Sponsor, Senator Bailey: Changing the membership and terms of the state board of education. Reported by Committee on Education

MAJORITY Recommendation: Do pass. Signed by Senators Bailey, Chairman; Erwin, Vice Chairman; Craswell, Metcalf, Murray, Oke, Pelz, Rinehart and A. Smith.

Passed to Committee on Rules for second reading.

January 31, 1992

SB 6144 Prime Sponsor, Senator Thorsness: Regulating public service company tariff charge reduction or waiver. Reported by Committee on Energy and Utilities

MAJORITY Recommendation: That Substitute Senate Bill No. 6144 be substituted therefor, and the substitute bill do pass. Signed by Senators Thorsness, Chairman; Jesernig, Nelson, Patterson, Roach, Stratton and Sutherland.

Passed to Committee on Rules for second reading.

January 30, 1992

SB 6178 Prime Sponsor, Senator Bailey: Improving the common school system. Reported by Committee on Education

MAJORITY Recommendation: That Substitute Senate Bill No. 6178 be substituted therefor, and the substitute bill do pass. Signed by Senators Bailey, Chairman; Erwin, Vice Chairman; Anderson, Craswell, Metcalf, Oke and Talmadge.

MINORITY Recommendation: Do not pass. Signed by Senators Murray, Pelz, Rinehart and A. Smith.

Referred to Committee on Ways and Means.

January 30, 1992

SB 6220 Prime Sponsor, Senator Oke: Changing provisions in the schools for the twenty-first century program. Reported by Committee on Education

MAJORITY Recommendation: Do pass. Signed by Senators Bailey, Chairman; Erwin, Vice Chairman; Craswell, Metcalf, Murray, Oke, Pelz, Rinehart and A. Smith.

Passed to Committee on Rules for second reading.

January 30, 1992

SB 6326 Prime Sponsor, Senator Gaspard: Changing the Washington award for excellence. Reported by Committee on Education

MAJORITY Recommendation: That Substitute Senate Bill No. 6326 be substituted therefor, and the substitute bill do pass. Signed by Senators Bailey, Chairman; Erwin, Vice Chairman; Anderson, Craswell, Metcalf, Murray, Oke, Pelz and Rinehart.

Passed to Committee on Rules for second reading.

January 30, 1992

SB 6327 Prime Sponsor, Senator Gaspard: Providing awards for excellence in education for classified employees. Reported by Committee on Education

MAJORITY Recommendation: That Substitute Senate Bill No. 6327 be substituted therefor, and the substitute bill do pass. Signed by Senators Bailey, Chairman; Erwin, Vice Chairman; Anderson, Craswell, Metcalf, Murray, Oke, Pelz and Rinehart.

Passed to Committee on Rules for second reading.

January 31, 1992

SB 6395 Prime Sponsor, Senator von Reichbauer: Concerning the business and occupation taxation of stock brokers, broker-dealers, and security houses. Reported by Committee on Financial Institutions and Insurance

MAJORITY Recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators von Reichbauer, Chairman; Erwin, Vice Chairman; McCaslin, Moore, Owen, Rasmussen, Sellar, Vognild and West.

Referred to Committee on Ways and Means.

REPORT OF SELECT COMMITTEE

STATE OF WASHINGTON
DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT
General Administration Building
Olympia, Washington 98504-0613

January 30, 1992

TO: Gordon Golob, Senate Secretary
FROM: The Forest Products Division
SUBJECT: Legislative Report

Attached is a copy of the Forest Products Division Report to the Legislature as mandated by ESHB 1341.

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

MESSAGE FROM THE HOUSE

January 31, 1992

MR. PRESIDENT:

The House has passed:
HOUSE BILL NO. 1362,
ENGROSSED HOUSE BILL NO. 1395,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1448,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1462,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1552,
SUBSTITUTE HOUSE BILL NO. 1573,
SUBSTITUTE HOUSE BILL NO. 1610,
SUBSTITUTE HOUSE BILL NO. 1616,
HOUSE BILL NO. 1627,
SUBSTITUTE HOUSE BILL NO. 1636,
SUBSTITUTE HOUSE BILL NO. 1638,
SUBSTITUTE HOUSE BILL NO. 1655,
HOUSE BILL NO. 2295, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

INTRODUCTION AND FIRST READING

SB 6458 by Senators Nelson, Owen, McMullen and von Reichbauer (by request of Administrator for the Courts)

AN ACT Relating to superior courts; amending RCW 2.08.061, 2.08.063, 2.08.064, 2.08.065, and 2.32.180; creating a new section; and providing an effective date.

Referred to Committee on Law and Justice.

SB 6459 by Senators Metcalf, Anderson and Conner

AN ACT Relating to pollution caused by storm water runoff; and creating new sections.

Referred to Committee on Environment and Natural Resources.

SB 6460 by Senators Sellar, Newhouse and McMullen (by request of Department of Licensing)

AN ACT Relating to for hire vehicles; amending RCW 46.72.040 and 46.72.050; and repealing RCW 46.72.010, 46.72.020, 46.72.030, 46.72.070, 46.72.080, 46.72.100, 46.72.110, 46.72.120, 46.72.130, 46.72.140, and 46.72.150.

Referred to Committee on Transportation.

SB 6461 by Senators Snyder, Newhouse, Sellar and von Reichbauer (by request of Department of Licensing)

AN ACT Relating to business licenses; amending RCW 19.02.020, 19.02.075, 19.02.080, 19.02.085, and 19.80.075; adding a new section to chapter 19.02 RCW; repealing RCW 19.80.035; and providing an effective date.

Referred to Committee on Ways and Means.

SB 6462 by Senators McDonald and Conner

AN ACT Relating to education.

Referred to Committee on Ways and Means.

SB 6463 by Senator Newhouse

AN ACT Relating to reimbursement for medical services; and amending RCW 51.36.080.

Referred to Committee on Commerce and Labor.

SB 6464 by Senators Patterson, Skratek, Madsen and Thorsness

AN ACT Relating to transit funding; amending RCW 82.44.180; reenacting and amending RCW 82.44.150; and adding a new chapter to Title 47 RCW.

Referred to Committee on Transportation.

SB 6465 by Senators Patterson, Skratek, Madsen and Thorsness

AN ACT Relating to distribution of motor vehicle excise taxes; reenacting and amending RCW 82.44.150; and providing an effective date.

Referred to Committee on Transportation.

SB 6466 by Senators von Reichbauer, Owen, Erwin, West and Pelz

AN ACT Relating to food products requiring insurance or proof of financial responsibility; adding a new chapter to Title 69 RCW; and prescribing penalties.

Referred to Committee on Financial Institutions and Insurance.

SB 6467 by Senators Stratton, Roach, Craswell, Talmadge, McDonald, L. Smith, Vognild, Owen, Rasmussen, Hansen, Murray, Saling, Snyder, Skratek, von Reichbauer and Gaspard

AN ACT Relating to the Washington council on children, youth, and family; amending RCW 74.14A.020; adding new sections to chapter 43.06 RCW; creating new sections; and making an appropriation.

Referred to Committee on Children and Family Services.

SB 6468 by Senators Metcalf, Bailey and Thorsness

AN ACT Relating to ballot access for elected officials; adding a new section to chapter 43.01 RCW; adding a new section to chapter 44.04 RCW; adding new sections to chapter 29.68 RCW; adding a new section to chapter 29.51 RCW; adding a new section to chapter 29.15 RCW; adding a new section to chapter 7.16 RCW; and creating a new section.

Referred to Committee on Governmental Operations.

SB 6469 by Senators McDonald, Bailey, Craswell and Oke

AN ACT Relating to enforcement of cigarette and tobacco statutes; amending RCW 66.28.090, 66.44.010, 66.44.370, 82.24.010, 82.24.027, 82.24.030, 82.24.040, 82.24.050, 82.24.070, 82.24.090, 82.24.110, 82.24.120, 82.24.130, 82.24.135, 82.24.145, 82.24.180, 82.24.190, 82.24.210, 82.24.230, 82.24.250, 82.24.510, 82.24.520, 82.24.550, 82.24.560, 82.26.010, 82.26.050, 82.26.060, 82.26.080, 82.26.090, 82.26.110, and 82.26.120; adding new sections to chapter 82.24 RCW; adding a new section to chapter 82.26 RCW; adding a new section to chapter 82.32 RCW; creating new sections; repealing RCW 82.24.260; and providing an effective date.

Referred to Committee on Ways and Means.

SB 6470 by Senators McDonald, Anderson, Bailey, Nelson, Madsen, McCaslin, Owen, Matson, Oke, Rasmussen, Hayner, Cantu, Metcalf, L. Smith, Newhouse, Amondson, West, Craswell, Sellar, Patterson, Stratton, Thorsness and Barr

AN ACT Relating to an emergency reserve fund; amending RCW 43.84.092, 43.88.020, and 43.88.160; adding a new section to chapter 43.88 RCW; creating a new section; repealing RCW 43.88.520, 43.88.525, 43.88.530, 43.88.535, and 43.88.540; providing an effective date; and providing for submission of this act to a vote of the people.

Referred to Committee on Ways and Means.

SB 6471 by Senators Craswell, Vognild, Rinehart, Hansen and Amondson

AN ACT Relating to excise tax registration; and amending RCW 82.32.030.

Referred to Committee on Ways and Means.

SB 6472 by Senators Bluechel, Gaspard, McDonald, Matson and Cantu

AN ACT Relating to the Washington technology center; amending RCW 28B.20.285; and adding new sections to chapter 28B.20 RCW.

Referred to Committee on Commerce and Labor.

SB 6473 by Senators Thorsness, Nelson, Saling and Sutherland

AN ACT Relating to vegetation hazards near overhead transmission lines; adding a new section to chapter 80.28 RCW; adding a new section to chapter 54.16 RCW; adding a new section to chapter 35.21 RCW; adding a new section to chapter 4.24 RCW; and creating a new section.

Referred to Committee on Energy and Utilities.

SB 6474 by Senators Newhouse, Vognild, McCaslin, Moore and Stratton

AN ACT Relating to gambling; amending RCW 9.46.070 and 9.46.113; providing an effective date; and declaring an emergency.

Referred to Committee on Commerce and Labor.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

HB 1362 by Representatives Heavey, Vance, Prentice, Winsley, R. King, Wood, Van Luven, Beck, Dom, Forner, Riley and Nelson

Extending collective bargaining laws to uniformed personnel of all cities, towns, and counties.

Referred to Committee on Commerce and Labor.

EHB 1395 by Representatives Ludwig, Nealey, Bray, Haugen, Lisk, Braddock, Grant, Neher, Edmondson, Prince, Ogden, Rayburn, Riley, H. Myers, Morris, Jones, R. Meyers, Wynne, Chandler, G. Fisher, Basich, Inslee, Orr, Sprenkle, Scott, Dellwo, Jacobsen and Brekke

Maintaining the Washington state patrol crime laboratory locations.

Referred to Committee on Law and Justice.

ESHB 1448 by House Committee on Fisheries and Wildlife (originally sponsored by Representatives Jacobsen, Anderson, Rust, Brekke, Prentice, Valle, Phillips, Heavey, Appelwick, Locke, H. Sommers, Belcher, Nelson, Hine, Fraser and Wineberry)

Establishing the Union Bay wildlife habitat management area.

Referred to Committee on Environment and Natural Resources.

ESHB 1462 by House Committee on Judiciary (originally sponsored by Representatives Nealey, Haugen, Ferguson, Dorn, May, Tate, Ludwig, Neher, Anderson, Rasmussen, Silver, Mielke, Grant, Rayburn, Fuhrman, Bray and Morton)

Regulating dangerous and potentially dangerous dogs.

Referred to Committee on Agriculture and Water Resources.

ESHB 1552 by House Committee on Judiciary (originally sponsored by Representatives Padden, Appelwick, D. Sommers and R. Meyers)

Allowing for deferral of a judicial determination that a traffic violation was committed.

Referred to Committee on Law and Justice.

SHB 1573 by House Committee on Judiciary (originally sponsored by Representatives Winsley, Dellwo, Inslee, R. Meyers, Dorn, R. Johnson and Anderson)

Establishing the measure of damages for a motor vehicle.

Referred to Committee on Financial Institutions and Insurance.

SHB 1610 by House Committee on Housing (originally sponsored by Representatives Leonard, Winsley, Franklin and Nelson)

Making multiple changes to the mobile home landlord-tenant act.

Referred to Committee on Commerce and Labor.

SHB 1616 by House Committee on Judiciary (originally sponsored by Representatives Ludwig, Riley, Paris, Heavey, Prince, R. Johnson, Mielke, Orr, Bray, Ferguson, Vance, Winsley, Van Luven, Haugen, Kremen, Scott, Rayburn, Miller, Roland, Chandler, Moyer and Sheldon)

Providing for seizure of property involved in a felony.

Referred to Committee on Law and Justice.

HB 1627 by Representatives Fuhrman, Heavey, R. King, Morris, McLean, Prentice, Ballard, R. Meyers, Jones, Pruitt, Van Luven, Kremen, Hochstatter, Nealey, P. Johnson, Wynne, Casada and Dorn

Including the provision of chiropractic services under industrial insurance.

Referred to Committee on Commerce and Labor.

SHB 1636 by House Committee on Judiciary (originally sponsored by Representatives Scott, Padden, Wineberry, Beck, Appelwick, Tate, Riley, Belcher, Winsley, Orr, Wynne and Broback)

Providing for recovery of public agency expenses incurred in certain emergency responses.

Referred to Committee on Law and Justice.

SHB 1638 by House Committee on Judiciary (originally sponsored by Representatives Inslee, Winsley, Grant, R. Meyers, Padden, Dellwo, Wang and Orr)

Allowing partial summary judgment in civil actions.

Referred to Committee on Law and Justice.

SHB 1655 by House Committee on Commerce and Labor (originally sponsored by Representatives Heavey, Winsley, D. Sommers, Orr, Moyer, G. Cole, Wood, Jones, Tate, Kremen, Miller, Riley, Phillips, Belcher, R. Johnson, Sheldon, Dellwo, Zellinsky, Cooper, H. Myers, O'Brien, Morris, Prentice, Basich, Anderson, Spanel, Day, Franklin, Peery, Leonard, Cantwell, Ogden, G. Fisher, Grant, Dorn, Hargrove, Rayburn, Ludwig, R. Fisher, Nelson, Holland, P. Johnson, Rasmussen, Van Luven, Fraser, Bowman and Pruitt)

Providing for state employee collective bargaining.

Referred to Committee on Commerce and Labor.

HB 2295 by Representatives H. Sommers, Miller, Jacobsen, Schmidt, May, Basich, Ogden, Betrozoff, Spanel, Cantwell, Van Luven, Forner, Rasmussen and Ferguson

Changing the capital appropriation for Lake Washington Technical College.

Referred to Committee on Ways and Means.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS
MOTION

On motion of Senator Saling, Gubernatorial Appointment No. 9000, Debbie Aldrich, as a member of the Board of Trustees for Skagit Valley Community College District No. 4, was confirmed.

APPOINTMENT OF DEBBIE ALDRICH

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 39; Nays, 0; Absent, 1; Excused, 8.

Voting yea: Senators Amondson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Hansen, Hayner, Jesernig, Kreidler, Madsen, McCaslin, McMullen, Metcalf, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, West, Williams, Wojahn - 39.

Absent: Senator Erwin - 1.

Excused: Senators Anderson, Gaspard, Matson, McDonald, Moore, Murray, Patterson, von Reichbauer - 8.

MOTION

On motion of Senator Linda Smith, Senator Erwin was excused.

MOTION

On motion of Senator Saling, Gubernatorial Appointment No. 9019, Dorothy Knechtel, as a member of the Board of Trustees for Spokane Community College District No. 17, was confirmed.

APPOINTMENT OF DOROTHY KNECHTEL

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 40; Nays, 0; Absent, 0; Excused, 8.

Voting yea: Senators Amondson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Hansen, Hayner, Jesernig, Kreidler, Madsen, McCaslin, McMullen, Metcalf, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognil, von Reichbauer, West, Williams, Wojahn - 40.

Excused: Senators Anderson, Erwin, Gaspard, Matson, McDonald, Moore, Murray, Patterson - 8.

There being no objection, the President Pro Tempore advanced the Senate to the seventh order of business.

THIRD READING

SENATE BILL NO. 5524, by Senators West, McMullen, Conner, McCaslin, Stratton, Wojahn, Bauer, Vognil, Madsen, von Reichbauer, Saling, Newhouse, Snyder and L. Kreidler

Limiting taxes on free hospitals.

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

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5524.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5524 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Amondson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognil, von Reichbauer, West, Williams, Wojahn - 43.

Excused: Senators Anderson, Matson, Moore, Murray, Patterson - 5.

SENATE BILL NO. 5524, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the President Pro Tempore returned the Senate to the sixth order of business.

SECOND READING

SENATE BILL NO. 6122, by Senators Sutherland, L. Smith, Bauer, Rasmussen and Gaspard

Concerning arrest without warrant.

The bill was read the second time.

MOTION

On motion of Senator Nelson, the rules were suspended, Senate Bill No. 6122 was advanced to third reading, the second reading considered the third and the bill was placed on final passage. Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6122.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6122 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Amondson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 43.

Excused: Senators Anderson, Matson, Moore, Murray, Patterson - 5.

SENATE BILL NO. 6122, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the President Pro Tempore advanced the Senate to the seventh order of business.

THIRD READING

SENATE BILL NO. 6008, by Senator Roach

Repealing RCW 11.92.095.

MOTIONS

On motion of Senator Nelson, the rules were suspended, Senate Bill No. 6008 was returned to second reading and read the second time.

On motion of Senator Nelson, the following amendment was adopted:

On page 1, on line 9, after "effect" strike "July 28, 1991" and insert "July 28, 1992"

MOTION

On motion of Senator Nelson, the rules were suspended, Engrossed Senate Bill No. 6008 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6008.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6008 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Amondson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 43.

Excused: Senators Anderson, Matson, Moore, Murray, Patterson - 5.

ENGROSSED SENATE BILL NO. 6008, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the President Pro Tempore returned the Senate to the sixth order of business.

SECOND READING

SENATE BILL NO. 6052, by Senators Snyder, Bauer, Sellar, Conner and Rasmussen (by request of Department of Fisheries)

Directing a study of the coastal crab fishery.

The bill was read the second time.

MOTION

On motion of Senator Snyder, the rules were suspended, Senate Bill No. 6052 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

MOTION

On motion of Senator Adam Smith, Senator Pelz was excused.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6052.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6052 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Amondson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Nelson, Newhouse, Niemi, Oke, Owen, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 42.

Excused: Senators Anderson, Matson, Moore, Murray, Patterson, Pelz - 6.

SENATE BILL NO. 6052, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6159, by Senator Oke

Reorganizing the recreational boating code.

The bill was read the second time.

MOTION

On motion of Senator Oke, the rules were suspended, Senate Bill No. 6159 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6159.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6159 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Amondson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 43.

Excused: Senators Anderson, Matson, Moore, Murray, Patterson - 5.

SENATE BILL NO. 6159, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the President Pro Tempore advanced the Senate to the seventh order of business.

THIRD READING

SENATE BILL NO. 5150, by Senators Nelson and Rasmussen (by request of Public Disclosure Commission)

Adjusting campaign finance reporting requirements.

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

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5150.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5150 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Amondson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 43.

Excused: Senators Anderson, Matson, Moore, Murray, Patterson - 5.

SENATE BILL NO. 5150, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 10:50 a.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 11:54 a.m. by President Pro Tempore Craswell.

There being no objection, the President Pro Tempore returned the Senate to the first order of business.

REPORTS OF STANDING COMMITTEES

January 30, 1992

SB 6086

Prime Sponsor, Senator McCaslin: Changing provisions relating to the veterans affairs advisory committee. Reported by Committee on Governmental Operations

MAJORITY Recommendation: That Substitute Senate Bill No. 6086 be substituted therefor, and the substitute bill do pass. Signed by Senators McCaslin, Chairman; Madsen and Sutherland.

Passed to Committee on Rules for second reading.

SB 6199 Prime Sponsor, Senator Sutherland: Adopting the Boating Offense Compact.
Reported by Committee on Environment and Natural Resources

January 30, 1992

MAJORITY Recommendation: Do pass. Signed by Senators Metcalf, Chairman; Oke, Vice Chairman; Amondson, Barr, Conner, Owen, Snyder, and Sutherland.

Passed to Committee on Rules for second reading.

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

MESSAGE FROM THE HOUSE

February 3, 1992

MR. PRESIDENT:

The Speaker has signed SENATE CONCURRENT RESOLUTION NO. 8421, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTIONS

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

On motion of Senator Newhouse, the Committee on Health and Long-Term Care was relieved of further consideration of Senate Bill No. 6434.

On motion of Senator Newhouse, Senate Bill No. 6434 was referred to the Committee on Children and Family Services.

MOTION

At 11:56 a.m., on motion of Senator Newhouse, the Senate adjourned until 12:00 noon, Tuesday, February 4, 1992.

JOEL PRITCHARD, President of the Senate.

GORDON A. GOLOB, Secretary of the Senate.

TWENTY-THIRD DAY

NOON SESSION

Senate Chamber, Olympia, Tuesday, February 4, 1992

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

MOTION

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

REPORTS OF STANDING COMMITTEES

January 31, 1992

ESSB 5086 Prime Sponsor, Committee on Health and Long-Term Care: Providing for HIV testing without consent for certain persons. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass. Signed by Senators West, Chairman; L. Smith, Vice Chairman; Amondson and Newhouse.

MINORITY Recommendation: Do not pass. Signed by Senators Kreidler and Niemi.

Passed to Committee on Rules for second reading.

January 31, 1992

SSB 5457 Prime Sponsor, Committee on Health and Long-Term Care: Prohibiting certain public contact and requiring notification of employers by persons infected with HIV. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass as amended. Signed by Senators West, Chairman; L. Smith, Vice Chairman; Amondson and Newhouse.

MINORITY Recommendation: Do not pass as amended. Signed by Senators Kreidler and Niemi.

Passed to Committee on Rules for second reading.

February 3, 1992

SB 5728 Prime Sponsor, Senator Amondson: Requiring that threshold determination must be completed within fifteen to thirty days. Reported by Committee on Environment and Natural Resources

MAJORITY Recommendation: That Substitute Senate Bill No. 5728 be substituted therefor, and the substitute bill do pass. Signed by Senators Metcalf, Chairman; Oke, Vice Chairman; Amondson, Barr, Owen, Sellar and Snyder.

Passed to Committee on Rules for second reading.

January 30, 1992

SB 6035 Prime Sponsor, Senator West: Transferring the basic health plan to the Washington state health care authority. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 6035 be substituted therefor, and the substitute bill do pass. Signed by Senators West, Chairman; L. Smith, Vice Chairman; Amondson and Wojahn.

MINORITY Recommendation: Do not substitute. Signed by Senators Kreidler and Niemi.

Passed to Committee on Rules for second reading.

February 3, 1992

SB 6047 Prime Sponsor, Senator L. Smith: Changing the requirements of commercial salmon licenses. Reported by Committee on Environment and Natural Resources

MAJORITY Recommendation: That Substitute Senate Bill No. 6047 be substituted therefor, and the substitute bill do pass. Signed by Senators Metcalf, Chairman; Oke, Vice Chairman; Amondson, Barr, Conner, Owen, Sellar and Snyder.

Passed to Committee on Rules for second reading.

January 30, 1992

SB 6070 Prime Sponsor, Senator Amondson: Authorizing alternative supervisors for physician's assistants. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass. Signed by Senators West, Chairman; L. Smith, Vice Chairman; Amondson, Kreidler and Niemi.

Passed to Committee on Rules for second reading.

January 30, 1992

SB 6076 Prime Sponsor, Senator West: Modifying rural health facility certificate of need provisions. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 6076 be substituted therefor, and the substitute bill do pass. Signed by Senators West, Chairman; L. Smith, Vice Chairman; Amondson and Kreidler.

Passed to Committee on Rules for second reading.

January 31, 1992

SB 6089 Prime Sponsor, Senator West: Enacting comprehensive health care reform. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass as amended. Signed by Senators West, Chairman; L. Smith, Vice Chairman; Amondson and Newhouse.

MINORITY Recommendation: Do not pass as amended. Signed by Senators Kreidler, Niemi and Wojahn.

HOLD.

February 3, 1992

SB 6111 Prime Sponsor, Senator Craswell: Providing family preservation services. Reported by Committee on Children and Family Services

MAJORITY Recommendation: That Substitute Senate Bill No. 6111 be substituted therefor, and the substitute bill do pass. Signed by Senators Roach, Chairman; L. Smith, Vice Chairman; Craswell and Stratton.

Passed to Committee on Rules for second reading.

February 3, 1992

SB 6128 Prime Sponsor, Senator Owen: Regarding erosion of shoreline uplands used for residential purposes. Reported by Committee on Environment and Natural Resources

MAJORITY Recommendation: Do pass. Signed by Senators Metcalf, Chairman; Oke, Vice Chairman; Amondson, Barr, Conner, Owen, Sellar, Snyder and Sutherland.

Passed to Committee on Rules for second reading.

January 30, 1992

SB 6152 Prime Sponsor, Senator McDonald: Modifying regulations pertaining to county hospital boards. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass. Signed by Senators West, Chairman; L. Smith, Vice Chairman; Kreidler and Wojahn.

Passed to Committee on Rules for second reading.

January 30, 1992

SB 6161 Prime Sponsor, Senator Oke: Allowing the nonpermanent disposition of public lands. Reported by Committee on Environment and Natural Resources

MAJORITY Recommendation: Do pass as amended. Signed by Senators Metcalf, Chairman; Oke, Vice Chairman; Amondson, Barr, Conner, Owen, Snyder and Sutherland.

Passed to Committee on Rules for second reading.

February 3, 1992

SB 6180 Prime Sponsor, Senator Bailey: Protecting education programs. Reported by Committee on Education

MAJORITY Recommendation: That Substitute Senate Bill No. 6180 be substituted therefor, and the substitute bill do pass. Signed by Senators Bailey, Chairman; Erwin, Vice Chairman; Craswell, Metcalf, Murray, Oke and Pelz.

Passed to Committee on Rules for second reading.

February 3, 1992

SB 6207 Prime Sponsor, Senator West: Regulating campaigning by state employees and officials. Reported by Committee on Governmental Operations

MAJORITY Recommendation: Do pass. Signed by Senators McCaslin, Chairman; Roach, Vice Chairman; and Madsen.

Passed to Committee on Rules for second reading.

February 3, 1992

SB 6289 Prime Sponsor, Senator Bauer: Requiring agencies to accept fax and phone comments at rule-making hearings. Reported by Committee on Governmental Operations

MAJORITY Recommendation: Do pass. Signed by Senators McCaslin, Chairman; Roach, Vice Chairman; Madsen and Sutherland.

Passed to Committee on Rules for second reading.

February 3, 1992

SB 6309 Prime Sponsor, Senator McCaslin: Removing disqualified candidates from the ballot. Reported by Committee on Governmental Operations

MAJORITY Recommendation: Do pass. Signed by Senators McCaslin, Chairman; Roach, Vice Chairman; Madsen and Sutherland.

Passed to Committee on Rules for second reading.

February 3, 1992

SJM 8024 Prime Sponsor, Senator Conner: Petitioning congress for the right to salvage downed timber in the Olympic National Forest. Reported by Committee on Environment and Natural Resources

MAJORITY Recommendation: That Substitute Senate Joint Memorial No. 8024 be substituted therefor, and the substitute joint memorial do pass. Signed by Senators Metcalf, Chairman; Oke, Vice Chairman; Amondson, Barr, Conner, Owen, Sellar, Snyder and Sutherland.

Passed to Committee on Rules for second reading.

REPORTS OF STANDING COMMITTEES
GUBERNATORIAL APPOINTMENTS

February 3, 1992

GA 9163 ROBERTA J. GREENE, appointed February 7, 1991, for a term ending September 30, 1993, as a member of the Board of Trustees for Spokane Community College District No. 17.
Reported by Committee on Higher Education

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

Passed to Committee on Rules.

February 3, 1992

GA 9195 JAMES H. FREEMAN, appointed October 8, 1991, for a term ending September 30, 1994, as a member of the Board of Trustees for Bellingham Technical College.
Reported by Committee on Higher Education

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

Passed to Committee on Rules.

February 3, 1992

GA 9197 ROBERTA J. GREENE, appointed September 1, 1991, for a term ending September 30, 1994, as a member of the Spokane Joint Center Board of Governors.
Reported by Committee on Higher Education

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

Passed to Committee on Rules.

February 3, 1992

GA 9216 MARY NICHOLS, appointed October 8, 1991, for a term ending September 30, 1992, as a member of the Board of Trustees for Bellingham Technical College.
Reported by Committee on Higher Education

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

Passed to Committee on Rules.

February 3, 1992

GA 9219 MELANIE PRINSEN, appointed October 8, 1991, for a term ending September 30, 1996, as a member of the Board of Trustees for Bellingham Technical College.
Reported by Committee on Higher Education

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

Passed to Committee on Rules.

February 3, 1992

GA 9223 ART RUNESTRAND, appointed October 8, 1991, for a term ending September 30, 1995, as a member of the Board of Trustees for Bellingham Technical College.
Reported by Committee on Higher Education

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

Passed to Committee on Rules.

February 3, 1992

GA 9250 THEODORE BOLTON, appointed December 13, 1991, for a term ending September 30, 1995, as a member of the Board of Trustees for Clover Park Technical College.
Reported by Committee on Higher Education

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

Passed to Committee on Rules.

February 3, 1992

GA 9251 PHILIP HAYES, appointed December 13, 1991, for a term ending September 30, 1994, as a member of the Board of Trustees for Clover Park Technical College.
Reported by Committee on Higher Education

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

Passed to Committee on Rules.

February 3, 1992

GA 9252 LIEUTENANT COLONEL JANET KOVATCH, appointed December 13, 1991, for a term ending September 30, 1993, as a member of the Board of Trustees for Clover Park Technical College.
Reported by Committee on Higher Education

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

Passed to Committee on Rules.

February 3, 1992

GA 9253 TOM RYAN, appointed December 13, 1991, for a term ending September 30, 1994, as a member of the Board of Trustees for Clover Park Technical College.
Reported by Committee on Higher Education

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

Passed to Committee on Rules.

February 3, 1992

GA 9254 ARNOLD WRIGHT, appointed December 13, 1991, for a term ending September 30, 1992, as a member of the Board of Trustees for Clover Park Technical College.
Reported by Committee on Higher Education

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

Passed to Committee on Rules.

February 3, 1992

GA 9255 DALE BOOSE, appointed December 13, 1991, for a term ending September 30, 1993, as a member of the Work Force Training and Education Coordinating Board.
Reported by Committee on Higher Education

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

Passed to Committee on Rules.

February 3, 1992

GA 9256 AL BRISBOIS, appointed December 13, 1991, for a term ending September 30, 1995, as a member of the Work Force Training and Education Coordinating Board.
Reported by Committee on Higher Education

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

Passed to Committee on Rules.

February 3, 1992

GA 9257 JOHN CARTER, appointed December 13, 1991, for a term ending September 30, 1994, as a member of the Work Force Training and Education Coordinating Board.
Reported by Committee on Higher Education

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

Passed to Committee on Rules.

February 3, 1992

GA 9258 KAREN CARTER, appointed December 13, 1991, for a term ending September 30, 1993, as a member of the Work Force Training and Education Coordinating Board.
Reported by Committee on Higher Education

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

Passed to Committee on Rules.

February 3, 1992

GA 9259 ROBERTA J. GREENE, appointed December 13, 1991, for a term ending September 30, 1995, as a member of the Work Force Training and Education Coordinating Board.
Reported by Committee on Higher Education

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

Passed to Committee on Rules.

February 3, 1992

GA 9260 BETTY JANE NARVER, appointed December 13, 1991, for a term ending at the Governor's Pleasure, as Chair of the Work Force Training and Education Coordinating Board.
Reported by Committee on Higher Education

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

Passed to Committee on Rules.

February 3, 1992

GA 9261 MARIAN SVINTH, appointed December 13, 1991, for a term ending September 30, 1994, as a member of the Work Force Training and Education Coordinating Board.
Reported by Committee on Higher Education

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

Passed to Committee on Rules.

MOTION

On motion of Senator Newhouse, Senate Bill No. 6089 was held on the desk.

JOURNAL OF THE SENATE

REPORT OF SELECT COMMITTEE

STATE OF WASHINGTON
HIGHER EDUCATION COORDINATING BOARD
917 Lakeridge Way
Olympia, Washington 98504

January 31, 1992

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

Dear Mr. Golob:

The Displaced Homemaker Act requires that the Higher Education Coordinating Board submit a biennial evaluation of the Displaced Homemaker Program to the Legislature (RCW 28B.04.070). The Higher Education Coordinating Board is the administering agency for the program.

Enclosed is the 1989-91 Biennial Evaluation. The Board has reviewed the attached Displaced Homemaker Program's 1989-91 Biennial Evaluation Report. I submit this as an accurate description of services and accomplishments for the period of July 1, 1989, through June 30, 1991.

Sincerely,
ANN DALEY, Executive Director

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

REPORT OF SELECT COMMITTEE

STATE OF WASHINGTON
HIGHER EDUCATION COORDINATING BOARD
917 Lakeridge Way
Olympia, Washington 98504

January 28, 1992

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

Dear Mr. Golob:

The 52nd Legislature passed Substitute House Bill No. 1196 which directed Washington State University to prepare a proposal to establish a Center for Environmental and Molecular Sciences at the Tri-Cities branch campus. The Higher Education Coordinating Board was directed to review the proposal and make a recommendation by February 1, 1992, to the Governor and Legislature regarding a) whether to establish the Center, and if so, b) what the long-term development of the Center should be.

On January 22, 1992, the Higher Education Coordinating Board adopted the enclosed report which reviews the Center proposal submitted by Washington State University. The Board favorably viewed the

Center's concept but found that the Center requires additional planning. The Board also encouraged WSU to submit a revised plan in conjunction with its biennial budget request so that the HECB may evaluate the needs and funding of the Center along with other funding priorities of WSU and the higher education system.

Please find enclosed a copy of the Board's report and recommendations concerning the proposed Center for Environmental and Molecular Sciences. If you have any questions about the report, please do not hesitate to give me a call.

The Board appreciates the opportunity to review the Center proposal and comment on its development.

Sincerely,
ANN DALEY, Executive Director

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

MESSAGE FROM THE HOUSE

February 3, 1992

MR. PRESIDENT:

The House has passed:
HOUSE BILL NO. 1664,
SUBSTITUTE HOUSE BILL NO. 1676,
SUBSTITUTE HOUSE BILL NO. 1715,
SUBSTITUTE HOUSE BILL NO. 1726,
HOUSE BILL NO. 1732,
HOUSE BILL NO. 1760,
SUBSTITUTE HOUSE BILL NO. 1825,
SUBSTITUTE HOUSE BILL NO. 1847,
SUBSTITUTE HOUSE BILL NO. 1903,
HOUSE BILL NO. 1939,
HOUSE BILL NO. 2090,
SUBSTITUTE HOUSE BILL NO. 2152,
SUBSTITUTE HOUSE JOINT RESOLUTION NO. 4205,
HOUSE JOINT RESOLUTION NO. 4208,
SUBSTITUTE HOUSE JOINT RESOLUTION NO. 4216, and the same are

herewith transmitted.

ALAN THOMPSON, Chief Clerk

INTRODUCTION AND FIRST READING

SB 6475 by Senators Saling, Snyder, Stratton, Thorsness, Patterson, Nelson, McDonald and Amondson

AN ACT Relating to water resources; amending RCW 43.21A.064, 90.03.350, and 90.54.800; amending section 2, chapter 159, Laws of 1989 (uncodified); reenacting and amending RCW 86.16.035; and creating a new section.

Referred to Committee on Energy and Utilities.

SB 6476 by Senators Gaspard and Rasmussen

AN ACT Relating to vehicular homicide; amending RCW 9.94A.320; and prescribing penalties.

Referred to Committee on Law and Justice.

SB 6477 by Senator Williams

AN ACT Relating to delinquent payment charges on credit cards; and amending RCW 63.14.090.

Referred to Committee on Financial Institutions and Insurance.

SB 6478 by Senators Thorsness, Sutherland and Saling

AN ACT Relating to the duties of the energy office; and amending RCW 43.21F.045.

Referred to Committee on Energy and Utilities.

SB 6479 by Senators Thorsness and Saling

AN ACT Relating to a state hydropower development plan; creating new sections; repealing section 2, chapter 159, Laws of 1989 (uncodified); and making an appropriation.

Referred to Committee on Energy and Utilities.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

HB 1664 by Representatives Belcher, Brumsickle, Ferguson, Fraser, Scott, G. Fisher, G. Cole, R. Johnson, Mielke, Bowman, Winsley and Anderson

Clarifying educational requirements regarding sign language.

Referred to Committee on Education.

SHB 1676 by House Committee on Judiciary (originally sponsored by Representatives Inslee, Winsley, R. Meyers, Dorn, Dellwo, Zellinsky, Jacobsen, Rasmussen and Sheldon)

Establishing punitive liability for injury or wrongful death from driving while intoxicated.

Referred to Committee on Law and Justice.

SHB 1715 by House Committee on State Government (originally sponsored by Representatives Rasmussen, Brumsickle, Haugen, Bowman, Dorn, Paris and Sheldon)

Making the office of sheriff nonpartisan.

Referred to Committee on Governmental Operations.

SHB 1726 by House Committee on Higher Education (originally sponsored by Representatives Panel, Jacobsen, Kremen, Ogden, Prince, R. Johnson, Braddock and Wineberry)

Including certain tribally controlled colleges in definitions of institutions of higher education.

Referred to Committee on Higher Education.

HB 1732 by Representatives Appelwick, Winsley, Wineberry, Locke, Ferguson, Scott and Fomer

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

Referred to Committee on Law and Justice.

HB 1760 by Representatives Van Luven, Haugen, Edmondson, Nelson, Wynne, Nealey, Zellinsky and Franklin

Providing a procedure for consolidating cities or towns.

Referred to Committee on Governmental Operations.

SHB 1825 by House Committee on Judiciary (originally sponsored by Representative Appelwick)

Altering mandatory arbitration provisions.

Referred to Committee on Law and Justice.

SHB 1847 by House Committee on State Government (originally sponsored by Representatives Van Luven, Grant, McLean, Sheldon, Tate, Ferguson, Bowman, Chandler and Paris)

Prohibiting any person who has worked for an agency from becoming an administrative law judge for that agency for two years.

Referred to Committee on Governmental Operations.

SHB 1903 by House Committee on Judiciary (originally sponsored by Representatives Scott, Miller, G. Cole, Riley, Ludwig, Locke, Wineberry, Appelwick, Rasmussen, Wang, Ferguson and Anderson)

Requiring trigger-locking devices on handguns.

Referred to Committee on Law and Justice.

HB 1939 by Representatives Anderson, Miller, H. Sommers, Brough, Fraser and Brekke

Providing that either party to a marriage may take the surname of the other.

Referred to Committee on Law and Justice.

HB 2090 by Representatives Anderson, McLean, Pruitt and Bowman

Defining the "short term" for elective offices.

Referred to Committee on Governmental Operations.

SHB 2152 by House Committee on Housing (originally sponsored by Representatives Leonard, Mitchell, Nelson, Franklin, Ogden, Ballard, Winsley, Chandler, D. Sommers, Former, Moyer, Morton and Hochstatter)

Appointing a direct landlord pay task force.

Referred to Committee on Children and Family Services.

SHJR 4205 by House Committee on Revenue (originally sponsored by Representatives Winsley, Wang, Ballard, Leonard, Mitchell, Nelson, Ebersole, Franklin, Bowman, Jones, R. Johnson, Jacobsen, Betrozoff, Fraser, R. King, Phillips, Brekke, Inslee, Spanel, Rasmussen and Anderson)

Amending the Constitution to allow property devoted to low-income housing to be taxed based on its current use value.

Referred to Committee on Governmental Operations.

HJR 4208 by Representatives Wang, Holland, Nelson, Phillips, Fraser, Brumsickle, Rust, Ballard, Leonard, Ferguson, Haugen, Horn, Morris, Heavey, May, Jacobsen, O'Brien, Appelwick, Winsley, H. Sommers, Dorn, Belcher, Van Luven, Morton, Kremen, Locke, Brekke, Pruitt, Spanel, Wineberry, Paris, Cooper, Betrozoff, Jones, Franklin, Dellwo, H. Myers, Ogden and Anderson

Amending the Constitution to allow the legislature to grant low-income property owners relief from owner occupied residences.

Referred to Committee on Ways and Means.

SHJR 4216 by House Committee on Local Government (originally sponsored by Representatives Franklin, Edmondson, Haugen, Ferguson, Valle, Wood and Day)

Amending the Constitution to permit municipalities and state agencies to employ chaplains.

Referred to Committee on Health and Long-Term Care.

MOTION

At 12:04 p.m., on motion of Senator Newhouse, the Senate adjourned until 10:00 a.m., Wednesday, February 5, 1992.

JOEL PRITCHARD, President of the Senate

GORDON GOLOB, Secretary of the Senate.

TWENTY-FOURTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, February 5, 1992

The Senate was called to order at 10:00 a.m. by President Pro Tempore Craswell. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senators Amondson, Bluechel, Matson, McDonald, Moore, Patterson and Snyder. On motion of Senator Murray, Senator Moore was excused. On motion of Senator Anderson, Senators Bluechel, Matson, McDonald and Patterson were excused.

The Sergeant at Arms Color Guard, consisting of Pages Crystal Looney and Tyler Dillon, presented the Colors. Reverend Dan MacDonald, pastor of the Westside Alliance Church of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

February 4, 1992

SB 5771 Prime Sponsor, Senator Barr: Encouraging customers to pay the full amount owed for utility services. Reported by Committee on Energy and Utilities

MAJORITY Recommendation: That Substitute Senate Bill No. 5771 be substituted therefor, and the substitute bill do pass. Signed by Senators Thorsness, Chairman; Saling, Vice Chairman; Jesernig, Nelson, Roach, Stratton, Sutherland and Williams.

Passed to Committee on Rules for second reading.

February 3, 1992

SB 6054 Prime Sponsor, Senator L. Smith: Modifying the chiropractic practice act. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators L. Smith, Vice Chairman; Amondson, Kreidler and Niemi.

Referred to Committee on Ways and Means.

February 3, 1992

SB 6088 Prime Sponsor, Senator Sellar: Prohibiting nursing homes from discrimination against patients based on source of payment. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass. Signed by Senators West, Chairman; L. Smith, Vice Chairman; Amondson, Kreidler, Niemi and Wojahn.

Passed to Committee on Rules for second reading.

February 4, 1992

SB 6098 Prime Sponsor, Senator Roach: Clarifying public assistance eligibility for children who are students. Reported by Committee on Children and Family Services

MAJORITY Recommendation: That Substitute Senate Bill No. 6098 be substituted therefor, and the substitute bill do pass. Signed by Senators Roach, Chairman; L. Smith, Vice Chairman; Stratton and Talmadge.

Referred to Committee on Ways and Means.

February 3, 1992

SB 6124 Prime Sponsor, Senator Wojahn: Providing for a long-term care ombudsman in counties over five hundred thousand. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass. Signed by Senators West, Chairman; Amondson, Kreidler, Niemi and Wojahn.

Passed to Committee on Rules for second reading.

February 4, 1992

SB 6203 Prime Sponsor, Senator Thorsness: Revising cost restrictions associated with the Northwest low-level waste compact. Reported by Committee on Energy and Utilities

MAJORITY Recommendation: Do pass. Signed by Senators Thorsness, Chairman; Saling, Vice Chairman; Jesernig, Nelson, Roach, Stratton, Sutherland and Williams.

Passed to Committee on Rules for second reading.

February 4, 1992

SB 6433 Prime Sponsor, Senator Stratton: Creating gang risk intervention pilot programs. Reported by Committee on Children and Family Services

MAJORITY Recommendation: Do pass. Signed by Senators Roach, Chairman; L. Smith, Vice Chairman; Craswell, Stratton and Talmadge.

Referred to Committee on Ways and Means.

MESSAGES FROM THE GOVERNOR

October 7, 1991

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

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

Sterling Munro, reappointed October 7, 1991, for a term ending September 30, 1997, as a member of the Board of Trustees for Central Washington University.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

October 7, 1991

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Rossalind Y. Woodhouse, reappointed October 7, 1991, for a term ending September 30, 1997, as a member of the Board of Trustees for Central Washington University.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

January 27, 1992

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Ardith Divine, appointed January 27, 1992, for a term ending September 30, 1997, as a member of the Gambling Commission.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Commerce and Labor.

January 29, 1992

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Glen Bocock, reappointed January 29, 1992, for a term ending July 1, 1995, as a member of the Board of Trustees for the State School for the Deaf.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Education.

January 29, 1992

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Dr. Ronald LaFayette, appointed January 29, 1992, for a term ending July 1, 1995, as a member of the Board of Trustees for the State School for the Deaf.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Education.

January 29, 1992

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

John F. Naddy, III, reappointed January 29, 1992, for a term ending July 1, 1996, as a member of the Board of Trustees for the State School for the Blind.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Education.

January 29, 1992

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.
Ruby N. Ryles, reappointed January 29, 1992, for a term ending July 1, 1996, as a member
of the Board of Trustees for the State School for the Blind.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Education.

INTRODUCTION AND FIRST READING

SB 6480 by Senator Bluechel

AN ACT Relating to radio communication; adding a new section to chapter 35.21 RCW; adding a new section to chapter 35A.21 RCW; adding a new section to chapter 36.32 RCW; and declaring an emergency.

Referred to Committee on Governmental Operations.

SB 6481 by Senators Bailey, Murray, Craswell, Erwin, Oke, Thorsness and Skratek

AN ACT Relating to warning lights on school buses; and amending RCW 46.37.190.

Referred to Committee on Education.

SB 6482 by Senators Bailey and Rinehart (by request of Superintendent of Public Instruction)

AN ACT Relating to institution education programs; amending RCW 13.04.145, 28A.190.010, 28A.190.020, 28A.190.030, 28A.190.040, 28A.190.050, and 28A.190.060; and adding new sections to chapter 28A.190 RCW.

Referred to Committee on Education.

SB 6483 by Senators Matson, Murray and Bluechel

AN ACT Relating to weights and measures; amending RCW 19.94.010, 19.94.150, 19.94.160, 19.94.190, 19.94.220, 19.94.230, 19.94.240, 19.94.250, 19.94.260, 19.94.280, 19.94.310, 19.94.320, 19.94.330, 19.94.340, 19.94.350, 19.94.370, 19.94.440, 19.94.450, 19.94.460, 19.94.480, 19.94.490, 19.94.500, 19.94.505, 19.94.510, and 19.94.530; amending 1991 sp.s. c 16 s 315 (uncodified); adding new sections to chapter 19.94 RCW; repealing RCW 19.94.020, 19.94.030, 19.94.040, 19.94.050, 19.94.060, 19.94.070, 19.94.080, 19.94.090, 19.94.100, 19.94.110, 19.94.120, 19.94.130, 19.94.140, 19.94.170, 19.94.180, 19.94.200, 19.94.210, 19.94.215, 19.94.270, 19.94.290, 19.94.300, and 19.94.380; prescribing penalties; and providing an effective date.

Referred to Committee on Commerce and Labor.

SB 6484 by Senators Erwin, Madsen and Conner

AN ACT Relating to transportation and land use; amending RCW 39.92.010, 39.92.030, 70.94.531, 81.75.010, 81.75.020, 81.75.030, and 81.104.080; and adding a new chapter to Title 47 RCW.

Referred to Committee on Transportation.

SB 6485 by Senator von Reichbauer

AN ACT Relating to investment advisers; and adding a new section to chapter 21.20 RCW.

Referred to Committee on Financial Institutions and Insurance.

SB 6486 by Senator Talmadge

AN ACT Relating to municipal court judge's salaries; and amending RCW 3.50.080 and 35.20.160.

Referred to Committee on Law and Justice.

SB 6487 by Senator Rasmussen

AN ACT Relating to removable dental prostheses; adding a new chapter to Title 19 RCW; and prescribing penalties.

Referred to Committee on Health and Long-Term Care.

SB 6488 by Senators Bluechel, Rinehart and McDonald (by request of Office of Financial Management)

AN ACT Relating to state general obligation bonds and related accounts; amending RCW 43.99I.010, 43.99I.020, 43.99I.040, 43.84.092, 43.105.080, and 46.68.030; adding new sections to chapter 43.99I RCW; and declaring an emergency.

Referred to Committee on Ways and Means.

SJM 8029 by Senators Moore and Anderson (by request of Employment Security Department)

Memorializing Congress for more money to fund employment security funds.

Referred to Committee on Commerce and Labor.

MOTION

On motion of Senator Newhouse, Senate Rule 46 was suspended to permit the Committee on Commerce and Labor to meet for another fifteen minutes.

EDITOR'S NOTE: Senate Rule 46 reads: 'No committee shall sit during the daily session of the senate unless by special leave.'

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Saling, Gubernatorial Appointment No. 9020, Janice Ludwig, as a member of the Board of Trustees for Columbia Basin Community College District No. 19, was confirmed.

APPOINTMENT OF JANICE LUDWIG

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 41; Nays, 0; Absent, 2; Excused, 5.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, McCaslin, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 41.

Absent: Senators Amondson, Snyder - 2.

Excused: Senators Bluechel, Matson, McDonald, Moore, Patterson - 5.

SECOND READING

SENATE BILL NO. 6055, by Senators Nelson, Madsen and Newhouse

Providing for the use as evidence of reports by or testimony from criminologists of the state's crime laboratory.

MOTIONS

On motion of Senator Nelson, Substitute Senate Bill No. 6055 was substituted for Senate Bill No. 6055 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Nelson, the rules were suspended, Substitute Senate Bill No. 6055 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

MOTION

On motion of Senator Anderson, Senator Amondson was excused.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6055.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6055 and the bill passed the Senate by the following vote: Yeas, 38; Nays, 3; Absent, 1; Excused, 6.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Cantu, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, McCaslin, McMullen, Metcalf, Murray, Nelson, Newhouse, Oke, Owen, Pelz, Rasmussen, Roach, Saling, Sellar, Skratek, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 38.

Voting nay: Senators Niemi, Rinehart, A. Smith - 3.

Absent: Senator Conner - 1.

Excused: Senators Amondson, Bluechel, Matson, McDonald, Moore, Patterson - 6.

SUBSTITUTE SENATE BILL NO. 6055, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the President Pro Tempore advanced the Senate to the seventh order of business.

THIRD READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5644, by Senate Committee on Law and Justice (originally sponsored by Senators Nelson, Rasmussen, Thorsness, A. Smith and Madsen)

Regulating adult entertainment.

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

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5644.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5644 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 2; Absent, 0; Excused, 5.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, McCaslin, McMullen, Metcalf, Murray, Nelson, Newhouse, Oke, Owen, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Wojahn - 41.

Voting nay: Senators Niemi, Williams - 2.

Excused: Senators Amondson, Matson, McDonald, Moore, Patterson - 5.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5644, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the President Pro Tempore returned the Senate to the sixth order of business.

SECOND READING

SENATE BILL NO. 6093, by Senators Barr, Murray, Anderson and Bauer

Providing pesticide-sensitive individuals notificationton of urban pesticide applicants.

The bill was read the second time.

MOTIONS

On motion of Senator Barr, the following Committee on Agriculture and Water Resources amendment was adopted:

On page 5, line 7, after "applicators;" strike "and (b)" and insert "(b) state and local health departments and mosquito control districts when conducting mosquito control operations; and (c)"

On motion of Senator Barr, the following Committee on Agriculture and Water Resources amendment was adopted:

On page 8, line 14, strike subsection 3

Renumber the remaining subsection consecutively

MOTION

Senator Barr moved that the following Committee on Agriculture and Water Resources amendment be adopted:

On page 8, line 13, after "department." insert "Each written request must include a self-addressed, stamped envelope provided by the requestor."

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the Committee on Agriculture and Water Resources amendment on page 8, line 13, to Senate Bill No. 6093.

The motion by Senator Barr failed and the committee amendment was not adopted.

MOTIONS

On motion of Senator Barr, the following Committee on Agriculture and Water Resources amendment was adopted:

On page 11, line 20, after "property" insert "damage"

On motion of Senator Barr, the rules were suspended, Engrossed Senate Bill No. 6093 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6093.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6093 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 45.

Excused: Senators Matson, Moore, Patterson - 3.

ENGROSSED SENATE BILL NO. 6093, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6073, by Senators Snyder and Rasmussen

Authorizing driving under out of state instruction permits.

The bill was read the second time.

MOTION

On motion of Senator Snyder, the rules were suspended, Senate Bill No. 6073 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6073.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6073 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 45.

Excused: Senators Matson, Moore, Patterson - 3.

SENATE BILL NO. 6073, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the President Pro Tempore advanced the Senate to the seventh order of business.

THIRD READING

SUBSTITUTE SENATE BILL NO. 5069, by Senate Committee on Law and Justice (originally sponsored by Senators Nelson, Rasmussen, Talmadge, Oke, Bailey, Craswell, Thorsness, McCaslin, Johnson, Roach, Metcalf, Vognild and Conner)

Changing the blood and breath alcohol content standards for intoxication for those persons under the age of twenty one.

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

Debate ensued.

POINT OF INQUIRY

Senator Stratton: "Senator Nelson, I am having trouble rationalizing why alcohol levels for a juvenile would be at 0.04 percent when it is illegal for juveniles to drink. Why would it not be at 0.0 percent?"

Senator Nelson: "Senator Stratton, the rationale behind the 0.04 was to consider what we call the Scope amendment whereby you could have juveniles that consume alcoholic content such as in mouth washes and other types of solutions or medicines and, secondly, when we took the actual results of three national investigations of DWI and the blood alcohol content in individuals, the medical evidence pointed out that physical impairment on the part of an individual--of all things--under twenty, not just under eighteen, was impaired at 0.04 percent, which appeared to be, then, medically substantiated in order for us to establish a level that was reflective of when that individual would, in fact, be of danger to others. We realize, and your point is certainly well taken, that it is against the law for all juveniles to consume alcoholic beverages in the state of Washington. This specific bill keys in on the consumption plus getting behind the wheel of a car, which was the intent of this particular statute."

Further debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5069.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5069 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 3; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Sutherland, Talmadge, Thorsness, von Reichbauer, West, Williams, Wojahn - 42.

Voting nay: Senators Pelz, Stratton, Vognild - 3.

Excused: Senators Matson, Moore, Patterson - 3.

SUBSTITUTE SENATE BILL NO. 5069, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

SENATE BILL NO. 5135, by Senators McCaslin and Nelson

Granting right to a permit for an on-site sewage system under certain conditions.

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

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5135.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5135 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 16; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Craswell, Erwin, Hansen, Hayner, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Oke, Rasmussen, Roach, Saling, Sellar, L. Smith, Snyder, Stratton, Thorsness, Vognild, von Reichbauer, West, Williams - 29.

Voting nay: Senators Conner, Gaspard, Jesernig, Kreidler, Madsen, McMullen, Murray, Niemi, Owen, Pelz, Rinehart, Skratek, A. Smith, Sutherland, Talmadge, Wojahn - 16.

Excused: Senators Matson, Moore, Patterson - 3.

SENATE BILL NO. 5135, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the President Pro Tempore returned the Senate to the sixth order of business.

SECOND READING

SENATE BILL NO. 6011, by Senators Conner, Rasmussen, Bauer, Jesernig and Oke

Extending veteran's benefits to Desert Storm veterans.

MOTIONS

On motion of Senator Newhouse, Substitute Senate Bill No. 6011 was substituted for Senate Bill No. 6011 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Newhouse, the rules were suspended, Substitute Senate Bill No. 6011 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

MOTION

On motion of Senator Murray, Senator Kreidler was excused.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6011.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6011 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Madsen, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 44.

Excused: Senators Kreidler, Matson, Moore, Patterson - 4.

SUBSTITUTE SENATE BILL NO. 6011, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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SECOND READING

SENATE BILL NO. 6032, by Senators West and Johnson

Repealing the termination provisions of the emergency medical services committee.

The bill was read the second time.

MOTION

On motion of Senator West, the rules were suspended, Senate Bill No. 6032 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6032.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6032 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 3.

Voting yeas: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 45.

Excused: Senators Matson, Moore, Patterson - 3.

SENATE BILL NO. 6032, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6031, by Senators West and Johnson

Modifying poison information center authority.

The bill was read the second time.

MOTIONS

On motion of Senator West, the following Committee on Health and Long-Term Care amendment was adopted:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 18.76.010 and 1987 c 214 s 16 are each amended to read as follows:

The legislature finds that accidental and purposeful exposure to drugs, poisons, and ~~((poisonous))~~ toxic substances continues to be a severe health problem in the state of Washington. It further finds that a significant reduction in the consequences of such accidental exposures ~~((have))~~ has occurred as a result of the services provided by poison information centers, and that, by further enhancing these services for occupational, industrial, and environmental exposures, serious illness and injury can be even further reduced.

The purpose of this chapter is to reduce morbidity and mortality associated with overdose and poisoning incidents by providing emergency telephone assistance and treatment referral to victims of such incidents, by providing immediate treatment information to health care professionals, and public education and prevention programs. Further, the purpose is to improve utilization of drugs by providing information to health professionals relating to appropriate therapeutic drug use.

The legislature recognizes that enhanced cooperation between the emergency medical system and poison control centers will aid in responding to emergencies resulting from exposure to drugs, poisons, and ~~((poisonous))~~ toxic substances, and that, by providing telephone assistance to individuals with possible exposure to these chemicals, the need for emergency room and professional office visits will be reduced. As a result the cost of health care to those who may have exposures to drugs, poisons, and toxic substances will be decreased and appropriate treatment will be assured.

Sec. 2. RCW 18.76.030 and 1987 c 214 s 17 are each amended to read as follows:

The department shall, in a manner consistent with this chapter, provide support for the state-wide program of poison and drug information services ~~((conducted by poison information centers located in the cities of Seattle and Spokane and satellite units located in the cities of Tacoma and Yakima)).~~ These services shall, no later than June 30, 1993, be centralized in and coordinated by a single nonprofit center to be located in a place determined by the secretary. The services of this ((program)) center shall be:

(1) Twenty-four hour emergency telephone management and treatment referral of victims of poisoning and overdose incidents, to include determining whether treatment can be accomplished at the scene of the incident or transport to an emergency treatment or other facility is required, and carrying out telephone follow-up to assure that adequate care is provided;

(2) Providing information to health professionals involved in management of poisoning and overdose victims;

(3) Community education programs designed to inform the public and members of the health professions of poison prevention and treatment methods((; and

~~(4) Information to health professionals regarding appropriate therapeutic use of medications, their compatibility and stability, and adverse drug reactions and interactions)) and to improve awareness of poisoning and overdose problems, occupational risks, and environmental exposures; and~~

(4) Coordination of outreach units whose primary functions shall be to inform the public about poison problems and prevention methods, how to utilize the poison center, and other toxicology issues.

NEW SECTION. Sec. 3. A new section is added to chapter 18.76 RCW to read as follows:

The department shall establish a system for consulting with other state agency programs concerned with poisons and poisonings, incidents involving exposures to potentially poisonous substances, and other toxicological matters to develop the most coordinated and consistent response to such situations as is reasonably possible.

Sec. 4. RCW 18.76.060 and 1987 c 214 s 21 are each amended to read as follows:

(1) A person may not act as a poison center medical director or perform the duties of poison information specialists of a poison information center without being certified by the secretary under this chapter.

(2) Notwithstanding subsection (1) of this section, if a poison center medical director terminates certification or is decertified, that poison center medical director's authority may be delegated by the department to any other person licensed to practice medicine and surgery under chapter 18.71 RCW or osteopathy and surgery under chapter 18.57 RCW for a period of thirty days, or until a new poison center medical director is certified, whichever comes first.

NEW SECTION. Sec. 5. A new section is added to chapter 18.76 RCW to read as follows:

The center may receive gifts, grants, and endowments from public or private sources that may be made from time to time, in trust or otherwise, for the use and benefit of the purposes of the center and spend gifts, grants, or endowments or any income from the public or private sources according to their terms.

NEW SECTION. Sec. 6. RCW 18.76.040 and 1987 c 214 s 18 and 1980 c 178 s 3 are each repealed.

NEW SECTION. Sec. 7. If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1992, in the omnibus appropriations act, this act shall be null and void.

On motion of Senator West, the following title amendment was adopted:

On page 1, line 1 of the title, after "centers;" strike the remainder of the title and insert "amending RCW 18.76.010, 18.76.030, and 18.76.060; adding new sections to chapter 18.76 RCW; creating a new section; and repealing RCW 18.76.040."

MOTION

On motion of Senator West, the rules were suspended, Engrossed Senate Bill No. 6031 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

MOTION

On motion of Senator West, Senator Wojahn's name will be added as a sponsor of Engrossed Senate Bill No. 6031.

POINT OF INQUIRY

Senator Vognild: "If I may pursue this just one step further. Are we reasonably sure that if we pass this bill with the null and void language and take the four centers out of those hospitals and then the null and void language were to take over, would we, in fact, run a risk of losing all poison control centers in the state?"

Senator West: "If the bill passes through the Legislature, the null and void clause remains on the bill. It doesn't change the operation of poison control centers today. There is money in the

current budget that we passed last year to fund our share of the poison control centers. This would not go into statute if we don't put money in the budget to enact this or to make it come true. So, what we are doing today won't be impacted by our actions, it should be impacted on the part of the hospital's reluctance in the future to continue to subsidize the program. We aren't affecting that by this bill."

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6031.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6031 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 1; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 44.

Voting nay: Senator Barr - 1.

Excused: Senators Matson, Moore, Patterson - 3.

ENGROSSED SENATE BILL NO. 6031, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6064, by Senators Thorsness and Williams

Changing municipal electric utility access to high voltage transmission facilities.

MOTIONS

On motion of Senator Thorsness, Substitute Senate Bill No. 6064 was substituted for Senate Bill No. 6064 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Thorsness, the rules were suspended, Substitute Senate Bill No. 6064 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6064.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6064 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 45.

Excused: Senators Matson, Moore, Patterson - 3.

SUBSTITUTE SENATE BILL NO. 6064, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

MOTION

Senator Rinehart moved that the following resolution be adopted:

SENATE RESOLUTION 1992-8711

By Senators Rinehart, Anderson and Conner

WHEREAS, Athletics is one of the most effective ways for women in the United States to develop leadership skills, self-discipline, initiative, and confidence; and

WHEREAS, Sport and fitness activity contributes to emotional and physical well-being, and women need both strong minds and strong bodies; and

WHEREAS, The communication and cooperation skills learned through athletic experience play a key role in the contributions of athletes to the home, to the work place, and to society; and

WHEREAS, Early motor-skill training and enjoyable experiences of physical activity strongly influence lifelong habits of physical fitness; and

WHEREAS, The bonds built among women through athletics help break down the social barriers of racism and prejudice; and

WHEREAS, The history of women in sports is rich and long, but there has been little national recognition of the significance of the athletic achievements of women; and

WHEREAS, The state of Washington has produced women athletes who are winners, such as Olympic skier Debbie Armstrong, ice skater Rosalynn Sumners, track star Doris Heritage, swimmer Mary Wayte, synchronized swimmer Tracie Ruiz-Conforto, marathon runner Lisa Weidenbach, and soccer players Shannon Higgins and Michelle Akers-Stahl, whose spirit, talent, and accomplishments distinguished them from others and were a source of inspiration and pride to all of us; and

WHEREAS, The number of women in the leadership positions of coaches, officials, and administrators has declined drastically over the past decade, and there is a need to restore women to these positions to ensure a fair representation of the abilities of women and to provide role models for young female athletes; and

WHEREAS, The athletic opportunities for male students at the college and high school level remain significantly greater than the athletic opportunities for female students; and

WHEREAS, The number of funded research projects focusing on the specific needs of women athletes is limited, and the information provided by the projects is imperative to the health and performance of future women athletes;

NOW, THEREFORE, BE IT RESOLVED, That February 6, 1992, be designated as National Girls and Women in Sports Day.

Senators Rinehart, Owen and Wojahn spoke to Senate Resolution 1992-8711.

POINT OF INQUIRY

Senator Rasmussen: "Senator Rinehart, down along about--I forgot what number--there is a Whereas that states, 'The number of women in leadership positions of coaches, officials and administrators has declined drastically over the past decade, and there is a need to restore women to these positions to ensure a fair representation of the abilities of women and to provide roll models for young female athletes.' I agree with the last line, but I don't understand, we have a woman director of athletics over at the University of Washington; we have a very successful womens' basketball coach over there. Do you now want somebody to replace James--Don James--that wears skirts?"

Senator Rinehart: "I don't think that Don James is ready to retire, but when he does, it might be appropriate."

Senator Rasmussen: "I don't know what statistics you have where they have declined. I thought they had been increasing in leadership positions, which we all hope."

Senator Rinehart: "Right, we certainly do all hope that, Senator Rasmussen."

Senator Rasmussen: "Do you have any statistics on this?"

Senator Rinehart: "I will certainly provide you with those numbers."

Senator Rasmussen: "I would appreciate them."

The President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution 1992-8711.

The motion by Senator Rinehart carried and Senate Resolution 1992-8711 was adopted.

MOTION

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

SENATE RESOLUTION 1992-8713

By Senators Roach, Wojahn, Vognild, Stratton, McDonald, Craswell, Erwin, McMullen, A. Smith, Nelson, Oke, Saling, L. Smith, Barr, McCaslin and West

WHEREAS, All students in the state of Washington need to have the opportunity to develop a skill that will help them enter the job market; and

WHEREAS, Nearly twenty-five percent of the students in our schools drop out before graduating from high school; and

WHEREAS, When the results of education offer tangible rewards such as a job and saleable skills, dropout rates are likely to be lowered; and

WHEREAS, Only between twenty and thirty percent of the students graduating from high school will earn a baccalaureate degree before entering the work force; and

WHEREAS, All students should leave high school with workplace competencies and saleable skills that are transferable to a job or profession; and

WHEREAS, Our students can anticipate a minimum of five careers in the quickly changing and evolving job market of the twenty-first century; and

WHEREAS, Many employers find that their prospective employees lack the saleable skills vital to success in the marketplace; and

WHEREAS, Forty percent of the job opportunities for young workers are with small firms that cannot afford formal training programs; and

WHEREAS, These firms need entry level workers who come equipped with academic and vocational skills; and

WHEREAS, Partnerships between business and labor and the schools increase the relevance of school courses teaching saleable skills; and

WHEREAS, There are examples of successful partnerships in Washington and other states, including apprenticeship programs, career days, job coaches from the business community instructing students on how to find jobs, schools working with business and labor to develop curriculum that will better prepare students for real life work experiences, after-school electronics programs for middle school students, employers designing job programs for at-risk students, classrooms in the community programs, and mentorships between local business operations and students;

NOW, THEREFORE, BE IT RESOLVED, BY the Senate of the state of Washington, that each school district and community in the state of Washington be encouraged to inform students and parents about programs in the school and community that will help students learn saleable skills; and

BE IT FURTHER RESOLVED, That each school district and community in the state of Washington be encouraged to work in partnership to promote and implement programs that will help students develop saleable skills; and

BE IT FURTHER RESOLVED, That each school district in partnership with the community recognize that saleable skills are a desired outcome for the education system and curriculum needs to be designed and implemented for every student to be able to leave high school with a saleable skill.

Senators Roach, Talmadge and Wojahn spoke to Senate Resolution 1992-8713.

MOTION

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

SENATE RESOLUTION 1992-8716

By Lieutenant Governor Pritchard, Senators Snyder, Oke, Rasmussen, Gaspard, von Reichbauer, Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Bauer, Cantu, Conner, Craswell, Erwin, Hayner, Jesernig, Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pelz, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Stratton, Sutherland, Talmadge, Thorsness, Vognild, West, Williams and Wojahn

WHEREAS, The 1991 University of Washington Husky football team brought honor and glory to the University, the state of Washington and all its citizens by being named National Collegiate Football Champions; and

WHEREAS, The Huskies recently completed a perfect 12-0 season defeating four nationally ranked opponents, two of whom were rated in the Top Ten at the time they were defeated; and

WHEREAS, The undefeated season concluded with an impressive 34-14 victory in the 1992 Rose Bowl over the University of Michigan Wolverines; and

WHEREAS, Husky head coach Don James and his talented coaching staff led the Mountlake Dawgs to the top of the Pacific 10 Conference and the nation in many offensive and defensive categories; and

WHEREAS, Coach James' efforts were recognized by his peers as they named him NCAA Division I Coach of the Year; and

WHEREAS, More members of the 1991 Husky team received individual honors for their accomplishments than at any time in Husky football history; and

WHEREAS, Defensive lineman, Steve Emtman of Cheney, was recognized as a consensus All-American, achieved the rare honor of winning both the Outland Trophy as the nation's outstanding lineman and the Lombardi Trophy as the nation's outstanding defensive player and was a finalist for the Heisman Trophy, awarded to the nation's outstanding player; and

WHEREAS, The entire 1991 Husky Football team and coaching staff embody a dedication of purpose and devotion to teamwork that is a source of great pride and admiration to all Washingtonians; and

WHEREAS, The 1991 national championship season is the highlight in an illustrious sports history and is a fitting beginning for the University's second century and the first campaign for Athletic Director Barbara Hedges;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the state of Washington honor and pay homage to the 1991 National Champion University of Washington Husky football team and National Coach of the Year Don James and his staff on their magnificent accomplishments; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Coach Don James, his staff and the entire 1991 Husky National Championship team.

Senators Snyder and von Reichbauer spoke to Senate Resolution 1992-8716.

There being no objection, the President Pro Tempore returned the Senate to the first order of business.

REPORTS OF STANDING COMMITTEES

February 4, 1992

SB 5957 Prime Sponsor, Senator Thorsness: Prescribing higher education support in budget. Reported by Committee on Higher Education

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Saling, Chairman; Patterson, Vice Chairman; Bauer, Jesernig and Stratton.

Referred to Committee on Ways and Means.

February 4, 1992

SB 6227 Prime Sponsor, Senator Saling: Making the art acquisition program optional for institutions of higher education. Reported by Committee on Higher Education

MAJORITY Recommendation: Do pass. Signed by Senators Saling, Chairman; Patterson, Vice Chairman; Cantu, Jesernig and Stratton.

MINORITY Recommendation: Do not pass. Signed by Senators Bluechel and Skratek.

Passed to Committee on Rules for second reading.

February 4, 1992

SB 6228 Prime Sponsor, Senator Saling: Including members of certain higher education boards in the definition of executive state officer for purposes of public disclosure reporting. Reported by Committee on Higher Education

MAJORITY Recommendation: That Substitute Senate Bill No. 6228 be substituted therefor, and the substitute bill do pass. Signed by Senators Saling, Chairman; Patterson, Vice Chairman; Bauer, Cantu, Jesernig, Skratek, Stratton and von Reichbauer.

Passed to Committee on Rules for second reading.

February 4, 1992

SB 6273 Prime Sponsor, Senator Patterson: Clarifying the department of agriculture's authority. Reported by Committee on Agriculture and Water Resources

MAJORITY Recommendation: Do pass as amended. Signed by Senators Barr, Chairman; Anderson, Vice Chairman; Bailey, Corner and Newhouse.

Passed to Committee on Rules for second reading.

February 4, 1992

SJM 8025 Prime Sponsor, Senator Saling: Petitioning Congress to restructure the federal student loan program. Reported by Committee on Higher Education

MAJORITY Recommendation: Do pass. Signed by Senators Saling, Chairman; Patterson, Vice Chairman; Bauer, Bluechel, Jesernig, Stratton and von Reichbauer.

Passed to Committee on Rules for second reading.

February 4, 1992

SJR 8231 Prime Sponsor, Senator Vognild: Changing nomination procedures for filling certain legislative vacancies and vacancies in the office of county commissioner. Reported by Committee on Governmental Operations

MAJORITY Recommendation: Do pass. Signed by Senators McCaslin, Chairman; Roach, Vice Chairman; Madsen and Sutherland.

Passed to Committee on Rules for second reading.

There being no objection, the President Pro Tempore advanced the Senate to the third order of business.

MESSAGES FROM THE GOVERNOR

January 29, 1992

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Katherine Steiner, appointed January 29, 1992, for a term ending July 1, 1995, as a member of the Board of Trustees for the State School for the Deaf.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Education.

January 29, 1992

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Kay Adamson, appointed January 29, 1992, for a term ending July 1, 1996, as a member of the Board of Trustees for the State School for the Deaf.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Education.

MOTIONS

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

On motion of Senator Newhouse, the Committee on Governmental Operations was relieved of further consideration of Senate Bill No. 6401.

On motion of Senator Newhouse, Senate Bill No. 6401 was referred to the Committee on Agriculture and Water Resources.

MOTION

At 11:41 a.m., on motion of Senator Newhouse, the Senate adjourned until 12:00 noon, Thursday, February 6, 1992.

JOEL PRITCHARD, President of the Senate.

GORDON A. GOLOB, Secretary of the Senate.

TWENTY-FIFTH DAY

NOON SESSION

Senate Chamber, Olympia, Thursday, February 6, 1992

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

MOTION

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

REPORTS OF STANDING COMMITTEES

February 5, 1992

SB 5872 Prime Sponsor, Senator Bluechel: Protecting the Snoqualmie river. Reported by Committee on Environment and Natural Resources

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Metcalf, Chairman; Oke, Vice Chairman; Barr, Conner, Owen, Snyder and Sutherland.

Referred to Committee on Ways and Means.

February 5, 1992

SB 6022 Prime Sponsor, Senator Saling: Repealing sunset provisions of WSU's international marketing center. Reported by Committee on Commerce and Labor

MAJORITY Recommendation: Do pass as amended. Signed by Senators Matson, Chairman; Anderson, Vice Chairman; Bluechel, McCaslin, McDonald, McMullen, Moore, Murray and Skratek.

Passed to Committee on Rules for second reading.

February 5, 1992

SB 6036 Prime Sponsor, Senator Metcalf: Creating a temporary commission to review and revise the state's environmental policies focusing on eliminating inefficiency and redundant programs. Reported by Committee on Environment and Natural Resources

MAJORITY Recommendation: That Substitute Senate Bill No. 6036 be substituted therefor, and the substitute bill do pass. Signed by Senators Metcalf, Chairman; Oke, Vice Chairman; Amondson, Barr, Owen and Snyder.

Passed to Committee on Rules for second reading.

February 5, 1992

SB 6074 Prime Sponsor, Senator Conner: Providing additional unemployment insurance benefits. Reported by Committee on Commerce and Labor

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Matson, Chairman; Anderson, Vice Chairman; Bluechel, McCaslin, McDonald, McMullen, Moore, Murray and Skratek.

Referred to Committee on Ways and Means.

February 3, 1992

SB 6075 Prime Sponsor, Senator Thorsness: Limiting state government employment to the same rate as the growth of population. Reported by Committee on Governmental Operations

MAJORITY Recommendation: Do pass. Signed by Senators McCaslin, Chairman; Madsen and Matson.

Passed to Committee on Rules for second reading.

February 4, 1992

SB 6095 Prime Sponsor, Senator Bailey: Facilitating the construction of flood control measures. Reported by Committee on Agriculture and Water Resources

MAJORITY Recommendation: Do pass as amended. Signed by Senators Barr, Chairman; Anderson, Vice Chairman; Bailey, Conner, Hansen and Newhouse.

Referred to Committee on Ways and Means.

February 4, 1992

SB 6120 Prime Sponsor, Senator A. Smith: Regulating the relationship between a sales representative and the representative's principal. Reported by Committee on Financial Institutions and Insurance

MAJORITY Recommendation: That Substitute Senate Bill No. 6120 be substituted therefor, and the substitute bill do pass. Signed by Senators von Reichbauer, Chairman; Erwin, Vice Chairman; McCaslin, Moore, Owen, Pelz, Rasmussen, Sellar, Vognild and West.

Passed to Committee on Rules for second reading.

February 5, 1992

SB 6121 Prime Sponsor, Senator Bauer: Providing for the release of a deceased patient's information and records. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass. Signed by Senators West, Chairman; L. Smith, Vice Chairman; Amondson, Kreidler, Niemi and Wojahn.

Passed to Committee on Rules for second reading.

February 5, 1992

SB 6125 Prime Sponsor, Senator Bailey: Changing provisions relating to subsistence payments for offenders upon release from confinement. Reported by Committee on Law and Justice

MAJORITY Recommendation: That Substitute Senate Bill No. 6125 be substituted therefor, and the substitute bill do pass. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Kreidler, Rasmussen and A. Smith.

Passed to Committee on Rules for second reading.

February 5, 1992

SB 6130 Prime Sponsor, Senator Patterson: Informing new residents of the obligation to register vehicles. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Nelson, Vice Chairman; Barr, Conner, Erwin, Hansen, McMullen, Oke, Skratek, Snyder, Thorsness and Vognild.

Passed to Committee on Rules for second reading.

February 5, 1992

SB 6173 Prime Sponsor, Senator Nelson: Prohibiting the use of public funds to support or oppose ballot propositions. Reported by Committee on Governmental Operations

MAJORITY Recommendation: That Substitute Senate Bill No. 6173 be substituted therefor, and the substitute bill do pass. Signed by Senators McCaslin, Chairman; Roach, Vice Chairman; Madsen and Sutherland.

Passed to Committee on Rules for second reading.

February 5, 1992

SB 6174 Prime Sponsor, Senator Nelson: Providing for counseling of family members of homicide victims. Reported by Committee on Law and Justice

MAJORITY Recommendation: That Substitute Senate Bill No. 6174 be substituted therefor, and the substitute bill do pass. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Kreidler, Madsen and Rasmussen.

Passed to Committee on Rules for second reading.

February 5, 1992

SB 6181 Prime Sponsor, Senator Newhouse: Providing funding for senior volunteer programs. Reported by Committee on Governmental Operations

MAJORITY Recommendation: Do pass. Signed by Senators McCaslin, Chairman; Roach, Vice Chairman; Madsen and Sutherland.

Passed to Committee on Rules for second reading.

February 4, 1992

SB 6182 Prime Sponsor, Senator Talmadge: Creating a misdemeanor of interfering with school activities. Reported by Committee on Education

MAJORITY Recommendation: That Substitute Senate Bill No. 6182 be substituted therefor, and the substitute bill do pass. Signed by Senators Bailey, Chairman; Erwin, Vice Chairman; Craswell, Metcalf, Murray, Oke, Pelz, Rinehart, A. Smith and Talmadge.

Passed to Committee on Rules for second reading.

February 4, 1992

SB 6183 Prime Sponsor, Senator Metcalf: Enhancing the security of dogs by allowing their owners to use electronic locating collars. Reported by Committee on Environment and Natural Resources.

MAJORITY Recommendation: Do pass. Signed by Senators Metcalf, Chairman; Oke, Vice Chairman; Amondson, Barr, Conner, Owen, Sellar, Snyder and Sutherland.

Passed to Committee on Rules for second reading.

February 4, 1992

SB 6195 Prime Sponsor, Senator Rinehart: Requiring the superintendent of public instruction to develop violence-prevention materials for schools. Reported by Committee on Education

MAJORITY Recommendation: Do pass. Signed by Senators Bailey, Chairman; Erwin, Vice Chairman; Murray, Pelz, Rinehart, A. Smith and Talmadge.

Passed to Committee on Rules for second reading.

February 4, 1992

SB 6197 Prime Sponsor, Senator Owen: Establishing Hood Canal as a marine fish preservation area. Reported by Committee on Environment and Natural Resources

MAJORITY Recommendation: That Substitute Senate Bill No. 6197 be substituted therefor, and the substitute bill do pass. Signed by Senators Metcalf, Chairman; Oke, Vice Chairman; Amondson, Barr, Conner, Owen, Sellar and Sutherland.

Referred to Committee on Ways and Means.

February 5, 1992

SB 6211 Prime Sponsor, Senator Bailey: Changing provisions relating to excess levies by school districts. Reported by Committee on Education

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Bailey, Chairman; Erwin, Vice Chairman; Craswell, Murray, Oke, Pelz, Rinehart, A. Smith and Talmadge.

Referred to Committee on Ways and Means.

February 5, 1992

SB 6213 Prime Sponsor, Senator Roach: Setting certain special election dates. Reported by Committee on Governmental Operations

MAJORITY Recommendation: Do pass as amended. Signed by Senators McCaslin, Chairman; Roach, Vice Chairman; Madsen and Sutherland.

Passed to Committee on Rules for second reading.

February 4, 1992

SB 6221 Prime Sponsor, Senator Oke: Regulating the harvest of western Washington pheasants. Reported by Committee on Environment and Natural Resources

MAJORITY Recommendation: Do pass. Signed by Senators Oke, Vice Chairman; Barr, Owen, Sellar, Snyder and Sutherland.

Passed to Committee on Rules for second reading.

February 5, 1992

SB 6225 Prime Sponsor, Senator West: Exempting excess nursing supplies cost from the reimbursement of the pilot facility for persons living with AIDS. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators West, Chairman; L. Smith, Vice Chairman; Amondson, Kreidler, Niemi and Wojahn.

Referred to Committee on Ways and Means.

February 5, 1992

SB 6232 Prime Sponsor, Senator Rasmussen: Concerning the liability of municipalities that operate solid waste disposal facilities. Reported by Committee on Environment and Natural Resources

MAJORITY Recommendation: That Substitute Senate Bill No. 6232 be substituted therefor, and the substitute bill do pass. Signed by Senators Metcalf, Chairman; Oke, Vice Chairman; Amondson, Barr, Conner, Owen, Snyder and Sutherland.

Passed to Committee on Rules for second reading.

February 5, 1992

SB 6257 Prime Sponsor, Senator Metcalf: Applying the state wildlife and recreation lands management act. Reported by Committee on Environment and Natural Resources

MAJORITY Recommendation: That Substitute Senate Bill No. 6257 be substituted therefor, and the substitute bill do pass. Signed by Senators Metcalf, Chairman; Oke, Vice Chairman; Owen, Snyder and Sutherland.

Passed to Committee on Rules for second reading.

February 5, 1992

SB 6261 Prime Sponsor, Senator Roach: Changing defenses to prosecutions for sexual exploitation of children. Reported by Committee on Children and Family Services

MAJORITY Recommendation: Do pass as amended. Signed by Senators Roach, Chairman; L. Smith, Vice Chairman; Craswell and Stratton.

Passed to Committee on Rules for second reading.

February 5, 1992

SB 6262 Prime Sponsor, Senator Roach: Protecting children from sexually explicit films, publications and devices. Reported by Committee on Children and Family Services

MAJORITY Recommendation: That Substitute Senate Bill No. 6262 be substituted therefor, and the substitute bill do pass. Signed by Senators Roach, Chairman; L. Smith, Vice Chairman; Craswell and Stratton.

Passed to Committee on Rules for second reading.

February 5, 1992

SB 6272 Prime Sponsor, Senator McCaslin: Creating the Washington state fire services mobilization plan. Reported by Committee on Governmental Operations

MAJORITY Recommendation: That Substitute Senate Bill No. 6272 be substituted therefor, and the substitute bill do pass. Signed by Senators McCaslin, Chairman; Roach, Vice Chairman; Madsen and Sutherland.

Passed to Committee on Rules for second reading.

February 5, 1992

SB 6277 Prime Sponsor, Senator Rasmussen: Modifying the elections for commissioners of the metropolitan park district of Tacoma. Reported by Committee on Governmental Operations

MAJORITY Recommendation: That Substitute Senate Bill No. 6277 be substituted therefor, and the substitute bill do pass. Signed by Senators McCaslin, Chairman; Roach, Vice Chairman; Madsen and Sutherland.

Passed to Committee on Rules for second reading.

February 4, 1992

SB 6293 Prime Sponsor, Senator Thorsness: Increasing the harvest of Puget Sound chinook salmon by recreational fishermen. Reported by Committee on Environment and Natural Resources

MAJORITY Recommendation: Do pass. Signed by Senators Metcalf, Chairman; Oke, Vice Chairman; Amondson, Owen and Sutherland.

Passed to Committee on Rules for second reading.

February 4, 1992

SB 6306 Prime Sponsor, Senator Snyder: Funding the Puget Island ferry. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 6306 be substituted therefor, and the substitute bill do pass. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; Barr, Conner, Erwin, Hansen, McMullen, Oke, Sellar, Skratek, Snyder, Thorsness and Vognild.

Passed to Committee on Rules for second reading.

February 5, 1992

SB 6325 Prime Sponsor, Senator Madsen: Prohibiting piece-work payment for gathering initiative petition signatures. Reported by Committee on Governmental Operations

MAJORITY Recommendation: Do pass as amended. Signed by Senators McCaslin, Chairman; Roach, Vice Chairman; Madsen and Sutherland.

Passed to Committee on Rules for second reading.

February 5, 1992

SB 6330 Prime Sponsor, Senator Nelson: Concerning the operation of a motor vehicle while license is suspended or revoked. Reported by Committee on Law and Justice

MAJORITY Recommendation: That Substitute Senate Bill No. 6330 be substituted therefor, and the substitute bill do pass. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Kreidler, Madsen, Rasmussen and A. Smith.

Passed to Committee on Rules for second reading.

February 4, 1992

SB 6333 Prime Sponsor, Senator Thorsness: Affecting vehicle license registration. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; Erwin, Hansen, Skratek, Snyder, Thorsness and Vognild.

Passed to Committee on Rules for second reading.

February 5, 1992

SB 6364 Prime Sponsor, Senator Hayner: Enacting provisions to curtail the use of fraudulent documents. Reported by Committee on Governmental Operations

MAJORITY Recommendation: That Substitute Senate Bill No. 6364 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators McCaslin, Chairman; Madsen and Sutherland.

Referred to Committee on Ways and Means.

February 4, 1992

SB 6366 Prime Sponsor, Senator Pelz: Creating the planning for learning project. Reported by Committee on Education

MAJORITY Recommendation: That Substitute Senate Bill No. 6366 be substituted therefor, and the substitute bill do pass. Signed by Senators Bailey, Chairman; Erwin, Vice Chairman; Craswell, Metcalf, Murray, Oke, Pelz, Rinehart, A. Smith and Talmadge.

Passed to Committee on Rules for second reading.

February 5, 1992

SB 6369 Prime Sponsor, Senator Nelson: Regulating firearm possession of person committed for treatment of mental illness. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Kreidler, Madsen, Rasmussen and A. Smith.

Passed to Committee on Rules for second reading.

February 4, 1992

SB 6373 Prime Sponsor, Senator Erwin: Adding a citizen member to the transportation improvement board. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 6373 be substituted therefor, and the substitute bill do pass. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; Barr, Conner, Erwin, Hansen, Oke, Sellar, Skratek, Snyder, Thorsness and Vognild.

Passed to Committee on Rules for second reading.

February 4, 1992

SB 6393 Prime Sponsor, Senator Bailey: Instituting fees on dairy producers and handlers and food processors to support WSDA food safety inspection program. Reported by Committee on Agriculture and Water Resources

MAJORITY Recommendation: That Substitute Senate Bill No. 6393 be substituted therefor, and the substitute bill do pass. Signed by Senators Barr, Chairman; Anderson, Vice Chairman; Bailey, Conner and Newhouse.

Referred to Committee on Ways and Means.

February 5, 1992

SB 6405 Prime Sponsor, Senator Nelson: Clarifying civil commitment standards for sexually violent predators. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Kreidler, Madsen, Rasmussen and A. Smith.

Passed to Committee on Rules for second reading.

February 5, 1992

SB 6421 Prime Sponsor, Senator Metcalf: Providing for hazardous waste management. Reported by Committee on Environment and Natural Resources

MAJORITY Recommendation: Do pass. Signed by Senators Metcalf, Chairman; Oke, Vice Chairman; Amondson, Barr, Owen, Sellar and Snyder.

Passed to Committee on Rules for second reading.

February 5, 1992

SB 6448 Prime Sponsor, Senator Sellar: Allowing counties under 100,000 in population to discontinue planning under the growth management act. Reported by Committee on Governmental Operations

MAJORITY Recommendation: Do pass. Signed by Senators McCaslin, Chairman; Roach, Vice Chairman; and Matson.

Passed to Committee on Rules for second reading.

February 5, 1992

SB 6452 Prime Sponsor, Senator Snyder: Expanding the uses of the proceeds from the county or city special excise tax on lodging to include special event promotional infrastructures. Reported by Committee on Governmental Operations

MAJORITY Recommendation: Do pass. Signed by Senators McCaslin, Chairman; Madsen and Sutherland.

Passed to Committee on Rules for second reading.

February 5, 1992

SJM 8028 Prime Sponsor, Senator McCaslin: Petitioning the federal government to balance the budget. Reported by Committee on Governmental Operations

MAJORITY Recommendation: Do pass as amended. Signed by Senators McCaslin, Chairman; Roach, Vice Chairman; Madsen and Sutherland.

Passed to Committee on Rules for second reading.

February 4, 1992

HB 2295 Prime Sponsor, Representative H. Sommers: Changing the capital appropriation for Lake Washington Technical College. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bauer, Bluechel, Cantu, Hayner, Kreidler, Murray, Newhouse, Niemi, Owen, Rinehart, Saling, L. Smith, West, Williams and Wojahn.

Passed to Committee on Rules for second reading.

INTRODUCTION AND FIRST READING

SB 6489 by Senator West

AN ACT Relating to exempting recreational vehicles from vehicle emissions testing; and amending RCW 70.120.010 and 70.120.190.

Referred to Committee on Environment and Natural Resources.

SB 6490 by Senators Skratek, Hansen, Pelz, Patterson and Thorsness

AN ACT Relating to college mascot license plates; amending RCW 46.16.309, 46.16.313, 46.16.323, and 46.16.335; adding new sections to chapter 46.16 RCW; and creating a new section.

Referred to Committee on Transportation.

SB 6491 by Senators Wojahn, L. Smith, Vognild, Skratek, Stratton and Sutherland

AN ACT Relating to child care zoning; amending RCW 74.15.020; adding a new section to chapter 74.15 RCW; and declaring an emergency.

Referred to Committee on Governmental Operations.

SB 6492 by Senators Williams and Rasmussen

AN ACT Relating to telecommunications devices for the hearing impaired; adding a new section to chapter 43.20A RCW; and repealing RCW 43.20A.725 and 43.20A.730.

Referred to Committee on Energy and Utilities.

SB 6493 by Senators Williams and Barr

AN ACT Relating to federal responsibility for water quality regulation; and amending RCW 43.21A.445 and 70.119A.080.

Referred to Committee on Environment and Natural Resources.

SB 6494 by Senators Thorsness and Jesernig

AN ACT Relating to state lease of Hanford reservation land; amending RCW 43.31.205; adding a new section to chapter 43.31 RCW; creating a new section; and making an appropriation.

Referred to Committee on Energy and Utilities.

SB 6495 by Senators Thorsness, Williams, Sutherland and Saling

AN ACT Relating to a study of the state building code; creating new sections; and making an appropriation.

Referred to Committee on Commerce and Labor.

SJM 8030 by Senators Thorsness, Oke, Nelson, Sellar, Barr and L. Smith

Petitioning Congress to allow the President to have more authority to veto specific items of appropriation.

Referred to Committee on Ways and Means.

POINT OF INQUIRY

Senator Rasmussen: "Senator Newhouse, the deadline is tomorrow. What is the hour of the deadline--midnight?"

Senator Newhouse: "My understanding is that it is 5:00 p.m. tomorrow, Senator Rasmussen."

Senator Rasmussen: "The deadline is 5:00 p.m. for reading in bills out of committee?"

Senator Newhouse: "Wait a minute, we better be sure. Does that answer your question?"

REPLY BY THE PRESIDENT

President Pritchard: "Are you satisfied with that answer?"

Senator Rasmussen: "It wasn't clear; I was getting an answer from both sides. One side said 'five p.m.' and the other said, 'we will leave it flexible.' What is the flexible time? I was concerned about that."

President Pritchard: "There is no official deadline--that day, but not at five o'clock. You could run all the way to midnight."

Senator Rasmussen: "So, the day can be longer than five o'clock?"

President Pritchard: "Yes, it runs all the way."

Senator Newhouse: "In answer to your question, we may well be at ease for sometime tomorrow afternoon waiting for the committee reports to be read in on the floor of the Senate."

Senator Rasmussen: "Thank you, Senator Newhouse."

MOTION

At 12:02 p.m., on motion of Senator Newhouse, the Senate adjourned until 10:00 a.m., Friday, February 7, 1992.

JOEL PRITCHARD, President of the Senate

GORDON GOLOB, Secretary of the Senate.

TWENTY-SIXTH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, February 7, 1992

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

The Sergeant at Arms Color Guard, consisting of Pages Rachel Kellogg and Jason Bolser, presented the Colors. Reverend Dan MacDonald, pastor of the Westside Alliance Church of Olympia, offered the prayer.

MOTION

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

MESSAGE FROM THE SECRETARY OF STATE

February 4, 1992

TO: Members of the State Legislature
FROM: Ralph Munro, Secretary of State
RE: Current Initiatives

The following Initiatives to the People have been filed with this office to date.

<u>DATE FILED</u>	<u>ASSIGNED NUMBER</u>	<u>SPONSOR(S)</u>
1-3-92	573	Sherry Bockwinkel 4423 N. 25th Tacoma, WA 98406 (206) 759-7320

BALLOT TITLE: Shall candidates for certain offices, who have already served for specified time periods in those offices, be denied ballot access?

1-3-92	574	Clarence P. Keating 2669 36th Avenue SW Seattle, WA 98126 (206) 937-1092
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BALLOT TITLE: Shall a transaction tax, not exceeding 1%, be charged on property and money transfers; and state authorized taxes be repealed?

1-9-92

575

J. M. O'Sullivan
219 Skywall
Sultan, WA 98294
(206) 793-2597

BALLOT TITLE: Shall sales and distribution of condoms be prohibited on public school property; and schools teach and encourage abstinence and monogamy?

1-13-92

576

Kevin Clark Keyes
2710 Peabody
Bellingham, WA 98225
(206) 734-9399

BALLOT TITLE: Shall cannabis (marijuana) be taxed and legalized for adults; amnesty provided for prior cannabis convictions and cannabis testing be prohibited?

1-7-92

577

Randy Baker
P. O. Box 782
Tacoma, WA 98401

SUBJECT: Relating to horse racing.

1-7-92

578

Randy Baker
P. O. Box 782
Tacoma, WA 98401

SUBJECT: Relating to capital punishment

1-21-92

579

L. C. Mathews
805 S. 17th Avenue
Yakima, WA 98902
(509) 452-1712

SUBJECT: Relating to pit bull dogs.

1-21-92

**

Kevin Clark Keyes
2710 Peabody
Bellingham, WA 98225
(206) 734-9399

SUBJECT: Relating to a fully informed jury.

1-22-92

**

Bryan Estes
926 20th, Apt. #3
Bellingham, WA 98225
(206) 671-8921

SUBJECT: Relating to cannabis (marijuana).

1-23-92

**

Margaret Colony
2222 172nd Avenue NE
Bellevue, WA 98008
(206) 622-8961

SUBJECT: Relating to campaign finance.

1-24-92

**

Mike the Mover
17210 3rd Avenue NW
Seattle, WA 98177
(206) 546-9545

SUBJECT: Relating to household movers.

To qualify an Initiative to the People for the ballot, the sponsor must submit a minimum of 150,001 valid voter signatures by July 2, 1992. Please contact my office if you have questions or need further information regarding the initiatives.

INTRODUCTION AND FIRST READING

SB 6496 by Senators Newhouse and Vognild

AN ACT Relating to reimbursement for medical services; and amending RCW 51.36.080.

Referred to Committee on Commerce and Labor.

SB 6497 by Senators Skratek, Pelz and Williams

AN ACT Relating to whistleblowers who are employed by government contractors or subcontractors; and amending RCW 42.40.020 and 42.40.040.

Referred to Committee on Governmental Operations.

SB 6498 by Senator Bluechel

AN ACT Relating to members of city and town legislative bodies serving the city or town in additional part-time capacities; and amending RCW 35.21.770.

Referred to Committee on Governmental Operations.

SB 6499 by Senators Niemi, Gaspard, Snyder and McMullen

AN ACT Relating to fiscal matters; amending RCW 15.04.100, 15.13.470, 15.49.470, 15.53.9044, 15.54.480, 15.76.150, 17.21.280, 20.01.130, 22.09.830, 43.23.230, 70.146.080, and 86.26.007; amending 1991 sp.s. c 16 ss 101, 102, 103, 104, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 128, 129, 131, 133, 134, 135, 136, 138, 139, 140, 141, 143, 144, 146, 148, 149, 151, 152, 202, 203, 204, 205, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 301, 302, 303, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 401, 402, 501, 502, 503, 504, 505, 506, 507, 509, 511, 513, 514, 515, 516, 517, 519, 520, 521, 522, 523, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 615, 616, 617, 618, 619, 620, 621, 622, 701, 706, 707, 708, 709, 710, 711, 712, 714, 715, 716, 717, 801, 804, 805, 907, and 909; amending 1991 sp.s. c 9 s 10; creating new sections; repealing 1991 sp.s. c 16 s 207, 1991 c 236 s 10, and 1991 sp.s. c 16 s 614; making appropriations; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 6500 by Senator Erwin

AN ACT Relating to the termination of tax preferences; amending RCW 43.136.060; and adding a new section to chapter 43.136 RCW.

Referred to Committee on Ways and Means.

SB 6501 by Senators Metcalf, McDonald, Thorsness and von Reichbauer

AN ACT Relating to appropriations for salaries of state employees, teachers, and state elected officials; amending RCW 43.03.011, 43.03.012, and 43.03.013; and creating a new section.

Referred to Committee on Ways and Means.

SB 6502 by Senators Moore and Pelz

AN ACT Relating to fiscal reform; amending RCW 82.03.130, 82.03.140, 2.10.180, 2.12.090, 6.13.030, 41.44.240, 43.43.310, 82.04.230, 82.04.240, 82.04.250, 82.04.255, 82.04.260, 82.04.270, 82.04.280, 82.04.290, 82.08.020, 84.52.043, and 43.135.020; reenacting and amending RCW 41.24.240, 41.26.180, 41.32.052, 41.40.052, and 76.12.120; adding a new section to chapter 84.52 RCW; adding a new title to the Revised Code of Washington to be numbered Title 82A RCW; creating a new section; repealing RCW 82.04.2901, 82.04.2904, 6.15.025, 84.52.065, and 84.52.067; prescribing penalties; and providing contingent effective dates.

Referred to Committee on Ways and Means.

SB 6503 by Senators Pelz, Wojahn, Vognild, Rinehart, Williams and Moore

AN ACT Relating to the taxation of conveyances of real property; amending RCW 82.45.010, 82.45.020, 82.45.030, 82.45.032, 82.45.060, 82.45.070, 82.45.080, 82.45.090, 82.45.100, 82.45.150, 82.46.010, 82.46.035, 82.46.050, 82.46.070, 84.26.080, 84.33.120, 84.33.140, and 84.34.108; reenacting and amending RCW 82.46.040 and 82.46.060; adding new sections to chapter 82.45 RCW; adding a new section to chapter 82.46 RCW; repealing RCW 82.45.035, 82.45.105, 82.45.120, 82.45A.010, 82.45A.020, and 82.45A.030; prescribing penalties; and declaring an emergency.

Referred to Committee on Ways and Means.

SJM 8031 by Senators Snyder and Conner

Requesting that sites in this state be left out of the Coastal Barriers Resource System.

Referred to Committee on Environment and Natural Resources.

SJR 8232 by Senators Moore and Pelz

Providing an income tax.

Referred to Committee on Ways and Means.

SCR 8424 by Senator McMullen

Making minor adjustments to legislative district boundaries.

HOLD.

SCR 8425 by Senator Snyder

Making minor adjustments to legislative district boundaries.

HOLD.

MOTION

On motion of Senator Newhouse, Senate Concurrent Resolution No. 8424 and Senate Concurrent Resolution No. 8425 were held on the desk.

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

REPORTS OF STANDING COMMITTEES

SB 5064 Prime Sponsor, Senator Nelson: Providing for quick resolution of the revocation, suspension, or denial of driving privileges. Reported by Committee on Law and Justice
February 6, 1992

MAJORITY Recommendation: That Substitute Senate Bill No. 5064 be substituted therefor, and the substitute bill do pass. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Madsen, Rasmussen and A. Smith.

Passed to Committee on Rules for second reading.

SB 5572 Prime Sponsor, Senator Nelson: Prohibiting administrative search warrants for private residences. Reported by Committee on Law and Justice
February 6, 1992

MAJORITY Recommendation: That Substitute Senate Bill No. 5572 be substituted therefor, and the substitute bill do pass. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Hayner, Kreidler, Madsen, Newhouse, Rasmussen and A. Smith.

Passed to Committee on Rules for second reading.

February 6, 1992

SB 5769 Prime Sponsor, Senator West: Clarifying Washington's share of nonpower, prorate vehicle fees. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 5769 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Nelson, Vice Chairman; von Reichbauer, Vice Chairman; Barr, Conner, Erwin, Hansen, Madsen, McMullen, Oke, Sellar, Snyder, Thorsness and Vognild.

Passed to Committee on Ways and Means.

February 6, 1992

SB 6002 Prime Sponsor, Senator Thorsness: Providing immunity for volunteer service. Reported by Committee on Law and Justice

MAJORITY Recommendation: That Substitute Senate Bill No. 6002 be substituted therefor, and the substitute bill do pass. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Hayner, Newhouse and Rasmussen.

Passed to Committee on Rules for second reading.

February 6, 1992

SB 6015 Prime Sponsor, Senator Barr: Regulating bottled water. Reported by Committee on Agriculture and Water Resources

MAJORITY Recommendation: That Substitute Senate Bill No. 6015 be substituted therefor, and the substitute bill do pass. Signed by Senators Barr, Chairman; Bailey, Gaspard and Hansen.

Passed to Committee on Rules for second reading.

February 6, 1992

SB 6053 Prime Sponsor, Senator Bauer: Considering job sharing as a faculty appointment in community and technical colleges for tenure purposes. Reported by Committee on Higher Education

MAJORITY Recommendation: That Substitute Senate Bill No. 6053 be substituted therefor, and the substitute bill do pass. Signed by Senators Saling, Chairman; Bauer, Bluechel, Jesernig, Skratek, Stratton and von Reichbauer.

Passed to Committee on Rules for second reading.

February 6, 1992

SB 6082 Prime Sponsor, Senator L. Smith: Defining criminal impersonation of a law enforcement officer. Reported by Committee on Law and Justice

MAJORITY Recommendation: That Substitute Senate Bill No. 6082 be substituted therefor, and the substitute bill do pass. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Hayner, Kreidler, Madsen, Newhouse, Rasmussen and A. Smith.

Passed to Committee on Rules for second reading.

February 6, 1992

SB 6092 Prime Sponsor, Senator Talmadge: Requiring HIV testing of certain juveniles. Reported by Committee on Law and Justice

MAJORITY Recommendation: That Substitute Senate Bill No. 6092 be substituted therefor, and the substitute bill do pass. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Hayner, Newhouse and Rasmussen.

Passed to Committee on Rules for second reading.

February 6, 1992

SB 6096 Prime Sponsor, Senator Bailey: Regulating wetlands. Reported by Committee on Agriculture and Water Resources

MAJORITY Recommendation: Do pass. Signed by Senators Barr, Chairman; Anderson, Vice Chairman; Bailey, Conner, Hansen and Newhouse.

Passed to Committee on Rules for second reading.

February 5, 1992

SB 6100 Prime Sponsor, Senator Talmadge: Concerning procedures to establish prejudice of a judge. Reported by Committee on Law and Justice

MAJORITY Recommendation: That Substitute Senate Bill No. 6100 be substituted therefor, and the substitute bill do pass. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Kreidler, Madsen and Rasmussen.

Passed to Committee on Rules for second reading.

February 6, 1992

SB 6113 Prime Sponsor, Senator Craswell: Requiring reviews of final orders on permit applications under the shoreline management act to be on the record. Reported by Committee on Environment and Natural Resources

MAJORITY Recommendation: That Substitute Senate Bill No. 6113 be substituted therefor, and the substitute bill do pass. Signed by Senators Metcalf, Chairman; Oke, Vice Chairman; Amondson, Conner, Owen and Snyder.

MINORITY Recommendation: Do not pass. Signed by Senator Sutherland.

Passed to Committee on Rules for second reading.

February 6, 1992

SB 6126 Prime Sponsor, Senator L. Smith: Relating to salmon guide and salmon guide vessel operator licenses. Reported by Committee on Environment and Natural Resources

MAJORITY Recommendation: Do pass. Signed by Senators Metcalf, Chairman; Oke, Vice Chairman; Amondson, Barr, Conner, Owen, Sellar, Snyder and Sutherland.

Passed to Committee on Rules for second reading.

February 6, 1992

SB 6142 Prime Sponsor, Senator Nelson: Limiting remittance of an appearance bond to the surety only if the case has not been adjudicated. Reported by Committee on Law and Justice

MAJORITY Recommendation: That Substitute Senate Bill No. 6142 be substituted therefor, and the substitute bill do pass. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Hayner, Kreidler, Madsen, Newhouse, Rasmussen and A. Smith.

Passed to Committee on Rules for second reading.

February 6, 1992

SB 6151 Prime Sponsor, Senator Barr: Creating a committee to study and make recommendations on increasing weak stocks of fish. Reported by Committee on Environment and Natural Resources

MAJORITY Recommendation: That Substitute Senate Bill No. 6151 be substituted therefor, and the substitute bill do pass. Signed by Senators Metcalf, Chairman; Oke, Vice Chairman; Amondson, Barr, Conner, Owen, Snyder and Sutherland.

Passed to Committee on Rules for second reading.

February 6, 1992

SB 6153 Prime Sponsor, Senator Amondson: Classifying the criminal use of explosives. Reported by Committee on Law and Justice

MAJORITY Recommendation: That Substitute Senate Bill No. 6153 be substituted therefor, and the substitute bill do pass. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Hayner, Kreidler, Madsen, Newhouse, Rasmussen and A. Smith.

Passed to Committee on Rules for second reading.

February 5, 1992

SB 6158 Prime Sponsor, Senator L. Smith: Making under-aged persons in a public place under the influence of alcohol guilty of a misdemeanor. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Kreidler, Madsen and Rasmussen.

Passed to Committee on Rules for second reading.

February 4, 1992

SB 6160 Prime Sponsor, Senator Amondson: Introducing incentives to maintain the forest land base. Reported by Committee on Environment and Natural Resources

MAJORITY Recommendation: That Substitute Senate Bill No. 6160 be substituted therefor, and the substitute bill do pass. Signed by Senators Metcalf, Chairman; Oke, Vice Chairman; Amondson, Barr and Owen.

Passed to Committee on Rules for second reading.

February 6, 1992

SB 6162 Prime Sponsor, Senator Craswell: Strengthening public input in the state's shoreline management policy. Reported by Committee on Environment and Natural Resources

MAJORITY Recommendation: Do pass. Signed by Senators Metcalf, Chairman; Oke, Vice Chairman; Amondson, Conner, Owen and Snyder.

MINORITY Recommendation: Do not pass. Signed by Senator Sutherland.

Passed to Committee on Rules for second reading.

February 5, 1992

SB 6177 Prime Sponsor, Senator Skratek: Regarding site-based councils. Reported by Committee on Education

MAJORITY Recommendation: That Substitute Senate Bill No. 6177 be substituted therefor, and the substitute bill do pass. Signed by Senators Bailey, Chairman; Erwin, Vice Chairman; Murray, Oke, Pelz, Rinehart and A. Smith.

Passed to Committee on Rules for second reading.

February 6, 1992

SB 6212 Prime Sponsor, Senator Anderson: Authorizing the fruit commission to change assessments for fruits and classifications. Reported by Committee on Agriculture and Water Resources

MAJORITY Recommendation: Do pass. Signed by Senators Barr, Chairman; Anderson, Vice Chairman; Bailey, Conner, Gaspard, Hansen and Newhouse.

Passed to Committee on Rules for second reading.

February 6, 1992

SB 6248 Prime Sponsor, Senator Owen: Prohibiting the operation of vessels loaded beyond their safe carrying capacity ratings. Reported by Committee on Environment and Natural Resources

MAJORITY Recommendation: Do pass. Signed by Senators Metcalf, Chairman; Oke, Vice Chairman; Barr, Conner, Owen, Snyder and Sutherland.

Passed to Committee on Rules for second reading.

February 5, 1992

SB 6249 Prime Sponsor, Senator Anderson: Providing for payment of attorneys' fees and court costs when the state or a state subdivision is a party and does not prevail. Reported by Committee on Commerce and Labor

MAJORITY Recommendation: Do pass as amended. Signed by Senators Matson, Chairman; Anderson, Vice Chairman; Bluechel, McCaslin, McDonald, McMullen, Moore, Murray and Skratek.

Referred to Committee on Ways and Means.

February 6, 1992

SB 6254 Prime Sponsor, Senator Snyder: Requiring local jurisdictions to delineate wetlands consistent with the federal wetlands regulatory program. Reported by Committee on Agriculture and Water Resources

MAJORITY Recommendation: Do pass. Signed by Senators Barr, Chairman; Anderson, Vice Chairman; Bailey, Conner, Gaspard, Hansen and Newhouse.

Passed to Committee on Rules for second reading.

February 6, 1992

SB 6255 Prime Sponsor, Senator Anderson: Requiring counties or cities considering wetlands protection ordinances to create an inventory and map of wetlands. Reported by Committee on Agriculture and Water Resources

MAJORITY Recommendation: That Substitute Senate Bill No. 6255 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Barr, Chairman; Anderson, Vice Chairman; Bailey, Conner, Gaspard, Hansen and Newhouse.

Referred to Committee on Ways and Means.

February 5, 1992

SB 6292 Prime Sponsor, Senator Bauer: Expanding the sales opportunities of licensed brewers and domestic wineries. Reported by Committee on Commerce and Labor

MAJORITY Recommendation: Do pass as amended. Signed by Senators Matson, Chairman; Bluechel, McDonald, McMullen, Moore, Murray and Skratek.

Passed to Committee on Rules for second reading.

February 5, 1992

SB 6295 Prime Sponsor, Senator Erwin: Enabling a court to sentence a person convicted of driving under the influence to attend a panel of victims of similar crimes. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Kreidler, Madsen, Rasmussen and A. Smith.

Passed to Committee on Rules for second reading.

February 6, 1992

SB 6296 Prime Sponsor, Senator West: Authorizing infant mortality reviews. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass. Signed by Senators West, Chairman; L. Smith, Vice Chairman; Amondson, Kreidler, Newhouse, Niemi and Wojahn.

Passed to Committee on Rules for second reading.

February 6, 1992

SB 6310 Prime Sponsor, Senator McMullen: Prohibiting government purchase of tropical hardwood products. Reported by Committee on Environment and Natural Resources

MAJORITY Recommendation: That Substitute Senate Bill No. 6310 be substituted therefor, and the substitute bill do pass. Signed by Senators Metcalf, Chairman; Conner, Owen, Snyder and Sutherland.

MINORITY Recommendation: Do not pass and do not substitute. Signed by Senators Oke, Vice Chairman; Amondson and Sellar.

Passed to Committee on Rules for second reading.

February 6, 1992

SB 6315 Prime Sponsor, Senator Barr: Creating a task force on solid fuel burning device monitoring. Reported by Committee on Environment and Natural Resources

MAJORITY Recommendation: Do pass. Signed by Senators Metcalf, Chairman; Oke, Vice Chairman; Amondson, Barr, Conner, Owen, Snyder and Sutherland.

Passed to Committee on Rules for second reading.

February 5, 1992

SB 6318 Prime Sponsor, Senator Niemi: Refining mental health care. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass as amended. Signed by Senators West, Chairman; L. Smith, Vice Chairman; Amondson, Kreidler, Niemi and Wojahn.

Passed to Committee on Rules for second reading.

February 5, 1992

SB 6319 Prime Sponsor, Senator Niemi: Modifying placement responsibilities for persons in the state mental health system. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass as amended. Signed by Senators West, Chairman; L. Smith, Vice Chairman; Amondson, Kreidler, Niemi and Wojahn.

Passed to Committee on Rules for second reading.

February 6, 1992

SB 6328 Prime Sponsor, Senator Rinehart: Changing bid procedures for public institutions of higher education. Reported by Committee on Higher Education

MAJORITY Recommendation: That Substitute Senate Bill No. 6328 be substituted therefor, and the substitute bill do pass. Signed by Senators Saling, Chairman; Bauer, Bluechel, Cantu, Jesernig, Skratek, Stratton and von Reichbauer.

Passed to Committee on Rules for second reading.

February 6, 1992

SB 6329 Prime Sponsor, Senator Nelson: Repealing obsolete sections in the Revised Code of Washington. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Hayner, Kreidler, Madsen, Newhouse, Rasmussen and A. Smith.

Passed to Committee on Rules for second reading.

February 4, 1992

SB 6335 Prime Sponsor, Senator Owen: Authorizing commercial salmon producers to form a commodity commission. Reported by Committee on Environment and Natural Resources

MAJORITY Recommendation: That Substitute Senate Bill No. 6335 be substituted therefor, and the substitute bill do pass. Signed by Senators Metcalf, Chairman; Oke, Vice Chairman; Amondson, Barr, Owen and Snyder.

MINORITY Recommendation: Do not pass. Signed by Senator Sutherland.

Passed to Committee on Rules for second reading.

February 6, 1992

SB 6351 Prime Sponsor, Senator Nelson: Repealing obsolete sections in the Revised Code of Washington. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Hayner, Kreidler, Madsen, Newhouse, Rasmussen and A. Smith.

Passed to Committee on Rules for second reading.

February 6, 1992

SB 6355 Prime Sponsor, Senator Metcalf: Limiting the resurvey authority of the department of natural resources. Reported by Committee on Environment and Natural Resources

MAJORITY Recommendation: That Substitute Senate Bill No. 6355 be substituted therefor, and the substitute bill do pass. Signed by Senators Metcalf, Chairman; Oke, Vice Chairman; Amondson, Barr, Conner, Owen, Sellar, Snyder and Sutherland.

Passed to Committee on Rules for second reading.

February 6, 1992

SB 6356 Prime Sponsor, Senator Metcalf: Creating a process to challenge a department of natural resources resurvey. Reported by Committee on Environment and Natural Resources

MAJORITY Recommendation: Do pass. Signed by Senators Metcalf, Chairman; Oke, Vice Chairman; Amondson, Barr, Conner, Owen, Sellar, Snyder and Sutherland.

Passed to Committee on Rules for second reading.

February 5, 1992

SB 6361 Prime Sponsor, Senator Anderson: Canceling the expiration date for the industrial insurance labor-management cooperation program. Reported by Committee on Commerce and Labor

MAJORITY Recommendation: That Substitute Senate Bill No. 6361 be substituted therefor, and the substitute bill do pass. Signed by Senators Matson, Chairman; Anderson, Vice Chairman; Bluechel, McCaslin, McMullen and Skratek.

Passed to Committee on Rules for second reading.

February 6, 1992

SB 6377 Prime Sponsor, Senator Thorsness: Modifying provisions for the awarding of TDD distribution and maintenance contracts. Reported by Committee on Energy and Utilities

MAJORITY Recommendation: That Substitute Senate Bill No. 6377 be substituted therefor, and the substitute bill do pass. Signed by Senators Thorsness, Chairman; Jesernig, Roach, Stratton and Sutherland.

Passed to Committee on Rules for second reading.

February 6, 1992

SB 6391 Prime Sponsor, Senator Barr: Regulating the usage of reclaimed water. Reported by Committee on Agriculture and Water Resources

MAJORITY Recommendation: That Substitute Senate Bill No. 6391 be substituted therefor, and the substitute bill do pass. Signed by Senators Barr, Chairman; Anderson, Vice Chairman; Bailey, Gaspard, Hansen and Newhouse.

Passed to Committee on Rules for second reading.

February 5, 1992

SB 6427 Prime Sponsor, Senator Murray: Declaring when goods mailed without authority become gifts. Reported by Committee on Commerce and Labor

MAJORITY Recommendation: Do pass as amended. Signed by Senators Matson, Chairman; Anderson, Vice Chairman; Bluechel, McCaslin, McDonald, McMullen, Moore, Murray and Skratek.

Passed to Committee on Rules for second reading.

February 6, 1992

SB 6430 Prime Sponsor, Senator Nelson: Correcting an error in procedure for review of eminent domain judgments. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Hayner, Kreidler, Madsen, Newhouse, Rasmussen and A. Smith.

Passed to Committee on Rules for second reading.

February 5, 1992

SB 6432 Prime Sponsor, Senator L. Smith: Providing coordinated services for children with disabilities. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass as amended. Signed by Senators West, Chairman; L. Smith, Vice Chairman; Amondson, Kreidler, Niemi, and Wojahn.

Passed to Committee on Rules for second reading.

February 6, 1992

SB 6459 Prime Sponsor, Senator Metcalf: Creating a special committee on government storm water pollution and liability. Reported by Committee on Environment and Natural Resources

MAJORITY Recommendation: That Substitute Senate Bill No. 6459 be substituted therefor, and the substitute bill do pass. Signed by Senators Metcalf, Chairman; Oke, Vice Chairman; Amondson, Barr, Conner, Owen and Sutherland.

Passed to Committee on Rules for second reading.

February 6, 1992

SJM 8027 Prime Sponsor, Senator McDonald: Memorializing the endangered species act. Reported by Committee on Environment and Natural Resources

MAJORITY Recommendation: Do pass. Signed by Senators Metcalf, Chairman; Oke, Vice Chairman; Amondson, Barr, Conner, Owen and Snyder.

Passed to Committee on Rules for second reading.

February 5, 1992

SJR 8230 Prime Sponsor, Senator Bailey: Changing the number of electors necessary to approve school levy measures. Reported by Committee on Education

MAJORITY Recommendation: Do pass. Signed by Senators Bailey, Chairman; Erwin, Vice Chairman; Murray, Pelz, Rinehart, A. Smith and Talmadge.

Passed to Committee on Rules for second reading.

February 6, 1992

SCR 8423 Prime Sponsor, Senator Barr: Creating a committee for affordable farmworker housing. Reported by Committee on Agriculture and Water Resources

MAJORITY Recommendation: Do pass as amended. Signed by Senators Barr, Chairman; Anderson, Vice Chairman; Bailey, Conner, Gaspard, Hansen and Newhouse.

Passed to Committee on Rules for second reading.

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

STATEMENT FOR THE JOURNAL

TO: Gordon Golob
 FROM: Senator Dean Sutherland
 SUBJECT: Votes Missed February 7, 1992

I missed the first two votes in session on February 7, 1992. I had some constituents from my district who were visiting my office.

I missed the following votes and for the record I would like to state that I would have voted 'yes' on them: Gubernatorial Appointment No. 9189 and Gubernatorial Appointment No. 9190.

SECOND READING
 CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Saling, Gubernatorial Appointment No. 9189, David A. Clack, as a member of the Spokane Joint Center Board of Governors, was confirmed.

APPOINTMENT OF DAVID A. CLACK

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 44; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Bluechel, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 44.

Absent: Senator Barr - 1.

Excused: Senators Cantu, Pelz, Sutherland - 3.

MOTION

On motion of Senator Anderson, Senator Metcalf was excused.

MOTION

On motion of Senator Saling, Gubernatorial Appointment No. 9190, Richard A. Davis, as a member of the Spokane Joint Center Board of Governors, was confirmed.

APPOINTMENT OF RICHARD A. DAVIS

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 44; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Talmadge, Thorsness, von Reichbauer, West, Williams, Wojahn - 44.

Absent: Senator Vognild - 1.

Excused: Senators Cantu, Metcalf, Sutherland - 3.

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

STATEMENT FOR THE JOURNAL

Secretary of the Senate:

I was unavoidably detained and was not present when the vote was taken on Senate Joint Memorial No. 8008. I would have voted for Senate Joint Memorial No. 8008 had I been present. Please enter this in the record.

SENATOR EMILIO CANTU, 41st District

THIRD READING

SENATE JOINT MEMORIAL NO. 8008, by Senators Owen, Thorsness, Johnson, Oke, Nelson, Erwin, Rasmussen, Vognild, Stratton, Matson, McCaslin, Conner, Craswell, Saling, Madsen and Bauer

Requesting Congress to propose a Constitutional amendment to prohibit physical desecration of the United States flag.

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

Debate ensued.

MOTION

On motion of Senator Murray, Senators Skratek and Vognild were excused.

The President declared the question before the Senate to be the roll call on the final passage of Senate Joint Memorial No. 8008.

ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Memorial No. 8008 and the joint memorial passed the Senate by the following vote: Yeas, 35; Nays, 8; Absent, 1; Excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesemig, Kreidler, Madsen, Matson, McCaslin, McDonald, Nelson, Newhouse, Oke, Owen, Patterson, Rasmussen, Roach, Saling, Sellar, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Thorsness, von Reichbauer, West, Wojahn - 35.

Voting nay: Senators McMullen, Moore, Murray, Niemi, Pelz, Rinehart, Talmadge, Williams - 8.

Absent: Senator Conner - 1.

Excused: Senators Cantu, Metcalf, Skratek, Vognild - 4.

SENATE JOINT MEMORIAL NO. 8008, having received the constitutional majority, was declared passed.

THIRD READING

ENGROSSED SENATE BILL NO. 5566, by Senators Rasmussen, Johnson, Owen, Vognild, Moore, Bluechel, Barr and Sellar

Allowing certain provisions in construction contracts.

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

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5566.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5566 and the bill passed the Senate by the following vote: Yeas, 31; Nays, 15; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Hayner, Madsen, Matson, McCaslin, McDonald, McMullen, Nelson, Newhouse, Oke, Owen, Patterson, Rasmussen, Roach, Saling, Sellar, L. Smith, Snyder, Stratton, Thorsness, von Reichbauer, West - 31.

Voting nay: Senators Gaspard, Hansen, Jesernig, Kreidler, Moore, Murray, Niemi, Pelz, Rinehart, Skratek, A. Smith, Sutherland, Talmadge, Williams, Wojahn - 15.

Excused: Senators Metcalf, Vognild - 2.

ENGROSSED SENATE BILL NO. 5566, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

SECOND READING

SENATE BILL NO. 6060, by Senators Roach and Stratton (by request of Department of Social and Health Services)

Making changes regarding the coordination of general assistance programs.

The bill was read the second time.

MOTION

On motion of Senator Roach, the rules were suspended, Senate Bill No. 6060 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6060.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6060 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 4; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Rasmussen, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, West, Wojahn - 43.

Voting nay: Senators Pelz, Rinehart, Talmadge, Williams - 4.

Excused: Senator Metcalf - 1.

SENATE BILL NO. 6060, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

THIRD READING

SUBSTITUTE SENATE BILL NO. 5180, by Senate Committee on Law and Justice (originally sponsored by Senators Nelson, Vognild and Sellar)

Restricting civil actions to appoint receivers to manage real property.

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

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5180.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5180 and the bill passed the Senate by the following vote: Yeas, 36; Nays, 11; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Hansen, Hayner, Jesernig, Madsen, Matson, McCaslin, McDonald, McMullen, Nelson, Newhouse, Oke, Owen, Patterson, Rasmussen, Roach, Saling, Sellar, L. Smith, Snyder, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, West, Williams - 36.

Voting nay: Senators Gaspard, Kreidler, Moore, Murray, Niemi, Pelz, Rinehart, Skratek, A. Smith, Talmadge, Wojahn - 11.

Excused: Senator Metcalf - 1.

SUBSTITUTE SENATE BILL NO. 5180, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

SECOND READING

SENATE BILL NO. 6027, by Senators Barr, Gaspard, Sellar, Bauer, Conner, Rasmussen, Bailey and Jesernig

Funding horticultural nursery research.

The bill was read the second time.

MOTIONS

On motion of Senator Barr, the following amendment was adopted:

On page 1, line 9, after "license" strike "shall not exceed ten dollars annually" and insert "annually shall not exceed twenty percent times the amount of the license fee without the surcharge"

On motion of Senator Barr, the rules were suspended, Engrossed Senate Bill No. 6027 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6027.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6027 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 47.

Voting nay: Senator Sutherland - 1.

ENGROSSED SENATE BILL NO. 6027, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

THIRD READING

SUBSTITUTE SENATE BILL NO. 5346, by Senate Committee on Law and Justice (originally sponsored by Senator Nelson)

Defining the crime of communication with a minor for immoral purposes.

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

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5346.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5346 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 47.

Absent: Senator Niemi - 1.

SUBSTITUTE SENATE BILL NO. 5346, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 10:53 a.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 11:56 a.m. by President Pritchard.

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

REPORTS OF STANDING COMMITTEES

February 6, 1992

SB 5557 Prime Sponsor, Senator Nelson: Modifying requirements for recording of surveys. Reported by Committee on Governmental Operations

MAJORITY Recommendation: That Substitute Senate Bill No. 5557 be substituted therefor, and the substitute bill do pass. Signed by Senators McCaslin, Chairman; Roach, Vice Chairman; Madsen, Matson and Sutherland.

Passed to Committee on Rules for second reading.

February 6, 1992

SB 6069 Prime Sponsor, Senator Snyder: Creating a bone marrow donor program. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 6069 be substituted therefor, and the substitute bill do pass. Signed by Senators West, Chairman; L. Smith, Vice Chairman; Niemi and Wojahn.

Passed to Committee on Rules for second reading.

February 5, 1992

SB 6116 Prime Sponsor, Senator Sellar: Deferring certain taxes for cogeneration facilities. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bauer, Bluechel, Cantu, Gaspard, Hayner, Kreidler, Murray, Newhouse, Niemi, Owen, Rinehart, Saling, L. Smith, Talmadge, West, Williams and Wojahn.

Passed to Committee on Rules for second reading.

February 5, 1992

SB 6178 Prime Sponsor, Senator Bailey: Improving the common school system. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Second Substitute Senate Bill No. 6178 be substituted therefor, and the second substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bluechel, Cantu, Hayner, Metcalf, Newhouse, Saling, L. Smith and West.

MINORITY Recommendation: Do not pass. Signed by Senators Bauer, Gaspard, Murray, Niemi, Owen, Rinehart, Williams and Wojahn.

Passed to Committee on Rules for second reading.

February 6, 1992

SB 6184 Prime Sponsor, Senator Newhouse: Revising provisions for the regulation of real estate brokers and salespersons. Reported by Committee on Commerce and Labor

MAJORITY Recommendation: Do pass as amended. Signed by Senators Matson, Chairman; Anderson, Vice Chairman; Bluechel, McDonald, McMullen, Moore, Murray and Skratek.

MINORITY Recommendation: Do not pass as amended. Signed by Senator McCaslin.

Passed to Committee on Rules for second reading.

February 5, 1992

SB 6188 Prime Sponsor, Senator Bluechel: Establishing a council on fiscal legislation. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 6188 be substituted therefor, and the substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bluechel, Cantu, Hayner, Metcalf, Newhouse, Owen, L. Smith, West and Williams.

Passed to Committee on Rules for second reading.

February 6, 1992

SB 6191 Prime Sponsor, Senator West: Updating the schedules of drugs that the board of pharmacy has authority to control. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 6191 be substituted therefor, and the substitute bill do pass. Signed by Senators West, Chairman; L. Smith, Vice Chairman; Amondson, Kreidler, Newhouse, Niemi and Wojahn.

Passed to Committee on Rules for second reading.

February 5, 1992

SB 6192 Prime Sponsor, Senator West: Changing certain drug regulations. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 6192 be substituted therefor, and the substitute bill do pass. Signed by Senators West, Chairman; L. Smith, Vice Chairman; Amondson, Kreidler, Newhouse, Niemi and Wojahn.

Passed to Committee on Rules for second reading.

February 6, 1992

SB 6201 Prime Sponsor, Senator Amondson: Controlling the regulatory taking of private property. Reported by Committee on Governmental Operations

MAJORITY Recommendation: Do pass. Signed by Senators McCaslin, Chairman; Roach, Vice Chairman; and Matson.

MINORITY Recommendation: Do not pass. Signed by Senator Sutherland.

HOLD.

February 6, 1992

SB 6208 Prime Sponsor, Senator Erwin: Allowing private electrical contractors to install a PUD electrical service. Reported by Committee on Energy and Utilities

MAJORITY Recommendation: That Substitute Senate Bill No. 6208 be substituted therefor, and the substitute bill do pass. Signed by Senators Thorsness, Chairman; Saling, Vice Chairman; Nelson, Roach and Stratton.

MINORITY Recommendation: Do not pass and do not substitute. Signed by Senators Jesernig and Sutherland.

Passed to Committee on Rules for second reading.

February 6, 1992

SB 6234 Prime Sponsor, Senator West: Granting temporary licenses to dental hygienists licensed in another state. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 6234 be substituted therefor, and the substitute bill do pass. Signed by Senators West, Chairman; L. Smith, Vice Chairman; Kreidler, Newhouse, Niemi and Wojahn.

Passed to Committee on Rules for second reading.

February 6, 1992

SB 6239 Prime Sponsor, Senator West: Enacting the vision care consumer assistance act. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass as amended. Signed by Senators West, Chairman; L. Smith, Vice Chairman; Newhouse, Niemi and Wojahn.

Passed to Committee on Rules for second reading.

February 6, 1992

SB 6265 Prime Sponsor, Senator Newhouse: Altering keg registration container size requirements. Reported by Committee on Commerce and Labor

MAJORITY Recommendation: Do pass as amended. Signed by Senators Matson, Chairman; Bluechel, McDonald, McMullen, Moore, Murray and Skratek.

Passed to Committee on Rules for second reading.

February 5, 1992

SB 6286 Prime Sponsor, Senator McDonald: Adjusting pension contribution rates. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 6286 be substituted therefor, and the substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bluechel, Cantu, Hayner, Newhouse, Niemi, Owen, L. Smith and West.

Passed to Committee on Rules for second reading.

February 6, 1992

SB 6321 Prime Sponsor, Senator Skratek: Regulating local government whistleblower programs. Reported by Committee on Governmental Operations

MAJORITY Recommendation: That Substitute Senate Bill No. 6321 be substituted therefor, and the substitute bill do pass. Signed by Senators McCaslin, Chairman; Roach, Vice Chairman; Madsen and Sutherland.

Passed to Committee on Rules for second reading.

February 6, 1992

SB 6339 Prime Sponsor, Senator Hayner: Eliminating the county size requirement for class F wine retailer's licenses. Reported by Committee on Commerce and Labor

MAJORITY Recommendation: Do pass. Signed by Senators Matson, Chairman; Anderson, Vice Chairman; Bluechel, McCaslin, McDonald, McMullen, Moore, Murray and Skratek.

Passed to Committee on Rules for second reading.

February 6, 1992

SB 6383 Prime Sponsor, Senator Thorsness: Requiring financial assurance for the disposal of radioactive waste. Reported by Committee on Energy and Utilities

MAJORITY Recommendation: That Substitute Senate Bill No. 6383 be substituted therefor, and the substitute bill do pass. Signed by Senators Thorsness, Chairman; Saling, Vice Chairman; Jesernig, Nelson, Roach, Stratton, Sutherland and Williams.

Passed to Committee on Rules for second reading.

February 7, 1992

SB 6386 Prime Sponsor, Senator Roach: Providing for radon testing in residences. Reported by Committee on Energy and Utilities

MAJORITY Recommendation: That Substitute Senate Bill No. 6386 be substituted therefor, and the substitute bill do pass. Signed by Senators Thorsness, Chairman; Saling, Vice Chairman; Jesernig, Nelson, Roach, Stratton, Sutherland and Williams.

Passed to Committee on Rules for second reading.

February 6, 1992

SB 6402 Prime Sponsor, Senator Newhouse: Revising procedures for approval of amendments to the state building code. Reported by Committee on Governmental Operations

MAJORITY Recommendation: Do pass. Signed by Senators McCaslin, Chairman; Roach, Vice Chairman; and Matson.

MINORITY Recommendation: Do not pass. Signed by Senator Sutherland.

Passed to Committee on Rules for second reading.

February 6, 1992

SB 6408 Prime Sponsor, Senator Matson: Financing capital projects. Reported by Committee on Governmental Operations

MAJORITY Recommendation: Do pass. Signed by Senators McCaslin, Chairman; Roach, Vice Chairman; Madsen, Matson and Sutherland.

Passed to Committee on Rules for second reading.

February 6, 1992

SB 6442 Prime Sponsor, Senator Anderson: Setting restrictions on child labor. Reported by Committee on Commerce and Labor

MAJORITY Recommendation: That Substitute Senate Bill No. 6442 be substituted therefor, and the substitute bill do pass. Signed by Senators Matson, Chairman; Anderson, Vice Chairman; Bluechel, McCaslin, McDonald, McMullen, Murray and Skratek.

Passed to Committee on Rules for second reading.

February 5, 1992

SB 6469 Prime Sponsor, Senator McDonald: Enforcing cigarette and tobacco statutes. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bauer, Bluechel, Cantu, Hayner, Newhouse, Owen, Saling, L. Smith and West.

Passed to Committee on Rules for second reading.

February 6, 1992

SB 6470 Prime Sponsor, Senator McDonald: Creating the emergency reserve fund. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bluechel, Cantu, Hayner, Matson, Metcalf, Newhouse, Owen, L. Smith and West.

MINORITY Recommendation: Do not pass. Signed by Senators Bauer, Gaspard, Murray, Niemi, Rinehart, Talmadge and Wojahn.

Passed to Committee on Rules for second reading.

February 5, 1992

SB 6471 Prime Sponsor, Senator Craswell: Restricting the requirement to obtain an excise tax registration certificate. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 6471 be substituted therefor, and the substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Cantu, Hayner, Newhouse, Rinehart, Saling, L. Smith, West, Williams and Wojahn.

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Newhouse, Senate Bill No. 6201 was held on the desk.

MOTION

At 11:58 a.m., on motion of Senator Newhouse, the Senate recessed until 6:00 p.m.

The Senate was called to order at 5:36 p.m. by President Pro Tempore Craswell.

REPORTS OF STANDING COMMITTEES

February 7, 1992

SB 5318 Prime Sponsor, Senator von Reichbauer: Prescribing penalties for money laundering. Reported by Committee on Financial Institutions and Insurance

MAJORITY Recommendation: That Second Substitute Senate Bill No. 5318 be substituted therefor, and the second substitute bill do pass. Signed by Senators von Reichbauer, Chairman; Erwin, Vice Chairman; McCaslin, Moore, Owen, Pelz, Rasmussen, Sellar and West.

Passed to Committee on Rules for second reading.

February 7, 1992

SB 5386 Prime Sponsor, Senator McCaslin: Establishing certificate of merit in professional negligence suits. Reported by Committee on Law and Justice

MAJORITY Recommendation: That Substitute Senate Bill No. 5386 be substituted therefor, and the substitute bill do pass. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Hayner and Newhouse.

MINORITY Recommendation: Do not substitute. Signed by Senators Kreidler, Madsen, Rasmussen and A. Smith.

Passed to Committee on Rules for second reading.

February 7, 1992

SB 5923 Prime Sponsor, Senator Owen: Establishing the basis for property insurance loss adjustment. Reported by Committee on Financial Institutions and Insurance

MAJORITY Recommendation: Do pass. Signed by Senators von Reichbauer, Chairman; Erwin, Vice Chairman; McCaslin, Moore, Owen, Pelz, Rasmussen, Sellar, Vognild and West.

Passed to Committee on Rules for second reading.

February 7, 1992

SB 6023 Prime Sponsor, Senator Saling: Modifying the duties and delaying the sunset termination of the center for international trade in forest products. Reported by Committee on Commerce and Labor

MAJORITY Recommendation: Do pass as amended. Signed by Senators Matson, Chairman; Anderson, Vice Chairman; Bluechel, McMullen, Moore, Murray and Skratek.

Passed to Committee on Rules for second reading.

February 7, 1992

SB 6039 Prime Sponsor, Senator West: Excepting until July 1, 1994, from the insurance premium tax certain health insurance offered to employers of fewer than twenty-five employees. Reported by Committee on Financial Institutions and Insurance

MAJORITY Recommendation: That Substitute Senate Bill No. 6039 be substituted therefor, and the substitute bill do pass. Signed by Senators von Reichbauer, Chairman; Erwin, Vice Chairman; McCaslin, Owen, Rasmussen, Sellar, Vognild and West.

Passed to Committee on Rules for second reading.

February 6, 1992

SB 6041 Prime Sponsor, Senator Nelson: Changing provisions relating to juveniles. Reported by Committee on Children and Family Services

MAJORITY Recommendation: That Substitute Senate Bill No. 6041 be substituted therefor, and the substitute bill do pass. Signed by Senators Roach, Chairman; L. Smith, Vice Chairman; Craswell, Stratton and Talmadge.

HOLD.

February 6, 1992

SB 6057 Prime Sponsor, Senator Nelson: Creating a crime laboratory analysis fee. Reported by Committee on Ways and Means

MAJORITY Recommendation: That substitute Senate Bill No. 6057 as recommended by Committee on Law and Justice be substituted therefor and the substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bauer, Bluechel, Cantu, Gaspard, Hayner, Kreidler, Metcalf, Murray, Newhouse, Niemi, Owen, Saling, Talmadge, West and Wojahn.

Passed to Committee on Rules for second reading.

February 7, 1992

SB 6084 Prime Sponsor, Senator L. Smith: Requiring certain interviews of children conducted by the department of social and health services to be videotaped. Reported by Committee on Children and Family Services

MAJORITY Recommendation: That Substitute Senate Bill No. 6084 be substituted therefor, and the substitute bill do pass and be referred to the Committee on Ways and Means. Signed by Senators Roach, Chairman; Craswell and Stratton.

MINORITY Recommendation: Do not pass and do not substitute. Signed by Senator Talmadge

Referred to Committee on Ways and Means.

February 7, 1992

SB 6087 Prime Sponsor, Senator Skratek: Regulating domestic animals. Reported by Committee on Agriculture and Water Resources

MAJORITY Recommendation: That Substitute Senate Bill No. 6087 be substituted therefor, and the substitute bill do pass. Signed by Senators Barr, Chairman; Anderson, Vice Chairman; Bailey, Gaspard and Hansen.

Passed to Committee on Rules for second reading.

February 7, 1992

SB 6114 Prime Sponsor, Senator Craswell: Concerning support enforcement of medical care costs. Reported by Committee on Children and Family Services

MAJORITY Recommendation: That Substitute Senate Bill No. 6114 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Roach, Chairman; L. Smith, Vice Chairman; Craswell and Stratton.

MINORITY Recommendation: That the bill not be substituted. Signed by Senator Talmadge.

Referred to Committee on Ways and Means.

February 7, 1992

SB 6119 Prime Sponsor, Senator Amondson: Revising mining reclamation laws. Reported by Committee on Environment and Natural Resources

MAJORITY Recommendation: That Substitute Senate Bill No. 6119 be substitute therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Metcalf, Chairman; Oke, Vice Chairman; Amondson, Barr, Owen, Sellar and Snyder.

MINORITY Recommendation: Do not pass. Signed by Senator Sutherland.

Referred to Committee on Ways and Means.

February 6, 1992

SB 6127 Prime Sponsor, Senator Bailey: Relating to school construction. Reported by Committee on Education

MAJORITY Recommendation: That Substitute Senate Bill No. 6127 be substituted therefor, and the substitute bill do pass. Signed by Senators Bailey, Chairman; Erwin, Vice Chairman; Craswell, Metcalf, Murray, Oke, Pelz, Rinehart, A. Smith and Talmadge.

Referred to Committee on Ways and Means.

February 6, 1992

SB 6157 Prime Sponsor, Senator Oke: Prohibiting dangerous weapons on elementary and secondary school premises. Reported by Committee on Education

MAJORITY Recommendation: That Substitute Senate Bill No. 6157 be substituted therefor, and the substitute bill do pass. Signed by Senators Bailey, Chairman; Erwin, Vice Chairman; Anderson, Craswell, Metcalf and Oke.

Passed to Committee on Rules for second reading.

February 6, 1992

SB 6169 Prime Sponsor, Senator Rasmussen: Changing the definition of "disposable income" for the purposes of the senior citizen property tax exemption. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bauer, Bluechel, Cantu, Gaspard, Hayner, Kreidler, Metcalf, Murray, Newhouse, Owen, Rinehart, Saling, L. Smith, West, Williams and Wojahn.

Passed to Committee on Rules for second reading.

February 6, 1992

SB 6186 Prime Sponsor, Senator Nelson: Authorizing service credit for periods of unpaid leaves of absence for elected officials of a Washington education association. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 6186 be substituted therefor, and the substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bauer, Cantu, Gaspard, Hayner, Kreidler, Murray, Niemi, Owen, Rinehart, Saling, L. Smith, Talmadge, West, Williams and Wojahn.

Passed to Committee on Rules for second reading.

February 7, 1992

SB 6187 Prime Sponsor, Senator Nelson: Allowing service of process on a marital community by serving either spouse. Reported by Committee on Law and Justice

MAJORITY Recommendation: That Substitute Senate Bill No. 6187 be substituted therefor, and the substitute bill do pass. Signed by Senators Nelson, Chairman; Erwin, Hayner, Kreidler, Madsen, Newhouse, Rasmussen and A. Smith.

Passed to Committee on Rules for second reading.

February 7, 1992

SB 6193 Prime Sponsor, Senator von Reichbauer: Providing for stop loss insurance. Reported by Committee on Financial Institutions and Insurance

MAJORITY Recommendation: That Substitute Senate Bill No. 6193 be substituted therefor, and the substitute bill do pass. Signed by Senators von Reichbauer, Chairman; Erwin, Vice Chairman; McCaslin, Moore, Owen, Pelz, Rasmussen, Sellar, Vognild and West.

Passed to Committee on Rules for second reading.

February 7, 1992

SB 6194 Prime Sponsor, Senator Rinehart: Concerning automobile adjustment programs. Reported by Committee on Commerce and Labor

MAJORITY Recommendation: Do pass as amended. Signed by Senators Matson, Chairman; Anderson, Vice Chairman; Bluechel, McMullen, Moore and Skratek.

Passed to Committee on Rules for second reading.

February 7, 1992

SB 6198 Prime Sponsor, Senator Moore: Requiring trustees to notify beneficiaries of trusts. Reported by Committee on Financial Institutions and Insurance

MAJORITY Recommendation: That Substitute Senate Bill No. 6198 be substituted therefor, and the substitute bill do pass. Signed by Senators von Reichbauer, Chairman; Erwin, Vice Chairman; McCaslin, Moore, Owen, Pelz, Rasmussen, Sellar, Vognild and West.

Passed to Committee on Rules for second reading.

February 7, 1992

SB 6210 Prime Sponsor, Senator Thorsness: Providing sentencing alternatives for offenders. Reported by Committee on Law and Justice

MAJORITY Recommendation: That Substitute Senate Bill No. 6210 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Kreidler and A. Smith.

Referred to Committee on Ways and Means.

February 6, 1992

SB 6240 Prime Sponsor, Senator Bailey: Changing provisions for educational employees. Reported by Committee on Education

MAJORITY Recommendation: That Substitute Senate Bill No. 6240 be substituted therefor, and the substitute bill do pass. Signed by Senators Bailey, Chairman; Erwin, Vice Chairman; Metcalf, Murray, Oke, Pelz, Rinehart and Talmadge.

Passed to Committee on Rules for second reading.

February 7, 1992

SB 6241 Prime Sponsor, Senator von Reichbauer: Allowing certain nonprofit organizations to insure the life of a person. Reported by Committee on Financial Institutions and Insurance

MAJORITY Recommendation: That Substitute Senate Bill No. 6241 be substituted therefor, and the substitute bill do pass. Signed by Senators von Reichbauer, Chairman; Erwin, Vice Chairman; McCaslin, Moore, Owen, Pelz, Rasmussen, Sellar, Vognilid and West.

Passed to Committee on Rules for second reading.

February 7, 1992

SB 6244 Prime Sponsor, Senator L. Smith: Limiting the forms of compensation of public utility district managers. Reported by Committee on Financial Institutions and Insurance

MAJORITY Recommendation: That Substitute Senate Bill No. 6244 be substituted therefor, and the substitute bill do pass. Signed by Senators von Reichbauer, Chairman; Erwin, Vice Chairman; Matson, McCaslin, Rasmussen and Sellar.

Passed to Committee on Rules for second reading.

February 6, 1992

SB 6246 Prime Sponsor, Senator von Reichbauer: Regulating charitable solicitations. Reported by Committee on Financial Institutions and Insurance

MAJORITY Recommendation: That Substitute Senate Bill No. 6246 be substituted therefor, and the substitute bill do pass. Signed by Senators von Reichbauer, Chairman; Erwin, Vice Chairman; McCaslin, Moore, Owen, Pelz, Rasmussen, Sellar, Vognilid and West.

Passed to Committee on Rules for second reading.

February 7, 1992

SB 6253 Prime Sponsor, Senator Anderson: Concerning government activity in the private sector. Reported by Committee on Commerce and Labor

MAJORITY Recommendation: Do pass. Signed by Senators Matson, Chairman; Anderson, Vice Chairman; Bluechel, McDonald and Moore.

Passed to Committee on Rules for second reading.

February 6, 1992

SB 6259 Prime Sponsor, Senator Moore: Requiring the superintendent of public instruction to establish a before-and-after-school child care program. Reported by Committee on Education

MAJORITY Recommendation: That Substitute Senate Bill No. 6259 be substituted therefor, and the substitute bill do pass. Signed by Senators Bailey, Chairman; Erwin, Vice Chairman; Murray, Pelz, Rinehart and Talmadge.

Passed to Committee on Rules for second reading.

February 7, 1992

SB 6260 Prime Sponsor, Senator Roach: Including fetal alcohol syndrome and fetal alcohol effect in the definition of developmental disability. Reported by Committee on Children and Family Services

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Roach, Chairman; L. Smith, Vice Chairman; Stratton and Talmadge.

Referred to Committee on Ways and Means.

February 7, 1992

SB 6264 Prime Sponsor, Senator Nelson: Requiring the registration of process servers. Reported by Committee on Law and Justice

MAJORITY Recommendation: That Substitute Senate Bill No. 6264 be substituted therefor, and the substitute bill do pass. Signed by Senators Nelson, Chairman; Erwin, Hayner, Kreidler, Madsen, Newhouse, Rasmussen and A. Smith.

Passed to Committee on Rules for second reading.

February 7, 1992

SB 6266 Prime Sponsor, Senator Amondson: Prohibiting employer discrimination for the consumption of lawful products off premises by employees during nonworking hours. Reported by Committee on Commerce and Labor

MAJORITY Recommendation: That Substitute Senate Bill No. 6266 be substituted therefor, and the substitute bill do pass. Signed by Senators Matson, Chairman; McDonald, McMullen, Moore, Murray and Skratek.

Passed to Committee on Rules for second reading.

February 7, 1992

SB 6274 Prime Sponsor, Senator Barr: Expanding department of agriculture scope regarding animal health regulation to exotics and native wildlife raised in captivity. Reported by Committee on Agriculture and Water Resources

MAJORITY Recommendation: Do pass as amended. Signed by Senators Barr, Chairman; Anderson, Vice Chairman; Gaspard, Hansen and Newhouse.

Passed to Committee on Rules for second reading.

February 7, 1992

SB 6276 Prime Sponsor, Senator Snyder: Providing compensation limits for district judges vacating office. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Kreidler, Madsen, Newhouse, Rasmussen and A. Smith.

Passed to Committee on Rules for second reading.

February 7, 1992

SB 6278 Prime Sponsor, Senator Skratek: Establishing the Washington rural development council. Reported by Committee on Commerce and Labor

MAJORITY Recommendation: That Substitute Senate Bill No. 6278 be substituted therefor, and the substitute bill do pass. Signed by Senators Matson, Chairman; Anderson, Vice Chairman; Bluechel, McMullen, Moore, Murray and Skratek.

Passed to Committee on Rules for second reading.

February 7, 1992

SB 6279 Prime Sponsor, Senator Skratek: Establishing a project to assist urban/rural economic partnerships. Reported by Committee on Commerce and Labor

MAJORITY Recommendation: Do pass. Signed by Senators Matson, Chairman; Anderson, Vice Chairman; Bluechel, McMullen, Moore, Murray and Skratek.

Passed to Committee on Rules for second reading.

February 7, 1992

SB 6299 Prime Sponsor, Senator Anderson: Regulating health care and vocational services provided under industrial insurance. Reported by Committee on Commerce and Labor

MAJORITY Recommendation: Do pass as amended. Signed by Senators Anderson, Vice Chairman; Bluechel, McDonald, McMullen, Moore, Murray and Skratek.

Referred to Committee on Ways and Means.

February 6, 1992

SB 6304 Prime Sponsor, Senator Owen: Modifying the administration of the outdoor burning control program in rural areas. Reported by Committee on Environment and Natural Resources

MAJORITY Recommendation: That Substitute Senate Bill No. 6304 be substituted therefor, and the substitute bill do pass. Signed by Senators Metcalf, Chairman; Oke, Vice Chairman; Amondson, Barr, Conner, Owen, Sellar, Snyder and Sutherland.

Passed to Committee on Rules for second reading.

February 6, 1992

SB 6305 Prime Sponsor, Senator Sellar: Removing service charge and rate limits on retail installment contracts. Reported by Committee on Financial Institutions and Insurance

MAJORITY Recommendation: That Substitute Senate Bill No. 6305 be substituted therefor, and the substitute bill do pass. Signed by Senators von Reichbauer, Chairman; Erwin, Vice Chairman; McCaslin, Owen, Rasmussen, Sellar, Vognild and West.

MINORITY Recommendation: Do not pass. Signed by Senator Pelz.

Passed to Committee on Rules for second reading.

February 7, 1992

SB 6322 Prime Sponsor, Senator Vognild: Providing longshoreman's insurance. Reported by Committee on Commerce and Labor

MAJORITY Recommendation: Do pass as amended. Signed by Senators Matson, Chairman; Anderson, Vice Chairman; Bluechel, McDonald, McMullen, Moore, Murray and Skratek.

Passed to Committee on Rules for second reading.

February 7, 1992

SB 6334 Prime Sponsor, Senator Talmadge: Modifying procedures for residential and treatment services for children. Reported by Committee on Children and Family Services

MAJORITY Recommendation: That Substitute Senate Bill No. 6334 be substituted therefor, and the substitute bill do pass. Signed by Senators Roach, Chairman; L. Smith, Vice Chairman; Craswell, Stratton and Talmadge.

Passed to Committee on Rules for second reading.

February 7, 1992

SB 6337 Prime Sponsor, Senator Nelson: Increasing official fees for a sheriff's services. Reported by Committee on Law and Justice

MAJORITY Recommendation: That Substitute Senate Bill No. 6337 be substituted therefor, and the substitute bill do pass. Signed by Senators Nelson, Chairman; Erwin, Hayner, Kreidler, Madsen, Newhouse, Rasmussen and A. Smith.

Passed to Committee on Rules for second reading.

February 6, 1992

SB 6338 Prime Sponsor, Senator Matson: Establishing provisions for alcohol servers. Reported by Committee on Commerce and Labor

MAJORITY Recommendation: That Substitute Senate Bill No. 6338 be substituted therefor, and the substitute bill do pass. Signed by Senators Matson, Chairman; Bluechel, McMullen, Moore and Skratek.

Passed to Committee on Rules for second reading.

February 7, 1992

SB 6345 Prime Sponsor, Senator Roach: Prohibiting denial of custody, placement, or visitation of a child based on the person's beliefs concerning the criminal activity of the child's parent. Reported by Committee on Children and Family Services

MAJORITY Recommendation: That Substitute Senate Bill No. 6345 be substituted therefor, and the substitute bill do pass. Signed by Senators Roach, Chairman; Craswell and Stratton.

MINORITY Recommendation: Do not pass. Signed by Senator Talmadge.

Passed to Committee on Rules for second reading.

February 7, 1992

SB 6347 Prime Sponsor, Senator Nelson: Making changes to the domestic violence statute. Reported by Committee on Law and Justice

MAJORITY Recommendation: That Substitute Senate Bill No. 6347 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Kreidler, Madsen, Newhouse, Rasmussen and A. Smith.

Referred to Committee on Ways and Means.

February 7, 1992

SB 6348 Prime Sponsor, Senator von Reichbauer: Reimbursing financial institutions for producing records. Reported by Committee on Financial Institutions and Insurance

MAJORITY Recommendation: That Substitute Senate Bill No. 6348 be substituted therefor, and the substitute bill do pass. Signed by Senators von Reichbauer, Chairman; Erwin, Vice Chairman; Moore, Owen, Pelz, Sellar and Vognild.

Passed to Committee on Rules for second reading.

February 6, 1992

SB 6349 Prime Sponsor, Senator von Reichbauer: Defining unlawful factoring of credit card transactions. Reported by Committee on Financial Institutions and Insurance

MAJORITY Recommendation: Do pass. Signed by Senators von Reichbauer, Chairman; Erwin, Vice Chairman; McCaslin, Moore, Owen, Pelz, Rasmussen, Sellar, Vognild and West.

Passed to Committee on Rules for second reading.

February 7, 1992

SB 6350 Prime Sponsor, Senator West: Providing for aircraft maintenance vocational training. Reported by Committee on Commerce and Labor

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Matson, Chairman; Anderson, Vice Chairman; Bluechel, McDonald, McMullen, Moore, Murray, and Skratek.

Referred to Committee on Ways and Means.

February 6, 1992

SB 6354 Prime Sponsor, Senator Craswell: Providing an exception to the nursing home prospective cost-related reimbursement system dual certification requirement. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 6354 be substituted therefor, and the substitute bill do pass. Signed by Senators West, Chairman; L. Smith, Vice Chairman; Amondson, Kreidler, Newhouse, Niemi and Wojahn.

Passed to Committee on Rules for second reading.

February 7, 1992

SB 6384 Prime Sponsor, Senator Sellar: Enacting the small employer health insurer availability act. Reported by Committee on Financial Institutions and Insurance

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators von Reichbauer, Chairman; Erwin, Vice Chairman; McCaslin, Owen, Rasmussen, Sellar and West.

MINORITY Recommendation: Do not pass. Signed by Senators Moore, Pelz and Vognild.

Referred to Committee on Ways and Means.

February 7, 1992

SB 6387 Prime Sponsor, Senator Nelson: Establishing the office of crime victims' advocacy. Reported by Committee on Law and Justice

MAJORITY Recommendation: That Substitute Senate Bill No. 6387 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Kreidler, Madsen, Rasmussen and A. Smith.

Referred to Committee on Ways and Means.

February 6, 1992

SB 6390 Prime Sponsor, Senator Moore: Concerning the director of licensing's enforcement of the securities industry. Reported by Committee on Financial Institutions and Insurance

MAJORITY Recommendation: Do pass. Signed by Senators von Reichbauer, Chairman; Erwin, Vice Chairman; McCaslin, Moore, Owen, Pelz, Rasmussen, Sellar, Vognild and West.

Passed to Committee on Rules for second reading.

February 7, 1992

SB 6396 Prime Sponsor, Senator von Reichbauer: Making certain unauthorized insurance brokers personally liable for contracts of insurance. Reported by Committee on Financial Institutions and Insurance

MAJORITY Recommendation: Do pass. Signed by Senators von Reichbauer, Chairman; Erwin, Vice Chairman; Owen, Pelz, Sellar, Vognil and West.

Passed to Committee on Rules for second reading.

February 6, 1992

SB 6397 Prime Sponsor, Senator Matson: Creating the Washington work opportunities program. Reported by Committee on Commerce and Labor

MAJORITY Recommendation: That Substitute Senate Bill No. 6397 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Matson, Chairman; Anderson, Vice Chairman; Bluechel, McCaslin, McDonald and McMullen.

Referred to Committee on Ways and Means.

February 7, 1992

SB 6401 Prime Sponsor, Senator Barr: Regulating the designation of corridors. Reported by Committee on Agriculture and Water Resources

MAJORITY Recommendation: Do pass as amended. Signed by Senators Barr, Chairman; Anderson, Vice Chairman; Bailey, Gaspard, Hansen and Newhouse.

Passed to Committee on Rules for second reading.

February 7, 1992

SB 6404 Prime Sponsor, Senator McMullen: Ensuring payment for work of improvement on real property. Reported by Committee on Commerce and Labor

MAJORITY Recommendation: Do pass as amended. Signed by Senators Matson, Chairman; Bluechel, McMullen, Moore, Murray and Skratek.

Passed to Committee on Rules for second reading.

February 7, 1992

SB 6407 Prime Sponsor, Senator Madsen: Providing for awards in construction contract actions. Reported by Committee on Commerce and Labor

MAJORITY Recommendation: Do pass as amended. Signed by Senators Matson, Chairman; Anderson, Vice Chairman; Bluechel, McDonald and McMullen.

Passed to Committee on Rules for second reading.

February 7, 1992

SB 6409 Prime Sponsor, Senator Bauer: Revising the restrictions on outdoor burning. Reported by Committee on Agriculture and Water Resources

MAJORITY Recommendation: Do pass as amended. Signed by Senators Barr, Chairman; Anderson, Vice Chairman; Bailey, Conner, Hansen and Newhouse.

Passed to Committee on Rules for second reading.

February 7, 1992

SB 6416 Prime Sponsor, Senator Barr: Regulating producer liens for agricultural products. Reported by Committee on Agriculture and Water Resources

MAJORITY Recommendation: That Substitute Senate Bill No. 6416 be substituted therefor, and the substitute bill do pass. Signed by Senators Barr, Chairman; Anderson, Vice Chairman; Bailey, Gaspard, Hansen and Newhouse.

Passed to Committee on Rules for second reading.

February 7, 1992

SB 6422 Prime Sponsor, Senator Cantu: Limiting the prevailing wage requirement for public works workers to those who work on the site. Reported by Committee on Commerce and Labor

MAJORITY Recommendation: Do pass as amended. Signed by Senators Matson, Chairman; Anderson, Vice Chairman; Bluechel, McMullen, Moore and Skratek.

Passed to Committee on Rules for second reading.

February 7, 1992

SB 6428 Prime Sponsor, Senator Roach: Improving the responsiveness of services for at-risk children and families. Reported by Committee on Children and Family Services

MAJORITY Recommendation: That Substitute Senate Bill No. 6428 be substituted therefor, and the substitute bill do pass. Signed by Senators Roach, Chairman; L. Smith, Vice Chairman; Stratton and Talmadge.

Passed to Committee on Rules for second reading.

February 7, 1992

SB 6434 Prime Sponsor, Senator Stratton: Providing basic health plan coverage to foster parents. Reported by Committee on Children and Family Services

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Roach, Chairman; L. Smith, Vice Chairman; Craswell, Stratton and Talmadge.

Referred to Committee on Ways and Means.

February 7, 1992

SB 6441 Prime Sponsor, Senator McMullen: Establishing construction lien rights. Reported by Committee on Commerce and Labor

MAJORITY Recommendation: Do pass as amended. Signed by Senators Matson, Chairman; Anderson, Vice Chairman; Bluechel, McMullen, Moore, Murray and Skratek.

Passed to Committee on Rules for second reading.

February 7, 1992

SB 6444 Prime Sponsor, Senator Madsen: Regarding membership on boards for television reception improvement districts. Reported by Committee on Energy and Utilities

MAJORITY Recommendation: Do pass. Signed by Senators Thorsness, Chairman; Saling, Vice Chairman; Jesernig, Nelson, Roach, Stratton, Sutherland and Williams.

Passed to Committee on Rules for second reading.

February 7, 1992

SB 6451 Prime Sponsor, Senator von Reichbauer: Limiting surety liability. Reported by Committee on Financial Institutions and Insurance

MAJORITY Recommendation: That Substitute Senate Bill No. 6451 be substituted therefor, and the substitute bill do pass. Signed by Senators von Reichbauer, Chairman; Erwin, Vice Chairman; Moore, Owen, Pelz, Sellar and Vognild.

Passed to Committee on Rules for second reading.

February 6, 1992

SB 6457 Prime Sponsor, Senator Cantu: Refunding construction obligations for the state convention and trade center. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bluechel, Cantu, Hayner, Kreidler, Newhouse, Owen, Rinehart, L. Smith, Talmadge, West and Williams.

Passed to Committee on Rules for second reading.

February 7, 1992

SB 6458 Prime Sponsor, Senator Nelson: Providing for additional superior court judges. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Nelson, Chairman; Erwin, Hayner, Kreidler, Madsen, Newhouse, Rasmussen and A. Smith.

Referred to Committee on Ways and Means.

February 7, 1992

SB 6466 Prime Sponsor, Senator von Reichbauer: Establishing penalties for breaking food product delivery guarantees. Reported by Committee on Financial Institutions and Insurance

MAJORITY Recommendation: That Substitute Senate Bill No. 6466 be substituted therefor, and the substitute bill do pass. Signed by Senators von Reichbauer, Chairman; Erwin, Vice Chairman; Owen, Pelz, Rasmussen, Sellar, Vognild and West.

Passed to Committee on Rules for second reading.

February 7, 1992

SB 6472 Prime Sponsor, Senator Bluechel: Providing for changes to the Washington Technology Center. Reported by Committee on Commerce and Labor

MAJORITY Recommendation: That Substitute Senate Bill No. 6472 be substituted therefor, and the substitute bill do pass. Signed by Senators Matson, Chairman; Anderson, Vice Chairman; Bluechel, McMullen, Moore, Murray and Skratek.

Passed to Committee on Rules for second reading.

February 7, 1992

SB 6475 Prime Sponsor, Senator Saling: Declaring that the state has no regulatory authority over federally owned or licensed hydro projects. Reported by Committee on Energy and Utilities

MAJORITY Recommendation: That Substitute Senate Bill No. 6475 be substituted therefor, and the substitute bill do pass. Signed by Senators Thorsness, Chairman; Saling, Vice Chairman; Jesernig, Nelson, Roach, Stratton, Sutherland and Williams.

Passed to Committee on Rules for second reading.

February 7, 1992

SB 6479 Prime Sponsor, Senator Thorsness: Directing the development of a state hydropower development plan. Reported by Committee on Energy and Utilities

MAJORITY Recommendation: Do pass. Signed by Senators Thorsness, Chairman; Saling, Vice Chairman; Jesernig, Roach and Stratton.

Passed to Committee on Rules for second reading.

February 6, 1992

SB 6481 Prime Sponsor, Senator Bailey: Permitting strobe lights on school buses. Reported by Committee on Education

MAJORITY Recommendation: Do pass. Signed by Senators Bailey, Chairman; Erwin, Vice Chairman; Anderson, Craswell, Metcalf, Murray, Oke, Pelz, Rinehart, A. Smith and Talmadge.

Passed to Committee on Rules for second reading.

February 7, 1992

SB 6483 Prime Sponsor, Senator Matson: Modifying provisions relating to weights and measures. Reported by Committee on Commerce and Labor

MAJORITY Recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Matson, Chairman; Anderson, Vice Chairman; Bluechel, McDonald, Moore and Murray.

Referred to Committee on Ways and Means.

February 7, 1992

SB 6494 Prime Sponsor, Senator Thorsness: Modifying sublease and rent requirements concerning the ninety-nine-year lease of Hanford reservation land. Reported by Committee on Energy and Utilities

MAJORITY Recommendation: That Substitute Senate Bill No. 6494 be substituted therefor, and the substitute bill do pass. Signed by Senators Thorsness, Chairman; Jesernig, Nelson, Roach, Stratton, Sutherland and Williams.

Passed to Committee on Rules for second reading.

February 7, 1992

SJM 8029 Prime Sponsor, Senator Moore: Memorializing Congress for more money to fund employment security funds. Reported by Committee on Commerce and Labor

MAJORITY Recommendation: Do pass. Signed by Senators Matson, Chairman; Anderson, Vice Chairman; Bluechel, McMullen, Moore, Murray and Skratek.

Passed to Committee on Rules for second reading.

February 7, 1992

SJM 8031 Prime Sponsor, Senator Snyder: Requesting that sites in this state be left out of the Coastal Barriers Resource System. Reported by Committee on Environment and Natural Resources

MAJORITY Recommendation: Do pass. Signed by Senators Metcalf, Chairman; Oke, Vice Chairman; Amondson, Barr, Owen, Sellar, Snyder and Sutherland.

Passed to Committee on Rules for second reading.

February 5, 1992

GA 9172 LUCILLE M. CARLSON, reappointed March 19, 1991, for a term ending March 1, 1997, as a member of the Board of Tax Appeals. Reported by Committee on Ways and Means

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bauer, Bluechel, Cantu, Gaspard, Hayner, Kreidler, Metcalf, Murray, Newhouse, Niemi, Owen, Rinehart, Saling, Talmadge, West, Williams and Wojahn.

Passed to Committee on Rules.

MOTIONS

On motion of Senator Newhouse, Senate Bill No. 6041 was held on the desk.

On motion of Senator Newhouse, Senate Bill No. 6201 which was held on the desk earlier today was referred to the Committee on Ways and Means.

MOTION

At 5:38 p.m., on motion of Senator Newhouse, the Senate adjourned until 10:00 a.m., Monday, February 10, 1992.

JOEL PRITCHARD, President of the Senate.

GORDON A. GOLOB, Secretary of the Senate.

TWENTY-NINTH DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, February 10, 1992

The Senate was called to order at 10:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Erwin, Hayner, Matson, McCaslin, McDonald, Nelson, Patterson, Pelz and Linda Smith. On motion of Senator Anderson, Senators Erwin, Hayner, Matson, McCaslin, McDonald, Nelson, Patterson and Linda Smith were excused. On motion of Senator Murray, Senator Pelz was excused.

The Sergeant at Arms Color Guard, consisting of Pages Debbie Semmen and Caleb Reed, presented the Colors. Reverend Randy Burtis, pastor of the Neighborhood Christian Center of Tumwater, offered the prayer.

MOTION

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

MESSAGES FROM THE GOVERNOR

January 27, 1992

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Wendell George, appointed January 27, 1992, for a term ending September 30, 1992, as a member of the Board of Trustees for Wenatchee Valley Community College District No. 15.

Referred to Committee on Higher Education.

January 30, 1992

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Dr. Julian Torres, Jr., appointed January 30, 1992, for a term ending September 30, 1997, as a member of the Board of Trustees for Eastern Washington University.

Referred to Committee on Higher Education.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Saling, Gubernatorial Appointment No. 9214, Maurice L. McGrath, as a member of the Spokane Joint Center Board of Governors, was confirmed.

APPOINTMENT OF MAURICE L. McGRATH

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 39; Nays, 0; Absent, 0; Excused, 9.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Jesernig, Kreidler, Madsen, McMullen, Metcalf, Moore, Murray, Newhouse, Niemi, Oke, Owen, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 39.

Excused: Senators Erwin, Hayner, Matson, McCaslin, McDonald, Nelson, Patterson, Pelz, L. Smith - 9.

MOTION

On motion of Senator Saling, Gubernatorial Appointment No. 9218, Thomas L. Perko, as a member of the Spokane Joint Center Board of Governors, was confirmed.

APPOINTMENT OF THOMAS L. PERKO

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 40; Nays, 0; Absent, 0; Excused, 8.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Jesernig, Kreidler, Madsen, McMullen, Metcalf, Moore, Murray, Newhouse, Niemi, Oke, Owen, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 40.

Excused: Senators Erwin, Hayner, Matson, McCaslin, McDonald, Nelson, Patterson, Pelz - 8.

SECOND READING

SENATE BILL NO. 6042, by Senators Nelson and Rasmussen

Revising the Washington condominium act.

MOTIONS

On motion of Senator Newhouse, Substitute Senate Bill No. 6042 was substituted for Senate Bill No. 6042 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Newhouse, the rules were suspended, Substitute Senate Bill No. 6042 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6042.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6042 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Jesernig, Kreidler, Madsen, Matson, McDonald, McMullen, Metcalf, Moore, Murray, Newhouse, Niemi, Oke, Owen, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 42.

Excused: Senators Erwin, Hayner, McCaslin, Nelson, Patterson, Pelz - 6.

SUBSTITUTE SENATE BILL NO. 6042, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6028, by Senators Barr, Madsen, Williams and Erwin (by request of Joint Select Committee on Water Resource Policy)

Authorizing cities and towns to issue revenue bonds for financing water conservation programs.

The bill was read the second time.

MOTIONS

On motion of Senator Barr, the following Committee on Agriculture and Water Resources amendment was adopted:

On page 1, line 6 after "town" insert "engaged in the sale or distribution of water or energy"

On motion of Senator Barr, the following Committee on Agriculture and Water Resources amendment was adopted:

On page 1, after line 12, insert the following:

NEW SECTION. Sec. 2. A new section is added to chapter 36.94 RCW to read as follows:

A county engaged in the sale or distribution of water may issue revenue bonds, or other evidence of indebtedness in the manner provided by this chapter for the purpose of defraying the cost of financing programs for the conservation or more efficient use of water. The bonds or other evidence of indebtedness shall be deemed to be for capital purposes.

NEW SECTION. Sec. 3. A new section is added to chapter 36.94 RCW to read as follows:

Any county engaged in the sale or distribution of water is hereby authorized, within limits established by the Constitution of the state of Washington, to assist the owners of structures that are provided water service by the county in financing the acquisition and installation of fixtures, systems, and equipment, for compensation or otherwise, for the conservation or more efficient use of water in the structures under a water conservation plan adopted by the county if the cost per unit of water saved or conserved by the use of the fixtures, systems, and equipment is less than the cost per unit of water supplied by the next least costly new water source available to the county to meet future demand. Except where otherwise authorized, assistance shall be limited to:

(1) Providing an inspection of the structure, either directly or through one or more inspectors under contract, to determine and inform the owner of the estimated cost of purchasing and installing conservation fixtures, systems, and equipment for which financial assistance will be approved and the estimated life cycle savings to the water system and the consumer that are likely to result from the installation of the fixtures, systems, or equipment;

(2) Providing a list of businesses that sell and install the fixtures, systems, and equipment within or in close proximity to the service area of the county, each of which businesses shall have requested to be included and shall have the ability to provide the products in a workmanlike manner and to utilize the fixtures, systems, and equipment in accordance with the prevailing national standards;

(3) Arranging to have approved conservation fixtures, systems, and equipment installed by a private contractor whose bid is acceptable to the owner of the structure and verifying the installation; and

(4) Arranging or providing financing for the purchase and installation of approved conservation fixtures, systems, and equipment. The fixtures, systems, and equipment shall be purchased or installed by a private business, the owner, or the utility.

Pay back shall be in the form of incremental additions to the utility bill, billed either together with use charge or separately. Loans shall not exceed one hundred twenty months in length.

MOTIONS

On motion of Senator Barr, the following title amendment was adopted:

On page 1, line 1 of the title, after "programs;" strike "and" and on line 2 of the title, after "35.92.105" insert "; and adding new sections to chapter 36.94 RCW"

On motion of Senator Barr, the rules were suspended, Engrossed Senate Bill No. 6028 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6028.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6028 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 1; Absent, 1; Excused, 5.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Jesernig, Kreidler, Madsen, McDonald, McMullen, Metcalf, Moore, Murray, Newhouse, Niemi, Oke, Owen, Pelz, Rasmussen, Rinehart, Roach, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 41.

Voting nay: Senator Matson - 1.

Absent: Senator Saling - 1.

Excused: Senators Erwin, Hayner, McCaslin, Nelson, Patterson - 5.

ENGROSSED SENATE BILL NO. 6028, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6013, by Senator Conner

Including archaeological resources in oil and hazardous substance spill prevention and response.

The bill was read the second time.

MOTION

On motion of Senator Metcalf, the rules were suspended, Senate Bill No. 6013 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6013.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6013 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Jesernig, Kreidler, Madsen, Matson, McDonald, McMullen, Metcalf, Moore, Murray, Newhouse, Niemi, Oke, Owen, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 43.

Excused: Senators Erwin, Hayner, McCaslin, Nelson, Patterson - 5.

SENATE BILL NO. 6013, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6226, by Senators McCaslin, Madsen and Conner

Changing the standards for the investment of the moneys of the firemen's pension fund.

The bill was read the second time.

MOTION

On motion of Senator Newhouse, the rules were suspended, Senate Bill No. 6226 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6226.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6226 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Jesernig, Kreidler, Madsen, Matson, McDonald, McMullen, Metcalf, Moore, Murray, Newhouse, Niemi, Oke, Owen, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 43.

Excused: Senators Erwin, Hayner, McCaslin, Nelson, Patterson - 5.

SENATE BILL NO. 6226, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6010, by Senators Bauer, Johnson, Craswell, L. Smith and Oke

Exempting church day cares from the business and occupation tax.

The bill was read the second time.

MOTION

On motion of Senator McDonald, the rules were suspended, Senate Bill No. 6010 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6010.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6010 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 4; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Jesernig, Kreidler, Madsen, Matson, McDonald, McMullen, Metcalf, Moore, Murray, Newhouse, Oke, Owen, Patterson, Rasmussen, Roach, Saling, Sellar, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 40.

Voting nay: Senators Niemi, Pelz, Rinehart, Skratek - 4.

Excused: Senators Erwin, Hayner, McCaslin, Nelson - 4.

SENATE BILL NO. 6010, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE JOINT RESOLUTION NO. 8231, by Senators Vognild, Hayner, Skratek, McCaslin, Snyder, Newhouse, Madsen, Erwin, Stratton, Sellar, Sutherland and Nelson

Changing nomination procedures for filling certain legislative vacancies and vacancies in the office of county commissioner.

The joint resolution was read the second time.

MOTION

On motion of Senator Newhouse, the rules were suspended, Senate Joint Resolution No. 8231 was advanced to third reading, the second reading considered the third and the joint resolution was placed on final passage.

MOTION

On motion of Senator Newhouse, further consideration of Senate Joint Resolution No. 8231 was deferred.

MOTION

On motion of Senator Newhouse, the Senate will now consider Engrossed Substitute Senate Bill No. 5986.

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

THIRD READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5986, by Senate Committee on Law and Justice (originally sponsored by Senators Wojahn, Newhouse and Rasmussen)

Expanding the duties of tenants under the landlord-tenant act.

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

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5986.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5986 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Jesernig, Kreidler, Madsen, Matson, McDonald, McMullen, Metcalf, Moore, Murray, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 45.

Excused: Senators Hayner, McCaslin, Nelson - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5986, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

On motion of Senator Newhouse, Senate Bill No. 5993, which was on the second reading calendar, was referred to the Committee on Ways and Means.

Senator Newhouse moved that Senate Bill No. 6089 which was held on the desk February 7, 1992, be referred to the Committee on Rules.

Debate ensued.

POINT OF INQUIRY

Senator Niemi: "Senator McDonald, do we now have a new policy that if a bill denotes that it will be specified in the budget act or that it is null and void, it does not go to the Ways and Means Committee?"

Senator McDonald: "If it has null and void language in it and it is sufficient to make sure that no matter what we do in the budget, yes, then it is judged to have no fiscal impact if we choose not to put it in the budget and it is by-passed, yes."

Further debate ensued.

POINT OF INQUIRY

Senator Snyder: "Senator Newhouse, is this part of the Senate Rules? I can't recall it being in the rules or is this just a policy that the majority party has come up with?"

Senator Newhouse: "I will not pretend to inform Senator Snyder about what's in the rules and what isn't. I've been around here long enough to know better than that. I think the question here is just that if we were to send the bill to Ways and Means, and we've done this over the past few years under both parties, and null and void language were added in the Ways and Means Committee, then the bill could pass the Legislature and only be effective with appropriation in the budget bill. I think that is what is being pointed out here and I think people are well aware and just wanted to make the whole body aware of what is going on."

The President declared the question before the Senate to be the motion by Senator Newhouse that Senate Bill No. 6089 be referred to the Committee on Rules.

The motion by Senator Newhouse failed on a rising vote and Senate Bill No. 6089 remained on the desk.

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

SECOND READING

SENATE BILL NO. 5699, by Senators Owen and Conner

Providing tax exemptions for certain leasehold interests.

The bill was read the second time.

MOTION

On motion of Senator McDonald, the rules were suspended, Senate Bill No. 5699 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5699.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5699 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Jesernig, Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 45.

Voting nay: Senator Matson - 1.

Excused: Senators Hayner, Nelson - 2.

SENATE BILL NO. 5699, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6111, by Senators Craswell, Wojahn, Rasmussen, Roach, Stratton, Owen and Oke

Providing family preservation services.

MOTIONS

On motion of Senator Roach, the rules were suspended, Substitute Senate Bill No. 6111 was substituted for Senate Bill No. 6111 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Craswell, the rules were suspended, Substitute Senate Bill No. 6111 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

MOTION

On motion of Senator Anderson, Senator Bailey was excused.

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6111.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6111 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Jesernig, Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 45.

Excused: Senators Bailey, Hayner, Nelson - 3.

SUBSTITUTE SENATE BILL NO. 6111, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6047, by Senator L. Smith

Changing the requirements of commercial salmon licenses.

MOTIONS

On motion of Senator Metcalf, the rules were suspended, Substitute Senate Bill No. 6047 was substituted for Senate Bill No. 6047 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Snyder, the following amendment was adopted:

On page 2, line 12, after "requirement," insert "The director shall waive the landing requirement for renewal of commercial salmon licenses in cases where the northwest power planning council conducts a temporary leasing of a commercial salmon fishing license. The director may adopt rules to accomplish the goals of the leasing program."

MOTION

On motion of Senator Metcalf, the rules were suspended, Engrossed Substitute Senate Bill No. 6047 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Barr: "Senator Metcalf, I think that quite a few members are a little confused about this, maybe, about what this bill does besides just develop a plan. Can you tell us in a very few words what this bill does beside develop a plan?"

Senator Metcalf: "It develops a plan; it puts the Department of Trade and Economic Development--helps staff the study--also along with our staff from the House and Senate Committees. The Task Force comes back and recommends the report January 1."

Senator Barr: "That's all it does? It doesn't deal with--from what Senator Smith said, it sounded like it was dealing with some restrictions and some ways of dealing directly with the catch. What does it do besides the plan, if anything?"

Senator Metcalf: "Well, they have to come back with a plan. The plan does deal with poundage and times and so forth. Nothing in the bill requires them to do specific things. It is up to them; if they don't do it right, the Legislature won't buy it. I would end with a plea to you to pass the bill. We could not get the votes for any other plan than this, in the committee, and this is the toughest plan that we can get to try to solve a real problem."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6047.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6047 and the bill passed the Senate by the following vote: Yeas, 36; Nays, 10; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Bailey, Bauer, Bluechel, Cantu, Conner, Erwin, Gaspard, Hansen, Jesernig, Kreidler, Madsen, Metcalf, Moore, Murray, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, West, Wojahn - 36.

Voting nay: Senators Anderson, Barr, Craswell, Matson, McCaslin, McDonald, McMullen, Rasmussen, Talmadge, Williams - 10.

Excused: Senators Hayner, Nelson - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6047, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 10:39 a.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 11:28 a.m. by President Pritchard.

MOTIONS

On motion of Senator Newhouse, Senate Bill No. 6041, which was held on the desk February 7, 1992, was referred to the Committee on Ways and Means.

On motion of Senator Newhouse, Senate Bill No. 6089, which was held on the desk earlier today, was referred to the Committee on Ways and Means.

SECOND READING

SENATE BILL NO. 5728, by Senators Amondson, Vognild, Owen, Bauer, Stratton, McCaslin, West and Johnson

Requiring that threshold determination must be completed within fifteen to thirty days.

MOTIONS

On motion of Senator Metcalf, the rules were suspended, Substitute Senate Bill No. 5728 was substituted for Senate Bill No. 5728 and the substitute bill was placed on second reading and read the second time.

Senator Sutherland moved that the following amendments by Senators Sutherland, Amondson and Barr be considered simultaneously and be adopted:

On page 2, line 2, delete "thirty" and insert "sixty"

On page 2, line 4, delete "thirty" and insert "sixty"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senators Sutherland, Amondson and Barr on page 2, lines 2 and 4, to Substitute Senate Bill No. 5728.

The motion by Senator Sutherland carried and the amendments were adopted.

MOTION

On motion of Senator Metcalf, the rules were suspended, Engrossed Substitute Senate Bill No. 5728 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5728.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5728 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 5; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Jesernig, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, L. Smith, Snyder, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, West, Williams - 42.

Voting nay: Senators Kreidler, Pelz, A. Smith, Talmadge, Wojahn - 5.

Excused: Senator Hayner - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5728, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6150, by Senators Barr, Sutherland, Owen, Snyder, Amondson, Newhouse, Rasmussen, L. Smith, Bauer and Conner

Improving the accounting system for salmon and steelhead.

The bill was read the second time.

MOTION

On motion of Senator Metcalf, the rules were suspended, Senate Bill No. 6150 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6150.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6150 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Jesernig, Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 47.

Excused: Senator Hayner - 1.

SENATE BILL NO. 6150, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

THIRD READING

SENATE BILL NO. 5151, by Senators Hayner, Niemi, Thorsness, Nelson and Roach (by request of Department of Corrections)

Requiring that the death penalty be carried out by lethal injection.

MOTIONS

On motion of Senator Nelson, the rules were suspended, Senate Bill No. 5151 was returned to second reading and read the second time.

On motion of Senator Nelson, the following amendment by Senator Hayner was adopted:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 10.95.180 and 1986 c 194 s 1 are each amended to read as follows:

(1) For any defendant sentenced to death for a crime committed before the effective date of this act, the punishment of death shall be supervised by the superintendent of the penitentiary and shall be inflicted ((either by hanging by the neck or, at the election of the defendant,)) by intravenous injection of a substance or substances in a lethal quantity sufficient to cause death and until the defendant is dead, or at the election of the defendant by hanging by the neck until the defendant is dead. In any case, death shall be pronounced by a licensed physician.

(2) For any defendant sentenced to death for a crime committed on or after the effective date of this act, the punishment of death shall be supervised by the superintendent of the penitentiary and shall be inflicted by intravenous injection of a substance or substances in a lethal quantity sufficient to cause death and until the defendant is dead. In the event execution by lethal injection is held invalid or unconstitutional by a court of competent jurisdiction, the method of execution shall be hanging by the neck until the defendant is dead.

(3) All executions, for both men and women, shall be carried out within the walls of the state penitentiary.

(4) If any provision of this section or its application to any person is held invalid, the remainder of this section, or the application of the provision to other persons or circumstances, is not affected.

MOTIONS

On motion of Senator Nelson, the following title amendment was adopted:

On page 1, line 1 of the title, after "execution" strike "and" and after "10.95.180" insert "; and prescribing penalties"

On motion of Senator Nelson, the rules were suspended, Engrossed Senate Bill No. 5151 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5151.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5151 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 5; Absent, 1; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Jesernig, Kreidler, Madsen, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Williams - 41.

Voting nay: Senators Matson, McCaslin, Rinehart, West, Wojahn - 5.

Absent: Senator Bluechel - 1.

Excused: Senator Hayner - 1.

ENGROSSED SENATE BILL NO. 5151, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

SECOND READING

SENATE BILL NO. 6104, by Senators Nelson, Rasmussen, Thorsness, Hayner, Sellar, A. Smith and Erwin

Creating the crime of assault against a child.

MOTIONS

On motion of Senator Nelson, the rules were suspended, Substitute Senate Bill No. 6104 was substituted for Senate Bill No. 6104 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Adam Smith, the following amendments were considered simultaneously and were adopted:

On page 2, line 5, following "previously" strike the remainder of the sentence and insert "physically inflicted, on a regular basis, extreme pain on the child."

On page 2, line 18, following "previously" strike the remainder of the sentence and insert "physically inflicted, on a regular basis, extreme pain on the child."

MOTIONS

On motion of Senator Nelson, the rules were suspended, Engrossed Substitute Senate Bill No. 6104 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Stratton: "Senator Nelson, the amendments say 'physically inflicted on a regular basis.' Does this preclude the one-time beating of a child? Does it make it lesser of a crime? This says on a 'regular basis.' That concerns me."

Senator Nelson: "Senator Stratton, we are attempting to get at a higher level of a crime, above simple assault, which is the one-time event. We are trying to get to those situations where an adult repeats the offense against a child--several times--and based on the harm done to the child establishes then whether it is going to be assault against the child in the first, second, or third degree."

Further debate ensued.

POINT OF INQUIRY

Senator Talmadge: "This is not, Senator Nelson, about the amendments that have been offered before. In 1987, when we did the Homicide by Abuse Law, we consciously understood that we were taking away, perhaps in some circumstances, those factors that would be allowed to the judge making an exceptional sentence, because we wanted to push the level of seriousness of the crime of homicide by abuse up on the scale from where it had previously been. In this particular instance, where we've redefined the crime of assault on a child, could you speak to how that might affect the possibility that a judge would grant an exceptional sentence beyond that which is allowed in the grid for circumstances that were so heinous in the assault of a child that exceptional sentences might otherwise be merited?"

Senator Nelson: "Senator Talmadge, thank you for asking that question. We have not taken from the judges the opportunity to do an exceptional sentence when the crime is so heinous it can't even be described properly in what we have here in the assault of a child in the first, second or third degree. We have never taken that away. I also want to respond to those who are concerned about the law as it exists on simple assault. We have not modified that at all. We have essentially come in between the two--simple assault up to homicide by abuse and put this scale to reflect what might be the continuous or repetitive type of assaults that are done against children."

Further debate ensued.

MOTION

On motion of Senator Murray, Senator Rinehart was excused.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6104.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6104 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Jesernig, Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 46.

Excused: Senators Hayner, Rinehart - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6104, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 11:59 a.m., on motion of Senator Newhouse, the Senate adjourned until 9:00 a.m., Tuesday, February 11, 1992.

JOEL PRITCHARD, President of the Senate.

GORDON A. GOLOB, Secretary of the Senate.

THIRTIETH DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, February 11, 1992

The Senate was called to order at 9:00 a.m. by Vice President Pro Tempore Bluechel. The Secretary called the roll and announced to the Vice President Pro Tempore that all Senators were present except Senators Bauer, Cantu, Erwin, Hayner, Matson, McDonald, Pelz, Thorsness and West. On motion of Senator Anderson, Senators Cantu, Erwin, Hayner, Matson, McDonald, Thorsness and West were excused. On motion of Senator Murray, Senators Bauer and Pelz were excused.

The Sergeant at Arms Color Guard, consisting of Pages Julie Klingele and Mark Johnson, presented the Colors. Reverend Randy Burtis, pastor of the Neighborhood Christian Center of Tumwater, offered the prayer.

MOTION

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

INTRODUCTION AND FIRST READING

SB 6504 by Senators Vognild, Matson, McMullen, Sellar and Conner

AN ACT Relating to charitable gaming; amending RCW 9.46.070 and 9.46.120; and adding new sections to chapter 9.46 RCW.

Referred to Committee on Commerce and Labor.

SECOND READING
GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Saling, Gubernatorial Appointment No. 9211, Gerald P. Leahy, as a member of the Spokane Joint Center Board of Governors, was confirmed.

APPOINTMENT OF GERALD P. LEAHY

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 39; Nays, 0; Absent, 0; Excused, 9.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bluechel, Conner, Craswell, Gaspard, Hansen, Jesernig, Kreidler, Madsen, McCaslin, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Vognild, von Reichbauer, Williams, Wojahn - 39.

Excused: Senators Bauer, Cantu, Erwin, Hayner, Matson, McDonald, Pelz, Thorsness, West - 9.

MOTION

On motion of Senator Saling, Gubernatorial Appointment No. 9217, Michael C. Ormsby, as a member of the Spokane Joint Center Board of Governors, was confirmed.

APPOINTMENT OF MICHAEL C. ORMSBY

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bluechel, Conner, Craswell, Gaspard, Hansen, Jesernig, Kreidler, Madsen, Matson, McCaslin, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 42.

Excused: Senators Bauer, Cantu, Erwin, Hayner, McDonald, Pelz - 6.

SECOND READING

SENATE BILL NO. 6220, by Senators Oke, Bailey, Rinehart, Craswell, Erwin, Pelz, Murray and Conner

Changing provisions in the schools for the twenty-first century program.

The bill was read the second time.

MOTION

On motion of Senator Bailey, the rules were suspended, Senate Bill No. 6220 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage. Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6220.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6220 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 1; Absent, 1; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Jesernig, Kreidler, Madsen, McCaslin, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 43.

Voting nay: Senator Talmadge - 1.

Absent: Senator Matson - 1.

Excused: Senators Erwin, Hayner, McDonald - 3.

SENATE BILL NO. 6220, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6144, by Senators Thorsness, Sutherland, Saling and Stratton

Regulating public service company tariff charge reduction or waiver.

MOTIONS

On motion of Senator Thorsness, Substitute Senate Bill No. 6144 was substituted for Senate Bill No. 6144 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Thorsness, the rules were suspended, Substitute Senate Bill No. 6144 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6144.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6144 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Jesernig, Kreidler, Madsen, Matson, McCaslin, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 45.

Excused: Senators Erwin, Hayner, McDonald - 3.

SUBSTITUTE SENATE BILL NO. 6144, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE JOINT MEMORIAL NO. 8024, by Senators Conner, Owen, Snyder, Jesernig and Anderson

Petitioning congress for the right to salvage downed timber in the Olympic National Forest.

MOTIONS

On motion of Senator Metcalf, Substitute Senate Joint Memorial No. 8024 was substituted for Senate Joint Memorial No. 8024 and the substitute joint memorial was placed on second reading and read the second time.

On motion of Senator Metcalf, the rules were suspended, Substitute Senate Joint Memorial No. 8024 was advanced to third reading, the second reading considered the third, and the joint memorial was placed on final passage.

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Joint Memorial No. 8024.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Joint Memorial No. 8024 and the joint memorial passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Jesernig, Kreidler, Madsen, McCaslin, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 44.

Absent: Senator Matson - 1.

Excused: Senators Erwin, Hayner, McDonald - 3.

SUBSTITUTE SENATE JOINT MEMORIAL NO. 8024, having received the constitutional majority, was declared passed.

SECOND READING

SENATE BILL NO. 6326, by Senators Gaspard, Bailey, Rinehart and Bauer

Changing the Washington award for excellence.

MOTIONS

On motion of Senator Bailey, Substitute Senate Bill No. 6326 was substituted for Senate Bill No. 6326 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Gaspard, the following amendment was adopted:

On page 6, following line 17, insert a new section to read as follows:

NEW SECTION. Sec. 5. RCW 28A.625.071 and 1991 c 255 s 5 are each repealed.

Renumber the remaining section.

MOTIONS

On motion of Senator Bailey, the following title amendment was adopted:

On page 1, line 2 of the title, after "28B.80.265;" insert "repealing RCW 28A.625.071;"

On motion of Senator Bailey, the rules were suspended, Engrossed Substitute Senate Bill No. 6326 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

MOTION

On motion of Senator Anderson, Senator Matson was excused.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6326.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6326 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Jesernig, Kreidler, Madsen, McCaslin, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 44.

Excused: Senators Erwin, Hayner, Matson, McDonald - 4.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6326, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6103, by Senators Nelson, Rasmussen, Thorsness, Kreidler, Sutherland and Erwin

Allowing electronic monitoring as a condition of release or condition of probation.

The bill was read the second time.

MOTIONS

On motion of Senator Pelz, the following amendments were considered simultaneously and were adopted:

On page 2, line 15, after "(4)" insert "following consideration of the financial condition of the person subject to possible electronic monitoring."

On page 4, line 28, after "monitoring." insert "The court shall consider the ability of the convicted person to pay for electronic monitoring."

On page 7, line 20, after "monitoring." insert "The court shall consider the ability of the respondent to pay for electronic monitoring."

On page 8, line 10, following "monitoring." insert "The court shall consider the ability of the convicted person to pay for electronic monitoring."

Senator Talmadge moved that the following amendment by Senators Talmadge and Adam Smith be adopted:

On page 3, after line 4, insert the following:

Sec. 2. RCW 10.99.020 and 1991 c 301 s 3 are each amended to read as follows:

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

(1) "Family or household members" means spouses, former spouses, persons who have a child in common regardless of whether they have been married or have lived together at any time, adult persons related by blood or marriage, and adult persons who are presently residing together or who have resided together in the past.

(2) "Domestic violence" includes but is not limited to any of the following crimes when committed by one family or household member against another:

- (a) Assault in the first degree (RCW 9A.36.011);
- (b) Assault in the second degree (RCW 9A.36.021);
- (c) Assault in the third degree (RCW 9A.36.031);
- (d) Assault in the fourth degree (RCW 9A.36.041);
- (e) Reckless endangerment in the first degree (RCW 9A.36.045);
- (f) Reckless endangerment in the second degree (RCW 9A.36.050);
- (g) Coercion (RCW 9A.36.070);
- (h) Burglary in the first degree (RCW 9A.52.020);
- (i) Burglary in the second degree (RCW 9A.52.030);
- (j) Criminal trespass in the first degree (RCW 9A.52.070);
- (k) Criminal trespass in the second degree (RCW 9A.52.080);
- (l) Malicious mischief in the first degree (RCW 9A.48.070);
- (m) Malicious mischief in the second degree (RCW 9A.48.080);
- (n) Malicious mischief in the third degree (RCW 9A.48.090);
- (o) Kidnapping in the first degree (RCW 9A.40.020);
- (p) Kidnapping in the second degree (RCW 9A.40.030);
- (q) Unlawful imprisonment (RCW 9A.40.040);
- (r) Violation of the provisions of a restraining order restraining the person or excluding the person from a residence (RCW 26.09.300);
- (s) Violation of the provisions of a protection order restraining the person or excluding the person from a residence (RCW 26.50.060, 26.50.070, or 26.50.130);
- (t) Rape in the first degree (RCW 9A.44.040); and
- (u) Rape in the second degree (RCW 9A.44.050).

(3) "Victim" means a family or household member who has been subjected to domestic violence.

(4) "Electronic monitoring" means a program in which a person's presence at any location or locations where a person seeking protection under an order under this chapter, or family or household member of the person seeking protection, reside or are employed is monitored from a remote location by use of electronic equipment.

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

MOTION

On motion of Senator Newhouse, further consideration of Senate Bill No. 6103 was deferred.

SECOND READING

SENATE BILL NO. 5935, by Senators Madsen and Sutherland

Dealing with the destruction of rural mailboxes.

The bill was read the second time.

MOTIONS

On motion of Senator Nelson, the following Committee on Law and Justice amendment was adopted:

On page 2, line 5, after "mailbox", strike "in a rural setting"

On motion of Senator Nelson, the following title amendment was adopted:

On page 1, line 1 of the title, after "to" strike "rural"

MOTION

On motion of Senator Nelson, the rules were suspended, Engrossed Senate Bill No. 5935 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5935.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5935 and the bill passed the Senate by the following vote: Yeas, 37; Nays, 9; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Jesernig, Kreidler, Madsen, Matson, McCaslin, McMullen, Metcalf, Nelson, Newhouse, Oke, Owen, Patterson, Rasmussen, Roach, Saling, Sellar, Skratek, L. Smith, Snyder, Stratton, Sutherland, Vognild, von Reichbauer, West, Wojahn - 37.

Voting nay: Senators Moore, Murray, Niemi, Pelz, Rinehart, A. Smith, Talmadge, Thorsness, Williams - 9.

Excused: Senators Hayner, McDonald - 2.

ENGROSSED SENATE BILL NO. 5935, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6033, by Senators West and Johnson

Modifying certification provisions for emergency medical services personnel.

The bill was read the second time.

MOTIONS

On motion of Senator Owen, the following amendment by Senators Owen and West was adopted:

On page 4, line 11, following "certificate of" restore the stricken material and delete "a first responder"

On motion of Senator West, the rules were suspended, Engrossed Senate Bill No. 6033 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6033.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6033 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Jesernig, Kreidler, Madsen, Matson, McCaslin, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, West, Williams, Wojahn - 45.

Voting nay: Senator Vognild - 1.

Excused: Senators Hayner, McDonald - 2.

ENGROSSED SENATE BILL NO. 6033, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2295, by Representatives H. Sommers, Miller, Jacobsen, Schmidt, May, Basich, Ogden, Betrozoff, Spanel, Cantwell, Van Luven, Forner, Rasmussen and Ferguson

Changing the capital appropriation for Lake Washington Technical College.

The bill was read the second time.

MOTION

On motion of Senator Rinehart, the rules were suspended, House Bill No. 2295 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 2295.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2295 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Craswell, Erwin, Gaspard, Hansen, Jesernig, Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 46.

Absent: Senator Conner - 1.

Excused: Senator Hayner - 1.

HOUSE BILL NO. 2295, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Engrossed Substitute Senate Bill No. 5812 and the pending striking amendment by Senator Williams, deferred January 24, 1992.

MOTION

On motion of Senator Williams, and there being no objection, the striking amendment was withdrawn.

MOTION

Senator Williams moved that the following amendment by Senators Williams and McDonald be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 84.56 RCW to read as follows:

RCW 84.56.020 notwithstanding, if 1993 taxes payable on real property exceed one hundred fifty percent of the 1992 taxes payable on the property:

(1) No interest or penalties may be assessed for the period from April 30, 1993, through April 30, 1994, on the amount that the 1993 taxes exceed one hundred fifty percent of the 1992 taxes; and

(2) The provisions of RCW 84.56.020 regarding the payment of taxes on the property shall be computed separately for the amount that the 1993 taxes do not exceed one hundred fifty percent of the 1992 taxes and for the remaining amount.

This section does not apply to taxes attributable to increases in value due to new construction, improvements to property, or the subdivision of land.

This section does not apply unless the taxpayer applies to the county treasurer for the benefits under this section, before April 30, 1993.

NEW SECTION. Sec. 2. A new section is added to chapter 84.38 RCW to read as follows:

RCW 84.38.100 notwithstanding, no interest may be assessed for the period April 30, 1993, through April 30, 1994, on the amount that the 1993 taxes deferred under this chapter exceed one hundred fifty percent of the 1992 taxes on the property.

This section does not apply to taxes attributable to increases in value due to new construction, improvements to property, or the subdivision of land.

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the adoption of the striking amendment by Senators Williams and McDonald to Engrossed Substitute Senate Bill No. 5812.

The motion by Senator Williams carried and the striking amendment was adopted.

MOTIONS

On motion of Senator McDonald, the following title amendment was adopted:

On page 1, line 1 of the title, after "taxes;" strike the remainder of the title and insert "adding a new section to chapter 84.56 RCW; and adding a new section to chapter 84.38 RCW."

On motion of Senator McDonald, the rules were suspended, Reengrossed Substitute Senate Bill No. 5812 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Vognild: "Senator Williams, your striking amendment here leaves a question in my mind. That question is, if the taxes are increased by way of a special levy which is voted by the people, how would that affect the suspension of interest as you have in the bill?"

Senator Williams: "Senator Vognild, I'm not a tax expert, but my understanding would be that that would be part of the normal or the increase in taxes, not attributable to what the property owner did to the property itself. In other words, if the property owner increased the value through construction improvements of property or subdivision of the land, then this would not apply in that increase in property taxes. But, if the taxes increased as a result of excess levies, or whatever, that then is the value of the taxes that would be counted in the one hundred fifty percent calculation."

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Reengrossed Substitute Senate Bill No. 5812.

ROLL CALL

The Secretary called the roll on the final passage of Reengrossed Substitute Senate Bill No. 5812 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Jesernig, Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 46.

Voting nay: Senator Niemi - 1.

Excused: Senators Hayner, - 1.

REENGROSSED SUBSTITUTE SENATE BILL NO. 5812, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Vice President Pro Tempore advanced the Senate to the seventh order of business.

THIRD READING

SUBSTITUTE SENATE BILL NO. 5062, by Senate Committee on Energy and Utilities (originally sponsored by Senators Nelson, Rasmussen and Thorsness)

Designating availability of utilities on recorded plats.

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

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5062.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5062 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Jesernig, Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 46.

Absent: Senator Sellar - 1.

Excused: Senator Hayner - 1.

SUBSTITUTE SENATE BILL NO. 5062, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Anderson, Senator Sellar was excused.

THIRD READING

SUBSTITUTE SENATE BILL NO. 5438, by Senate Committee on Law and Justice (originally sponsored by Senators Nelson, Owen, Talmadge and Moore)

Increasing stolen property values for determining degrees of theft.

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

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5438.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5438 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Jesernig, Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 46.

Excused: Senators Hayner, Sellar - 2.

SUBSTITUTE SENATE BILL NO. 5438, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Vice President Pro Tempore returned the Senate to the sixth order of business.

SECOND READING

SENATE BILL NO. 5557, by Senators Nelson and Sutherland

Modifying requirements for recording of surveys.

MOTIONS

On motion of Senator Nelson, Substitute Senate Bill No. 5557 was substituted for Senate Bill No. 5557 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Nelson, the rules were suspended, Substitute Senate Bill No. 5557 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5557.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5557 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Jesernig, Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 46.

Excused: Senators Hayner, Sellar - 2.

SUBSTITUTE SENATE BILL NO. 5557, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5923, by Senators Owen and Snyder

Establishing the basis for property insurance loss adjustment.

The bill was read the second time.

MOTION

On motion of Senator von Reichbauer, the rules were suspended, Senate Bill No. 5923 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5923.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5923 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Jesernig, Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 46.

Excused: Senators Hayner, Sellar - 2.

SENATE BILL NO. 5923, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6015, by Senators Barr, Madsen, Gaspard and Rasmussen

Regulating bottled water.

MOTIONS

On motion of Senator Barr, Substitute Senate Bill No. 6015 was substituted for Senate Bill No. 6015 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Barr, the rules were suspended, Substitute Senate Bill No. 6015 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6015.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6015 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 2; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Jesernig, Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 44.

Voting nay: Senators Anderson, Skratek - 2.

Excused: Senators Hayner, Sellar - 2.

SUBSTITUTE SENATE BILL NO. 6015, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6022, by Senators Saling, Bauer, Oke, Thorsness, Nelson, West, Barr and Jesernig (by request of Legislative Budget Committee)

Repealing sunset provisions of WSU's international marketing center.

The bill was read the second time.

MOTIONS

On motion of Senator Saling, the following Committee on Commerce and Labor amendment was adopted:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 43.131.329 and 1988 c 288 s 11 are each amended to read as follows:

The international marketing program for agricultural commodities and trade at Washington State University shall be terminated on June 30, ~~((1992))~~ 1996, as provided in RCW 43.131.330.

Sec. 2. RCW 43.131.330 and 1988 c 288 s 12 are each amended to read as follows:

The following acts, or parts of acts, as now existing or as hereafter amended, are each repealed, effective June 30, ~~((1993))~~ 1997:

- (1) Section 1, chapter 57, Laws of 1984, section 1, chapter 39, Laws of 1985 and RCW 28B.30.535;
- (2) Section 2, chapter 57, Laws of 1984, section 2, chapter 39, Laws of 1985, section 3, chapter 195, Laws of 1987, section 14, chapter 505, Laws of 1987 and RCW 28B.30.537;
- (3) Section 3, chapter 57, Laws of 1984, section 3, chapter 39, Laws of 1985 and RCW 28B.30.539;
- (4) Section 6, chapter 57, Laws of 1984, section 4, chapter 39, Laws of 1985 and RCW 28B.30.541; and
- (5) Section 7, chapter 57, Laws of 1984, section 5, chapter 39, Laws of 1985 and RCW 28B.30.543.

On motion of Senator Saling, the following title amendment was adopted:

On page 1, line 3 of the title, after "University;" strike the remainder of the title and insert "and amending RCW 43.131.329 and 43.131.330."

MOTION

On motion of Senator Saling, the rules were suspended, Engrossed Senate Bill No. 6022 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6022.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6022 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 2; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Jesernig, Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Rasmussen, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 44.

Voting nay: Senators Matson, Patterson - 2.

Excused: Senators Hayner, Sellar - 2.

ENGROSSED SENATE BILL NO. 6022, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6023, by Senators Saling, Bauer, Oke, Gaspard, Conner, Thorsness and L. Smith (by request of Legislative Budget Committee)

Modifying the duties and delaying the sunset termination of the center for international trade in forest products.

The bill was read the second time.

MOTION

Senator Saling moved that the following Committee on Commerce and Labor amendment be adopted:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 76.56.020 and 1987 c 195 s 16 are each amended to read as follows:

The center shall:

(1) Coordinate the University of Washington's college of forest resources' faculty and staff expertise to assist in:

(a) The development of research and analysis for developing policies and strategies which will expand forest-based international trade, including ~~((trade in manufactured forest products))~~ a major focus on secondary manufacturing;

(b) The development of technology for manufactured products that will meet the evolving needs of international customers; and

(c) The coordination, development, and dissemination of market and technical information relevant to international trade in forest products, especially secondary manufacturing;

(2) Further develop and maintain ~~((a))~~ computer ~~((based))~~ data bases on world-wide forest products production and trade ~~((data base system))~~ in order to monitor and report on trends significant to the Northwest forest products industry and support the center's research functions; and coordinate this system with state, federal, and private sector efforts to insure a cost-effective information resource that will avoid unnecessary duplication;

(3) Monitor international forest products markets and assess the status of the state's forest products industry, including the competitiveness of small and medium-sized secondary manufacturing firms in the forest products industry, which for the purposes of this chapter shall be firms with annual revenues of twenty-five million or less, and including the increased exports of Washington-produced products of small and medium-sized secondary manufacturing firms;

(4) Provide high-quality research and graduate education and professional nondegree training in international trade in forest products in cooperation with the University of Washington's graduate school of business administration, the school of law, the Jackson school of international studies, the Northwest policy center of the graduate school of public administration, and other supporting academic units;

(5) Develop cooperative linkages with the international marketing program for agricultural commodities and trade at Washington State University, the international trade project of the United States forest service, the department of natural resources, the department of trade and economic development, the small business export finance assistance center, and other state and federal agencies to avoid duplication of effort and programs;

(6) Provide for public dissemination of research, analysis, and results of the center's programs through technical workshops, short courses, international and national symposia, or other means, including appropriate publications; ~~((and))~~

(7) Establish an executive policy board, including representatives of small and medium-sized businesses, to provide advice on: Overall policy direction and program priorities, state and federal budget requests, securing additional research funds, identifying priority areas of focus for research efforts, selection of projects for research, and dissemination of results of research efforts; and

(8) Establish advisory or technical committees ~~((as necessary))~~ for each research program area, to ~~((develop policies, operating procedures, and))~~ advise on research program area priorities, consistent with the international trade opportunities achievable by the forest products sector of the state and region, to help ensure projects are relevant to industry needs, and to advise on and support effective dissemination of research results. Each advisory or technical committee shall include representatives of forest products industries that might benefit from this research.

Service on the committees and the executive policy board established in subsections (7) and (8) of this section shall be without compensation but actual travel expenses incurred in connection with service to the center may be reimbursed from appropriated funds in accordance with RCW 43.03.050 and 43.03.060.

NEW SECTION. Sec. 2. The center for international trade in forest products shall report to the appropriate standing committees of the legislature before June 30, 1993, on its progress towards compliance with legislative budget committee report 91-06, adopted October 16, 1991.

NEW SECTION. Sec. 3. A new section is added to chapter 76.56 RCW to read as follows:

The following acts or parts of acts are each repealed, effective June 30, 1993, unless otherwise extended by state law:

(1) RCW 76.56.010 and 1985 c 122 s 1;

(2) RCW 76.56.020 and 1992 c --- s 1 (section 1 of this act), 1987 c 195 s 16, and 1985 c 122 s 2;

(3) RCW 76.56.030 and 1985 c 122 s 3;

(4) RCW 76.56.040 and 1985 c 122 s 4;

(5) RCW 76.56.050 and 1987 c 505 s 74 and 1985 c 122 s 5; and

(6) RCW 76.56.900 and 1985 c 122 s 6.

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

(1) RCW 43.131.333 and 1988 c 288 s 15 and 1985 c 122 s 8; and

(2) RCW 43.131.334 and 1988 c 288 s 16 and 1985 c 122 s 9.

POINT OF INQUIRY

Senator Patterson: "Senator Saling, I always understood the idea of sunseting something was that it had no value anymore and we ought to get rid of it and the money that we spend on it. Now, these two bills that we are discussing, the one just preceding, were bills to eliminate and take away the sunset clause and make them permanent functions. My concern is in reestablishing a

sunset date, did we explain to the two institutions the reasons why there was some concern for their operations?"

Senator Saling: "Thank you, Senator Patterson, and the answer is 'yes.' The Legislative Budget Committee approved the sunset report requiring certain things to be done. Among them, the Department of Trade and Economic Development should take a more active role in administrating its CINTRAFOR contract; CINTRAFOR should continue to enhance its management and the effectiveness of its activities; it should support the College of Forest Resources in developing specific agreements for cooperation and coordination with other entities such as the Business School and the Northwest Policy Center; it should continue, subject to adoption of modifications in its enabling statute; the center's statutory mandate should focus on secondary manufactured products; an executive policy board should be created for CINTRAFOR which includes representatives of small and medium sized businesses; working groups should be required for each area of research; and the center should not be viewed as a comprehensive data source for business, media and the public.

"That was why the Economic Development and Labor Committee, chaired by the Honorable Senator Matson, put that dumb thing in there in the first place. I didn't want it in there, but he wanted it and so it is there and I am doing his work for him and I shouldn't be, but I will urge you to adopt it."

REMARKS BY SENATOR MATSON

Senator Matson: "Senator Patterson, in further reply, without that sunset clause, the bill would not have gotten out of committee. That's a pretty good reason for the clause."

The Vice President Pro Tempore declared the question before the Senate to be the adoption of the Committee on Commerce and Labor striking amendment to Senate Bill No. 6023.

The motion by Senator Saling carried and the committee striking amendment was adopted.

MOTIONS

On motion of Senator Saling, the following title amendment was adopted:

On page 1, line 2 of the title, after "products;" strike the remainder of the title and insert "amending RCW 76.56.020; adding a new section to chapter 76.56 RCW; creating a new section; and repealing RCW 43.131.333 and 43.131.334."

On motion of Senator Saling, the rules were suspended, Engrossed Senate Bill No. 6023 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6023.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6023 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 2; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Jesemig, Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Rasmussen, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 44.

Voting nay: Senators Matson, Patterson - 2.

Excused: Senators Hayner, Sellar - 2.

ENGROSSED SENATE BILL NO. 6023, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

There being no objection, the Senate resumed consideration of Senate Joint Resolution No. 8231, deferred on third reading February 10, 1992.

MOTIONS

On motion of Senator Vognild, the rules were suspended, Senate Joint Resolution No. 8231 was returned to second reading and read the second time.

Senator Vognild moved that the following amendment by Senators Vognild and Roach be adopted:

On page 1, line 8 after "section 15." strike all material down to and including the period on page 2, line 29 and insert the following:

~~"(Such vacancies as may occur in either house of the legislature or in any partisan county elective office shall be filled by appointment by the board of county commissioners of the county in which the vacancy occurs: PROVIDED, That the person appointed to fill the vacancy must be from the same legislative district, county or county commissioner district and the same political party as the legislator or partisan county elective officer whose office has been vacated, and shall be one of three persons who shall be nominated by the county central committee of that party, and in case a majority of said county commissioners do not agree upon the appointment within sixty days after the vacancy occurs, the governor shall within thirty days thereafter, and from the list of nominees provided for herein, appoint a person who shall be from the same legislative district, county or county commissioner district and of the same political party as the legislator or partisan county elective officer whose office has been vacated, and the person so appointed shall hold office until his successor is elected at the next general election, and shall have qualified: PROVIDED, That in case of a vacancy occurring in the office of joint senator, or joint representative, the vacancy shall be filled from a list of three nominees selected by the state central committee, by appointment by the joint action of the boards of county commissioners of the counties composing the joint senatorial or joint representative district, the person appointed to fill the vacancy must be from the same legislative district and of the same political party as the legislator whose office has been vacated, and in case a majority of said county commissioners do not agree upon the appointment within sixty days after the vacancy occurs, the governor shall within thirty days thereafter, and from the list of nominees provided for herein, appoint a person who shall be from the same legislative district and of the same political party as the legislator whose office has been vacated.) Vacancies as may occur in either house of the legislature or in any partisan county elective office shall be filled by appointment by the appropriate board or boards of county commissioners of the affected county or counties in which the vacancy occurs. The person appointed to fill the vacancy must be from the same legislative district, county or county commissioner district and the same political party as the legislator or partisan county elective officer whose office has been vacated. The person appointed shall be one of three persons nominated by the precinct committee persons of that party and from that legislative district, county or county commissioner district. In case a majority of said county commissioners do not agree upon the appointment within sixty days after the vacancy occurs, the governor shall within thirty days thereafter, and from the list of nominees provided for herein, appoint a person to fill the vacancy. The person so appointed shall hold office until a successor is elected at the next general election, and shall have qualified.~~

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senators Vognild and Roach on page 1, line 8, to Senate Joint Resolution No. 8231.

The motion by Senator Vognild carried and the amendment was adopted.

MOTION

On motion of Senator Vognild, the rules were suspended, Engrossed Senate Joint Resolution No. 8231 was advanced to third reading, the second reading considered the third, and the joint resolution was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Joint Resolution No. 8231.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Joint Resolution No. 8231 and the joint resolution passed the Senate by the following vote: Yeas, 44; Nays, 2; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Jesernig, Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 44.

Voting nay: Senators Barr, Talmadge - 2.

Excused: Senators Hayner, Sellar - 2.

ENGROSSED SENATE JOINT RESOLUTION NO. 8231, having received the constitutional majority, was declared passed.

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

SECOND READING

SENATE BILL NO. 6063, by Senators Nelson and Rasmussen

Making technical corrections to corporations statutes.

MOTIONS

On motion of Senator Newhouse, Substitute Senate Bill No. 6063 was substituted for Senate Bill No. 6063 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Nelson, the rules were suspended, Substitute Senate Bill No. 6063 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6063.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6063 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Craswell, Erwin, Gaspard, Hansen, Jesernig, Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 45.

Absent: Senator Conner - 1.

Excused: Senators Hayner, Sellar - 2.

SUBSTITUTE SENATE BILL NO. 6063, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6070, by Senators Amondson and Snyder

Authorizing alternative supervisors for physician's assistants.

The bill was read the second time.

MOTION

On motion of Senator West, the rules were suspended, Senate Bill No. 6070 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6070.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6070 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Jesernig, Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 46.

Excused: Senators Hayner, Sellar - 2.

SENATE BILL NO. 6070, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6080, by Senators L. Smith, McCaslin, Metcalf, Stratton, Saling, Oke, Thorsness, Sellar and Craswell

Requiring the voters' pamphlet explanatory statement to summarize laws repealed by a ballot measure.

The bill was read the second time.

MOTION

On motion of Senator McCaslin, the rules were suspended, Senate Bill No. 6080 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6080.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6080 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Craswell, Erwin, Gaspard, Hansen, Jesernig, Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 45.

Absent: Senator Conner - 1.

Excused: Senators Hayner, Sellar - 2.

SENATE BILL NO. 6080, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6082, by Senators L. Smith, Nelson and Thorsness

Defining criminal impersonation of a law enforcement officer.

MOTIONS

On motion of Senator Linda Smith, Substitute Senate Bill No. 6082 was substituted for Senate Bill No. 6082 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Linda Smith, the rules were suspended, Substitute Senate Bill No. 6082 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6082.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6082 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Jesernig, Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 45.

Absent: Senator Snyder - 1.

Excused: Senators Hayner, Sellar - 2.

SUBSTITUTE SENATE BILL NO. 6082, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6086, by Senators McCaslin, Kreidler, Oke and Bauer (by request of Department of Veterans Affairs)

Changing provisions relating to the veterans affairs advisory committee.

MOTIONS

On motion of Senator McCaslin, Substitute Senate Bill No. 6086 was substituted for Senate Bill No. 6086 and the substitute bill was placed on second reading and read the second time.

On motion of Senator McCaslin, the rules were suspended, Substitute Senate Bill No. 6086 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6086.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6086 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Jesernig, Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 45.

Voting nay: Senator Rasmussen - 1.

Excused: Senators Hayner, Sellar - 2.

SUBSTITUTE SENATE BILL NO. 6086, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6083, by Senator L. Smith

Protecting personal property when motor vehicles are repossessed.

MOTIONS

On motion of Senator Nelson, Substitute Senate Bill No. 6083 was substituted for Senate Bill No. 6083 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Talmadge, the following amendment by Senators Talmadge and Linda Smith was adopted:

On page 2, line 4, following "section" strike all material through "forty-eight hours" on line 8, and insert "contains property of the debtor that is not covered by the security interest of the secured party, the agent of the secured party as defined in RCW 63.29.010(8) shall return such personal property to the debtor within forty-eight hours"

MOTION

On motion of Senator Nelson, the rules were suspended, Engrossed Substitute Senate Bill No. 6083 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6083.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6083 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Jesernig, Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognilid, von Reichbauer, West, Williams, Wojahn - 45.

Absent: Senator Matson - 1.

Excused: Senators Hayner, Sellar - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6083, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6125, by Senator Bailey

Changing provisions relating to subsistence payments for offenders upon release from confinement.

MOTIONS

On motion of Senator Newhouse, Substitute Senate Bill No. 6125 was substituted for Senate Bill No. 6125 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Newhouse, the rules were suspended, Substitute Senate Bill No. 6125 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6125.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6125 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Jesernig, Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 46.

Excused: Senators Hayner, Sellar - 2.

SUBSTITUTE SENATE BILL NO. 6125, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6126, by Senator L. Smith

Relating to salmon guide and salmon guide vessel operator licenses.

The bill was read the second time.

MOTION

On motion of Senator Metcalf, the rules were suspended, Senate Bill No. 6126 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6126.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6126 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Jesernig, Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 46.

Excused: Senators Hayner, Sellar - 2.

SENATE BILL NO. 6126, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6130, by Senators Patterson, Vognild and McCaslin

Informing new residents of the obligation to register vehicles.

The bill was read the second time.

MOTION

On motion of Senator Patterson, the rules were suspended, Senate Bill No. 6130 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6130.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6130 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Jesernig, Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Wojahn - 45.

Absent: Senator Thorsness - 1.

Excused: Senators Hayner, Sellar - 2.

SENATE BILL NO. 6130, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6133, by Senators Bailey, Erwin, Murray, Oke, Pelz and Gaspard (by request of State Board of Education)

Changing the membership and terms of the state board of education.

The bill was read the second time.

MOTION

On motion of Senator Bailey, the rules were suspended, Senate Bill No. 6133 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6133.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6133 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Jesernig, Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 47.

Excused: Senator Hayner - 1.

SENATE BILL NO. 6133, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6134, by Senators Nelson, A. Smith, Erwin and Madsen

Requiring seals for district courts.

The bill was read the second time.

MOTION

On motion of Senator Nelson, the rules were suspended, Senate Bill No. 6134 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6134.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6134 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Jesernig, Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 47.

Excused: Senator Hayner - 1.

SENATE BILL NO. 6134, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6135, by Senators Nelson, A. Smith, Erwin and Madsen

Requiring permanent retention of name change orders.

MOTIONS

On motion of Senator Nelson, Substitute Senate Bill No. 6135 was substituted for Senate Bill No. 6135 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Nelson, the rules were suspended, Substitute Senate Bill No. 6135 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6135.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6135 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Jesernig, Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 47.

Excused: Senator Hayner - 1.

SUBSTITUTE SENATE BILL NO. 6135, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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

REPORTS OF STANDING COMMITTEES

February 10, 1992

SB 6129 Prime Sponsor, Senator Patterson: Requiring new residents to register their vehicles before getting a driver's license. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 6129 be substituted therefor, and the substitute bill do pass. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; von Reichbauer, Vice Chairman; Barr, Conner, Erwin, Hansen, Madsen, McMullen, Oke, Skratek, Snyder, Thorsness and Vognild.

Passed to Committee on Rules for second reading.

February 10, 1992

SB 6211 Prime Sponsor, Senator Bailey: Changing provisions relating to excess levies by school districts. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bauer, Bluechel, Gaspard, Kreidler, Murray, Niemi, Owen, Rinehart, L. Smith, Talmadge and Wojahn.

Passed to Committee on Rules for second reading.

There being no objection, the Vice President Pro Tempore advanced the Senate to the third order of business.

MESSAGE FROM THE GOVERNOR

January 24, 1992

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

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

John Lantz appointed January 24, 1992, for a term ending September 30, 1996, as a member of the Board of Trustees for Tacoma Community College District No. 22.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

MOTION

At 12:02 p.m., on motion of Senator Newhouse, the Senate recessed until 6:00 p.m.

The Senate was called to order at 8:00 p.m. by President Pro Tempore Craswell.

There being no objection, the President Pro Tempore returned the Senate to the first order of business.

REPORTS OF STANDING COMMITTEES

February 11, 1992

SB 5335 Prime Sponsor, Senator Rasmussen: Allowing benefits for emergency medical service district volunteers. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Second Substitute Senate Bill No. 5335 be substituted therefor, and the second substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bauer, Bluechel, Cantu, Gaspard, Kreidler, Metcalf, Murray, Newhouse, Niemi, Owen, Rinehart, Saling, L. Smith, Talmadge, West, Williams and Wojahn.

Passed to Committee on Rules for second reading.

February 11, 1992

SB 5993 Prime Sponsor, Senator Cantu: Increasing the income limits of residents of nonprofit homes for tax exemption purposes. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5993 be substituted therefor, and the substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bluechel, Cantu, Metcalf, Newhouse, Owen, L. Smith, West and Williams.

Passed to Committee on Rules for second reading.

February 11, 1992

SB 6054 Prime Sponsor, Senator L. Smith: Modifying the chiropractic practice act. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended by Committee on Health and Long-Term Care. Signed by Senators McDonald, Chairman; Amondson, Bailey, Bauer, Bluechel, Cantu, Gaspard, Kreidler, Metcalf, Murray, Niemi, Owen, L. Smith and Talmadge.

Passed to Committee on Rules for second reading.

February 10, 1992

SB 6074 Prime Sponsor, Senator Conner: Providing additional unemployment insurance benefits. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bauer, Bluechel, Cantu, Metcalf, Murray, Newhouse, Niemi, Owen, Saling, Talmadge, West and Wojahn.

Passed to Committee on Rules for second reading.

February 10, 1992

SB 6095 Prime Sponsor, Senator Bailey: Facilitating the construction of flood control measures. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 6095 be substituted therefor, and the substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bauer, Bluechel, Cantu, Matson, Newhouse, Saling, L. Smith and West.

Passed to Committee on Rules for second reading.

February 11, 1992

SB 6099 Prime Sponsor, Senator L. Smith: Compensating taxes on lands valued at current use. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 6099 be substituted therefor, and the substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bauer, Bluechel, Cantu, Gaspard, Matson, Metcalf, Newhouse, Owen, Saling, L. Smith, West and Williams.

Passed to Committee on Rules for second reading.

February 11, 1992

SB 6114 Prime Sponsor, Senator Craswell: Concerning support enforcement of medical care costs. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Second Substitute Senate Bill No. 6114 be substituted therefor, and the second substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bluechel, Cantu, Hayner, Matson, Metcalf, Newhouse, L. Smith and West.

Passed to Committee on Rules for second reading.

February 11, 1992

SB 6127 Prime Sponsor, Senator Bailey: Relating to school construction. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Second Substitute Senate Bill No. 6127 be substituted therefor, and the second substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bauer, Bluechel, Cantu, Gaspard, Kreidler, Metcalf, Murray, Niemi, Rinehart, Saling, Talmadge and Williams.

Passed to Committee on Rules for second reading.

February 11, 1992

SB 6145 Prime Sponsor, Senator Barr: Extending use tax exemptions to trailers. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 6145 be substituted therefor, and the substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bluechel, Cantu, Kreidler, Matson, Metcalf, Newhouse, Saling, L. Smith, West and Williams.

Passed to Committee on Rules for second reading.

February 11, 1992

SB 6197 Prime Sponsor, Senator Owen: Establishing Hood Canal as a marine fish preservation area. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Second Substitute Senate Bill No. 6197 be substituted therefor, and the second substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bluechel, Cantu, Gaspard, Kreidler, Matson, Metcalf, Murray, Newhouse, Niemi, Owen, Rinehart, Saling, L. Smith, Talmadge, West, Williams and Wojahn.

Passed to Committee on Rules for second reading.

February 11, 1992

SB 6201 Prime Sponsor, Senator Amondson: Controlling the regulatory taking of private property. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bauer, Bluechel, Cantu, Gaspard, Matson, Metcalf, Newhouse, L. Smith and West.

Passed to Committee on Rules for second reading.

February 11, 1992

SB 6210 Prime Sponsor, Senator Thorsness: Providing sentencing alternatives for offenders. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Second Substitute Senate Bill No. 6210 be substituted therefor, and the second substitute bill do pass. Signed by Senators Bailey, Bluechel, Hayner, Kreidler, Metcalf, Murray, Newhouse, Niemi, Rinehart, Saling, Talmadge and Williams.

Passed to Committee on Rules for second reading.

February 10, 1992

SB 6225 Prime Sponsor, Senator West: Exempting excess nursing supplies cost from the reimbursement of the pilot facility for persons living with AIDS. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 6225 be substituted therefor, and the substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bauer, Bluechel, Cantu, Gaspard, Kreidler, Metcalf, Murray, Newhouse, Niemi, Saling, L. Smith, Talmadge, West, Williams and Wojahn.

Passed to Committee on Rules for second reading.

February 11, 1992

SB 6255 Prime Sponsor, Senator Anderson: Requiring counties or cities considering wetlands protection ordinances to create an inventory and map of wetlands. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Second Substitute Senate Bill No. 6255 be substituted therefor, and the second substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bauer, Bluechel, Cantu, Gaspard, Matson, Metcalf, Murray, Newhouse, Owen, L. Smith, West and Williams.

Passed to Committee on Rules for second reading.

February 11, 1992

SB 6260 Prime Sponsor, Senator Roach: Including fetal alcohol syndrome and fetal alcohol effect in the definition of developmental disability. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 6260 be substituted therefor, and the substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bauer, Bluechel, Gaspard, Kreidler, Murray, Newhouse, Niemi, Rinehart, L. Smith, Talmadge, West, Williams and Wojahn.

Passed to Committee on Rules for second reading.

February 11, 1992

SB 6270 Prime Sponsor, Senator Newhouse: Modifying municipal criminal justice account distribution. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators McDonald, Chairman; Bluechel, Cantu, Gaspard, Kreidler, Murray, Newhouse, Niemi, Rinehart, Talmadge, West, Williams and Wojahn.

Passed to Committee on Rules for second reading.

February 11, 1992

SB 6299 Prime Sponsor, Senator Anderson: Regulating health care and vocational services provided under industrial insurance. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 6299 be substituted therefor, and the substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bluechel, Cantu, Gaspard, Kreidler, Matson, Murray, Newhouse, Niemi, Owen, Saling, L. Smith, West and Williams.

Passed to Committee on Rules for second reading.

February 10, 1992

SB 6317 Prime Sponsor, Senator Barr: Consolidating gross weight permit authority. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 6317 be substituted therefor, and the substitute bill do pass. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; von Reichbauer, Vice Chairman; Barr, Erwin, Hansen, Madsen, Oke, Sellar, Skratek, Snyder, Thorsness and Vognild.

Passed to Committee on Rules for second reading.

February 11, 1992

SB 6334 Prime Sponsor, Senator Talmadge: Modifying procedures for residential and treatment services for children. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Second Substitute Senate Bill No. 6334 be substituted therefor, and the second substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bluechel, Cantu, Kreidler, Rinehart, L. Smith, Talmadge, West, Williams and Wojahn.

Passed to Committee on Rules for second reading.

February 11, 1992

SB 6347 Prime Sponsor, Senator Nelson: Making changes to the domestic violence statute. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Second Substitute Senate Bill No. 6347 be substituted therefor, and the second substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bauer, Bluechel, Cantu, Gaspard, Kreidler, Metcalf, Murray, Niemi, Owen, Rinehart, L. Smith, Talmadge, West, Williams and Wojahn.

Passed to Committee on Rules for second reading.

February 11, 1992

SB 6350 Prime Sponsor, Senator West: Providing for aircraft maintenance vocational training. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 6350 be substituted therefor, and the substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bauer, Bluechel, Cantu, Gaspard, Kreidler, Matson, Metcalf, Murray, Newhouse, Owen, Rinehart, Saling, L. Smith, West, Williams and Wojahn.

Passed to Committee on Rules for second reading.

February 11, 1992

SB 6353 Prime Sponsor, Senator McCaslin: Restricting the ringing of bells or sounding of whistles on locomotives. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 6353 be substituted therefor, and the substitute bill do pass. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; Hansen, Madsen, McMullen, Oke, Sellar, Skratek, Thorsness and Vognild.

Passed to Committee on Rules for second reading.

February 10, 1992

SB 6364 Prime Sponsor, Senator Hayner: Enacting provisions to curtail the use of fraudulent documents. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Second Substitute Senate Bill No. 6364 be substituted therefor, and the second substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bluechel, Cantu, Metcalf, Newhouse, Owen, Saling, L. Smith and West.

MINORITY Recommendation: Do not pass. Signed by Senators Bauer, Gaspard, Kreidler, Murray, Niemi, Rinehart, Talmadge, Williams and Wojahn.

Passed to Committee on Rules for second reading.

February 10, 1992

SB 6372 Prime Sponsor, Senator Erwin: Studying pedestrian and bicycle fatalities along state route 520. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 6372 be substituted therefor, and the substitute bill do pass. Signed by Senators Patterson, Chairman; Nelson, Vice

Chairman; von Reichbauer, Vice Chairman; Barr, Conner, Erwin, Hansen, Madsen, McMullen, Oke, Skratek, Snyder, Thorsness and Vognild.

Passed to Committee on Rules for second reading.

February 10, 1992

SB 6378 Prime Sponsor, Senator Barr: Decriminalizing the escape of animal wastes from farm vehicles crossing small ferries. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 6378 be substituted therefor, and the substitute bill do pass. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; von Reichbauer, Vice Chairman; Barr, Erwin, Hansen, Madsen, Sellar, Skratek, Snyder, Thorsness and Vognild.

Passed to Committee on Rules for second reading.

February 11, 1992

SB 6384 Prime Sponsor, Senator Sellar: Enacting the small employer health insurer availability act. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bauer, Bluechel, Cantu, Gaspard, Kreidler, Matson, Metcalf, Murray, Newhouse, Niemi, Rinehart, Saling, West, Williams and Wojahn.

Passed to Committee on Rules for second reading.

February 10, 1992

SB 6393 Prime Sponsor, Senator Bailey: Instituting fees on dairy producers and handlers and food processors to support WSDA food safety inspection program. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 6393, as recommended by Committee on Agriculture and Water Resources, be substituted therefor and the substitute bill do pass. Signed by Senators McDonald, Chairman; Bailey, Bauer, Bluechel, Gaspard, Metcalf, Murray, Newhouse, Rinehart, Saling, Talmadge and Wojahn.

Passed to Committee on Rules for second reading.

February 11, 1992

SB 6395 Prime Sponsor, Senator von Reichbauer: Concerning the business and occupation taxation of stock brokers, broker-dealers, and security houses. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 6395 be substituted therefor, and the substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bauer, Bluechel, Cantu, Gaspard, Kreidler, Matson, Metcalf, Murray, Newhouse, L. Smith, Talmadge, West and Wojahn.

Passed to Committee on Rules for second reading.

February 10, 1992

SB 6426 Prime Sponsor, Senator Erwin: Regulating addition of territory to public transportation benefit areas. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 6426 be substituted therefor, and the substitute bill do pass. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; von Reichbauer, Vice Chairman; Barr, Conner, Erwin, Hansen, Madsen, McMullen, Oke, Skratek, Snyder, Thorsness and Vognild.

Passed to Committee on Rules for second reading.

February 11, 1992

SB 6456 Prime Sponsor, Senator Cantu: Revising statutes regarding state information resources. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 6456 be substituted therefor, and the substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bluechel, Cantu, Gaspard, Kreidler, Matson, Metcalf, L. Smith, Talmadge, West, Williams and Wojahn.

Passed to Committee on Rules for second reading.

February 11, 1992

SB 6460 Prime Sponsor, Senator Sellar: Removing redundant for hire vehicle provisions. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 6460 be substituted therefor, and the substitute bill do pass. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; Barr, Hansen, Madsen, McMullen, Oke, Sellar, Skratek, Thorsness and Vognild.

Passed to Committee on Rules for second reading.

February 11, 1992

SB 6464 Prime Sponsor, Senator Patterson: Revising financing of public transit. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 6464 be substituted therefor, and the substitute bill do pass. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; von Reichbauer, Vice Chairman; Conner, Erwin, Hansen, Madsen, McMullen, Oke, Skratek, Snyder, Thorsness and Vognild.

Passed to Committee on Rules for second reading.

MOTION

At 8:03 p.m., on motion of Senator Newhouse, the Senate adjourned until 9:00 a.m., Wednesday, February 12, 1992.

JOEL PRITCHARD, President of the Senate

GORDON GOLOB, Secretary of the Senate.

THIRTY-FIRST DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, February 12, 1992

The Senate was called to order at 9:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Bluechel, Craswell, Gaspard, Hayner, Matson, McMullen, Moore, Patterson, Rinehart, Sellar, Snyder and Vognild. On motion of Senator Anderson, Senators Bluechel, Craswell, Hayner, Matson, Patterson and Sellar were excused. On motion of Senator Murray, Senators Gaspard, McMullen, Moore, Rinehart, Snyder and Vognild were excused.

The Sergeant at Arms Color Guard, consisting of Pages Lucinda Aherns and Jason Erickson, presented the Colors. Reverend Randy Burtis, pastor of the Neighborhood Christian Center of Tumwater, offered the prayer.

MOTION

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

MESSAGE FROM THE GOVERNOR

January 30, 1992

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Al Brisbois, reappointed January 30, 1992, for a term ending September 30, 1997, as a member of the Board of Trustees for Eastern Washington University.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Higher Education

MESSAGES FROM THE HOUSE

February 10, 1992

MR. PRESIDENT:

The House has passed:

REENGROSSED SUBSTITUTE HOUSE BILL NO. 1037,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1153,

ENGROSSED HOUSE BILL NO. 1185,

REENGROSSED SUBSTITUTE HOUSE BILL NO. 1198,

ENGROSSED HOUSE BILL NO. 1298,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1495,

SUBSTITUTE HOUSE BILL NO. 1598,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1634,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1651,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2028, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

February 11, 1992

MR. PRESIDENT:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1310,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1501,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2171,
HOUSE BILL NO. 2265,
SUBSTITUTE HOUSE BILL NO. 2299,
SUBSTITUTE HOUSE BILL NO. 2323, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

INTRODUCTION AND FIRST READING OF HOUSE BILLS

RESHB 1037 by House Committee on Judiciary (originally sponsored by Representatives Appelwick, Prince, Wineberry, Belcher, Heavey, R. Meyers, Dorn, H. Myers, Phillips, Wang, Miller, Ludwig, Prentice, Leonard, Locke, Riley, Fraser, R. King, Nelson, Pruitt, G. Fisher, Jacobsen, Anderson and Brekke) (by request of Governor Gardner)

Creating a procedure to monitor crimes of bigotry or bias.

Referred to Committee on Law and Justice.

ESHB 1153 by House Committee on Judiciary (originally sponsored by Representatives Winsley, Rust, Horn, Valle, Edmondson, Neher, G. Cole, Anderson, Ferguson, Jacobsen, Rasmussen, R. Johnson, Paris, Scott, Betrozoff, Nealey and Sprengle)

Prescribing monetary penalties for littering.

Referred to Committee on Environment and Natural Resources.

EHB 1185 by Representatives Appelwick, Paris and Wineberry

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

Referred to Committee on Law and Justice.

RESHB 1198 by House Committee on Local Government (originally sponsored by Representatives Hine, G. Fisher, Holland, Forner, Prentice, Spanel, Valle, Heavey, R. Johnson and Leonard)

Regulating the placement of electrical facilities.

Referred to Committee on Energy and Utilities.

EHB 1298 by Representatives Wang, Holland, Nelson, Phillips, Fraser, Brumsickle, Rust, Ballard, Leonard, Horn, Haugen, May, Heavey, Ferguson, Jacobsen, O'Brien, Morris, Winsley, Appelwick, H. Sommers, Dorn, Belcher, Van Luven, Morton, Locke, Brekke, Pruitt, Spanel, Wineberry, Kremen, Cooper, Betrozoff, Jones, Franklin, Dellwo, H. Myers, Ogden, Bray, G. Cole, Roland, Basich, Scott and Anderson

Providing property tax exemptions for low-income homeowners.

Referred to Committee on Ways and Means.

ESHB 1310 by House Committee on State Government (originally sponsored by Representatives McLean, R. Fisher, Anderson, Miller, Hine, Moyer, Spanel, Bowman, Kremen, Ballard, Tate, Brekke, Vance, Paris, May, Leonard, Mitchell, Jacobsen, Wineberry, Pruitt, Basich and Wang)

Establishing voter registration by mail.

Referred to Committee on Governmental Operations.

ESHB 1495 by House Committee on Commerce and Labor (originally sponsored by Representatives Heavey and Hargrove) (by request of Department of Licensing)

Changing land development regulations.

Referred to Committee on Governmental Operations.

ESHB 1501 by House Committee on State Government (originally sponsored by Representatives McLean, Anderson, Miller, Bowman, Chandler, Silver, Holland and Paris)

Authorizing mail balloting in certain primaries and special elections.

Referred to Committee on Governmental Operations.

SHB 1598 by House Committee on Higher Education (originally sponsored by Representatives Basich, Jacobsen, Hine, Peery, Hargrove, Sheldon, Jones, H. Myers, Winsley and G. Fisher)

Enhancing the future teacher conditional scholarship program.

Referred to Committee on Higher Education.

ESHB 1634 by House Committee on Judiciary (originally sponsored by Representatives Winsley, Appelwick, Former, Padden, Vance, Miller, D. Sommers, Tate, Wood, Wynne, Horn, Bowman, Neher, Holland, Moyer, Casada, Mitchell, Paris, Chandler, Ferguson, Betrozoff, Lisk, G. Cole, Scott, R. Johnson, Kremen, Riley, Ballard and Anderson)

Adjusting fines for improper parking in a disabled space.

Referred to Committee on Transportation.

ESHB 1651 by House Committee on Local Government (originally sponsored by Representatives Franklin, Edmondson, Haugen, Ferguson, Valle and Wood)

Providing for public hospital district chaplains.

Referred to Committee on Health and Long-Term Care.

ESHB 2028 by House Committee on Judiciary (originally sponsored by Representatives Appelwick and Paris)

Updating the uniform controlled substances act.

Referred to Committee on Health and Long-Term Care.

ESHB 2171 by House Committee on State Government (originally sponsored by Representative Anderson)

Providing procedures for filling vacancies.

Referred to Committee on Governmental Operations.

HB 2265 by Representatives H. Myers, Riley, Leonard, Hargrove, Winsley, Ludwig, Bowman and Van Luven (by request of Department of Corrections)

Clarifying responsibilities for criminal procedure for the criminally insane.

Referred to Committee on Law and Justice.

SHB 2299 by House Committee on Commerce and Labor (originally sponsored by Representatives Heavey, Franklin, McLean, R. King, Lisk and Jones)

Adopting the Washington lease-purchase agreement act.

Referred to Committee on Commerce and Labor.

SHB 2323 by House Committee on Judiciary (originally sponsored by Representatives Ludwig, Wineberry, Locke and Riley)

Redefining some property crimes.

Referred to Committee on Law and Justice.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENT
MOTION

On motion of Senator Saling, Gubernatorial Appointment No. 9221, Shirley Rector, as a member of the Spokane Joint Center Board of Governors, was confirmed.

APPOINTMENT OF SHIRLEY RECTOR

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 36; Nays, 0; Absent, 0; Excused, 12.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Cantu, Conner, Erwin, Hansen, Jesernig, Kreidler, Madsen, McCaslin, McDonald, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Rasmussen, Roach, Saling, Skratek, A. Smith, L. Smith, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, West, Williams, Wojahn - 36.

Excused: Senators Bluechel, Craswell, Gaspard, Hayner, Matson, McMullen, Moore, Patterson, Rinehart, Sellar, Snyder, Vognild - 12.

SECOND READING

SENATE BILL NO. 6137, by Senators Nelson, A. Smith, Erwin, Gaspard and Oke

Conforming penalties for alcoholic beverage violations with other criminal penalties.

The bill was read the second time.

MOTION

On motion of Senator Nelson, the rules were suspended, Senate Bill No. 6137 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6137.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6137 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Cantu, Conner, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 44.

Excused: Senators Bluechel, Craswell, Matson, Patterson - 4.

SENATE BILL NO. 6137, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6138, by Senators Nelson, A. Smith, Erwin and Madsen

Repealing the power of district courts to require a "peace bond".

MOTIONS

On motion of Senator Nelson, Substitute Senate Bill No. 6138 was substituted for Senate Bill No. 6138 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Nelson, the rules were suspended, Substitute Senate Bill No. 6138 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6138.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6138 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 46.

Excused: Senators Bluechel, Matson - 2.

SUBSTITUTE SENATE BILL NO. 6138, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6140, by Senators Nelson, A. Smith, Erwin and Madsen

Recodifying the penalty for failure to comply with a written promise to appear after a traffic infraction.

The bill was read the second time.

MOTION

On motion of Senator Nelson, the rules were suspended, Senate Bill No. 6140 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6140.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6140 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 47.

Excused: Senator Matson - 1.

SENATE BILL NO. 6140, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6141, by Senators Erwin, A. Smith, Madsen and Gaspard

Allowing an antiharassment action to be brought in the appropriate judicial district.

MOTIONS

On motion of Senator Nelson, Substitute Senate Bill No. 6141 was substituted for Senate Bill No. 6141 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Nelson, the rules were suspended, Substitute Senate Bill No. 6141 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6141.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6141 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 47.

Excused: Senator Matson - 1.

SUBSTITUTE SENATE BILL NO. 6141, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6161, by Senators Oke and Sutherland (by request of Department of Natural Resources)

Allowing the nonpermanent disposition of public lands.

The bill was read the second time.

MOTIONS

On motion of Senator Metcalf, the following Committee on Environment and Natural Resources amendment was adopted:

On page 2, line 6, after "appropriation." strike "All earnings of investments of balances in the account shall be credited to the account."

On motion of Senator Metcalf, the rules were suspended, Engrossed Senate Bill No. 6161 was advanced to third reading, the second reading considered the third and the bill was placed on final passage. Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6161.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6161 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 1.

Voting yeas: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 47.

Excused: Senator Matson - 1.

ENGROSSED SENATE BILL NO. 6161, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6121, by Senators Bauer, West, Kreidler, Amondson, Wojahn and L. Smith

Providing for the release of a deceased patient's information and records.

The bill was read the second time.

MOTIONS

On motion of Senator Bauer, the following amendment by Senators Bauer and West was adopted: On page 6, following line 13, strike all of section 3

On motion of Senator West, the following title amendment was adopted: On page 1, line 2 of the title, after "71.05.400" strike all material through "RCW" on line 3

MOTION

On motion of Senator West, the rules were suspended, Engrossed Senate Bill No. 6121 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6121.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6121 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 47.

Excused: Senator Matson - 1.

ENGROSSED SENATE BILL NO. 6121, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6172, by Senators Nelson, Vognild, Thorsness and Rasmussen

Concerning the use of fuel that is not subject to the vehicle fuel excise tax.

The bill was read the second time.

MOTION

On motion of Senator Nelson, the rules were suspended, Senate Bill No. 6172 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6172.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6172 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 47.

Excused: Senator Matson - 1.

SENATE BILL NO. 6172, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6181, by Senators Newhouse, Rasmussen, Anderson, Nelson, McDonald, Talmadge, Wojahn, Hayner, Thorsness, Sellar, Murray, Snyder, Kreidler, Patterson, Johnson, Craswell, Amondson, Bauer, McMullen, Oke, L. Smith and Erwin

Providing funding for senior volunteer programs.

The bill was read the second time.

MOTION

On motion of Senator McCaslin, the rules were suspended, Senate Bill No. 6181 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6181.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6181 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 47.

Excused: Senator Matson - 1.

SENATE BILL NO. 6181, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6187, by Senators Nelson, Madsen and A. Smith

Allowing service of process on a marital community by serving either spouse.

MOTIONS

On motion of Senator Nelson, Substitute Senate Bill No. 6187 was substituted for Senate Bill No. 6187 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Nelson, the rules were suspended, Substitute Senate Bill No. 6187 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6187.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6187 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 47.

Excused: Senator Matson - 1.

SUBSTITUTE SENATE BILL NO. 6187, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6191, by Senators West, Vognild, Sellar, Murray and L. Smith

Updating the schedules of drugs that the board of pharmacy has authority to control.

MOTIONS

On motion of Senator West, Substitute Senate Bill No. 6191 was substituted for Senate Bill No. 6191 and the substitute bill was placed on second reading and read the second time.

On motion of Senator West, the rules were suspended, Substitute Senate Bill No. 6191 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6191.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6191 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 47.

Excused: Senator Matson - 1.

SUBSTITUTE SENATE BILL NO. 6191, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Adam Smith, Senator Murray was excused.

SECOND READING

SENATE BILL NO. 6192, by Senators West, Vognild, Sellar, Murray and L. Smith

Changing certain drug regulations.

MOTIONS

On motion of Senator West, Substitute Senate Bill No. 6192 was substituted for Senate Bill No. 6192 and the substitute bill was placed on second reading and read the second time.

On motion of Senator West, the rules were suspended, Substitute Senate Bill No. 6192 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

PARLIAMENTARY INQUIRY

Senator Talmadge: "Mr. President, a parliamentary inquiry. I know it is very important that we realphabetize all of the drugs in the RCW, but I was wondering if it was possible for there to be a single vote for the entire consent calendar. Is that something that would be permissible from a parliamentary perspective, Mr. President?"

REPLY BY THE PRESIDENT

President Pritchard: "I'm not certain that that would be allowed. I think these measures have to be voted on one by one and you'll have to bear with it, Senator."

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6192.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6192 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 45.

Absent: Senator Madsen - 1.

Excused: Senators Matson, Murray - 2.

SUBSTITUTE SENATE BILL NO. 6192, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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SECOND READING

SENATE BILL NO. 6203, by Senators Thorsness and Williams

Revising cost restrictions associated with the Northwest low-level waste compact.

The bill was read the second time.

MOTION

On motion of Senator Thorsness, the rules were suspended, Senate Bill No. 6203 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6203.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6203 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 46.

Excused: Senators Matson, Murray - 2.

SENATE BILL NO. 6203, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Adam Smith, Senator Skratek was excused.

SECOND READING

SENATE BILL NO. 6212, by Senators Anderson, Bailey, Barr, Gaspard, Newhouse, Sellar, Jesernig and Bauer

Authorizing the fruit commission to change assessments for fruits and classifications.

The bill was read the second time.

MOTION

On motion of Senator Barr, the rules were suspended, Senate Bill No. 6212 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6212.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6212 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, A. Smith, L. Smith, Snyder, Stratton, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 45.

Voting nay: Senator Sutherland - 1.

Excused: Senators Matson, Skratek - 2.

SENATE BILL NO. 6212, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6213, by Senator Roach

Setting certain special election dates.

The bill was read the second time.

MOTIONS

On motion of Senator McCaslin, the following Committee on Governmental Operations amendment was adopted:

On page 4, line 16, after "he" insert "or she"

On motion of Senator McCaslin, the rules were suspended, Engrossed Senate Bill No. 6213 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6213.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6213 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, West, Williams, Wojahn - 46.

Absent: Senator Vognild - 1.

Excused: Senator Matson - 1.

ENGROSSED SENATE BILL NO. 6213, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

MOTION

On motion of Senator von Reichbauer, the following resolution was adopted:

SENATE RESOLUTION 1992-8719

By Senators von Reichbauer, Gaspard, Rasmussen, Oke, Madsen, Rinehart, Bailey, Barr, Murray, Thorsness, Cantu, Patterson, Stratton, Jesernig, Saling and Anderson

WHEREAS, The University of Washington Husky Football Team, under the direction of Coach Don James, received the national rank of Top-Dawg, winning their first National Championship; and

WHEREAS, The Huskies won their second straight Pacific-Ten Championship and represented the PAC-10 at the Tournament of Roses in Pasadena, California, on New Years Day, 1992; and

WHEREAS, The James Gang then thoroughly dominated a top-ranked, Heisman Trophy-toting Michigan team, winning the Rose Bowl 34-14; and

WHEREAS, The victory sealed a perfect season for Coach James and the Huskies with twelve wins; and

WHEREAS, Coach James holds many lofty accomplishments such as the winningest coach in Husky history, the most victories by any coach in the prestigious PAC-8 and/or PAC-10 Conference and now a national championship; and

WHEREAS, Among his peers, Coach James is recognized as the finest coach in the nation, winning the heralded Bear Bryant Coaching Award; and

WHEREAS, When one national publication ranked the three best college football coaches in the country, it listed in order: Don James, Don James, Don James; and

WHEREAS, Don James' winning ways are not limited to only the football field; and

WHEREAS, Don James has been described by some sources as being knee deep in charitable organizations, including many local civic groups such as the Boy Scouts, March of Dimes, American Cancer Fund, Junior Achievement and Cystic Fibrosis; and

WHEREAS, Don James is very fortunate, receiving a great amount of encouragement and fervor in his pursuits on the football field and off of it from a former cheerleader, his wife, Carol;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the state of Washington, That the members of the Senate -- be they Huskies or even Cougars or alumni of other respected institutions -- express their gratitude and pride to Coach James, his coaching staff and all the members of the 1991 National Champion University of Washington Husky Football Team; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Coach Don James, his staff and the entire 1991 Husky football team.

Senators von Reichbauer, Gaspard, Oke, Hayner, McCaslin, Anderson and Rasmussen spoke to Senate Resolution 1992-8719.

INTRODUCTION OF SPECIAL GUESTS

The President introduced Coach Don James, who in turn introduced his wife, Carol, and several members of the 1991 Husky Football Team, all seated on the rostrum.

With permission of the Senate, business was suspended to permit Coach James to address the Senate.

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

SECOND READING

SENATE BILL NO. 6228, by Senators Saling, Stratton, Bauer, Patterson and von Reichbauer

Including members of certain higher education boards in the definition of executive state officer for purposes of public disclosure reporting.

MOTIONS

On motion of Senator Saling, Substitute Senate Bill No. 6228 was substituted for Senate Bill No. 6228 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Saling, the rules were suspended, Substitute Senate Bill No. 6228 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

MOTION

On motion of Senator Murray, Senator Vognild was excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6228.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6228 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, West, Williams, Wojahn - 46.

Excused: Senators Matson, Vognild - 2.

SUBSTITUTE SENATE BILL NO. 6228, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6272, by Senators McCaslin, Madsen, Sutherland, Matson and Roach

Creating the Washington state fire services mobilization plan.

MOTIONS

On motion of Senator McCaslin, Substitute Senate Bill No. 6272 was substituted for Senate Bill No. 6272 and the substitute bill was placed on second reading and read the second time.

On motion of Senator McCaslin, the rules were suspended, Substitute Senate Bill No. 6272 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6272.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6272 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, West, Williams, Wojahn - 46.

Excused: Senators Matson, Vognild - 2.

SUBSTITUTE SENATE BILL NO. 6272, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6241, by Senators von Reichbauer, Moore and Newhouse

Allowing certain nonprofit organizations to insure the life of a person.

MOTIONS

On motion of Senator von Reichbauer, Substitute Senate Bill No. 6241 was substituted for Senate Bill No. 6241 and the substitute bill was placed on second reading and read the second time.

On motion of Senator von Reichbauer, the rules were suspended, Substitute Senate Bill No. 6241 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

POINT OF INQUIRY

Senator Rasmussen: "Senator von Reichbauer, we recently had testimony in our financial and banking committee on the Clark County PUD, where they had bought an annuity--a hundred thousand dollar annuity--and the manager down there of the PUD had drawn out ninety-eight thousand dollars of the annuity. The commissioners said, 'Well that was because they thought they ought to give him some back pay.' Back pay is prohibited, of course, by the Constitution. I don't know what action the attorney general or the auditor are going to take on that case, but it was rather a strange case. Would this allow that same type of activity?"

Senator von Reichbauer: "Mr. President and members of the Senate, in answer to Senator Rasmussen's cogent question, that was an issue brought before our committee by Senator Smith and that bill that deals primarily with that particular policy, the annuity, is still in the Senate Rules Committee, as I understand it. This measure that you have before you would not be adversely impacted by anything that that bill would do. This provides to the consumer full disclosure of any insurance policy taken out by a nonprofit organization and, indeed, the PUD in question would not qualify under IRS 501C3."

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6241.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6241 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, West, Williams, Wojahn - 46.

Excused: Senators Matson, Vognild - 2.

SUBSTITUTE SENATE BILL NO. 6241, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6276, by Senators Snyder and Nelson

Providing compensation limits for district judges vacating office.

The bill was read the second time.

MOTION

On motion of Senator Nelson, the rules were suspended, Senate Bill No. 6276 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6276.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6276 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, West, Williams, Wojahn - 46.

Excused: Senators Matson, Vognild - 2.

SENATE BILL NO. 6276, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6289, by Senators Bauer, Sellar, Gaspard, Newhouse, Sutherland, Snyder, Owen, Madsen, McMullen, Vognild and Rasmussen

Requiring agencies to accept fax and phone comments at rule-making hearings.

The bill was read the second time.

MOTION

On motion of Senator McCaslin, the rules were suspended, Senate Bill No. 6289 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

MOTION

On motion of Senator Rinehart, Senator Moore was excused.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6289.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6289 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, West, Williams, Wojahn - 45.

Excused: Senators Matson, Moore, Vognild - 3.

SENATE BILL NO. 6289, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6295, by Senators Erwin, A. Smith, Kreidler, Newhouse, Nelson, Rasmussen, McCaslin and von Reichbauer

Enabling a court to sentence a person convicted of driving under the influence to attend a panel of victims of similar crimes.

The bill was read the second time.

MOTION

On motion of Senator Nelson, the rules were suspended, Senate Bill No. 6295 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6295.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6295 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, West, Williams, Wojahn - 45.

Excused: Senators Matson, Moore, Vognild - 3.

SENATE BILL NO. 6295, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6296, by Senators West, Niemi, Amondson, Stratton, Newhouse, Kreidler, Wojahn, Gaspard and Pelz

Authorizing infant mortality reviews.

The bill was read the second time.

MOTION

On motion of Senator West, the rules were suspended, Senate Bill No. 6296 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

MOTION

On motion of Senator Adam Smith, Senator Skratek was excused.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6296.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6296 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, West, Williams, Wojahn - 45.

Excused: Senators Matson, Skratek, Vognild - 3.

SENATE BILL NO. 6296, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6306, by Senator Snyder

Funding the Puget Island ferry.

MOTIONS

On motion of Senator Patterson, Substitute Senate Bill No. 6306 was substituted for Senate Bill No. 6306 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Patterson, the rules were suspended, Substitute Senate Bill No. 6306 was advanced to third reading, the second reading considered the third and the bill was placed on final passage. Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6306.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6306 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, West, Williams, Wojahn - 45.

Excused: Senators Matson, Skratek, Vognild - 3.

SUBSTITUTE SENATE BILL NO. 6306, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6309, by Senators McCaslin and Madsen

Removing disqualified candidates from the ballot.

The bill was read the second time.

MOTION

On motion of Senator McCaslin, the rules were suspended, Senate Bill No. 6309 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

MOTION

On motion of Senator Adam Smith, Senator Murray was excused.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6309.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6309 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, West, Williams, Wojahn - 45.

Excused: Senators Matson, Murray, Vognild - 3.

SENATE BILL NO. 6309, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6328, by Senators Rinehart and Saling

Changing bid procedures for public institutions of higher education.

MOTIONS

On motion of Senator Saling, Substitute Senate Bill No. 6328 was substituted for Senate Bill No. 6328 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Saling, the rules were suspended, Substitute Senate Bill No. 6328 was advanced to third reading, the second reading considered the third and the bill was placed on final passage. Debate ensued.

MOTION

On motion of Senator Anderson, Senator von Reichbauer was excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6328.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6328 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, West, Williams, Wojahn - 45.

Excused: Senators Matson, Vognild, von Reichbauer - 3.

SUBSTITUTE SENATE BILL NO. 6328, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6329, by Senators Nelson and Rasmussen

Repealing obsolete sections in the Revised Code of Washington.

The bill was read the second time.

MOTION

On motion of Senator Nelson, the rules were suspended, Senate Bill No. 6329 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6329.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6329 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, West, Williams, Wojahn - 45.

Excused: Senators Matson, Murray, Vognild - 3.

SENATE BILL NO. 6329, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6330, by Senators Nelson, Madsen, Bauer, McCaslin, Oke and Roach

Concerning the operation of a motor vehicle while license is suspended or revoked.

MOTIONS

On motion of Senator Nelson, Substitute Senate Bill No. 6330 was substituted for Senate Bill No. 6330 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Nelson, the rules were suspended, Substitute Senate Bill No. 6330 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6330.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6330 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, West, Williams, Wojahn - 45.

Excused: Senators Matson, Vognild, von Reichbauer - 3.

SUBSTITUTE SENATE BILL NO. 6330, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6333, by Senators Thorsness and Roach (by request of Department of Licensing)

Affecting vehicle license registration.

The bill was read the second time.

MOTION

On motion of Senator Patterson, the rules were suspended, Senate Bill No. 6333 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6333.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6333 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, West, Williams, Wojahn - 46.

Excused: Senators Matson, von Reichbauer - 2.

SENATE BILL NO. 6333, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 11:43 a.m., on motion of Senator Newhouse, the Senate recessed until 1:45 p.m.

The Senate was called to order at 2:26 p.m. by President Pritchard.

MOTION

On motion of Senator Murray, Senators Moore and Rinehart were excused.

SECOND READING

SENATE BILL NO. 6351, by Senators Nelson and Rasmussen

Repealing obsolete sections in the Revised Code of Washington.

The bill was read the second time.

MOTION

On motion of Senator Nelson, the rules were suspended, Senate Bill No. 6351 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6351.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6351 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Jesernig, Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 44.

Absent: Senator Hayner - 1.

Excused: Senators Matson, Moore, Rinehart - 3.

SENATE BILL NO. 6351, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6357, by Senator Metcalf

Making technical changes to statutes concerning solid waste and recycling.

The bill was read the second time.

MOTION

On motion of Senator Metcalf, the rules were suspended, Senate Bill No. 6357 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6357.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6357 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 46.

Excused: Senators Matson, Moore - 2.

SENATE BILL NO. 6357, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6361, by Senators Anderson, McMullen and Rasmussen (by request of Department of Labor and Industries)

Canceling the expiration date for the industrial insurance labor-management cooperation program.

MOTIONS

On motion of Senator Anderson, Substitute Senate Bill No. 6361 was substituted for Senate Bill No. 6361 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Anderson, the rules were suspended, Substitute Senate Bill No. 6361 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6361.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6361 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 45.

Voting nay: Senator Niemi - 1.

Excused: Senators Matson, Moore - 2.

SUBSTITUTE SENATE BILL NO. 6361, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6366, by Senators Pelz, Bailey, Erwin, Craswell, Rinehart, Murray and A. Smith

Creating the planning for learning project.

MOTIONS

On motion of Senator Bailey, Substitute Senate Bill No. 6366 was substituted for Senate Bill No. 6366 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Bailey, the rules were suspended, Substitute Senate Bill No. 6366 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6366.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6366 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 46.

Excused: Senators Matson, Moore - 2.

SUBSTITUTE SENATE BILL NO. 6366, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6373, by Senators Erwin, Skratek, Thorsness, Oke, Patterson and Vognild

Adding a citizen member to the transportation improvement board.

MOTIONS

On motion of Senator Patterson, Substitute Senate Bill No. 6373 was substituted for Senate Bill No. 6373 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Patterson, the rules were suspended, Substitute Senate Bill No. 6373 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6373.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6373 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 46.

Excused: Senators Matson, Moore - 2.

SUBSTITUTE SENATE BILL NO. 6373, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Adam Smith, Senator Skratek was excused.

SECOND READING

SENATE BILL NO. 6390, by Senators Moore, von Reichbauer and Rasmussen

Concerning the director of licensing's enforcement of the securities industry.

The bill was read the second time.

MOTION

On motion of Senator von Reichbauer, the rules were suspended, Senate Bill No. 6390 was advanced to third reading, the second reading considered the third and the bill was placed on final passage. Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6390.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6390 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 46.

Excused: Senators Matson, Skratek - 2.

SENATE BILL NO. 6390, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6430, by Senators Nelson and Rasmussen

Correcting an error in procedure for review of eminent domain judgments.

The bill was read the second time.

MOTION

On motion of Senator Nelson, the rules were suspended, Senate Bill No. 6430 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6430.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6430 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 46.

Excused: Senators Matson, Skratek - 2.

SENATE BILL NO. 6430, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6427, by Senators Murray and Skratek

Declaring when goods mailed without authority become gifts.

The bill was read the second time.

MOTIONS

On motion of Senator Anderson, the following Committee on Commerce and Labor amendments were considered simultaneously and were adopted:

- On page 1, line 6, after "goods" insert "or services"
- On page 1, line 8, after "goods" insert "or services"
- On page 1, line 9, after "the goods" insert "or services"
- On page 1, line 9, before "are" insert "or services"
- On page 1, line 11, after "the goods" insert "or services according to the terms under which they are being offered"
- On page 1, line 11, before "are" insert "or services"
- On page 1, line 13, before "and" insert "or services"
- On page 1, line 13, before "notwithstanding" insert "or services"
- On page 1, line 14, after "goods" insert "or services"
- On page 2, line 3, after "goods" insert "or services"
- On page 2, line 4, before "were" insert "or services"
- On page 2, line 6, after "goods" insert "or services"
- On page 1, line 6, after "are" strike "mailed" and insert "~~((mailed))~~ provided"
- On page 1, beginning on line 7, strike "delivery of ~~((such))~~" and insert "~~((delivery of such))~~"
- On page 1, line 9, strike "to the sender" and insert "~~((to the sender))~~"
- On page 1, line 11, before "of" strike "sending" and insert "receipt"
- On page 1, line 13, strike "sender sends the"
- On page 1, line 13, before "notwithstanding" insert "are provided"
- On page 2, line 2, after "the" strike "sender" and insert "~~((sender))~~ provider"
- On page 2, line 4, after "were" strike "mailed" and insert "~~((mailed))~~ provided"
- On page 2, after line 6, insert the following:

NEW SECTION. Sec. 2. A new section is added to chapter 19.56 RCW to read as follows:

Violation of RCW 19.56.020 is a matter affecting the public interest for the purpose of applying chapter 19.86 RCW. Failure to comply with this chapter is not reasonable in relation to the development and preservation of business. A violation of RCW 19.56.020 constitutes an unfair or deceptive act or practice in trade or commerce for the purposes of applying chapter 19.86 RCW.

On motion of Senator Anderson, the following title amendment was adopted:

On page 1, line 1 of the title, after "mailings;" strike the remainder of the title and insert "amending RCW 19.56.020; and adding a new section to chapter 19.56 RCW."

MOTION

On motion of Senator Anderson, the rules were suspended, Engrossed Senate Bill No. 6427 was advanced to third reading, the second reading considered the third and the bill was placed on final passage. Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6427.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6427 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 46.

Excused: Senators Matson, Skratek - 2.

ENGROSSED SENATE BILL NO. 6427, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6432, by Senators L. Smith, West and Sellar

Providing coordinated services for children with disabilities.

The bill was read the second time.

MOTIONS

On motion of Senator West, the following Committee on Health and Long-Term Care amendment was adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that there is an urgent and substantial need to:

(1) Enhance the development of infants and toddlers with disabilities in the state of Washington in order to minimize developmental delay and maximize individual potential and enhance the capacity of families to meet the needs of their infants and toddlers with disabilities and maintain family integrity;

(2) Coordinate and enhance the state's existing early intervention services to ensure a state-wide, community-based, coordinated, interagency program of early intervention services for infants and toddlers with disabilities and their families; and

(3) Facilitate the coordination of payment for early intervention services from federal, state, local, and private sources including public and private insurance coverage.

NEW SECTION. Sec. 2. For the purposes of implementing this chapter, the governor shall appoint a state birth-to-six interagency coordinating council and ensure that state agencies involved in the provision of, or payment for, early intervention services to infants and toddlers with disabilities and their families shall coordinate and collaborate in the planning and delivery of such services.

No state or local agency currently providing early intervention services to infants and toddlers with disabilities may use funds appropriated for early intervention services for infants and toddlers with disabilities to supplant funds from other sources. No state or local agency may delay, interrupt, or divert funds appropriated for early intervention programs for infants and toddlers with disabilities from those programs.

All state and local agencies shall ensure that the implementation of this chapter will not cause any interruption in existing early intervention services for infants and toddlers with disabilities.

Nothing in this chapter shall be construed to permit the restriction or reduction of eligibility under Title V of the Social Security Act, P.L. 90-248, relating to maternal and child health or Title XIX of the Social Security Act, P.L. 89-97, relating to medicaid for infants and toddlers with disabilities.

NEW SECTION. Sec. 3. State and local agencies or entities receiving public money for providing or paying for early intervention services shall enter into formal interagency agreements that define their relationships and financial responsibilities in the provision of services within each county. Such interagency agreements must include procedures for resolving disputes and all additional components necessary to ensure collaboration and coordination.

NEW SECTION. Sec. 4. The state birth-to-six interagency coordinating council shall identify and work with county early childhood interagency coordinating councils to coordinate and enhance existing early intervention services and assist each community to meet the needs of infants and toddlers with disabilities and their families.

NEW SECTION. Sec. 5. Sections 1 through 4 of this act shall constitute a new chapter in Title 70 RCW.

On motion of Senator West, the following title amendment was adopted:

On page 1, line 2 of the title, after "toddlers;" strike the remainder of the title and insert "and adding a new chapter to Title 70 RCW."

MOTION

On motion of Senator West, the rules were suspended, Engrossed Senate Bill No. 6432 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6432.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6432 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 47.

Excused: Senator Matson - 1.

ENGROSSED SENATE BILL NO. 6432, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6441, by Senators McMullen and Matson

Establishing construction lien rights.

The bill was read the second time.

MOTIONS

On motion of Senator McMullen, the following Committee on Commerce and Labor amendment was adopted:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 60.04.011 and 1991 c 281 s 1 are each amended to read as follows:

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

(1) "Construction agent" means any registered or licensed contractor, registered or licensed subcontractor, architect, engineer, or other person having charge of any improvement to real property, who shall be deemed the agent of the owner for the limited purpose of establishing the lien created by this chapter.

(2) "Contract price" means the amount agreed upon by the contracting parties, or if no amount is agreed upon, then the customary and reasonable charge therefor.

(3) "Draws" means periodic disbursements of interim or construction financing by a lender.

(4) "Furnishing labor, professional services, materials, or equipment" means the performance of any labor or professional services, the contribution owed to any employee benefit plan on account of any labor, the provision of any supplies or materials, and the renting, leasing, or otherwise supplying of equipment for the improvement of real property.

(5) "Improvement" means: (a) Constructing, altering, repairing, remodeling, demolishing, clearing, grading, or filling in, of, to, or upon any real property or street or road in front of or adjoining the same; (b) planting of trees, vines, shrubs, plants, hedges, or lawns, or providing other landscaping materials on any real property; and (c) providing professional services upon real property or in preparation for or in conjunction with the intended activities in (a) or (b) of this subsection.

(6) "Interim or construction financing" means that portion of money secured by a mortgage, deed of trust, or other encumbrance to finance improvement of, or to real property, but does not include:

(a) Funds to acquire real property;

(b) Funds to pay interest, insurance premiums, lease deposits, taxes, assessments, or prior encumbrances;

(c) Funds to pay loan, commitment, title, legal, closing, recording, or appraisal fees;

(d) Funds to pay other customary fees, which pursuant to agreement with the owner or borrower are to be paid by the lender from time to time;

(e) Funds to acquire personal property for which the potential lien claimant may not claim a lien pursuant to this chapter.

(7) "Labor" means exertion of the powers of body or mind performed at the site for compensation. "Labor" includes amounts due and owed to any employee benefit plan on account of such labor performed.

(8) "Mortgagee" means a person who has a valid mortgage of record or deed of trust of record securing a loan.

(9) (~~"Owner" means the record holder of any legal or beneficial title to the real property to be improved or developed.~~

~~(10))~~ "Owner-occupied" means a single-family residence occupied by the owner as his or her principal residence.

~~((11))~~ (10) "Payment bond" means a surety bond issued by a surety licensed to issue surety bonds in the state of Washington that confers upon potential claimants the rights of third party beneficiaries.

~~((12))~~ (11) "Potential lien claimant" means any person or entity entitled to assert lien rights under this chapter who has otherwise complied with the provisions of this chapter and is registered or licensed if required to be licensed or registered by the provisions of the laws of the state of Washington.

~~((13))~~ (12) "Prime contractor" includes all contractors, general contractors, and specialty contractors, as defined by chapter 18.27 or 19.28 RCW, or who are otherwise required to be registered or licensed by law, who contract directly with a property owner or their common law agent to assume primary responsibility for the creation of an improvement to real property, and includes property owners or their common law agents who are contractors, general contractors, or specialty contractors as defined in chapter 18.27 or 19.28 RCW, or who are otherwise required to be registered or licensed by law, who offer to sell their property without occupying or using the structures, projects, developments, or improvements for more than one year.

~~((14))~~ (13) "Professional services" means surveying, establishing or marking the boundaries of, preparing maps, plans, or specifications for, or inspecting, testing, or otherwise performing any other architectural or engineering services for the improvement of real property.

~~((15))~~ (14) "Real property lender" means a bank, savings bank, savings and loan association, credit union, mortgage company, or other corporation, association, partnership, trust, or individual that makes loans secured by real property located in the state of Washington.

~~((16))~~ (15) "Site" means the real property which is or is to be improved.

~~((17))~~ (16) "Subcontractor" means a general contractor or specialty contractor as defined by chapter 18.27 or 19.28 RCW, or who is otherwise required to be registered or licensed by law, who contracts for the improvement of real property with someone other than the owner of the property or their common law agent.

Sec. 2. RCW 60.04.031 and 1991 c 281 s 3 are each amended to read as follows:

(1) Except as otherwise provided in this section, every person furnishing professional services, materials, or equipment for the improvement of real property shall give the owner or reputed owner notice in writing of the right to claim a lien. If the prime contractor is in compliance with the requirements of RCW 19.27.095, 60.04.230, and 60.04.261, this notice shall also be given to the prime contractor as described in this subsection unless the potential lien claimant has contracted directly with the prime contractor. The notice may be given at any time but only protects the right to claim a lien for professional services, materials, or equipment supplied after the date which is sixty days before:

(a) Mailing the notice by certified or registered mail to the owner or reputed owner; or

(b) Delivering or serving the notice personally upon the owner or reputed owner and obtaining evidence of ((service)) delivery in the form of a receipt or other acknowledgement signed by the owner or reputed owner or an affidavit of service.

In the case of new construction of a single-family residence, the notice of a right to claim a lien may be given at any time but only protects the right to claim a lien for professional services, materials, or equipment supplied after a date which is ten days before the notice is mailed or served as described in this subsection.

(2) Notices of a right to claim a lien shall not be required of:

(a) Persons who contract directly with the owner or the owner's common law agent;

(b) Laborers whose claim of lien is based solely on performing labor; or

(c) Subcontractors who contract for the improvement of real property directly with the prime contractor, except as provided in subsection (3)(b) of this section.

(3) Persons who furnish professional services, materials, or equipment in connection with the repair, alteration, or remodel of an existing owner-occupied single-family residence or appurtenant garage:

(a) Who contract directly with the owner-occupier or their common law agent shall not be required to send a written notice of the right to claim a lien and shall have a lien for the full amount due under their contract, as provided in RCW 60.04.021; or

(b) Who do not contract directly with the owner-occupier or their common law agent shall give notice of the right to claim a lien to the owner-occupier. Liens ((claims-by)) of persons furnishing professional services, materials, or equipment who do not contract directly with the owner-occupier or their common law agent may only be satisfied from amounts not yet paid to the prime contractor by the owner at the time the notice described in this section is received, regardless of whether amounts not yet paid to the prime contractor are due. For the purposes of this section "received" means actual notice by personal service, or registered or certified mail, or three days after mailing by first class mail, excluding Saturdays, Sundays, or legal holidays.

(4) The notice of right to claim a lien described in subsection (1) of this section, shall include but not be limited to the following information and shall substantially be in the following form, using lower-case and upper-case ten-point type where appropriate.

NOTICE TO OWNER

IMPORTANT: READ BOTH SIDES OF THIS NOTICE CAREFULLY.

PROTECT YOURSELF FROM PAYING TWICE

To:..... Date:.....
Re:.....(description of property: Street address or general location.)
From:.....

AT THE REQUEST OF: (Name of person ((placing the order)) ordering the professional services, materials, or equipment)

THIS IS NOT A LIEN: This notice is sent to you to tell you who is providing professional services, materials, or equipment for the improvement of your property and to advise you of the rights of these persons and your responsibilities. Also take note that laborers on your project may claim a lien without sending you a notice.

OWNER/OCCUPIER OF EXISTING RESIDENTIAL PROPERTY

Under Washington law, those who (~~work on or provide materials~~) furnish labor, professional services, materials, or equipment for the repair, remodel, or alteration of your owner-occupied principal residence and who are not paid, have a right to enforce their claim for payment against your property. This claim is known as a construction lien.

The law limits the amount that a lien claimant can claim against your property. Claims may only be made against that portion of the contract price you have not yet paid to your prime contractor as of the time (~~you received~~) this notice was personally served on you or five days after this notice was mailed to you. Review the back of this notice for more information and ways to avoid lien claims.

COMMERCIAL AND/OR NEW RESIDENTIAL PROPERTY

We have or will be providing (~~labor, materials,~~) professional services, materials, or equipment for the improvement of your commercial or new residential project. In the event you or your contractor fail to pay us, we may file a lien against your property. A lien may be claimed for all (~~materials, equipment, and~~) professional services, materials, or equipment furnished after a date that is sixty days before this notice was personally served on you or mailed to you, unless the improvement to your property is the construction of a new single-family residence, then ten days before this notice was personally served on you or mailed to you.

Sender:

Address:

Telephone:

Brief description of professional services, materials, or equipment provided or to be provided:

IMPORTANT INFORMATION ON REVERSE SIDE

IMPORTANT INFORMATION FOR YOUR PROTECTION

This notice is sent to inform you that we have or will provide (~~materials,~~) professional services, materials, or equipment for the repair, remodel, or alteration of your property. We expect to be paid by the person who ordered our services, but if we are not paid, we have the right to enforce our claim by filing a construction lien against your property.

LEARN more about the lien laws and the meaning of this notice by discussing them with your contractor, suppliers, Department of Labor and Industries, the firm sending you this notice, your lender, or your attorney.

COMMON METHODS TO AVOID CONSTRUCTION LIENS: There are several methods available to protect your property from construction liens. The following are two of the more commonly used methods.

DUAL PAYCHECKS (Joint Checks): When paying your contractor for services or materials, you may make checks payable jointly to the contractor and the firms furnishing you this notice.

LIEN RELEASES: You may require your contractor to provide lien releases signed by all the suppliers and subcontractors from whom you have received this notice. If they cannot obtain lien releases because you have not paid them, you may use the dual payee check method to protect yourself.

YOU SHOULD TAKE (~~WHATEVER~~) APPROPRIATE STEPS (~~YOU BELIEVE NECESSARY~~) TO PROTECT YOUR PROPERTY FROM LIENS.

YOUR PRIME CONTRACTOR AND YOUR CONSTRUCTION LENDER ARE REQUIRED BY LAW TO GIVE YOU WRITTEN INFORMATION ABOUT LIEN CLAIMS. IF YOU HAVE NOT RECEIVED IT, ASK THEM FOR IT.

(5) Every potential lien claimant providing professional services where no improvement as defined in RCW 60.04.011(5) (a) or (b) has been commenced, and the professional services provided are not visible from an inspection of the real property (~~shall~~) may record in the real property records of the county where the property is located a notice which shall contain the professional service provider's name, address, telephone number, legal description of the property, the owner or reputed owner's name, and the general nature of the professional services provided. If such notice is not recorded, the lien claimed shall be subordinate to the interest of any subsequent mortgagee and invalid as to the interest of any subsequent purchaser (~~who~~) if the mortgagee or purchaser acts in good faith and for a valuable consideration acquires an interest in the property prior to the

commencement of an improvement as defined in RCW 60.04.011(5) (a) or (b) without notice of the professional services being provided. The notice described in this subsection shall be substantially in the following form:

NOTICE OF FURNISHING PROFESSIONAL SERVICES

That on the (day) day of (month and year), (name of provider) began providing professional services upon or for the improvement of real property legally described as follows:

[Legal Description
is mandatory]

The general nature of the professional services provided is

.....
The owner or reputed owner of the real property is
.....

.....
(Signature)

.....
(Name of Claimant)

.....
(Street Address)

.....
(City, State, Zip Code)

.....
(Phone Number)

(6) A lien authorized by this chapter shall not be enforced unless the lien claimant has complied with the applicable provisions of this section.

NEW SECTION. Sec. 3. A new section is added to chapter 60.04 RCW to read as follows:

Any act of coercion or attempted coercion, including a threat to withhold future contracts, by a contractor or developer to discourage a contractor, subcontractor, or material or equipment supplier from giving an owner the notice of right to claim a lien required by RCW 60.04.031, or from filing a lien claim under this chapter shall constitute an unfair or deceptive act or practice in trade or commerce and a violation of chapter 19.86 RCW.

Sec. 4. RCW 60.04.041 and 1991 c 281 s 4 are each amended to read as follows:

A contractor or subcontractor required to be registered under chapter 18.27 RCW or licensed under chapter 19.28 RCW, or otherwise required to be registered or licensed by law, shall be deemed the construction agent of the owner for the purposes of establishing the lien created by this chapter only if so registered or licensed. Persons dealing with contractors or subcontractors may rely, for the purposes of this section, upon a certificate of registration issued pursuant to chapter 18.27 RCW or license issued pursuant to chapter 19.28 RCW, or other certificate or license issued pursuant to law, covering the period when the labor, professional services, material, or equipment shall be furnished, and the lien rights shall not be lost by suspension or revocation of registration or license without their knowledge. No lien rights described in this ~~((section))~~ chapter shall be lost or denied by virtue of the absence, suspension, or revocation of such registration or license with respect to any contractor or subcontractor not in immediate contractual privity with the lien claimant.

Sec. 5. RCW 60.04.051 and 1991 c 281 s 5 are each amended to read as follows:

The lot, tract, or parcel of land which is improved is subject to a lien to the extent of the interest of the ~~((person for whom))~~ owner at whose instance, directly or through a common law or construction agent the labor, professional services, equipment, or materials were furnished, as the court deems appropriate for satisfaction of the lien. If, for any reason, the title or interest in the land upon which the improvement is situated cannot be subjected to the lien, the court in order to satisfy the lien may order the sale and removal of the improvement from the land which is subject to the lien ~~((from the land))~~.

Sec. 6. RCW 60.04.081 and 1991 c 281 s 8 are each amended to read as follows:

(1) Any owner of real property subject to a recorded ~~((notice of))~~ claim of lien under this chapter, or ~~((the))~~ contractor ~~((or))~~ subcontractor, lender, or lien claimant who believes the claim of lien to be frivolous and made without reasonable cause, or clearly excessive may apply by motion to the superior court for the county where the property, or some part thereof is located, for an order directing the lien claimant to appear before the court at a time no earlier than six nor later than fifteen days following the date of service of the application and order on the lien claimant, and show cause, if any he or she has, why the ~~((lien claim))~~ relief requested should not be ~~((dismissed, with prejudice))~~ granted. The motion shall state the grounds upon which relief is asked, and shall be supported by the affidavit of the applicant or his or her attorney setting forth a concise statement of the facts upon which the motion is based.

(2) The order shall clearly state that if the lien claimant fails to appear at the time and place noted the lien ((claim)) shall be ((dismissed)) released, with prejudice (([]), and that the lien claimant shall be ordered to pay the costs requested by the applicant including reasonable attorneys' fees.

(3) If no action to foreclose the lien claim has been filed, the clerk of the court shall assign a cause number to the application and obtain from the applicant a filing fee of thirty-five dollars. If an action has been filed to foreclose the lien claim, the application shall be made a part of that action.

(4) If, following a ((full)) hearing on the matter, the court determines that the lien ((claim)) is frivolous and made without reasonable cause, or clearly excessive, the court shall issue an order ((dismissing)) releasing the lien claim if frivolous and made without reasonable cause, or reducing the ((claim)) lien if clearly excessive, and awarding costs and reasonable attorneys' fees to the applicant to be paid by the lien claimant. If the court determines that the ((claim-of)) lien is not frivolous and was made with reasonable cause, and is not clearly excessive, the court shall issue ((and)) an order so stating and awarding costs and reasonable attorneys' fees to the lien claimant to be paid by the applicant.

(5) Proceedings under this section shall not affect other rights and remedies available to the parties under this chapter or otherwise.

Sec. 7. RCW 60.04.091 and 1991 c 281 s 9 are each amended to read as follows:

Every person claiming a lien under RCW 60.04.021 shall ((record)) file for recording, in the county where the subject property is located, a notice of claim of lien not later than ninety days after the person has ceased to furnish labor, professional services, materials, or equipment or the last date on which employee benefit contributions were due. The notice of claim of lien:

(1) Shall state in substance and effect:

(a) The name, phone number, and address of the claimant;

(b) The first and last date on which the labor, professional services, materials, or equipment was furnished or employee benefit contributions were due;

(c) The name of the person indebted to the claimant;

(d) The street address, legal description, or other description reasonably calculated to identify, for a person familiar with the area, the location of the real property to be charged with the lien;

(e) The name of the owner or reputed owner of the property, if known, and, if not known, that fact shall be stated; and

(f) The principal amount for which the lien is claimed.

(2) Shall be signed by the claimant or some person authorized to act on his or her behalf who shall affirmatively state they have read the notice of claim of lien and believe the notice of claim of lien to be true and correct under penalty of perjury, and shall be acknowledged pursuant to chapter 64.08 RCW. If the ((claim)) lien has been assigned, the name of the assignee shall be stated. Where an action to foreclose the lien has been commenced such notice of claim of lien may be amended as pleadings may be by order of the court insofar as the interests of third parties are not adversely affected by such amendment. A claim of lien substantially in the following form shall be sufficient:

CLAIM OF LIEN

....., claimant, vs .., ((owner or reputed owner)) defendant:

~~((Notice is hereby given that on the day of (date of commencement of furnishing labor, professional services, materials, or equipment and the last date contributions to any type of employee benefit plan became due), at the request of,, commenced to (perform labor, furnish professional services, materials, or equipment) upon (here describe property subject to the lien) of which property the owner, or reputed owner, is (or if the owner or reputed owner is not known, insert the word "unknown"), the (furnishing of labor, professional services, materials, or equipment) ceased on the day of; that said (labor, professional services, material, or equipment) was of the value of dollars, for which the undersigned claims a lien upon the property herein described for the sum of dollars. (In case the claim has been assigned, add the words "and is assignee of said claim", or claims, if several are united.)))~~ Notice is hereby given that the person named below claims a lien pursuant to chapter 64.04 RCW. In support of this lien the following information is submitted:

1. NAME OF LIEN CLAIMANT:
TELEPHONE NUMBER:
ADDRESS:

2. DATE ON WHICH THE CLAIMANT BEGAN TO PERFORM LABOR, PROVIDE PROFESSIONAL SERVICES, SUPPLY MATERIAL OR EQUIPMENT OR THE DATE ON WHICH EMPLOYEE BENEFIT CONTRIBUTIONS BECAME DUE:

3. NAME OF PERSON INDEBTED TO THE CLAIMANT:

4. DESCRIPTION OF THE PROPERTY AGAINST WHICH A LIEN IS CLAIMED (Street address, legal description or other information that will reasonably describe the property).

.....
.....
.....

5. NAME OF THE OWNER OR REPUTED OWNER (If not known state "unknown"):.....

6. THE LAST DATE ON WHICH LABOR WAS PERFORMED; PROFESSIONAL SERVICES WERE FURNISHED; CONTRIBUTIONS TO AN EMPLOYEE BENEFIT PLAN WERE DUE; OR MATERIAL, OR EQUIPMENT WAS FURNISHED:.....

.....

7. IF THE CLAIMANT IS THE ASSIGNEE OF THIS CLAIM SO STATE HERE:.....

.....

....., Claimant
.....
.....
(Phone number, address, city,
and state of claimant)

STATE OF WASHINGTON, COUNTY OF

.....,SS.

....., being sworn, says: I am the claimant (or attorney of the claimant, or administrator, representative, or agent of the trustees of an employee benefit plan) above named; I have read or heard the foregoing claim, read and know the contents thereof, and believe the same to be true and correct and that the claim of lien is not frivolous, is made with reasonable cause and is not clearly excessive under penalty of perjury.

Subscribed and sworn to before me this day of

.....
.....

The period provided for recording the (~~notice~~) claim of lien is a period of limitation and no action to foreclose a (~~claim of~~) lien shall be maintained unless the (~~notice is recorded~~) claim of lien is filed for recording within the ninety-day period stated. The lien claimant shall give (~~notice of~~) a copy of the claim of lien to the owner or reputed owner by mailing it by certified or registered mail or by personal service within fourteen days of the time the claim of lien is (~~recorded~~) filed for recording. Failure to do so results in a forfeiture of any right the claimant may have to attorneys' fees and costs against the owner under RCW 60.04.181.

Sec. 8. RCW 60.04.141 and 1991 c 281 s 14 are each amended to read as follows:

No lien created by this chapter binds the property subject to the lien for a longer period than eight calendar months after the (~~notice of~~) claim of lien has been recorded unless an action is filed by the lien claimant within that time in the superior court in the county where the subject property is located to enforce the lien, and service is made upon the owner of the subject property within ninety days of the date of filing the action; or, if credit is given and the terms thereof are stated in the (~~notice of~~) claim of lien, then eight calendar months after the expiration of such credit; and in case the action is not prosecuted to judgment within two years after the commencement thereof, the court, in its discretion, may dismiss the action for want of prosecution, and the dismissal of the action or a judgment rendered thereon that no lien exists shall constitute a cancellation of the lien. This is a period of limitation, which shall be tolled by the filing of any petition seeking protection under Title Eleven, United States Code by an owner of any property subject to the lien established by this chapter.

Sec. 9. RCW 60.04.151 and 1991 c 281 s 15 are each amended to read as follows:

The lien claimant shall be entitled to recover upon the claim recorded the contract price after deducting all claims of other lien claimants to whom the claimant is liable, for furnishing labor, professional services, materials, or equipment; and in all cases where a (~~notice of~~) claim of lien shall be recorded under this chapter for labor, professional services, materials, or equipment supplied to any lien claimant, he or she shall defend any action brought thereupon at his or her own expense(~~and~~). During the pendency of the action, the owner may withhold from the prime contractor the amount of money for which a claim is recorded by any subcontractor, supplier, or laborer(~~and~~). In case of judgment against the owner or the owner's property, upon the lien, the owner shall be entitled to deduct from sums due to the prime contractor the principal amount of the judgment from any amount due or to become due from (~~him or her~~) the owner to the (~~lien claimant~~) prime contractor plus such costs, including interest and attorneys' fees, as the court deems just and equitable, and (~~he or she~~) the owner shall be entitled to recover back from the (~~lien claimant~~) prime contractor the amount for which (~~the~~) a lien (~~is~~) or liens are established in excess of any sum that may remain due from (~~him or her~~) the owner to the (~~lien claimant~~) prime contractor.

Sec. 10. RCW 60.04.161 and 1991 c 281 s 16 are each amended to read as follows:

Any owner of real property subject to a recorded (~~notice of~~) claim of lien under this chapter, or (~~the~~) contractor (~~or~~), subcontractor, lender, or lien claimant who disputes the correctness or validity of the (~~notice of~~) claim of lien may record, either before or after the commencement of an action to enforce the lien, in the office of the county recorder or auditor in the county where the (~~notice of~~) claim of lien was recorded, a bond issued by a surety company authorized to issue surety bonds in the state. The surety shall be listed in the latest federal department of the treasury list of surety companies acceptable on federal bonds, published in the Federal Register, as authorized to issue bonds on United States government projects with an underwriting limitation, including applicable reinsurance, equal to or greater than the amount of the bond to be recorded. The bond shall contain a description of the (~~notice of~~) claim of lien and real property involved, and be in an amount equal to the greater of five thousand dollars or two times the amount of the lien claimed if it is ten thousand dollars or less, and in an amount equal to or greater than one and one-half times the amount of the lien if it is in excess of ten thousand dollars. If the (~~notice of~~) claim of lien affects more than one parcel of real property and is segregated to each parcel, the bond may be segregated the same as in the (~~notice of~~) claim of lien. A separate bond shall be required for each (~~notice of~~) claim of lien made by separate claimants. However, a single bond may be used to guarantee payment of amounts claimed by more than one (~~lien~~) claim of lien by a single claimant so long as the amount of the bond meets the requirements of this section as applied to the aggregate sum of all claims by such claimant. The condition of the bond shall be to guarantee payment of any judgment upon the lien in favor of the lien claimant entered in any action to recover the amount claimed in a (~~notice of~~) claim of lien, or on the claim asserted in the (~~notice of~~) claim of lien. The effect of recording a bond shall be to release the real property described in the notice of claim of lien from the lien and any action brought to recover the amount claimed. Unless otherwise prohibited by law, if no action is commenced to recover on a lien within the time specified in RCW 60.04.141, the surety shall be discharged from liability under the bond. If an action is timely commenced, then on payment of any judgment entered in the action or on payment of the full amount of the bond to the holder of the judgment, whichever is less, the surety shall be discharged from liability under the bond.

Nothing in this section shall in any way prohibit or limit the use of other methods, devised by the affected parties to secure the obligation underlying a claim of lien and to obtain a release of real property from a claim of lien.

Sec. 11. RCW 60.04.171 and 1991 c 281 s 17 are each amended to read as follows:

The lien provided by this chapter, for which claims of lien have been recorded, may be foreclosed and enforced by a civil action in the court having jurisdiction in the manner prescribed for the judicial foreclosure of a mortgage. The court shall have the power to order the sale of the property. In any action brought to foreclose a lien, the owner shall be joined as a party. The (~~lien claims of all~~) interest in the real property of any person(s) who, prior to the commencement of the action, (~~have legally~~) has a recorded (~~claims of lien against~~) interest in the (~~same~~) property, or any part thereof, shall not be foreclosed or affected unless they are joined as a party.

A person shall not begin an action to foreclose a lien upon any property while a prior action begun to foreclose another lien on the same property is pending, but if not made a party plaintiff or defendant to the prior action, he or she may apply to the court to be joined as a party thereto, and his or her lien may be foreclosed in the same action. The filing of such application shall toll the running of the period of limitation established by RCW 60.04.141 until disposition of the application or other time set by the court. The court shall grant the application for joinder unless to do so would create an undue delay or cause hardship which cannot be cured by the imposition of costs or other conditions as the court deems just. If a lien foreclosure action is filed during the pendency of another such action, the court may, on its own motion or the motion of any party, consolidate actions upon such terms and conditions as the court deems just, unless to do so would create an undue delay or cause hardship which cannot be cured by the imposition of costs or other conditions. If consolidation of actions is not permissible under this section, the lien foreclosure action filed during the pendency of another such action shall not be dismissed if the filing was the result of mistake, inadvertence, surprise, excusable neglect, or irregularity. An action to foreclose a lien shall not be dismissed at the instance of a plaintiff therein to the prejudice of another party to the suit who claims a lien.

Sec. 12. RCW 60.04.181 and 1991 c 281 s 18 are each amended to read as follows:

(1) In every case in which different construction liens are claimed against the same property, the court shall declare the rank of such lien or class of liens, which liens shall be in the following order:

- (a) Liens for the performance of labor;
- (b) Liens for contributions owed to employee benefit plans;
- (c) Liens for furnishing material, supplies, or equipment;
- (d) Liens for subcontractors, including but not limited to their labor and materials; and
- (e) Liens for prime contractors, or for professional services.

(2) The proceeds of the sale of property must be applied to each lien or class of liens in order of its rank and, in an action brought to foreclose a lien, pro rata among each claimant in each separate priority class. A personal judgment may be rendered against any party personally liable for any debt for which the lien is claimed. If the lien is established, the judgment shall provide for the enforcement thereof upon the property liable as in the case of foreclosure of judgment liens. The amount realized by such enforcement of the lien shall be credited upon the proper personal judgment. The deficiency, if any, remaining unsatisfied, shall stand as a personal judgment, and may be collected by execution against any party liable therefor.

(3) The court may allow the prevailing party in the action, whether plaintiff or defendant, as part of the costs of the action, the moneys paid for recording the (~~notice of~~) claim of lien, costs of title report, bond costs, and attorneys' fees and necessary expenses incurred by the attorney in the superior court, court of appeals, supreme court, or arbitration, as the court or arbitrator deems reasonable. Such costs shall have the priority of the class of lien to which they are related, as established by subsection (1) of this section.

(4) Real property against which a lien under this chapter is enforced may be ordered sold by the court and the proceeds deposited into the registry of the clerk of the court, pending further determination respecting distribution of the proceeds of the sale.

Sec. 13. RCW 60.04.221 and 1991 c 281 s 22 are each amended to read as follows:

Any lender providing interim or construction financing where there is not a payment bond of at least fifty percent of the amount of construction financing shall observe the following procedures and the rights and liabilities of the lender and potential lien claimant shall be affected as follows:

(1) Any potential lien claimant who has not received a payment within five days after the date required by their contract, invoice, employee benefit plan agreement, or purchase order may within thirty-five days of the date required for payment of the contract, invoice, employee benefit plan agreement, or purchase order, ~~((file))~~ give a notice as provided in subsections (2) and (3) of this section of the sums due and to become due, for which a potential lien claimant may claim a lien under this chapter.

(2) The notice shall be signed by the potential lien claimant or some person authorized to act on his or her behalf ~~((who shall affirmatively state under penalty of perjury, they have read the notice and believe it to be true and correct))~~.

(3) The notice shall be ~~((filed))~~ given in writing ~~((with))~~ to the lender at the office administering the interim or construction financing, with a copy ~~((furnished))~~ given to the owner and appropriate prime contractor. The notice shall be given by:

(a) Mailing the notice by certified or registered mail to the lender, owner, and appropriate prime contractor;

(b) Delivering or serving the notice personally and obtaining evidence of delivery in the form of a receipt or other acknowledgment signed by the lender, owner, and appropriate prime contractor, or an affidavit of service;

(c) Any combination of (a) and (b) of this subsection.

(4) The notice shall state in substance and effect as follows:

(a) The person, firm, trustee, or corporation filing the notice is entitled to receive contributions to any type of employee benefit plan or has furnished labor, professional services, materials, or equipment for which a ~~((right of))~~ lien is given by this chapter.

(b) The name of the prime contractor, common law agent, or construction agent ordering the same.

(c) A common or street address of the real property being improved or the legal description of the real property.

(d) The name, business address, and telephone number of the lien claimant.

The notice to the lender may contain additional information but shall be in substantially the following form:

NOTICE TO REAL PROPERTY LENDER

(Authorized by RCW)

TO:

(Name of Lender)

.....

(Administrative Office-Street Address)

.....

(City) (State) (Zip)

AND TO:

(Owner)

AND TO:

(Prime Contractor-If Different Than Owner)

.....

(Name of Laborer, Professional, Materials, or Equipment Supplier)

whose business address is, did at the property located at

(Check appropriate box) () perform labor () furnish professional services () provide materials () supply equipment as follows:

.....

.....

.....

which was ordered by,

(Name of Person)

whose address was stated to be.....

.....

The amount owing to the undersigned according to contract or purchase order for labor, supplies, or equipment (as above mentioned) is the sum of Dollars

(\$). Said sums became due and owing as of

.....

(State Date)

.....

You are hereby required to withhold from any future draws on existing construction financing which has been made on the subject property (to the extent there remain undisbursed funds) the sum of Dollars

(\$).

IMPORTANT

Failure to comply with the requirements of this notice may subject the lender to a whole or partial compromise of any priority lien interest it may have pursuant to RCW 60.04.226.

DATE:

By:

Its:

~~((4))~~ (5) After the receipt of the notice, the lender shall withhold from the next and subsequent draws the amount claimed to be due as stated in the notice. Alternatively, the lender may obtain from the prime contractor or borrower a payment bond for the benefit of the potential lien claimant in an amount sufficient to cover the amount stated in the potential lien claimant's notice. The lender shall be obligated to withhold amounts only to the extent that sufficient interim or construction financing funds remain undisbursed as of the date the lender receives the notice.

~~((5))~~ (6) Sums so withheld shall not be disbursed by the lender, except by the written agreement of the potential lien claimant, owner, and prime contractor in such form as may be prescribed by the lender, or the order of a court of competent jurisdiction.

~~((6))~~ (7) In the event a lender fails to abide by the provisions of subsections (4) and (5) of this section, then the mortgage, deed of trust, or other encumbrance securing the lender (~~(will)~~) shall be subordinated to the lien of the potential lien claimant to the extent of the interim or construction financing wrongfully disbursed, but in no event more than the amount stated in the notice plus costs as fixed by the court, including reasonable attorneys' fees.

~~((7))~~ (8) Any potential lien claimant shall be liable for any loss, cost, or expense, including reasonable attorneys' fees and statutory costs, to a party injured thereby arising out of any unjust, excessive, or premature notice filed under purported authority of this section. "Notice" as used in this subsection does not include notice given by a potential lien claimant of the right to claim liens under this chapter where no actual claim is made.

~~((8))~~ (9)(a) Any owner of real property subject to a notice to real property lender under this section, or the contractor or subcontractor, or lien claimants who believe(s) the claim that underlies the notice is frivolous and made without reasonable cause, or is clearly excessive may apply by motion to the superior court for the county where the property, or some part thereof is located, for an order commanding the potential lien claimant who issued the notice to the real property lender to appear before the court at a time no earlier than six nor later than fifteen days from the date of service of the application and order on the potential lien claimant, and show cause, if any he or she has, why the notice to real property lender should not be declared void. The motion shall state the grounds upon which relief is asked and shall be supported by the affidavit of the applicant or his or her attorney setting forth a concise statement of the facts upon which the motion is based.

(b) The order shall clearly state that if the potential lien claimant fails to appear at the time and place noted, the notice to lender shall be declared void and that the potential lien claimant issuing the notice shall be ordered to pay the costs requested by the applicant including reasonable attorneys' fees.

(c) The clerk of the court shall assign a cause number to the application and obtain from the applicant a filing fee of thirty-five dollars.

(d) If, following a (~~full~~) hearing on the matter, the court determines that the claim upon which the notice to real property lender is based is frivolous and made without reasonable cause, or clearly excessive, the court shall issue an order declaring the notice to real property lender void if frivolous, made without reasonable cause, or reducing the amount stated in the notice if clearly excessive, and awarding costs and reasonable attorneys' fees to the applicant to be paid by the person who issued the notice. If the court determines that the claim underlying the notice to real property lender is not frivolous and was made with reasonable cause, and is not clearly excessive, the court shall issue an order so stating and awarding costs and reasonable attorneys' fees to the issuer of the notice to be paid by the applicant.

(e) Proceedings under this subsection shall not affect other rights and remedies available to the parties under this chapter or otherwise.

NEW SECTION. Sec. 14. This act shall take effect April 1, 1992.

On motion of Senator McMullen, the following title amendment was adopted:

On page 1, line 1 of the title, after "liens;" strike the remainder of the title and insert "amending RCW 60.04.011, 60.04.031, 60.04.041, 60.04.051, 60.04.081, 60.04.091, 60.04.141, 60.04.151, 60.04.161, 60.04.171, 60.04.181, and 60.04.221; adding a new section to chapter 60.04 RCW; and providing an effective date."

MOTION

On motion of Senator McMullen, the rules were suspended, Engrossed Senate Bill No. 6441 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6441.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6441 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 3; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, West, Williams - 44.

Absent: Senators McCaslin, Vognild, Wojahn - 3.

Excused: Senator Matson - 1.

ENGROSSED SENATE BILL NO. 6441, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

On motion of Senator Murray, Senator Vognild was excused.

On motion of Senator Adam Smith, Senator Skratek was excused.

SECOND READING

SENATE BILL NO. 6444, by Senators Madsen and Sellar

Regarding membership on boards for television reception improvement districts.

The bill was read the second time.

MOTION

On motion of Senator Thorsness, the rules were suspended, Senate Bill No. 6444 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6444.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6444 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 2; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Thorsness, von Reichbauer, West, Williams, Wojahn - 43.

Voting nay: Senators Moore, Talmadge - 2.

Excused: Senators Matson, Skratek, Vognild - 3.

SENATE BILL NO. 6444, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6451, by Senators von Reichbauer, Vognild and Rasmussen

Limiting surety liability.

MOTIONS

On motion of Senator von Reichbauer, Substitute Senate Bill No. 6451 was substituted for Senate Bill No. 6451 and the substitute bill was placed on second reading and read the second time.

On motion of Senator von Reichbauer, the rules were suspended, Substitute Senate Bill No. 6451 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

MOTION

On motion of Senator Erwin, Senator West was excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6451.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6451 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, Williams, Wojahn - 44.

Excused: Senators Matson, Skratek, Vognild, West - 4.

SUBSTITUTE SENATE BILL NO. 6451, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6452, by Senators Snyder and Conner

Expanding the uses of the proceeds from the county or city special excise tax on lodging to include special event promotional infrastructures.

The bill was read the second time.

MOTION

On motion of Senator McCaslin, the rules were suspended, Senate Bill No. 6452 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

MOTION

On motion of Senator Adam Smith, Senator Pelz was excused.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6452.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6452 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, West, Williams, Wojahn - 45.

Excused: Senators Matson, Pelz, Vognild - 3.

SENATE BILL NO. 6452, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6471, by Senators Craswell, Vognild, Rinehart, Hansen and Amondson

Restricting the requirement to obtain an excise tax registration certificate.

MOTIONS

On motion of Senator McDonald, Substitute Senate Bill No. 6471 was substituted for Senate Bill No. 6471 and the substitute bill was placed on second reading and read the second time.

On motion of Senator McDonald, the rules were suspended, Substitute Senate Bill No. 6471 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6471.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6471 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, West, Williams, Wojahn - 45.

Excused: Senators Matson, Pelz, Vognild - 3.

SUBSTITUTE SENATE BILL NO. 6471, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6494, by Senators Thorsness and Jesernig

Modifying sublease and rent requirements concerning the ninety-nine-year lease of Hanford reservation land.

MOTIONS

On motion of Senator Thorsness, Substitute Senate Bill No. 6494 was substituted for Senate Bill No. 6494 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Thorsness, the rules were suspended, Substitute Senate Bill No. 6494 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

MOTION

On motion of Senator Murray, Senator Wojahn was excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6494.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6494 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 1; Excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Rasmussen, Rinehart, Roach, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, West, Williams - 43.

Absent: Senator Saling - 1.

Excused: Senators Matson, Pelz, Vognild, Wojahn - 4.

SUBSTITUTE SENATE BILL NO. 6494, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

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

On motion of Senator Newhouse, Senate Concurrent Resolution No. 8424 and Senate Concurrent Resolution No. 8425, which were held on the desk February 7, 1992, were referred to the Committee on Rules.

On motion of Senator Newhouse, Senate Bill No. 5544, which was on the third reading calendar, was referred to the Committee on Rules.

MOTION

At 3:49 p.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 3:53 p.m. by President Pritchard.

MOTIONS

On motion of Senator Newhouse, the Committee on Law and Justice was relieved of further consideration of Substitute House Bill No. 1255.

On motion of Senator Newhouse, Substitute House Bill No. 1255 was referred to the Committee on Commerce and Labor.

MOTION

At 3:54 p.m., on motion of Senator Newhouse, the Senate adjourned until 9:00 a.m., Thursday, February 13, 1992.

JOEL PRITCHARD, President of the Senate.

GORDON A. GOLOB, Secretary of the Senate.

THIRTY-SECOND DAY

MORNING SESSION

Senate Chamber, Olympia, Thursday, February 13, 1992

The Senate was called to order at 9:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Conner, Matson, McDonald, Pelz, Snyder and Talmadge. On motion of Senator Murray, Senators Conner, Pelz, Snyder and Talmadge were excused. On motion of Senator Anderson, Senators Matson and McDonald were excused.

The Sergeant at Arms Color Guard, consisting of Pages Amy Spalding and Logan Burnett, presented the Colors. Reverend Randy Burtis, pastor of the Neighborhood Christian Center of Tumwater, offered the prayer.

MOTION

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

MESSAGES FROM THE HOUSE

February 11, 1992

MR. PRESIDENT:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 1205,
 ENGROSSED HOUSE BILL NO. 1225,
 HOUSE BILL NO. 1280,
 ENGROSSED HOUSE BILL NO. 1281,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1631,
 SUBSTITUTE HOUSE BILL NO. 1736,
 SUBSTITUTE HOUSE BILL NO. 2251,
 HOUSE BILL NO. 2259,
 ENGROSSED HOUSE BILL NO. 2260,
 HOUSE BILL NO. 2261,
 HOUSE BILL NO. 2266,
 HOUSE BILL NO. 2270,
 SUBSTITUTE HOUSE BILL NO. 2271,
 SUBSTITUTE HOUSE BILL NO. 2275,
 HOUSE BILL NO. 2278,
 HOUSE BILL NO. 2286,
 SUBSTITUTE HOUSE BILL NO. 2291,
 SUBSTITUTE HOUSE BILL NO. 2302,
 SUBSTITUTE HOUSE BILL NO. 2306,
 SUBSTITUTE HOUSE BILL NO. 2308,
 SUBSTITUTE HOUSE BILL NO. 2315,
 ENGROSSED HOUSE BILL NO. 2316,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2318,
 HOUSE BILL NO. 2320,

SUBSTITUTE HOUSE BILL NO. 2328,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2334,
 HOUSE BILL NO. 2335,
 SUBSTITUTE HOUSE BILL NO. 2341,
 ENGROSSED HOUSE BILL NO. 2347,
 HOUSE BILL NO. 2350,
 SUBSTITUTE HOUSE BILL NO. 2402,
 HOUSE BILL NO. 2403,
 SUBSTITUTE HOUSE BILL NO. 2437,
 HOUSE BILL NO. 2467,
 ENGROSSED HOUSE JOINT RESOLUTION NO. 4227, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

February 12, 1992

MR. PRESIDENT:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2305,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2364,

HOUSE BILL NO. 2371,

ENGROSSED HOUSE BILL NO. 2443, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

INTRODUCTION AND FIRST READING

SB 6505 by Senators Bailey and Niemi

AN ACT Relating to medicaid funding of nursing homes; amending RCW 74.46.020, 74.46.380, 74.46.660, 74.46.481, 74.46.530, 74.46.495, and 74.46.360; adding a new section to chapter 82.04 RCW; making appropriations; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Ways and Means.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 1205 by House Committee on Natural Resources and Parks (originally sponsored by Representatives Belcher, Beck, Scott, Broback, Hargrove, H. Sommers, Bowman, Silver, H. Myers, R. Meyers, Winsley, Edmondson, Wynne and Basich) (by request of Department of Natural Resources)

Clarifying forest fire fighting duties.

Referred to Committee on Environment and Natural Resources.

EHB 1225 by Representatives Winsley, Wang, Ballard, Leonard, Nelson, Ebersole, Mitchell, Franklin, Heavey, D. Sommers, Paris, Broback, May, Bowman, Brough, Edmondson, Dellwo, Wood, Jones, Wynne, Scott, Jacobsen, Fraser, Moyer, Phillips, Brekke and Rasmussen

Providing a procedure for the classification and valuation of property devoted primarily to low-income housing.

Referred to Committee on Ways and Means.

HB 1280 by Representatives Heavey, Fuhrman, G. Cole, R. King, Prentice, O'Brien, Hargrove, Ludwig, Jones, Leonard, Riley, Winsley, Phillips, Jacobsen, Franklin and Dellwo

Increasing industrial insurance partial disability awards.

Referred to Committee on Commerce and Labor.

EHB 1281 by Representatives Jones, Heavey, G. Cole, R. King, Prentice, O'Brien, Hargrove, Ludwig, Leonard, Nelson, Dellwo and Basich

Revising provisions for workers' compensation benefits.

Referred to Committee on Commerce and Labor.

ESHB 1631 by House Committee on Appropriations (originally sponsored by Representatives Wineberry, McLean, Franklin, Anderson, Ballard, Ebersole, Ferguson, Miller, Hine, Horn, Prince, Prentice, Holland, O'Brien, May, Wang, Fuhrman, Belcher, Bowman, Heavey, Van Luven, Phillips, Paris, Hargrove, Lisk, Spanel, Moyer, Braddock, Brumsickle, R. Fisher, D. Sommers, Appelwick, Padden, R. Meyers, Peery, Tate, Jones, Betrozoff, G. Cole, Dorn, Grant, Ludwig, Valle, Rayburn, Sheldon, Riley, H. Myers, Pruitt, Nelson, Kremen, Zellinsky, Dellwo, Sprenkle, Jacobsen, Scott, Rust, Ogden, G. Fisher, Bray, Cantwell, Inslee, Brough, R. King, Winsley, Basich, Leonard, Locke, Orr, Cooper, Brekke, Rasmussen, P. Johnson and Casada)

Establishing in statute the commission on African-American affairs.

Referred to Committee on Governmental Operations.

SHB 1736 by House Committee on Commerce and Labor (originally sponsored by Representatives O'Brien, Fuhrman and R. King)

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

Referred to Committee on Commerce and Labor.

SHB 2251 by House Committee on Judiciary (originally sponsored by Representatives Appelwick, Padden, Winsley and Paris)

Correcting double amendments relating to support obligations.

Referred to Committee on Law and Justice.

HB 2259 by Representatives Spanel, McLean, Hine, Wineberry, D. Sommers, Wynne, May and Basich (by request of Joint Committee on Pension Policy)

Simplifying the designation of pension funds.

Referred to Committee on Ways and Means.

EHB 2260 by Representatives Spanel, McLean, Hine, Wineberry, D. Sommers and Wynne (by request of Joint Committee on Pension Policy)

Making technical corrections to chapter 35, Laws of 1991.

Referred to Committee on Ways and Means.

HB 2261 by Representatives Hine, McLean, Spanel, D. Sommers, Wynne, Orr and Haugen (by request of Joint Committee on Pension Policy)

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

Referred to Committee on Ways and Means.

HB 2266 by Representatives Hargrove, Riley, Leonard, Winsley, Wang, Ludwig, Roland, D. Sommers, Paris, Dorn, H. Myers, May, Sheldon, Bowman, Van Luven and Chandler (by request of Department of Corrections)

Requiring inmates to pay for special services.

Referred to Committee on Law and Justice.

HB 2270 by Representative Heavey

Making technical changes to the statute governing athlete agents.

Referred to Committee on Commerce and Labor.

SHB 2271 by House Committee on Local Government (originally sponsored by Representatives H. Sommers, Haugen and Winsley)

Describing when tax foreclosed property may be disposed of by private negotiations.

Referred to Committee on Governmental Operations.

SHB 2275 by House Committee on Fisheries and Wildlife (originally sponsored by Representatives R. King, Haugen, Basich, Jones, Wilson, Orr and Spanel)

Authorizing commercial salmon producers to form a commodity commission.

Referred to Committee on Environment and Natural Resources.

HB 2278 by Representatives Appelwick, Padden, Dellwo and Paris (by request of Statute Law Committee)

Correcting an unemployment compensation fund reference.

Referred to Committee on Law and Justice.

HB 2286 by Representatives Haugen, Ferguson, Heavey, Horn, Zellinsky, H. Myers and May

Changing requirements for managers of salon/shops.

Referred to Committee on Commerce and Labor.

SHB 2291 by House Committee on Transportation (originally sponsored by Representatives R. Fisher, Betrozoff and Zellinsky)

Regulating the use of optical strobe light devices controlling traffic lights.

Referred to Committee on Transportation.

SHB 2302 by House Committee on Capital Facilities and Financing (originally sponsored by Representatives H. Sommers, Miller, Rasmussen, Jones, Orr and P. Johnson) (by request of Department of Community Development)

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

Referred to Committee on Ways and Means.

ESHB 2305 by House Committee on Local Government (originally sponsored by Representatives Haugen, Ferguson, Dorn, Horn, Bray and Rasmussen)

Creating fire commissioner districts within merged fire protection districts.

Referred to Committee on Governmental Operations.

SHB 2306 by House Committee on Financial Institutions and Insurance (originally sponsored by Representative Inslee)

Allowing certain tax-exempt organizations to insure the life of a person.

Referred to Committee on Financial Institutions and Insurance.

SHB 2308 by House Committee on Human Services (originally sponsored by Representatives H. Myers, Winsley, Fraser, Anderson, Bowman, Leonard, Belcher, Spanel, Riley, R. King, Miller, Brumsickle, Orr, O'Brien, Wang and Rasmussen) (by request of Governor Gardner)

Establishing the office of state employee child care.

Referred to Committee on Governmental Operations.

SHB 2315 by House Committee on Agriculture and Rural Development (originally sponsored by Representatives Rayburn, Nealey, Belcher, Grant, R. Johnson, Jacobsen, Kremen and Rasmussen)

Authorizing nursery dealer license surcharges, the proceeds of which will support research.

Referred to Committee on Agriculture and Water Resources.

EHB 2316 by Representatives Rayburn, Grant, R. Johnson, Jacobsen, Lisk, Nealey, Kremen, Roland, J. Kohl, Ogden, Haugen, Silver, McLean and Rasmussen

Removing the sunset termination process from IMPACT.

Referred to Committee on Agriculture and Water Resources.

ESHB 2318 by House Committee on Commerce and Labor (originally sponsored by Representatives Jones, Heavey, Winsley, Wilson, Franklin, Brough, Prentice, Paris, Orr, Sheldon and Sprenkle)

Establishing fire retardant requirements.

Referred to Committee on Commerce and Labor.

HB 2320 by Representatives Peery, Brough, Winsley and J. Kohl

Changing the name of educational clinics to education centers.

Referred to Committee on Education.

SHB 2328 by House Committee on Financial Institutions and Insurance (originally sponsored by Representatives Winsley and Silver)

Allowing a person to dictate the disposition of his or her remains.

Referred to Committee on Law and Justice.

ESHB 2334 by House Committee on Human Services (originally sponsored by Representatives H. Myers, Hargrove, Winsley, Leonard, Riley, Ogden, Tate, Roland, Brumsickle, Cooper, Morris, Bray, Haugen, Prentice, Orr, Peery, Bowman, Ludwig, Mielke, Insee, Jones, Broback, G. Fisher, Paris, May, Wineberry, Sprenkle and O'Brien)

Establishing a state-wide board for jail industries.

Referred to Committee on Law and Justice.

HB 2335 by Representatives Brough, Nelson, Mitchell, Zellinsky, Vance, Jacobsen, Paris, J. Kohl, Silver, Carlson, Sprenkle and Anderson

Allowing mobile home tenants to hold forums for candidates for public office.

Referred to Committee on Commerce and Labor.

SHB 2341 by House Committee on Health Care (originally sponsored by Representatives Moyer, Braddock, Paris, Franklin, Hochstatter, Morris, Fomer, Cantwell, Rasmussen, Hargrove, Padden, Wang, Winsley, Brough, Van Luven, Nealey, Chandler, Roland, D. Sommers, Mitchell, Bowman, Wynne, Spanel, May, Carlson, P. Johnson and Sprenkle)

Providing for disclosure of the cost of hospital health care services.

Referred to Committee on Health and Long-Term Care.

EHB 2347 by Representatives Grant, May, Jacobsen, Hochstatter, H. Myers, Cooper and Silver
Changing municipal electric utility access to high voltage transmission facilities.

Referred to Committee on Energy and Utilities.

HB 2350 by Representatives Leonard and Winsley (by request of Department of Social and Health Services)

Making changes regarding the coordination of general assistance programs.

Referred to Committee on Children and Family Services.

ESHB 2364 by House Committee on Human Services (originally sponsored by Representatives H. Sommers, Franklin, Moyer, Leonard, Prentice, Morris, Brough, Rust, Miller, Braddock, Dellwo, Winsley, Spanel, Mitchell, Rayburn, R. Johnson, Cooper, Locke, Paris, G. Cole, J. Kohl, Ludwig, Brekke, Ogden, Haugen, Valle and Anderson)

Family planning services for substance abusers.

Referred to Committee on Children and Family Services.

HB 2371 by Representatives Kremen, Nealey, R. Johnson, Haugen, Rayburn, Rasmussen, Spanel, Grant and Braddock

Modifying special assessment authority of conservation districts.

Referred to Committee on Governmental Operations.

SHB 2402 by House Committee on State Government (originally sponsored by Representatives Anderson, McLean, Pruitt, Chandler, O'Brien, Horn, Orr and May)

Setting certain special election dates.

Referred to Committee on Governmental Operations.

HB 2403 by Representatives Anderson, McLean, Pruitt, Chandler, O'Brien, Hine, Jones, Bowman, Ferguson, Orr, Brough, May and Hochstatter

Expanding eligibility for ongoing absentee voter status.

Referred to Committee on Governmental Operations.

SHB 2437 by House Committee on Commerce and Labor (originally sponsored by Representatives R. King, Heavey, Prentice, Franklin, G. Cole and J. Kohl)

Relating discharge for disqualification from unemployment benefits to recent work.

Referred to Committee on Commerce and Labor.

EHB 2443 by Representatives R. Johnson, Dellwo, Paris, Inslee, Broback, Dorn, Kremen, Ebersole, Heavey, Spanel, Pruitt, Grant, Rayburn, Anderson, Winsley, Wang and Morris

Restricting the investments of domestic insurers.

Referred to Committee on Financial Institutions and Insurance.

HB 2467 by Representatives Moyer, Brekke, Dellwo, Paris and Anderson

Repealing the termination provisions of the counselor registration statute.

Referred to Committee on Commerce and Labor.

EHJR 4227 by Representatives Anderson, Miller, R. Fisher, Brough and Ferguson

Amending the Constitution to revise procedures for filling vacancies in the state legislature and county elective offices.

Referred to Committee on Governmental Operations.

RESOLUTION OF APPOINTMENT

RESOLUTION NO. R92-19

A RESOLUTION OF THE PIERCE COUNTY COUNCIL APPOINTING A MEMBER TO REPRESENT LEGISLATIVE DISTRICT NO. TWENTY-EIGHT IN THE WASHINGTON STATE SENATE.

WHEREAS, a vacancy has been created in the 28th Legislative District of the Washington State Senate; and

WHEREAS, Legislative District No. 28 lies within the boundaries of Pierce County; and

WHEREAS, the Pierce County Republican Central Committee has submitted the names of three nominees for the Senate vacancy; and

WHEREAS, the Council has interviewed the three candidates and considered their qualifications:

NOW, THEREFORE, BE IT RESOLVED:

Section 1. Susan Casey Sumner is one of the three nominees recommended by the Pierce County Republican Central Committee, and is highly qualified to fill the Senate vacancy.

Section 2. Susan Casey Sumner is hereby appointed to the Washington State Senate, Legislative District No. 28.

Section 3. A copy of this Resolution shall be provided to the person appointed, the Governor of the state of Washington, and the President of the Washington State Senate.

PASSED this 12th day of February, 1992.

PIERCE COUNTY COUNCIL
Pierce County, Washington

PAUL CYR, District No. 7
Council Chair

CATHY PEARSALL-STIPEK, District No. 5

SALLY WALKER, District No. 6

BILL STONER, District No. 2

BARBARA SKINNER, District No. 1

BARBARA GELMAN, District No. 3
DENNIS FLANNIGAN, District No. 4

(SEAL)
GERRIE RAINWATER
Clerk of the Council

INTRODUCTION OF SPECIAL GUEST

The President introduced the Honorable Paula Casey, Superior Court Judge for Thurston County, who was seated on the rostrum.

APPOINTMENT OF SPECIAL COMMITTEE

The President appointed Senators Wojahn, Anderson, Vognild and von Reichbauer to escort newly appointed Senator Susan Casey Sumner to the rostrum.

Judge Paula Casey administered the oath of office to Senator Susan Casey Sumner.

The President introduced the family of Senator Sumner, who were seated on the rostrum.

REMARKS BY SENATOR SUMNER

Senator Sumner: "I wasn't prepared to speak. This is the greatest honor of my life. I am very proud and honored and I want to thank my parents, Bob and Phyllis Casey, the best parents a girl could have. They came all the way from Pittsburg, Pennsylvania, to be with me, win or lose. I want to thank my husband, Lee, who is a concert pianist, but it turns out he is a heck of a good political campaign manager, and my former colleagues in the House and such hard workers. I am going to miss you and keep in touch. Thank you also to your hard working bosses, the Representatives of the House. I want to thank the precinct committee officers of the Twenty-eighth District and Pierce County and, of course, the central committee republicans, as well--and the Pierce County Council for their vote. I'm looking forward to working with you all and I'll need your help and I hope you will be there to give me some advice. Thank you."

The committee of honor escorted Senator Susan Sumner to her seat in the Senate Chamber and the committee was discharged.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Saling, Gubernatorial Appointment No. 9233, Carol A. Wendle, as a member of the Spokane Joint Center Board of Governors, was confirmed.

APPOINTMENT OF CAROL A. WENDLE

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesemig, Kreidler, Madsen, McCaslin, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Stratton, Sumner, Sutherland, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 43.

Excused: Senators Conner, Matson, McDonald, Pelz, Snyder, Talmadge - 6.

There being no objection, the Senate resumed consideration of Senate Bill No. 6103 and the pending amendment by Senators Talmadge and Adam Smith, deferred February 11, 1992.

The President declared the question before the Senate to be the adoption of the amendment by Senators Talmadge and Adam Smith on page 3, after line 4, to Senate Bill No. 6103.

Debate ensued.

Senator Amondson demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senators Talmadge and Adam Smith on page 3, after line 4, to Senate Bill No. 6103.

ROLL CALL

The Secretary called the roll and the amendment on page 3, after line 4, was not adopted by the following vote: Yeas, 15; Nays, 31; Absent, 0; Excused, 3.

Voting yea: Senators Conner, Madsen, McMullen, Moore, Murray, Niemi, Owen, Pelz, Rinehart, Skratek, A. Smith, Talmadge, Vognild, Williams, Wojahn - 15.

Voting nay: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, McCaslin, Metcalf, Nelson, Newhouse, Oke, Patterson, Rasmussen, Roach, Saling, Sellar, L. Smith, Stratton, Sumner, Sutherland, Thorsness, von Reichbauer, West - 31.

Excused: Senators Matson, McDonald, Snyder - 3.

MOTION

Senator Talmadge moved that the following amendment by Senators Talmadge and Adam Smith be adopted:

On page 4, line 13, following "extended." strike the remainder of the subsection

Debate ensued.

Senator Amondson demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senators Talmadge and Adam Smith on page 4, line 13, to Senate Bill No. 6103.

ROLL CALL

The Secretary called the roll and the amendment on page 4, line 13, was not adopted by the following vote: Yeas, 16; Nays, 30; Absent, 0; Excused, 3.

Voting yea: Senators Conner, Gaspard, Madsen, McMullen, Moore, Murray, Niemi, Owen, Pelz, Rinehart, Skratek, A. Smith, Talmadge, Vognild, Williams, Wojahn - 16.

Voting nay: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Craswell, Erwin, Hansen, Hayner, Jesernig, Kreidler, McCaslin, Metcalf, Nelson, Newhouse, Oke, Patterson, Rasmussen, Roach, Saling, Sellar, L. Smith, Stratton, Sumner, Sutherland, Thorsness, von Reichbauer, West - 30.

Excused: Senators Matson, McDonald, Snyder - 3.

MOTION

Senator Talmadge moved that the following amendment by Senators Talmadge and Adam Smith be adopted:

On page 6, line 17, following "at" strike "a particular location" and insert "any location or locations where the person seeking protection under the order, or family or household member of the person seeking protection, reside or are employed"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Talmadge and Adam Smith on page 6, line 17, to Senate Bill No. 6103.

The motion by Senator Talmadge failed and the amendment on page 6, line 17, was not adopted.

MOTION

Senator Talmadge moved that the following amendment by Senators Talmadge and Adam Smith be adopted:

On page 6, beginning on line 19, strike all of Sec. 4

Re-number the remaining sections consecutively and correct internal cross-reference

Debate ensued.

Senator Amondson demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senators Talmadge and Adam Smith on page 6, beginning on line 19, to Senate Bill No. 6103.

ROLL CALL

The Secretary called the roll and the amendment on page 6, beginning on line 19, was not adopted by the following vote: Yeas, 12; Nays, 35; Absent, 0; Excused, 2.

Voting yea: Senators Conner, Madsen, Moore, Niemi, Owen, Pelz, Rinehart, Skratek, A. Smith, Talmadge, Vognild, Williams - 12.

Voting nay: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Oke, Patterson, Rasmussen, Roach, Saling, Sellar, L. Smith, Stratton, Sumner, Sutherland, Thorsness, von Reichbauer, West, Wojahn - 35.

Excused: Senators Matson, Snyder - 2.

MOTION

On motion of Senator Nelson, Engrossed Senate Bill No. 6103 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6103.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6103 and the bill passed the Senate by the following vote: Yeas, 39; Nays, 8; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Oke, Patterson, Rasmussen, Roach, Saling, Sellar, L. Smith, Stratton, Sumner, Sutherland, Talmadge, Thorsness, von Reichbauer, West, Wojahn - 39.

Voting nay: Senators Niemi, Owen, Pelz, Rinehart, Skratek, A. Smith, Vognild, Williams - 8.

Excused: Senators Matson, Snyder - 2.

ENGROSSED SENATE BILL NO. 6103, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE JOINT MEMORIAL NO. 8029, by Senators Moore and Anderson (by request of Employment Security Department)

Memorializing Congress for more money to fund employment security funds.

The joint memorial was read the second time.

MOTION

On motion of Senator Anderson, Senate Joint Memorial No. 8029 was advanced to third reading, the second reading considered the third and the joint memorial was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Joint Memorial No. 8029.

ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Memorial No. 8029 and the joint memorial passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Stratton, Sumner, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 47.

Excused: Senators Matson, Snyder - 2.

SENATE JOINT MEMORIAL NO. 8029, having received the constitutional majority, was declared passed.

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

THIRD READING

ENGROSSED SENATE CONCURRENT RESOLUTION NO. 8400, by Senators Bailey, Rinehart, Erwin, Murray, Oke and Skratek

Endorsing the VISION: EDUCATION 2001 statement.

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

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Bailey, reading the digest here, I am a little disturbed. It says, 'The Education Vision Team was created for the purpose of developing a common vision of education for the state.' My question is this, we've had a common vision of how the state should be run in Russia for many, many years. I understand that diversity of opinion is the height of education that we don't all think down the same line. I know that I have joined with you many times wading across the wetlands. I might be divided on some other issue, but I don't really like to endorse a resolution that says we want to develop a common vision of education. I think that's rather uncommon that people interested in education would want to do that. That sounds like brain washing. Can you explain that, please?"

Senator Bailey: "Certainly, Senator Rasmussen. Far from the suggestion that you make, what our vision sets out is that all students can learn into the Year 2001. We know now that almost half of our students will not be capable of meeting the challenges of the Year 2001. What we are trying to set together is some knowledge skills that our students are going to need--some life skills that they are going to need, and also, some skills in work--in the workplace.

"What this team has tried to put together, and I have it with me and I will be happy to share it with you, a vision of how to accomplish some of these skill needs that we will need in the year 2001. Certainly, every student learns differently and the diversity in our education system will continue, but we have to have a vision of the direction we want to go if we are going to make the changes needed."

Senator Rasmussen: "Thank you, Senator Bailey. I've always looked up into the sky for my vision and this might be pie in the sky until we get down to the common level of teaching them reading, writing and arithmetic and then they can go on from there. I'm not sure I endorse this common vision; I may vote against this. I don't think it will stop it; everybody wants a vision. We must have goals; everybody has a goal in life to live as long as they can and do as much good as they can. Thank you for your vision."

Senator Bailey: "Senator Rasmussen, if you want to call the vision a goal, that is perfectly acceptable to me. What we are trying to do is set in motion a direction so that all students can learn and that they can all enjoy and be responsible in the Year 2001."

Further debate ensued.

The President declared the question before the Senate to be the adoption of Engrossed Senate Concurrent Resolution No. 8400.

Engrossed Senate Concurrent Resolution No. 8400 was adopted by voice vote.

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

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8423, by Senators Barr and Conner

Creating a committee for affordable farmworker housing.

The concurrent resolution was read the second time.

MOTIONS

On motion of Senator Barr, the following Committee on Agriculture and Water Resources amendment was adopted:

On page 1, line 13, after "follows:" strike all material through "housing" on page 2, line 1 and insert "Two members of the senate, one from each of the major caucuses, who are appointed by the president of the senate; two members of the house of representatives, one from each of the major caucuses, who are appointed by the speaker of the house of representatives"

On motion of Senator Barr, the following Committee on Agriculture and Water Resources amendment was adopted:

On page 2, line 15, after "designee;" insert "a member of the state board of health, appointed by the chair of the state board of health;"

MOTION

On motion of Senator Barr, Engrossed Senate Concurrent Resolution No. 8423 was advanced to third reading, the second reading considered the third and the concurrent resolution was placed on final passage.

The President declared the question before the Senate to be the adoption of Engrossed Senate Concurrent Resolution No. 8423.

Engrossed Senate Concurrent Resolution No. 8423 was adopted by voice vote.

MOTION

At 10:20 a.m., on motion of Senator Sellar, the Senate was declared to be at ease.

The Senate was called to order at 11:46 a.m. by President Pritchard.

SECOND READING

SENATE BILL NO. 6037, by Senators West, Rinehart, Rasmussen and Johnson

Requiring a uniform health care insurance claim form.

The bill was read the second time.

MOTIONS

On motion of Senator West, the following Committee on Health and Long-Term Care amendment was adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 48.20 RCW to read as follows:

(1) After January 1, 1994, all disability insurance policies that provide coverage for hospital or medical expenses must use for all billing purposes in either paper or electronic format either the health care financing administration (HCFA) 1500 form, or its successor, or the uniform billing (UB) 82 form, or its successor. For billing purposes, this subsection does not apply to pharmacists, dentists, home health/nursing services, eyeglasses, transportation, or vocational services.

(2) As of January 1, 1994, the forms developed under section 10 of this act shall be used by providers of health care and carriers under this chapter.

NEW SECTION. Sec. 2. A new section is added to chapter 48.21 RCW to read as follows:

(1) After January 1, 1994, all group disability insurance policies that provide coverage for hospital or medical expenses must use for all billing purposes in either paper or electronic format either the health care financing administration (HCFA) 1500 form, or its successor, or the uniform billing (UB) 82 form, or its successor. For billing purposes, this subsection does not apply to pharmacists, dentists, home health/nursing services, eyeglasses, transportation, or vocational services.

(2) As of January 1, 1994, the forms developed under section 10 of this act shall be used by providers of health care and carriers under this chapter.

NEW SECTION. Sec. 3. A new section is added to chapter 48.44 RCW to read as follows:

(1) After January 1, 1994, all health care insurance contracts that provide coverage for hospital or medical expenses must use for all billing purposes in either paper or electronic format either the health care financing administration (HCFA) 1500 form, or its successor, or the uniform billing (UB) 82 form, or its successor. For billing purposes, this subsection does not apply to pharmacists, dentists, home health/nursing services, eyeglasses, transportation, or vocational services.

(2) As of January 1, 1994, the forms developed under section 10 of this act shall be used by providers of health care and carriers under this chapter.

NEW SECTION. Sec. 4. A new section is added to chapter 48.46 RCW to read as follows:

(1) After January 1, 1994, all health maintenance agreements that provide coverage for hospital or medical expenses must use for all billing purposes in either paper or electronic format either the health care financing administration (HCFA) 1500 form, or its successor, or the uniform billing (UB) 82 form, or its successor. For billing purposes, this subsection does not apply to pharmacists, dentists, home health/nursing services, eyeglasses, transportation, or vocational services.

(2) As of January 1, 1994, the forms developed under section 10 of this act shall be used by providers of health care and carriers under this chapter.

NEW SECTION. Sec. 5. A new section is added to chapter 48.84 RCW to read as follows:

(1) After January 1, 1994, all providers of long-term care that provide coverage for hospital or medical expenses must use for all billing purposes in either paper or electronic format either the health care financing administration (HCFA) 1500 form, or its successor, or the uniform bill (UB) 82 form, or its successor. For billing purposes, this subsection does not apply to pharmacists, dentists, home health/nursing services, eyeglasses, transportation, or vocational services.

(2) As of January 1, 1994, the forms developed under section 10 of this act shall be used by providers of health care and carriers under this chapter.

NEW SECTION. Sec. 6. A new section is added to chapter 41.05 RCW to read as follows:

After July 1, 1994, the health care financing administration (HCFA) 1500 form, or its successor, and the uniform billing (UB) 82 form, or its successor, shall be used in either paper or electronic format for state-paid health care services provided through the health care authority. The forms developed under section 10 of this act shall be used for billing purposes for pharmacists, dentists, home health/nursing services, eyeglasses, transportation, or vocational services.

NEW SECTION. Sec. 7. A new section is added to chapter 43.20A RCW to read as follows:

After July 1, 1994, the health care financing administration (HCFA) 1500 form, or its successor, and the uniform billing (UB) 82 form, or its successor, shall be used in either paper or electronic format for state-paid health care services provided by the department. The forms developed under section 10 of this act shall be used for billing purposes for pharmacists, dentists, home health/nursing services, eyeglasses, transportation, or vocational services.

NEW SECTION. Sec. 8. A new section is added to Title 51 RCW to read as follows:

After July 1, 1994, the health care financing administration (HCFA) 1500 form, or its successor, and the uniform billing (UB) 82 form, or its successor, shall be used in either paper or electronic format for state-paid health care services provided under this title. The forms developed under section 10 of this act shall be used for billing purposes for pharmacists, dentists, home health/nursing services, eyeglasses, transportation, or vocational services.

NEW SECTION. Sec. 9. A new section is added to chapter 70.47 RCW to read as follows:

After July 1, 1994, the health care financing administration (HCFA) 1500 form, or its successor, and the uniform billing (UB) 82 form, or its successor, shall be used in either paper or electronic format for state-paid health care services provided under the basic health plan. The forms developed under section 10 of this act shall be used for billing purposes for pharmacists, dentists, home health/nursing services, eyeglasses, transportation, or vocational services.

NEW SECTION. Sec. 10. A new section is added to chapter 41.05 RCW to read as follows:

By January 1, 1993, the basic health plan administrator, the health care authority administrator, the secretary of social and health services, and the director of the department of labor and industries shall jointly develop and adopt by rule in paper and electronic format billing forms to be used by pharmacists, dentists, home health/nursing services, eyeglasses, transportation, and vocational services. These forms shall be made available to providers of health care coverage licensed under chapters 48.20, 48.21, 48.44, 48.46, and 48.84 RCW.

On motion of Senator West, the following title amendment was adopted:

On page 1, line 1 of the title, after "claims;" strike the remainder of the title and insert "adding a new section to chapter 48.20 RCW; adding a new section to chapter 48.21 RCW; adding a new section to chapter 48.44 RCW; adding a new section to chapter 48.46 RCW; adding a new section to chapter 48.84 RCW; adding a new section to chapter 43.20A RCW; adding new sections to chapter 41.05 RCW; adding a new section to Title 51 RCW; and adding a new section to chapter 70.47 RCW."

MOTION

On motion of Senator West, Engrossed Senate Bill No. 6037 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

MOTION

On motion of Senator Anderson, Senator Saling was excused.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6037.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6037 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Sellar, Skratek, A. Smith, L. Smith, Stratton, Sumner, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 46.

Excused: Senators Matson, Saling, Snyder - 3.

ENGROSSED SENATE BILL NO. 6037, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6069, by Senators Snyder, Conner, Wojahn, West, L. Smith, Kreidler, Talmadge, Rasmussen, Johnson, Gaspard and Skratek

Creating a bone marrow donor program.

MOTIONS

On motion of Senator West, Substitute Senate Bill No. 6069 was substituted for Senate Bill No. 6069 and the substitute bill was placed on second reading and read the second time.

On motion of Senator West, the following amendment was adopted:

On page 3, beginning on line 8, after "Sec. 4." strike all material through "act." on line 11, and insert "If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1992, in the omnibus appropriations act, this act shall be null and void."

MOTIONS

On motion of Senator West, the following title amendment was adopted:
On page 1, line 2 of the title, after "70.54 RCW;" strike the remainder of the title and insert "and creating new sections."

On motion of Senator West, Engrossed Substitute Senate Bill No. 6069 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6069.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6069 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Sellar, Skratek, A. Smith, L. Smith, Stratton, Sumner, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 46.

Excused: Senators Matson, Saling, Snyder - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6069, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

MESSAGES FROM THE GOVERNOR

January 24, 1992

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

William G. Morris, reappointed January 24, 1992, for a term ending September 30, 1996, as a member of the Board of Trustees for Clark Community College District No. 14.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

January 27, 1992

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Victor H. Clausen, appointed January 27, 1992, for a term ending September 30, 1993, as a member of the Board of Trustees for Clark Community College District No. 14.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Higher Education.

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

MESSAGE FROM THE HOUSE

February 12, 1992

MR. PRESIDENT:

The Speaker has signed HOUSE BILL NO. 2295, and the same is herewith transmitted.
ALAN THOMPSON, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
HOUSE BILL NO. 2295.

MOTION

At 12:02 p.m., on motion of Senator Newhouse, the Senate recessed until 1:00 p.m.

The Senate was called to order at 1:08 p.m. by President Pritchard.

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

MOTION

On motion of Senator Murray, Senator Owen was excused.

SECOND READING

SENATE BILL NO. 6076, by Senators West, Kreidler, Amondson and Barr (by request of Department of Health)

Modifying rural health facility certificate of need provisions.

MOTIONS

On motion of Senator Linda Smith, Substitute Senate Bill No. 6076 was substituted for Senate Bill No. 6076 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Linda Smith, Substitute Senate Bill No. 6076 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6076.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6076 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 3; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, McCaslin, McMullen, Moore, Murray, Nelson, Newhouse, Niemi, Patterson, Pelz, Rasmussen, Rinehart, Roach, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sumner, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 43.

Absent: Senators McDonald, Metcalf, Oke - 3.

Excused: Senators Matson, Owen, Saling - 3.

SUBSTITUTE SENATE BILL NO. 6076, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

On motion of Senator West, Senators McDonald and Oke were excused.

On motion of Senator Cantu, Senator Hayner was excused.

SECOND READING

SENATE BILL NO. 6384, by Senators Sellar, Snyder, West and McMullen

Enacting the small employer health insurer availability act.

The bill was read the second time.

MOTION

On motion of Senator von Reichbauer, Senate Bill No. 6384 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Pelz: "Senator Sellar, Senator von Reichbauer just stated that the constructive forces working to shape this legislation continue as we speak. Is that an euphemism for saying that we will not be voting on the actual bill that is intended to be before us?"

Senator Sellar: "I intend on voting the bill that is before us."

Senator Pelz: "I understand there is a striker on this bill that is circulating out there that is some fifty pages in length. Do you know if that is true?"

Senator Sellar: "I'm sorry, Senator, but I am not aware of that."

Senator Pelz: "O.K., thank you."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6384.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6384 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 4; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Jesernig, Madsen, McCaslin, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Owen, Patterson, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sumner, Sutherland, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 41.

Voting nay: Senators Kreidler, Niemi, Pelz, Talmadge - 4.

Excused: Senators Hayner, Matson, McDonald, Oke - 4.

SENATE BILL NO. 6384, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 1:29 p.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 2:26 p.m. by President Pritchard.

SECOND READING

SENATE BILL NO. 6318, by Senators Niemi, West and Bailey

Refining mental health care.

The bill was read the second time.

MOTIONS

On motion of Senator West, the following Committee on Health and Long-Term Care amendment was adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. It is the intent of this act to:

(1) Focus, restate, and emphasize the legislature's commitment to the mental health reform embodied in chapter 111, Laws of 1989 (SB 5400);

(2) Eliminate, or schedule for repeal, statutes that are no longer relevant to the regulation of the state's mental health program; and

(3) Reaffirm the state's commitment to provide incentives that reduce reliance on inappropriate state hospital or other inpatient care.

Sec. 2. RCW 71.24.035 and 1991 c 306 s 3, 1991 c 262 s 1, and 1991 c 29 s 1 are each reenacted and amended to read as follows:

(1) The department is designated as the state mental health authority.

(2) The secretary may provide for public, client, and licensed service provider participation in developing the state mental health program.

(3) The secretary shall provide for participation in developing the state mental health program for children and other underserved populations, by including representatives on any committee established to provide oversight to the state mental health program.

(4) The secretary shall be designated as the county authority if a county fails to meet state minimum standards or refuses to exercise responsibilities under RCW 71.24.045.

(5) The secretary shall:

(a) ~~((Develop a biennial state mental health program that incorporates county biennial needs assessments and county mental health service plans and state services for mentally ill adults and children. The secretary may also develop a six-year state mental health plan;~~

~~((b)))~~ Assume that any county community mental health program provides access to treatment for the county's residents in the following order of priority: (i) The acutely mentally ill; (ii) chronically mentally ill adults and severely emotionally disturbed children; and (iii) the seriously disturbed. Such programs shall provide:

(A) Outpatient services;

(B) Emergency care services for twenty-four hours per day;

(C) Day treatment for mentally ill persons which includes training in basic living and social skills, supported work, vocational rehabilitation, and day activities. Such services may include therapeutic treatment. In the case of a child, day treatment includes age-appropriate basic living and social skills, educational and prevocational services, day activities, and therapeutic treatment;

(D) Screening for patients being considered for admission to state mental health facilities to determine the appropriateness of admission;

(E) Employment services, which may include supported employment, transitional work, placement in competitive employment, and other work-related services, that result in mentally ill persons becoming engaged in meaningful and gainful full or part-time work. Other sources of funding such as the division of vocational rehabilitation may be utilized by the secretary to maximize federal funding and provide for integration of services;

(F) Consultation and education services; and

(G) Community support services;

~~((e)))~~ ~~(b)~~ Develop and promulgate rules establishing state minimum standards for the delivery of mental health services including, but not limited to:

(i) Licensed service providers;

(ii) Regional support networks; and

(iii) Residential and inpatient services, evaluation and treatment services and facilities under chapter 71.05 RCW, resource management services, and community support services;

~~((d)))~~ ~~(c)~~ Assume that the special needs of minorities, the elderly, disabled, children, and low-income persons are met within the priorities established in this section;

~~((e)))~~ ~~(d)~~ Establish a standard contract or contracts, consistent with state minimum standards, which shall be used by the counties;

~~((f))~~ (e) Establish, to the extent possible, a standardized auditing procedure which minimizes paperwork requirements of county authorities and licensed service providers;

~~((g))~~ (f) Develop and maintain an information system to be used by the state, counties, and regional support networks when they are established which shall include a tracking method which allows the department and regional support networks to identify mental health clients' participation in any mental health service or public program on an immediate basis. The information system shall not include individual patient's case history files. Confidentiality of client information and records shall be maintained as provided in this chapter and in RCW 71.05.390, 71.05.400, 71.05.410, 71.05.420, 71.05.430, and 71.05.440. The state-operated system shall be fully operational no later than January 1, 1993(~~= PROVIDED, HOWEVER, That when a regional support network is established, the department shall have an operational interim tracking system for that network that will be adequate for the regional support network to perform its required duties under this chapter~~) and a regional support network system shall be fully operational by June 30, 1993;

~~((h))~~ (g) License service providers who meet state minimum standards;

~~((i))~~ (h) Certify regional support networks that meet state minimum standards;

~~((j))~~ (i) Periodically inspect certified regional support networks and licensed service providers at reasonable times and in a reasonable manner; and

~~((k))~~ (j) Fix fees to be paid by evaluation and treatment centers to the secretary for the required inspections;

~~((l))~~ (k) Monitor and audit counties, regional support networks, and licensed service providers as needed to assure compliance with contractual agreements authorized by this chapter;

~~((m) Prior to September 1, 1989,)~~ (l) Adopt such rules as are necessary to implement the department's responsibilities under this chapter pursuant to chapter 34.05 RCW(~~= PROVIDED, That such rules shall be submitted to the appropriate committees of the legislature for review and comment prior to adoption; and~~

~~(n) Beginning July 1, 1989, and continuing through July 1, 1993,);~~

(m) Track by region and county diagnosis, and to the extent information is available, eligibility for state funded nonmental health services, the use and cost of state hospital and local evaluation and treatment facilities for seventy-two hour detention, fourteen, ninety, and one hundred eighty day commitments pursuant to chapter 71.05 RCW, voluntary care in state hospitals, and voluntary community inpatient care covered by the medical assistance program. Service use and cost reports shall be provided to regions and appropriate operating divisions of the department in a timely fashion at six-month intervals; and

(n) Administer a fund that may be appropriated by the legislature from state hospital and regional support network funds to enhance contracts with regional support networks that agree to provide periods of stable community living according to RCW 71.24.300(5).

(6) The secretary shall use available resources appropriated specifically for community mental health programs only for ~~(programs under RCW 71.24.045. After July 1, 1995, or when regional support networks are established, available resources may be used only for)~~ regional support networks.

(7) Each certified regional support network and licensed service provider shall file with the secretary, on request, such data, statistics, schedules, and information as the secretary reasonably requires. A certified regional support network or licensed service provider which, without good cause, fails to furnish any data, statistics, schedules, or information as requested, or files fraudulent reports thereof, may have its certification or license revoked or suspended.

(8) The secretary may suspend, revoke, limit, or restrict a certification or license, or refuse to grant a certification or license for failure to conform to the law, applicable rules and regulations, or applicable standards, or failure to meet the minimum standards established pursuant to this section.

(9) The superior court may restrain any regional support network or service provider from operating without certification or a license or any other violation of this section. The court may also review, pursuant to procedures contained in chapter 34.05 RCW, any denial, suspension, limitation, restriction, or revocation of certification or license, and grant other relief required to enforce the provisions of this chapter.

(10) Upon petition by the secretary, and after hearing held upon reasonable notice to the facility, the superior court may issue a warrant to an officer or employee of the secretary authorizing him or her to enter at reasonable times, and examine the records, books, and accounts of any regional support network or service provider refusing to consent to inspection or examination by the authority.

(11) The secretary shall adopt such rules as may be necessary to effectuate the intent and purposes of this chapter, which shall include but not be limited to certification and licensing and other action relevant to certifying regional support networks and licensing service providers.

(12) Notwithstanding the existence or pursuit of any other remedy, the secretary may, in the manner provided by law, upon the advice of the attorney general who shall represent the secretary in the proceedings, maintain an action in the name of the state for an injunction or other process against any person or governmental unit to restrain or prevent the establishment, conduct, or operation of a regional support network or service provider without certification or a license under this chapter.

(13) The standards for certification of evaluation and treatment facilities shall include standards relating to maintenance of good physical and mental health and other services to be afforded persons pursuant to this chapter and chapter 71.05 RCW, and shall otherwise assure the effectuation of the purposes and intent of this chapter and chapter 71.05 RCW.

(14)~~((a))~~ The department, in consultation with affected parties, shall establish a distribution formula that reflects county needs assessments based on the number of persons who are acutely mentally ill, chronically mentally ill, severely emotionally disturbed, and seriously disturbed as defined in chapter 71.24 RCW. The formula shall take into consideration the impact on counties of demographic factors in counties which result in concentrations of priority populations as defined in subsection (15) of this section. These factors shall include the population concentrations resulting from commitments under the involuntary treatment act, chapter 71.05 RCW, to state psychiatric hospitals, as well as concentration in urban areas, at border crossings at state boundaries, and other significant demographic and workload factors. Beginning with the contracting period July 1, 1993, the funding formula for participating regional support networks may include a factor related to use of state hospitals.

~~((b) The department shall submit a proposed distribution formula in accordance with this section to the ways and means and health and long term care committees of the senate and to the ways and means and human services committees of the house of representatives by October 1, 1991. The formula shall also include a projection of the funding allocations that will result for each county, which specifies allocations according to priority populations, including the allocation for services to children and other underserved populations.))~~

(15) To ~~((supersede duties assigned under subsection (5) (a) and (b) of this section, and to))~~ assure a county-based, integrated system of care for acutely mentally ill adults and children, chronically mentally ill adults, severely emotionally disturbed children, and seriously disturbed adults and children who are determined by regional support networks at their sole discretion to be at risk of becoming acutely or chronically mentally ill, or severely emotionally disturbed, the secretary shall encourage the development of regional support networks as follows:

~~((By December 1, 1989,))~~ The secretary shall recognize regional support networks requested by counties or groups of counties.

~~((All counties wishing to be recognized as a regional support network on December 1, 1989, shall submit their intentions regarding participation in the regional support networks by October 30, 1989, along with preliminary plans.))~~ Counties wishing to be recognized as a regional support network by January 1 of any year ~~((thereafter))~~ shall submit their intentions by October 30 of the previous year along with preliminary plans. The secretary shall assume all duties assigned to the nonparticipating counties under chapters 71.05 and 71.24 RCW on July 1, 1995, or sooner if requested by the county. Such responsibilities shall include those which would have been assigned to the nonparticipating counties under regional support networks.

The implementation of regional support networks, or the secretary's assumption of all responsibilities under chapters 71.05 and 71.24 RCW, shall be included in all state and federal plans, contracts, or agreements affecting the state mental health program including at least those required by this chapter, the medicaid program, and P.L. 99-660. Nothing in these plans, contracts, or agreements shall be inconsistent with the intent and requirements of this chapter.

(16) ~~((By January 1, 1992,))~~ The secretary shall provide available resources to regional support networks to operate freestanding evaluation and treatment facilities or for regional support networks to contract with local hospitals to assure access for regional support network patients. Any savings achieved through reduction in the use of state or local hospital bed days, or free standing evaluation and treatment facility bed days, shall be retained by the regional support network, and may not be diverted to other state programs or purposes.

(17) The secretary shall:

(a) Disburse the first funds for the regional support networks ~~((that are ready to begin implementation by January 1, 1990, or))~~ within sixty days of approval of the biennial contract. The department must either approve or reject the biennial contract within sixty days of receipt.

(b) Enter into biennial contracts with regional support networks to ~~((begin implementation between January 1, 1990, and March 1, 1990, and))~~ complete implementation by June 1995. The contracts shall be consistent with available resources. No contract shall be approved that does not include progress toward meeting the goals of this chapter by taking responsibility for: (i) Short-term commitments; (ii) residential care; ~~((and))~~ (iii) ~~((emergency))~~ crisis response systems; and (iv) the return to the community of long-term state hospital patients who no longer need state hospital level care.

(c) By July 1, 1993, allocate one hundred percent of available resources to regional support networks created by January 1, 1990, in a single grant. Regional support networks created by January 1, 1991, shall receive a single block grant by July 1, 1993; regional support networks created by January 1, 1992, shall receive a single block grant by July 1, 1994; and regional support networks created by January 1, 1993, shall receive a single block grant by July 1, 1995. The grants shall include funds currently provided for all residential services, all services pursuant to chapter 71.05 RCW, and all community support services and shall be distributed in accordance with a formula submitted to the legislature by January 1, 1993, in accordance with subsection (14) of this section.

~~((d) ((By January 1, 1990, allocate available resources to regional support networks for community support services, resource management services, and residential services excluding evaluation and treatment facilities provided pursuant to chapter 71.05 RCW in a single grant using the distribution formula established in subsection (14) of this section.))~~

~~((e) By March 1, 1990, or))~~ By August 1, 1992, report to the senate committees on health and long-term care and ways and means and the house committees on human services and appropriations options and recommendations for using allowable medicaid payment systems and other methods to support regionally managed mental health care.

(e) Within sixty days of approval of the contract continuing through July 1, 1993, provide grants as specifically appropriated by the legislature to regional support networks for evaluation and treatment facilities for persons detained or committed for periods up to seventeen days according to chapter 71.05 RCW. For regional support networks created by January 1, 1993, provide grants as specifically appropriated by the legislature to regional support networks for evaluation and treatment facilities for persons detained or committed for periods up to seventeen days according to chapter 71.05 RCW through July 1, 1995.

(f) Notify regional support networks of their allocation of available resources at least sixty days prior to the start of a new biennial contract period.

(g) Deny funding allocations to regional support networks based solely upon formal findings of noncompliance with the terms of the regional support network's contract with the department. Written notice and at least thirty days for corrective action must precede any such action. In such cases, regional support networks shall have full rights to appeal under chapter 34.05 RCW.

(h) Identify in its departmental biennial operating and capital budget requests the funds requested by regional support networks to implement their responsibilities under this chapter.

(i) Contract to provide or, if requested, make grants to counties to provide technical assistance to county authorities or groups of county authorities to develop regional support networks.

(18) The department of social and health services, in cooperation with the state congressional delegation, shall actively seek waivers of federal requirements and such modifications of federal regulations as are necessary to allow (a) federal medicaid reimbursement for services provided by free-standing evaluation and treatment facilities certified under chapter 71.05 RCW and (b) regional support networks to retain savings that accrue from their ability to avoid the use of medicaid or state general fund reimbursed local hospital or state hospital bed days. The department shall ~~((periodically))~~ report its efforts to the health and long-term care ~~((and corrections))~~ committee of the senate and the human services committee of the house of representatives by January 1993.

(19) ~~((The secretary shall establish a task force to examine the recruitment, training, and compensation of qualified mental health professionals in the community, which shall include the advantages and disadvantages of establishing a training academy, loan forgiveness program, or educational stipends offered in exchange for commitments of employment in mental health. The task force shall report back to the appropriate committees of the legislature by January 1, 1990))~~ The department shall cooperate with other departments of state government and its political subdivisions in the following manner:

(a) By disseminating educational information relating to the prevention, diagnosis, early intervention, and treatment of mental illness.

(b) Upon request therefor, by advising public officers, organizations and agencies interested in the mental health of the people of the state.

(20) The department and the several state hospitals for the mentally ill shall cooperate with local mental health programs by providing necessary information, recommendations relating to proper after care for patients paroled or discharged from such institutions and shall also supply the services of psychiatrists, psychologists and other persons specialized in mental illness as they are available.

Sec. 3. RCW 71.24.045 and 1991 c 363 s 147 and 1991 c 306 s 5 are each reenacted and amended to read as follows:

The county authority shall:

~~(1) ((Submit biennial needs assessments beginning January 1, 1983, and mental health service plans which incorporate all services provided for by the county authority consistent with state minimum standards and which provide access to treatment for the county's residents including children and other underserved populations who are acutely mentally ill, chronically mentally ill, severely emotionally disturbed, or seriously disturbed. The county program shall provide:~~

~~(a) Outpatient services;~~

~~(b) Emergency care services for twenty four hours per day;~~

~~(c) Day treatment for mentally ill persons which includes training in basic living and social skills, supported work, vocational rehabilitation, and day activities. Such services may include therapeutic treatment. In the case of a child, day treatment includes age appropriate basic living and social skills, educational and prevocational services, day activities, and therapeutic treatment;~~

~~(d) Screening for patients being considered for admission to state mental health facilities to determine appropriateness of admission;~~

~~(e) Employment services, which may include supported employment, transitional work, placement in competitive employment, and other work related services, that result in mentally ill persons becoming engaged in meaningful and gainful full or part time work;~~

~~(f) Consultation and education services;~~

~~(g) Residential and inpatient services, if the county chooses to provide such optional services; and~~

~~(h) Community support services.~~

The county shall develop the biennial needs assessment based on clients to be served, services to be provided, and the cost of those services, and may include input from the public, clients, and licensed service providers. Each county authority may appoint a county mental health advisory board which shall review and provide comments on plans

~~and policies developed by the county authority under this chapter. The composition of the board shall be broadly representative of the demographic character of the county and the mentally ill persons served therein. Length of terms of board members shall be determined by the county authority;~~

~~(2))~~ Contract as needed with licensed service providers. The county authority may, in the absence of a licensed service provider entity, become a licensed service provider entity pursuant to minimum standards required for licensing by the department for the purpose of providing services not available from licensed service providers;

~~((3))~~ ~~(2)~~ Operate as a licensed service provider if it deems that doing so is more efficient and cost effective than contracting for services. When doing so, the county authority shall comply with rules promulgated by the secretary that shall provide measurements to determine when a county provided service is more efficient and cost effective;

~~((4))~~ ~~(3)~~ Monitor and perform biennial fiscal audits of licensed service providers who have contracted with the county to provide services required by this chapter. The monitoring and audits shall be performed by means of a formal process which insures that the licensed service providers and professionals designated in this subsection meet the terms of their contracts, including the minimum standards of service delivery as established by the department;

~~((5))~~ ~~(4)~~ Assure that the special needs of minorities, the elderly, disabled, children, and low-income persons are met within the priorities established in this chapter;

~~((6))~~ ~~(5)~~ Maintain patient tracking information in a central location as required for resource management services;

~~((7))~~ ~~(6)~~ Use not more than two percent of state-appropriated community mental health funds, which shall not include federal funds, to administer community mental health programs under RCW 71.24.155: PROVIDED, That county authorities serving a county or combination of counties whose population is one hundred twenty-five thousand or more may be entitled to sufficient state-appropriated community mental health funds to employ up to one full-time employee or the equivalent thereof in addition to the two percent limit established in this subsection when such employee is providing staff services to a county mental health advisory board;

~~((8))~~ ~~(7)~~ Coordinate services for individuals who have received services through the community mental health system and who become patients at a state mental hospital.

Sec. 4. RCW 71.24.300 and 1991 c 295 s 3, 1991 c 262 s 2, and 1991 c 29 s 3 are each reenacted and amended to read as follows:

A county authority or a group of county authorities whose combined population is no less than forty thousand may enter into a joint operating agreement to form a regional support network. The roles and responsibilities of county authorities shall be determined by the terms of that agreement and the provisions of law. The state mental health authority may not determine the roles and responsibilities of county authorities as to each other under regional support networks by rule, except to assure that all duties required of regional support networks are assigned and that a single authority has final responsibility for all available resources and performance under the regional support network's contract with the secretary.

(1) Regional support networks shall within three months of recognition submit an overall six-year operating and capital plan, timeline, and budget and submit progress reports and an updated two-year plan biennially thereafter, to assume within available resources all of the following duties by July 1, 1995, instead of those presently assigned to counties under RCW 71.24.045(1):

(a) Administer and provide for the availability of all resource management services, residential services, and community support services.

(b) Administer and provide for the availability of all investigation, transportation, court-related, and other services provided by the state or counties pursuant to chapter 71.05 RCW.

(c) By July 1, 1993, provide within the boundaries of each regional support network evaluation and treatment services for at least eighty-five percent of persons detained or committed for periods up to seventeen days according to chapter 71.05 RCW. Regional support networks with populations of less than one hundred fifty thousand may contract to purchase evaluation and treatment services from other networks. For regional support networks that are created after June 30, 1991, the requirements of (c) of this subsection must be met by July 1, 1995.

(d) By July 1, 1993, administer a portion of funds appropriated by the legislature to house mentally ill persons in state institutions from counties within the boundaries of any regional support network, with the exception of mentally ill offenders, and provide for the care of all persons needing evaluation and treatment services for periods up to seventeen days according to chapter 71.05 RCW in appropriate residential services, which may include state institutions. The regional support networks shall reimburse the state for use of state institutions at a rate equal to that assumed by the legislature when appropriating funds for such care at state institutions during the biennium when reimbursement occurs. The duty of a state hospital to accept persons for evaluation and treatment under chapter 71.05 RCW is limited by the responsibilities assigned to regional support networks under this section. For regional support networks that are created after June 30, 1991, the requirements of (d) of this subsection must be met by July 1, 1995.

(e) Administer and provide for the availability of all other mental health services, which shall include patient counseling, day treatment, consultation, education services, employment services as defined in RCW 71.24.035, and mental health services to children as provided in this chapter.

(f) Establish standards and procedures for reviewing individual service plans and determining when that person may be discharged from resource management services.

(2) Regional support networks shall assume all duties assigned to county authorities by this chapter and chapter 71.05 RCW.

(3) A regional support network may request that any state-owned land, building, facility, or other capital asset which was ever purchased, deeded, given, or placed in trust for the care of the mentally ill and which is within the boundaries of a regional support network be made available to support the operations of the regional support network. State agencies managing such capital assets shall give first priority to requests for their use pursuant to this chapter.

(4) Each regional support network shall appoint a mental health advisory board which shall review and provide comments on plans and policies developed under this chapter. The composition of the board shall be broadly representative of the demographic character of the region and the mentally ill persons served therein. Length of terms of board members shall be determined by the regional support network.

(5) Regional support networks shall assume all duties specified in their plans and joint operating agreements through biennial contractual agreements with the secretary. Such contracts may include agreements to provide periods of stable community living and work or other day activities for specific chronically mentally ill persons who have completed commitments at state hospitals on ninety-day or one hundred eighty-day civil commitments or who have been residents at state hospitals for no less than one hundred eighty days within the previous year. Periods of stable community living may involve acute care in local evaluation and treatment facilities but may not involve use of state hospitals.

(6) Counties or groups of counties participating in a regional support network are not subject to RCW 71.24.045(7). The office of financial management shall consider information gathered in studies required in this chapter and information about the experience of other states to propose a mental health services administrative cost lid to the ((1991)) 1993 legislature which shall include administrative costs of licensed service providers, the state psychiatric hospitals and the department.

(7) ~~((The first regional support network contract may include a pilot project to: Establish standards and procedures for (a) making referrals for comprehensive medical examinations and treatment programs for those whose mental illness is caused or exacerbated by organic disease, and (b) training staff in recognizing the relationship between mental illness and organic disease.~~

((8)) By November 1, 1991, and as part of each biennial plan thereafter, each regional support network shall establish and submit to the state, procedures and agreements to assure access to sufficient additional local evaluation and treatment facilities to meet the requirements of this chapter while reducing short-term admissions to state hospitals. These shall be commitments to construct and operate, or contract for the operation of, freestanding evaluation and treatment facilities or agreements with local evaluation and treatment facilities which shall include (a) required admission and treatment for short-term inpatient care for any person enrolled in community support or residential services, (b) discharge planning procedures, (c) limitations on admissions or transfers to state hospitals, (d) adequate psychiatric supervision, (e) prospective payment methods, and (f) contractual assurances regarding referrals to local evaluation and treatment facilities from regional support networks.

~~((9))~~ (8) Regional support networks may receive technical assistance from the housing trust fund and may identify and submit projects for housing and housing support services to the housing trust fund established under chapter 43.185 RCW. Projects identified or submitted under this subsection must be fully integrated with the regional support network six-year operating and capital plan, timeline, and budget required by subsection (1) of this section.

NEW SECTION. Sec. 5. The following acts or parts of acts are each repealed:

- (1) RCW 72.06.010 and 1970 ex.s. c 18 s 59 & 1959 c 28 s 72.06.010;
- (2) RCW 72.06.050 and 1977 ex.s. c 80 s 46 & 1959 c 28 s 72.06.050;
- (3) RCW 72.06.060 and 1979 c 141 s 185, 1977 ex.s. c 80 s 47, & 1959 c 28 s 72.06.060; and
- (4) RCW 72.06.070 and 1959 c 28 s 72.06.070.

NEW SECTION. Sec. 6. Section 3 of this act shall take effect July 1, 1995.

On motion of Senator West, the following title amendment was adopted:

On page 1, line 2 of the title, after "reform;" strike the remainder of the title and insert "reenacting and amending RCW 71.24.035, 71.24.045, and 71.24.300; creating a new section; repealing RCW 72.06.010, 72.06.050, 72.06.060, and 72.06.070; and providing an effective date."

MOTION

On motion of Senator West, Engrossed Senate Bill No. 6318 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

MOTION

On motion of Senator Murray, Senators Skratek and Madsen were excused.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6318.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6318 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 2; Excused, 3.

Voting yeas: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesemig, Kreidler, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, A. Smith, L. Smith, Snyder, Stratton, Sumner, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Wojahn - 44.

Absent: Senators Nelson, Thorsness - 2.

Excused: Senators Madsen, Matson, Skratek - 3.

ENGROSSED SENATE BILL NO. 6318, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6319, by Senators Niemi, West, Wojahn and Bailey

Modifying placement responsibilities for persons in the state mental health system.

The bill was read the second time.

MOTIONS

Senator West moved that the following Committee on Health and Long-Term Care amendment be adopted:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 72.23.025 and 1989 c 205 s 21 are each amended to read as follows:

(1) It is the intent of the legislature to improve the quality of service at state hospitals, eliminate overcrowding, and more specifically define the role of the state hospitals. The legislature intends that eastern and western state hospitals shall become clinical centers for handling the most complicated long-term care needs of patients with a primary diagnosis of mental disorder. Over the next six years, their involvement in providing short-term ((and)), acute care, and less complicated long-term care shall be diminished in accordance with the revised responsibilities for mental health care under chapter 71.24 RCW. To this end, the legislature intends that funds appropriated for mental health programs, including funds for regional support networks and the state hospitals be used for persons with primary diagnosis of mental disorder. To the extent that persons with developmental disabilities, head injury, AIDS, or substance abuse are treated by state hospitals, the legislature intends that the secretary allocate funds from separate appropriations to help support their care. The legislature finds that establishment of the eastern state hospital board, the western state hospital board, and institutes for the study and treatment of mental disorders at both eastern state hospital and western state hospital will be instrumental in implementing the legislative intent.

(2)(a) The eastern state hospital board and the western state hospital board are each established. Members of the boards shall be appointed by the governor with the consent of the senate. Each board shall include:

- (i) The director of the institute for the study and treatment of mental disorders established at the hospital;
- (ii) One family member of a current or recent hospital resident;
- (iii) One consumer of services;
- (iv) One community mental health service provider;
- (v) Two citizens with no financial or professional interest in mental health services;
- (vi) One representative of the regional support network in which the hospital is located;
- (vii) One representative from the staff who is a physician;
- (viii) One representative from the nursing staff;
- (ix) One representative from the other professional staff;
- (x) One representative from the nonprofessional staff; and
- (xi) One representative of a minority community.

(b) At least one representative listed in (a) (viii), (ix), or (x) of this subsection shall be a union member.
 (c) Members shall serve four-year terms. Members of the board shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060 and shall receive compensation as provided in RCW 43.03.240.

(3) The boards established under this section shall:

(a) Monitor the operation and activities of the hospital;
 (b) Review and advise on the hospital budget;
 (c) Make recommendations to the governor and the legislature for improving the quality of service provided by the hospital;
 (d) Monitor and review the activities of the hospital in implementing the intent of the legislature set forth in this section;

(e) Report periodically to the governor and the legislature on the implementation of the legislative intent set forth in this section; and

(f) Consult with the secretary regarding persons the secretary may select as the superintendent of the hospital whenever a vacancy occurs.

(4)(a) There is established at eastern state hospital and western state hospital, institutes for the study and treatment of mental disorders. The institutes shall be operated by joint operating agreements between state colleges and universities and the department of social and health services. The institutes are intended to conduct training, research, and clinical program development activities that will directly benefit mentally ill persons receiving treatment in Washington state by performing the following activities:

(i) Promote recruitment and retention of highly qualified professionals at the state hospitals and community mental health programs;

(ii) Improve clinical care by exploring new, innovative, and scientifically based treatment models for persons presenting particularly difficult and complicated clinical syndromes;

(iii) Provide expanded training opportunities for existing staff at the state hospitals and community mental health programs;

(iv) Promote bilateral understanding of treatment orientation, possibilities, and challenges between state hospital professionals and community mental health professionals.

(b) To accomplish these purposes the institutes may, within funds appropriated for this purpose:

(i) Enter joint operating agreements with state universities or other institutions of higher education to accomplish the placement and training of students and faculty in psychiatry, psychology, social work, occupational therapy, nursing, and other relevant professions at the state hospitals and community mental health programs;

(ii) Design and implement clinical research projects to improve the quality and effectiveness of state hospital services and operations;

(iii) Enter into agreements with community mental health service providers to accomplish the exchange of professional staff between the state hospitals and community mental health service providers;

(iv) Establish a student loan forgiveness and conditional scholarship program to retain qualified professionals at the state hospitals and community mental health providers when the ~~((superintendent))~~ secretary has determined a shortage of such professionals exists.

(c) Notwithstanding any other provisions of law to the contrary, the institutes may enter into agreements with the department or the state hospitals which may involve changes in staffing necessary to implement improved patient care programs contemplated by this section.

(d) The institutes are authorized to seek and accept public or private gifts, grants, contracts, or donations to accomplish their purposes under this section.

(5) The department shall review the diagnoses and treatment history of hospital patients and create a plan to locate inappropriately placed persons into medicaid reimbursable nursing homes or other nonhospital settings. The plan shall be submitted to the legislature by June 30, 1990.

NEW SECTION. Sec. 2. A new section is added to chapter 72.23 RCW to read as follows:

The secretary shall from funds appropriated for appropriate nonmental health program budgets within the department develop a system of payments or other incentives to discourage the inappropriate placement of the developmentally disabled, those with head injury, AIDS, those suffering the effects of substance abuse, or those with similar ailments at the state hospitals, whether or not a mental disorder is associated with their illness, and to encourage their care in community settings or on state hospital or residential habilitation center grounds. The system shall be similar to that used in contracts with regional support networks to limit their use of the state hospitals.

Under the system, state, local, or community agencies shall be given financial or other incentives to develop appropriate crisis intervention and community care arrangements. However, if it is determined that care on state hospital grounds is appropriate, the secretary shall condition such care on payments from appropriate nonmental health program budgets within the department. The payments shall be adequate to support additional care that the superintendents may determine are needed for these persons, after consultation with experts and the boards.

The secretary may establish specialized care programs for persons described in this section on the grounds of the state hospitals. Such programs may operate according to professional standards that do not conform to existing federal or private hospital accreditation standards.

NEW SECTION. Sec. 3. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

On motion of Senator Niemi, the following amendment by Senators Niemi and West to the Committee on Health and Long-Term Care amendment was adopted:

On page 4 of the amendment, beginning on line 23, strike all material through "1990." on line 27 and insert "~~((5) The department shall review the diagnoses and treatment history of hospital patients and create a plan to locate inappropriately placed persons into medicaid-reimbursable nursing homes or other nonhospital settings. The plan shall be submitted to the legislature by June 30, 1990.))~~"

MOTION

On motion of Senator Niemi, the following amendments by Senators Niemi and West to the Committee on Health and Long-Term Care amendment were considered simultaneously and were adopted:

On page 5 of the amendment, line 5, after "AIDS," insert "and"

On page 5 of the amendment, beginning on line 5, after "abuse" strike all material through "ailments" on line

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The President declared the question before the Senate to be the adoption of the striking Committee on Health and Long-Term Care amendment, as amended, to Senate Bill No. 6319.

POINT OF INQUIRY

Senator West: "Senator Niemi, I see that the amendment changes the original bill reference from 'mental illness' to 'mental disorder.' Can you clarify the intent for making this change?"

Senator Niemi: "There was concern that dementia would be a condition separate from mental illness. Professionals consider dementia to be a 'mental disorder.' However, I want to make it clear that we do not intend that the term 'mental disorder' be read so broadly as to include developmental disabilities, AIDS, and disorders caused by substance abuse. The provisions of Section 2 specify that when people have these disorders that the appropriate non-mental health program budgets should contribute to their care, wherever the state may place them."

The motion by Senator West carried and the Committee on Health and Long-Term Care striking amendment, as amended, to Senate Bill No. 6319 was adopted.

MOTIONS

On motion of Senator West, the following title amendment was adopted:

On page 1, line 1 of the title, after "disabilities;" strike the remainder of the title and insert "amending RCW 72.23.025; adding a new section to chapter 72.23 RCW; and declaring an emergency."

On motion of Senator West, Engrossed Senate Bill No. 6319 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

MOTION

On motion of Senator Anderson, Senator Thorsness was excused.

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6319.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6319 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sumner, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Wojahn - 45.

Voting nay: Senator Barr - 1.

Excused: Senators Madsen, Matson, Thorsness - 3.

ENGROSSED SENATE BILL NO. 6319, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6124, by Senators Wojahn, Johnson, Gaspard, Niemi, Rasmussen and Madsen

Providing for a long-term care ombudsman in counties over five hundred thousand.

The bill was read the second time.

MOTION

Senator West moved that the following amendment be adopted:

On page 3, beginning on line 5, after "Sec. 2." strike all material through "43.190.030." on line 9, and insert "If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1992, in the omnibus appropriations act, this act shall be null and void."

Debate ensued.

Senator Wojahn demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator West on page 3, beginning on line 5, to Senate Bill No. 6124.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 22; Nays, 23; Absent, 1; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bluechel, Cantu, Craswell, Erwin, Hayner, McCaslin, Metcalf, Nelson, Newhouse, Oke, Patterson, Roach, Saling, Sellar, L. Smith, Sumner, von Reichbauer, West - 22.

Voting nay: Senators Bauer, Conner, Gaspard, Hansen, Jesernig, Kreidler, McMullen, Moore, Murray, Niemi, Owen, Pelz, Rasmussen, Rinehart, Skratek, A. Smith, Snyder, Stratton, Sutherland, Talmadge, Vognild, Williams, Wojahn - 23.

Absent: Senator McDonald - 1.

Excused: Senators Madsen, Matson, Thorsness - 3.

MOTION

Senator Linda Smith moved that the following amendment be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. It is the intent of the legislature to enable local resolution of concerns and problems raised by long-term care residents by providing a volunteer long-term care ombudsman for every long-term care facility and to improve the access to the volunteer long-term care ombudsman at the facilities where Washington's most vulnerable citizens reside.

The legislature finds that although considerable progress has been made, only a fraction of long-term care residents have access to a volunteer ombudsman at their facilities and some counties have no local program at all. The legislature further finds that residents in those counties have access only to the two professional staff in the state office

and that the four programs attempting to cover nine other counties are very inadequate, having only four to six hours per week of staff support for the volunteer program, and inadequate time to recruit, train, and support sufficient volunteers to cover their areas. The legislature also finds that other, more substantial local programs have heavy long-term care population loads and are not able to provide the volunteers needed for these vulnerable people.

This act will increase funding for the long-term care ombudsman program by increasing the licensing fees for facilities that the ombudsman program is required by federal and state law to visit.

NEW SECTION. Sec. 2. A new section is added to chapter 18.20 RCW to read as follows:

In addition to the fee established in RCW 18.20.020, a monthly fifty cents per bed surcharge is imposed on each licensee. The proceeds of the surcharge shall be deposited in the long-term care ombudsman account created in section 5 of this act.

NEW SECTION. Sec. 3. A new section is added to chapter 18.51 RCW to read as follows:

In addition to the fee established in RCW 18.51.050, a monthly one dollar per bed surcharge is imposed on each licensee. The proceeds of the surcharge shall be deposited in the long-term care ombudsman account created in section 5 of this act.

NEW SECTION. Sec. 4. A new section is added to chapter 70.128 RCW to read as follows:

In addition to the fee established in RCW 70.128.060, a monthly fifty cents per bed surcharge is imposed on each licensee. The proceeds of the surcharge shall be deposited in the long-term care ombudsman account created in section 5 of this act.

NEW SECTION. Sec. 5. A new section is added to chapter 43.190 RCW to read as follows:

The long-term care ombudsman account is created in the state treasury. Money in the account may be spent only after appropriation. Expenditures from the account may be used only for the long-term care ombudsman program under this chapter.

NEW SECTION. Sec. 6. The sum of four hundred seventy-five thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1993, from the long-term care ombudsman account to the department of community development for the purposes of the long-term care ombudsman program established under chapter 43.190 RCW.

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

POINT OF ORDER

Senator Wojahn: "Mr. President, I raise the point of order that the amendment by Senator Linda Smith is outside the scope and object of Senate Bill No. 6124, in violation of Senate Rule 66. Senate Bill No. 6124 amends the current long-term care ombudsman law to require the existing program to be made available at more convenient locations, and appropriates a modest \$50,000 for that purpose.

"The amendment proposed by Senator Linda Smith, strikes Senate Bill No. 6124 in its entirety and replaces it with a vastly expanded ombudsman program. The amendment requires an ombudsman in every facility in the state. It then goes on to increase license fees in three different categories to fund the program. The amendment further creates a dedicated new fund--a new fund within our budget called the long-term care ombudsman account, and appropriates \$475,000 out of that account. This amendment is clearly beyond the scope and substantially beyond the object of Senate Bill No. 6124."

Further debate ensued.

MOTION

On motion of Senator Newhouse, further consideration of Senate Bill No. 6124 was deferred.

At 2:58 p.m., the President declared the Senate to be at ease.

The Senate was called to order at 3:00 p.m. by Vice President Pro Tempore Bluechel.

SECOND READING

SENATE BILL NO. 6035, by Senators West, Anderson, Johnson and Bailey

Transferring the basic health plan to the Washington state health care authority.

MOTIONS

On motion of Senator West, Substitute Senate Bill No. 6035 was substitute for Senate Bill No. 6035 and the substitute bill was placed on second reading and read the second time.

Senator Kreidler moved that the following amendments by Senators Kreidler, Pelz, Moore, Owen, Stratton, Madsen, McMullen, Gaspard, Wojahn and Vognild be considered simultaneously and be adopted:

On page 3, beginning on line 12, after "individuals" strike all material through "guidelines" on line 13 and insert "regardless of income"

On page 8, line 19, strike "(a)"

On page 8, beginning on line 24, strike all material through "services." on line 28

On page 11, beginning on line 2, after "medicare." strike all material through "services." on line 5

On page 11, beginning on line 19, after "medicare." strike all material through "services." on line 22

Debate ensued.

Senator Kreidler demanded a roll call and the demand was sustained.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the adoption of the amendments by Senators Kreidler, Pelz, Moore, Owen, Stratton, Madsen, McMullen, Gaspard, Wojahn and Vognild on page 3, line 12, page 8, lines 19 and 24, and page 11, line 2 and 19, to Substitute Senate Bill No. 6035.

ROLL CALL

The Secretary called the roll and the amendments were not adopted by the following vote: Yeas, 23; Nays, 23; Absent, 0; Excused, 3.

Voting yea: Senators Bauer, Conner, Gaspard, Hansen, Jesernig, Kreidler, McMullen, Moore, Murray, Niemi, Owen, Pelz, Rasmussen, Rinehart, Skratek, A. Smith, Snyder, Stratton, Sutherland, Talmadge, von Reichbauer, Williams, Wojahn - 23.

Voting nay: Senators Amondson, Anderson, Bailey, Barr, Bluechel, Cantu, Craswell, Erwin, Hayner, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Oke, Patterson, Roach, Saling, Sellar, L. Smith, Sumner, Vognild, West - 23.

Excused: Senators Madsen, Matson, Thorsness - 3.

MOTIONS

On motion of Senator Stratton, the following amendments by Senators Stratton, Talmadge, West, Murray, Owen and Vognild were considered simultaneously and were adopted:

On page 4, line 17, after "plan." insert "Enrollee includes foster parents covered under section 8 of this act."

On page 8, line 19, after "(a)" strike "To" and insert "Except as provided for in section 8 of this act, to"

On page 10, line 7, after "premiums." strike "An" and insert "Except as provided in section 8 of this act, an"

On page 10, line 16, after "enrollee." strike "No" and insert "Except as provided in section 8 of this act, no"

On page 15, after line 12, insert the following:

NEW SECTION. Sec. 8. A new section is added to chapter 70.47 RCW to read as follows:

A foster parent licensed in accordance with chapter 74.15 RCW and in good standing with the department of social and health services is eligible to enroll in the basic health plan as a subsidized enrollee subject to funds appropriated to the basic health plan trust account specifically for the purpose of this section.

Senator Kreidler moved that the following amendment by Senators Kreidler and Pelz be adopted:

On page 6, line 22, after "appropriate." insert "If a Washington health services commission or similar body is created, at such time as it may adopt and from time to time revise a uniform benefit package, or similar requirements,"

such package or requirements shall be implemented by the administrator as the schedule of covered basic health care services."

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senators Kreidler and Pelz on page 6, line 22, to Substitute Senate Bill No. 6035.

The motion by Senator Kreidler failed and the amendment was not adopted.

MOTION

Senator Kreidler moved that the following amendment by Senators Kreidler, Pelz, Niemi and Wojahn be adopted:

On page 15, after line 12, insert the following:

NEW SECTION. Sec. 8. A new section is added to chapter 70.47 RCW to read as follows:

The powers, duties, and functions of the Washington basic health plan are hereby transferred to the Washington state health care authority. All references to the administrator of the Washington basic health plan in the Revised Code of Washington shall be construed to mean the administrator of the Washington state health care authority.

NEW SECTION. Sec. 9. All reports, documents, surveys, books, records, files, papers, or written material in the possession of the Washington basic health plan shall be delivered to the custody of the Washington state health care authority. All cabinets, furniture, office equipment, motor vehicles, and other tangible property used by the Washington basic health plan shall be made available to the Washington state health care authority. All funds, credits, or other assets held by the Washington basic health plan shall be assigned to the Washington state health care authority.

Any appropriations made to the Washington basic health plan shall, on the effective date of this section, be transferred and credited to the Washington state health care authority. At no time may those funds in the basic health plan trust account, any funds appropriated for the subsidy of any enrollees or any premium payments or other sums made or received on behalf of any enrollees in the basic health plan be commingled with any appropriated funds designated or intended for the purposes of providing health care coverage to any state or other public employees.

Whenever any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

NEW SECTION. Sec. 10. All employees of the Washington basic health plan are transferred to the jurisdiction of the Washington state health care authority. All employees classified under chapter 41.06 RCW, the state civil service law, are assigned to the Washington state health care authority to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service.

NEW SECTION. Sec. 11. All rules and all pending business before the Washington basic health plan shall be continued and acted upon by the Washington state health care authority. All existing contracts and obligations shall remain in full force and shall be performed by the Washington state health care authority.

NEW SECTION. Sec. 12. The transfer of the powers, duties, functions, and personnel of the Washington basic health plan shall not affect the validity of any act performed prior to the effective date of this section.

NEW SECTION. Sec. 13. If apportionments of budgeted funds are required because of the transfers directed by sections 9 through 12 of this act, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

NEW SECTION. Sec. 14. Nothing contained in sections 8 through 13 of this act may be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement until the agreement has expired or until the bargaining unit has been modified by action of the personnel board as provided by law.

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senators Kreidler, Pelz, Niemi and Wojahn on page 15, after line 12, to Substitute Senate Bill No. 6035.

The motion by Senator Kreidler failed and the amendment was not adopted on a rising vote.

MOTIONS

On motion of Senator West, the following title amendment was adopted:

On page 1, line 3 of the title, after "70.47.060," insert "adding a new section to chapter 70.47 RCW;"

On motion of Senator West, Engrossed Substitute Senate Bill No. 6035 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Gaspard: "I don't see Senator McDonald on the floor, but maybe Senator West would yield to a question to answer how can we have this bill subject to the appropriation and then in the budget bill cut the appropriation for the basic health care plan by five million dollars? Will Senator McDonald yield to a question?"

Senator McDonald: "Mr. President and fellow members of the Senate. Basically, if my memory serves me correctly it is dealing with the reserves that we have in the basic health care plan, not the number of people that will be served by it."

Senator Gaspard: "Just to finish up, Mr. President. I think that was not the answer that we all need about what is going to take place in basic health care reform. I think that the bill that we have before us is certainly an improvement with the program that we have put together. As a matter of fact, I think the Governor deserves great credit for having one of the most innovative programs providing health care for the truly needy people who have difficulty and availability and affordability of health care. This, by itself, is not an answer and when we look at the budget that is being proposed with a five million dollar reduction in the basic health care plan that just appears to me that we are promising with one hand, but taking away from another."

Senator McDonald: "Mr. President and fellow members of the Senate. Now, this is not an unique reduction. It is simply a reduction in the reserve that we have in the basic health care plan. It is not a reduction in the number of people who will be served by that. It doesn't make sense to have a reserve in each and every one of these areas and have no reserve at all as the Governor and Representative Locke have proposed. So, they took that five million dollars; we took that five million dollars and put it in to the final reserve in the budget. I think that makes sense. You are not subtracting at all from the coverage as you suggested, Senator Gaspard."

Further debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6035.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6035 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 2; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesemig, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sumner, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Wojahn - 44.

Voting nay: Senators Kreidler, Niemi - 2.

Excused: Senators Madsen, Matson, Thorsness - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6035, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE JOINT MEMORIAL NO. 8031, by Senators Snyder and Conner

Requesting that sites in this state be left out of the Coastal Barriers Resource System.

The joint memorial was read the second time.

MOTION

On motion of Senator Snyder, Senate Joint Memorial No. 8031 was advanced to third reading, the second reading considered the third and the joint memorial was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Joint Memorial No. 8031.

ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Memorial No. 8031 and the joint memorial passed the Senate by the following vote: Yeas, 33; Nays, 13; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Oke, Patterson, Rasmussen, Roach, Saling, Sellar, L. Smith, Snyder, Stratton, Sumner, Sutherland, Vognild, von Reichbauer, West - 33.

Voting nay: Senators Kreidler, McMullen, Moore, Murray, Niemi, Owen, Pelz, Rinehart, Skratek, A. Smith, Talmadge, Williams, Wojahn - 13.

Excused: Senators Madsen, Matson, Thorsness - 3.

SENATE JOINT MEMORIAL NO. 8031, having received the constitutional majority, was declared passed.

SECOND READING

SENATE BILL NO. 6116, by Senators Sellar, Murray, Anderson and McMullen

Deferring certain taxes for cogeneration facilities.

The bill was read the second time.

MOTIONS

On motion of Senator Sellar, the following amendment was adopted:

On page 2, beginning on line 1, after "generation of" strike all material through "fuel" on line 3, and insert "two or more forms of energy from a common fuel or energy source. Where these forms are electricity and thermal energy, then the operating and efficiency standards established by 18 C.F.R. Sec. 292.205 and the definitions established by C.F.R. 292.202 (c) through (m) as of the effective date of this act shall apply"

On motion of Senator Sellar, Engrossed Senate Bill No. 6116 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6116.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6116 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson,

Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sumner, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Wojahn - 46.

Excused: Senators Madsen, Matson, Thorsness - 3.

ENGROSSED SENATE BILL NO. 6116, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6292, by Senators Bauer, Newhouse, Thorsness, Moore and Vognild

Expanding the sales opportunities of licensed brewers and domestic wineries.

The bill was read the second time.

MOTIONS

On motion of Senator Bauer, the following Committee on Commerce and Labor amendments were considered simultaneously and were adopted:

On page 2, at the beginning of line 16, strike "or domestic winery" and insert "~~((or domestic winery))~~"

On page 2, line 18, after "brewery" strike "or winery" and insert "~~((or winery))~~"

On page 2, line 18, after "premises" insert "and nothing in this section shall prohibit a domestic winery from being licensed as a retailer pursuant to chapter 66.24 RCW for the purpose of selling its own production at retail on the winery premises"

On motion of Senator Newhouse, Engrossed Senate Bill No. 6292 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6292.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6292 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 2; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sumner, Talmadge, Vognild, von Reichbauer, West, Williams, Wojahn - 44.

Voting nay: Senators Craswell, Sutherland - 2.

Excused: Senators Madsen, Matson, Thorsness - 3.

ENGROSSED SENATE BILL NO. 6292, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6338, by Senators Matson, McMullen and Snyder

Establishing provisions for alcohol servers.

MOTIONS

On motion of Senator Amondson, Substitute Senate Bill No. 6338 was substituted for Senate Bill No. 6338 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Amondson, Substitute Senate Bill No. 6338 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6338.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6338 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sumner, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Wojahn - 46.

Excused: Senators Madsen, Matson, Thorsness - 3.

SUBSTITUTE SENATE BILL NO. 6338, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

President Pritchard assumed the Chair.

There being no objection, the Senate resumed consideration of Senate Bill No. 6124 and the pending striking amendment by Senator Linda Smith, deferred earlier today.

RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator Wojahn, the President finds that Senate Bill No. 6124 is a measure which expands the long-term care ombudsmen program to make the program available in an additional county, and provides funding.

"The amendment proposed by Senator Linda Smith would extend the program to all long-term care facilities and provides funding.

"The President, therefore, finds that the proposed amendment does not change the scope and object of the bill and the point of order is not well taken."

The striking amendment by Senator Linda Smith to Senate Bill No. 6124 was ruled in order.

MOTION

At 4:04 p.m., on motion of Senator Newhouse, the Senate adjourned until 9:00 a.m., Friday, February 14, 1992.

JOEL PRITCHARD, President of the Senate.

GORDON GOLOB, Secretary of the Senate.

THIRTY-THIRD DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, February 14, 1992

The Senate was called to order at 9:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Barr, Bauer, Matson, McDonald, Moore, Niemi, Patterson, Pelz, Sellar and Snyder. On motion of Senator Murray, Senators Moore, Niemi, Pelz and Snyder were excused. On motion of Senator Anderson, Senators Barr, Matson and McDonald were excused.

The Sergeant at Arms Color Guard, consisting of Pages Kirsten Olson and Tom Kortlever, presented the Colors. Reverend Randy Burtis, pastor of the Neighborhood Christian Center of Tumwater, offered the prayer.

MOTION

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

MESSAGES FROM THE HOUSE

February 12, 1992

MR. PRESIDENT:

The House has passed:

HOUSE BILL NO. 2290,

HOUSE BILL NO. 2294,

SUBSTITUTE HOUSE BILL NO. 2391,

SUBSTITUTE HOUSE BILL NO. 2397,

HOUSE BILL NO. 2399,

SUBSTITUTE HOUSE BILL NO. 2441,

SUBSTITUTE HOUSE BILL NO. 2465,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2546,

SUBSTITUTE HOUSE BILL NO. 2831,

HOUSE JOINT MEMORIAL NO. 4027, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

February 12, 1992

MR. PRESIDENT:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 1409,

SUBSTITUTE HOUSE BILL NO. 2263,

SUBSTITUTE HOUSE BILL NO. 2281,

SUBSTITUTE HOUSE BILL NO. 2322,

SUBSTITUTE HOUSE BILL NO. 2327,

SUBSTITUTE HOUSE BILL NO. 2359, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

February 13, 1992

MR. PRESIDENT:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1085,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1275,
HOUSE BILL NO. 1689,
SUBSTITUTE HOUSE BILL NO. 1787,
SUBSTITUTE HOUSE BILL NO. 2297,
SUBSTITUTE HOUSE BILL NO. 2303,
SUBSTITUTE HOUSE BILL NO. 2310,
HOUSE BILL NO. 2313,
HOUSE BILL NO. 2314,
SUBSTITUTE HOUSE BILL NO. 2326,
SUBSTITUTE HOUSE BILL NO. 2345,
HOUSE BILL NO. 2358,
ENGROSSED HOUSE BILL NO. 2360,
SUBSTITUTE HOUSE BILL NO. 2369,
SUBSTITUTE HOUSE BILL NO. 2370,
SUBSTITUTE HOUSE BILL NO. 2373,
HOUSE BILL NO. 2385,
SUBSTITUTE HOUSE BILL NO. 2388,
SUBSTITUTE HOUSE BILL NO. 2390,
HOUSE BILL NO. 2492,
SUBSTITUTE HOUSE BILL NO. 2505,
HOUSE BILL NO. 2539,
SUBSTITUTE HOUSE BILL NO. 2571,
ENGROSSED HOUSE BILL NO. 2680,
HOUSE BILL NO. 2681,
HOUSE BILL NO. 2682,
SUBSTITUTE HOUSE BILL NO. 2719,
SUBSTITUTE HOUSE BILL NO. 2731,
HOUSE BILL NO. 2782,
SUBSTITUTE HOUSE BILL NO. 2809,
HOUSE BILL NO. 2822,
HOUSE JOINT MEMORIAL NO. 4030, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

INTRODUCTION AND FIRST READING

SB 6506 by Senators Anderson and L. Smith

AN ACT Relating to the creation of the adult family home advisory council; and adding new sections to chapter 70.128 RCW.

Referred to Committee on Health and Long-Term Care.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

ESHB 1085 by House Committee on Financial Institutions and Insurance (originally sponsored by Representatives Winsley, Dellwo, Broback, Dorn, Mielke, Inslee, Schmidt, Zellinsky, Anderson, Paris, R. Johnson, Edmondson, Wynne, Chandler, Wood, Tate and Orr)

Defining the fiduciary relationship of credit union personnel.

Referred to Committee on Financial Institutions and Insurance.

ESHB 1275 by House Committee on Local Government (originally sponsored by Representatives Haugen, Ferguson and Cooper)

Adjusting provisions relating to local government.

Referred to Committee on Governmental Operations.

SHB 1409 by House Committee on Higher Education (originally sponsored by Representatives Jacobsen, H. Sommers, Wood, Wineberry, Nelson, May, Ogden, Miller, Sheldon, Basich, Paris, Spanel, Phillips, Rasmussen and Anderson)

Eliminating mandatory retirement for employees of public institutions of higher education.

Referred to Committee on Higher Education.

HB 1689 by Representatives Ludwig, Padden, Sheldon, Forner, Riley, Inslee, R. Meyers, Kremen, Roland, Appelwick, Mielke, Holland, Betrozoff, Moyer, Paris, Mitchell, McLean and Orr

Regarding the limitation of actions brought by prisoners.

Referred to Committee on Law and Justice.

SHB 1787 by House Committee on Health Care (originally sponsored by Representatives Appelwick and Jacobsen)

Adopting the uniform anatomical gift act.

Referred to Committee on Health and Long-Term Care.

SHB 2263 by House Committee on Human Services (originally sponsored by Representatives Hargrove, Winsley, Prentice, H. Myers, Ludwig, Tate, Morris, Riley, Leonard and Orr) (by request of Department of Corrections)

Correcting references to state correctional facilities.

Referred to Committee on Law and Justice.

SHB 2281 by House Committee on Commerce and Labor (originally sponsored by Representatives Prentice, R. Fisher, Vance, Forner, Heavey, G. Fisher, Roland, Winsley, Franklin, Paris, May, Mitchell and Leonard)

Modifying requirements for crew size on passenger trains.

Referred to Committee on Transportation.

HB 2290 by Representatives R. Meyers, Ferguson, Schmidt, Zellinsky, Winsley, Wilson, Paris and Sheldon (by request of Department of Community Development)

Regulating fire protection sprinkler system contractors.

Referred to Committee on Commerce and Labor.

HB 2294 by Representatives Basich, R. King, Wilson, Jones, Sheldon, Orr and Mitchell (by request of Department of Fisheries)

Directing a study of the coastal crab fishery.

Referred to Committee on Environment and Natural Resources.

SHB 2297 by House Committee on Housing (originally sponsored by Representatives Fraser, Mitchell, Franklin, Ogden and Nelson)

Providing for the expedited termination of certain rental agreements.

Referred to Committee on Law and Justice.

SHB 2303 by House Committee on Judiciary (originally sponsored by Representatives Ludwig, Padden, Riley and Silver)

Providing for the use as evidence of reports by or testimony from criminologists of the state's crime laboratory.

Referred to Committee on Law and Justice.

SHB 2310 by House Committee on Judiciary (originally sponsored by Representatives Franklin, Ludwig, Orr, Wang, Ferguson and Anderson)

Prohibiting firearms and dangerous weapons in courtrooms.

Referred to Committee on Law and Justice.

HB 2313 by Representatives Moyer and Braddock (by request of Department of Social and Health Services)

Revising requirements for the mental health information system.

Referred to Committee on Health and Long-Term Care.

HB 2314 by Representative Franklin (by request of Department of Social and Health Services)

Revising provisions for providing medical services.

Referred to Committee on Health and Long-Term Care.

SHB 2322 by House Committee on State Government (originally sponsored by Representatives Anderson, McLean, Bowman, R. Johnson, Rayburn, Jacobsen, Kremen, Heavey,

Paris, Wineberry, J. Kohl, Spanel, Sheldon, Pruitt, Haugen, Sprengle and O'Brien)
(by request of Department of Veterans Affairs)

Changing provisions relating to the veterans affairs advisory committee.

Referred to Committee on Governmental Operations.

SHB 2326 by House Committee on Revenue (originally sponsored by Representatives Winsley, Wang, Broback, Kremen, Paris, J. Kohl, Rasmussen and Miller)

Waiving the delinquent property tax payment penalty and interest where a mortgage lien has been removed but the property owner has not received notice of taxes due.

Referred to Committee on Ways and Means.

SHB 2327 by House Committee on Housing (originally sponsored by Representatives Winsley, Nelson, Mitchell, Ogden, Franklin, Brough, Paris and Miller)

Maintaining mobile home parks.

Referred to Committee on Commerce and Labor.

SHB 2345 by House Committee on Local Government (originally sponsored by Representatives Bray, Nealey, Haugen, Ludwig, Neher, Ferguson and Rayburn)

Allowing irrigation districts to assess the costs of maintaining the local improvement guarantee fund.

Referred to Committee on Governmental Operations.

HB 2358 by Representatives Prentice and Moyer

Modifying requirements for the psychologist disciplinary committee.

Referred to Committee on Health and Long-Term Care.

SHB 2359 by House Committee on Education (originally sponsored by Representatives Dom, Neher, Peery, Winsley, Riley, Brough, Ebersole, Ferguson, Rasmussen, Mielke, Grant, Tate, Pruitt, Orr, Rayburn, Inslee, Jacobsen, G. Fisher, Kremen, G. Cole, J. Kohl, Mitchell, Ogden and Valle)

Creating the academic and vocational integration development program.

Referred to Committee on Education.

EHB 2360 by Representatives G. Cole, R. King and Basich (by request of Department of Fisheries)

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

Referred to Committee on Environment and Natural Resources.

SHB 2369 by House Committee on Appropriations (originally sponsored by Representatives Spanel, R. King, Wilson, Basich, H. Sommers, Hochstatter, Morris, Fuhrman, Kremen, Orr, Haugen, Riley, Padden, R. Meyers, G. Cole, Sheldon, Bowman, Rasmussen and R. Johnson)

Requiring salmon food fish to be labeled by its source and common name.

Referred to Committee on Environment and Natural Resources.

SHB 2370 by House Committee on Judiciary (originally sponsored by Representatives Padden, Appelwick, Paris, Ludwig, Vance, Riley, Forner, Broback, D. Sommers, Inslee, Scott, R. Johnson, Franklin, Winsley, Mitchell and Bowman)

Requiring the registration of process servers.

Referred to Committee on Law and Justice.

SHB 2373 by House Committee on Judiciary (originally sponsored by Representatives Kremen, Rayburn, Winsley, Anderson, McLean, Roland, R. Johnson, O'Brien, Pruitt, Chandler, Heavey, Betzoff, Scott, Rasmussen, G. Cole, Spanel, Cantwell, Grant, Brekke, Peery, Braddock, G. Fisher, Paris, Wineberry, J. Kohl, Orr, Sheldon and Haugen)

Regulating concealed weapons.

Referred to Committee on Law and Justice.

HB 2385 by Representatives Heavey, Fuhrman, Orr, Jones, G. Cole, Franklin, Brumsickle, O'Brien, Lisk, Paris, Wineberry, Chandler, J. Kohl and Mitchell (by request of Employment Security Department)

Providing for unemployment compensation benefits.

Referred to Committee on Commerce and Labor.

SHB 2388 by House Committee on Judiciary (originally sponsored by Representatives H. Myers, Padden, Belcher, Appelwick, Riley, Paris, Ludwig, Hargrove, Scott, Vance, Bowman, Carlson, Ferguson, Orr, Brough, May, Broback and Hochstatter)

Authorizing treatment options for persons convicted of vehicular homicide and vehicular assault.

Referred to Committee on Law and Justice.

SHB 2390 by House Committee on Environmental Affairs (originally sponsored by Representatives Valle, Horn, Rust, Pruitt, Bray, J. Kohl, Brekke, Edmondson and Carlson)

Requiring recycling receptacles near vending machines.

Referred to Committee on Environment and Natural Resources.

SHB 2391 by House Committee on Environmental Affairs (originally sponsored by Representatives Horn, Rust, Pruitt, Bray, J. Kohl, Brekke, Edmondson, D. Sommers, Valle and May)

Regulating biomedical waste.

Referred to Committee on Health and Long-Term Care.

SHB 2397 by House Committee on Environmental Affairs (originally sponsored by Representatives Bray, Neher, Pruitt, D. Sommers, Rust and Valle)

Imposing a fee on waste transported without a cover.

Referred to Committee on Environment and Natural Resources.

HB 2399 by Representatives H. Sommers, Grant, Rayburn, May and Miller

Limiting transfers from the geothermal account.

Referred to Committee on Energy and Utilities.

SHB 2441 by House Committee on Commerce and Labor (originally sponsored by Representatives Jones, Heavey, Franklin, Prentice, G. Cole and R. King)

Creating a process for business closures.

Referred to Committee on Commerce and Labor.

SHB 2465 by House Committee on Energy and Utilities (originally sponsored by Representatives Grant, May, H. Myers, Miller, Paris, Forner and Casada)

Regulating public service company tariff charge reduction or waiver.

Referred to Committee on Energy and Utilities.

HB 2492 by Representatives Franklin, Mitchell, Nelson and Winsley

Correcting double amendments relating to regulation of mobile and manufactured homes.

Referred to Committee on Commerce and Labor.

SHB 2505 by House Committee on Local Government (originally sponsored by Representatives Cooper, Ferguson and Haugen)

Revising bidding practices for municipalities.

Referred to Committee on Governmental Operations.

HB 2539 by Representatives Kremen, Fuhrman, Orr and Spanel (by request of Department of Community Development)

Creating the border areas account.

Referred to Committee on Ways and Means.

ESHB 2546 by House Committee on Education (originally sponsored by Representatives Peery, Brough, D. Sommers, Brumsickle, Vance, Wineberry, Dorn, Franklin, Orr, Wang, Scott, Broback, J. Kohl, Wood, Rayburn, Roland, Bray, Ogden, Cooper, Pruitt, Sheldon, Sprenkle, Spanel, Hine, Rasmussen and H. Myers)

Developing a performance-based school system.

Referred to Committee on Education.

SHB 2571 by House Committee on Health Care (originally sponsored by Representatives Prentice, Moyer, Sprenkle, Silver, Paris, Braddock, Miller, Leonard, Nealey, H. Myers, P. Johnson, Mitchell, McLean, Schmidt, Former, Betrozoff, Brough, Tate, Brumsickle, May, Neher, Carlson, Bowman, Jones, Wineberry, Franklin, Kremen, Roland, R. King, Jacobsen, Rust, Spanel, Chandler, J. Kohl, Winsley, Brekke and Anderson)

Authorizing infant mortality reviews.

Referred to Committee on Health and Long-Term Care.

EHB 2680 by Representatives J. Kohl, Brumsickle and Fraser (by request of Department of Revenue)

Modifying provisions for the assessment and collection of taxes.

Referred to Committee on Ways and Means.

HB 2681 by Representatives J. Kohl, Brumsickle and Fraser (by request of Department of Revenue)

Modifying provisions for the refund of overpaid taxes.

Referred to Committee on Ways and Means.

HB 2682 by Representatives J. Kohl, Brumsickle and Fraser (by request of Department of Revenue)

Modifying provisions regarding recovery of unclaimed property.

Referred to Committee on Ways and Means.

SHB 2719 by House Committee on Financial Institutions and Insurance (originally sponsored by Representatives R. Meyers, Paris and Anderson)

Permitting certain transactions by insurance agent-brokers.

Referred to Committee on Financial Institutions and Insurance.

SHB 2731 by House Committee on Financial Institutions and Insurance (originally sponsored by Representatives Dellwo and Paris)

Requiring a bond for a license to sell checks, drafts, or money orders.

Referred to Committee on Financial Institutions and Insurance.

HB 2782 by Representatives Zellinsky, R. Johnson, Mielke, Winsley, Anderson, Paris, Wineberry, D. Sommers and Wood

Including coinsurance in health maintenance organizations provisions.

Referred to Committee on Financial Institutions and Insurance.

SHB 2809 by House Committee on Local Government (originally sponsored by Representatives Zellinsky, Wynne, Haugen, Roland, Nelson, Franklin, Bray, Horn, Wood, Edmondson, Paris and Rayburn)

Revising reimbursement provisions for local government officials.

Referred to Committee on Governmental Operations.

HB 2822 by Representatives Dellwo, Broback, Zellinsky, Winsley, Mielke, R. Johnson, Paris and R. Meyers

Making certain persons personally liable for the performance of insurance policies with unauthorized insurers.

Referred to Committee on Financial Institutions and Insurance.

SHB 2831 by House Committee on Commerce and Labor (originally sponsored by Representatives Heavey, Rayburn, Edmondson, Kremen, Prentice, Inslee, Roland, Nealey, Ludwig, Bray, Grant, Franklin, McLean, Rasmussen and Haugen)

Revising pesticide recordkeeping and posting requirements.

Referred to Committee on Agriculture and Water Resources.

HJM 4027 by Representatives Winsley, Dorn, Franklin, Jones, Kremen, Wineberry, Sheldon and Sprenkle

Requesting financial relief for disabled veterans.

Referred to Committee on Governmental Operations.

HJM 4030 by Representatives Betrozoff, Peery, Brough, Jones, Neher, Vance, G. Cole, Broback, P. Johnson, Carlson, Bowman, Orr, Casada, Morton, Silver, Nealey and May

Urging schools to instruct students in the meaning and history of the Constitution of the United States, the Bill of Rights, and the Federalist papers.

Referred to Committee on Education.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Saling, Gubernatorial Appointment No. 9186, Carl R. Brown, as a member of the Board of Trustees for Bates Technical College, was confirmed.

APPOINTMENT OF CARL R. BROWN

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 39; Nays, 0; Absent, 3; Excused, 7.

Voting yea: Senators Amondson, Anderson, Bailey, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, McCaslin, McMullen, Metcalf, Murray, Nelson, Newhouse, Oke, Owen, Rasmussen, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Stratton, Sumner, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 39.

Absent: Senators Bauer, Patterson, Sellar - 3.

Excused: Senators Barr, Matson, McDonald, Moore, Niemi, Pelz, Snyder - 7.

MOTION

On motion of Senator Saling, Gubernatorial Appointment No. 9187, Theresa Ceccarelli, as a member of the Board of Trustees for Bates Technical College, was confirmed.

MOTION

On motion of Senator Anderson, Senator Sellar was excused.

APPOINTMENT OF THERESA CECCARELLI

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 41; Nays, 0; Absent, 1; Excused, 7.

Voting yea: Senators Amondson, Anderson, Bailey, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, McCaslin, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Oke, Owen, Patterson, Rasmussen, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Stratton, Sumner, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 41.

Absent: Senator Bauer - 1.

Excused: Senators Barr, Matson, McDonald, Niemi, Pelz, Sellar, Snyder - 7.

SECOND READING

SENATE BILL NO. 6377, by Senator Thorsness

Modifying provisions for the awarding of TDD distribution and maintenance contracts.

MOTIONS

On motion of Senator Thorsness, Substitute Senate Bill No. 6377 was substituted for Senate Bill No. 6377 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Thorsness, the rules were suspended, Substitute Senate Bill No. 6377 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

MOTION

On motion of Senator Murray, Senator Bauer was excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6377.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6377 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Amondson, Anderson, Bailey, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, W. Hansen, Hayner, Jesernig, Kreidler, Madsen, McCaslin, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Stratton, Sumner, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 43.

Excused: Senators Barr, Bauer, Matson, McDonald, Sellar, Snyder - 6.

SUBSTITUTE SENATE BILL NO. 6377, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6051, by Senators L. Smith and Talmadge

Providing a program to assess and monitor infants exposed to drugs.

The bill was read the second time.

MOTIONS

Senator West moved that the following Committee on Health and Long-Term Care amendment be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. LEGISLATIVE INTENT. The legislature finds that chemical drug exposure during pregnancy jeopardizes the long-term health and well-being of infants. The legislature declares that adequate medical care during and after pregnancy, chemical abuse treatment for pregnant women, and other support services for the child and mother are needed to minimize the adverse effects of chemical abuse. The legislature has demonstrated its commitment to providing these services through a significant expansion of maternity care and child health services. It has also expanded chemical abuse treatment and support services for pregnant women through the enhancement of inpatient and outpatient services, transitional housing, case management, and child care. The legislature further finds that early identification through medical assessment of chemically exposed infants can reduce long-term adverse medical, social, and economic consequences only when such identification results in the provision of needed medical and support services. It further declares that well integrated and coordinated delivery of services to mothers and infants is essential to promote the long-term health and well-being of chemically exposed infants.

NEW SECTION. Sec. 2. DEFINITIONS. As used in this chapter, the terms in this section have the meanings indicated unless the context clearly requires otherwise.

- (1) "Drug" means a controlled substance under chapter 69.50 RCW used for nonmedical purposes.
- (2) "Health care facility" means a hospital as licensed in chapter 70.41 RCW.
- (3) "Infant drug exposure assessment" means a procedure established in rule by the state board of health and conducted by a health care facility for screening and assessing newborn infants and mothers to identify those who have been exposed to drugs prior to birth.
- (4) "Nonmedical purpose" means use of a controlled substance as defined in chapter 69.50 RCW for purposes other than prescribed by an authorized health care practitioner as defined in RCW 69.50.101.

NEW SECTION. Sec. 3. ASSESSMENTS--UNIVERSITY OF WASHINGTON ACTIVITIES. The University of Washington, in consultation with the state department of health, shall establish standards for conducting infant drug exposure assessments to determine possible drug exposure of infants prior to birth. Such standards may be updated from time to time. To the extent possible, the standards shall assure accurate, fair, and consistent medical assessments of newborn infants. The department of health shall make available to every health care facility the standards for the purposes of conducting such assessments at those facilities.

NEW SECTION. Sec. 4. ASSESSMENTS--USE--CONFIDENTIALITY OF ASSESSMENTS. (1) Health care facilities may conduct infant drug exposure assessments of newborn infants delivered at the facility to determine the presence of drugs acquired through exposure from the mother. Such assessments should be initiated prior to the discharge of the infant. The purpose of the assessment shall be to determine the need for immediate and postdischarge medical care, drug treatment, and support services for the mother and child.

(2) The results of the infant drug exposure assessments shall not be used in any criminal proceeding as evidence of either guilt or innocence.

NEW SECTION. Sec. 5. INTERAGENCY COORDINATION OF SERVICE DELIVERY. The department of social and health services and the department of health shall assure that the delivery of available services to chemically dependent pregnant women and chemically dependent mothers and infants are coordinated so that (1) all available medical and support services offered through or paid by the agencies are provided to the extent of available resources, (2) existing community-based services are identified and utilized, (3) to the extent feasible, services be offered jointly to the mother and infant in a manner that promotes and preserves positive bonding of the mother and infant, (4) possible long-term developmental disabilities are identified early to minimize adverse health consequences, and (5) the department of social and health services and the department of health are able to track clients and the services they receive across programs and agency lines.

NEW SECTION. Sec. 6. EDUCATION FOR HEALTH CARE PROFESSIONALS. The department of health may consult with the University of Washington and the disciplining authorities for each health care profession under RCW 18.130.040 whose license holders provide prenatal, obstetrical, and pediatric services and may prepare and distribute appropriate educational material to such license holders on the effects of substance abuse by pregnant women. The training and education may include information on identifying signs of drug usage, the effects of drug exposure, conducting medical assessments as provided for by this chapter, and referring patients to appropriate treatment and services.

NEW SECTION. Sec. 7. CAPTIONS NOT LAW. Section captions as used in this act constitute no part of the law.

NEW SECTION. Sec. 8. Sections 1 through 6 of this act shall constitute a new chapter in Title 70 RCW.

NEW SECTION. Sec. 9. The sum of forty-five thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1993, from the general fund to the University of Washington for the purposes of this act.

Senator West moved that the following amendment to the Committee on Health and Long-Term Care amendment be adopted:

On page 4, beginning on line 9 of the amendment, after "Sec. 9." strike all material through "act." on line 12, and insert "If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1992, in the omnibus appropriations act, this act shall be null and void."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator West on page 4, beginning on line 9, to the Committee on Health and Long-Term Care striking amendment to Senate Bill No. 6051.

The motion by Senator West failed and the amendment to the committee striking amendment was not adopted.

The President declared the question before the Senate to be the adoption of the Committee on Health and Long-Term Care striking amendment to Senate Bill No. 6051.

The motion by Senator West carried and the committee striking amendment was adopted.

MOTIONS

On motion of Senator West, the following title amendment was adopted:

On page 1, line 1 of the title, after "drugs;" strike the remainder of the title and insert "adding a new chapter to Title 70 RCW; creating a new section; and making an appropriation."

On motion of Senator West, the rules were suspended, Engrossed Senate Bill No. 6051 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6051.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6051 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, McCaslin, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Stratton, Sumner, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 45.

Excused: Senators Barr, Matson, McDonald, Snyder - 4.

ENGROSSED SENATE BILL NO. 6051, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6244, by Senators L. Smith and von Reichbauer

Limiting the forms of compensation of public utility district managers.

MOTIONS

On motion of Senator Linda Smith, Substitute Senate Bill No. 6244 was substituted for Senate Bill No. 6244 and the substitute bill was placed on second reading and read the second time.

Senator Linda Smith moved that the following amendment by Senators Linda Smith and West be adopted:

On page 1, line 12, after "provided" insert "The manager's compensation may not include life insurance other than term life insurance with premiums paid on an annual basis"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Linda Smith and West on page 1, line 12, to Substitute Senate Bill No. 6244.

The motion by Senator Linda Smith failed and the amendment was not adopted on a rising vote.

MOTION

On motion of Senator von Reichbauer, the rules were suspended, Substitute Senate Bill No. 6244 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6244.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6244 and the bill failed to pass the Senate by the following vote: Yeas, 23; Nays, 22; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Bluechel, Cantu, Craswell, Erwin, Hayner, McCaslin, Metcalf, Newhouse, Oke, Rasmussen, Roach, Saling, Sellar, Stratton, Sumner, Sutherland, Thorsness, von Reichbauer, West - 23.

Voting nay: Senators Conner, Gaspard, Hansen, Jesernig, Kreidler, Madsen, McMullen, Moore, Murray, Nelson, Niemi, Owen, Patterson, Pelz, Rinehart, Skratek, A. Smith, L. Smith, Talmadge, Vognild, Williams, Wojahn - 22.

Excused: Senators Barr, Matson, McDonald, Snyder - 4.

SUBSTITUTE SENATE BILL NO. 6244, having failed to receive the constitutional majority, was declared lost.

NOTICE FOR RECONSIDERATION

Having voted on the prevailing side, Senator Linda Smith served notice that she would move to reconsider the vote by which Substitute Senate Bill No. 6244 failed to pass the Senate.

MOTION

Senator Moore moved that the Senate immediately reconsider the vote by which Substitute Senate Bill No. 6244 failed to pass the Senate.

The President declared the question before the Senate to be the motion by Senator Moore that the Senate immediately reconsider the vote by which Substitute Senate Bill No. 6244 failed to pass the Senate.

The motion for immediate reconsideration failed.

There being no objection, the Senate resumed consideration of Senate Bill No. 6124 and the pending striking amendment by Senator Linda Smith, which was ruled in order February 13, 1992.

Debate ensued.

Senator Newhouse demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the adoption of the striking amendment by Senator Linda Smith to Senate Bill No. 6124.

ROLL CALL

The Secretary called the roll and the striking amendment was not adopted by the following vote: Yeas, 11; Nays, 34; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Hayner, Metcalf, Newhouse, Oke, Sellar, L. Smith, Stratton, Thorsness - 11.

Voting nay: Senators Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Jesernig, Kreidler, Madsen, McCaslin, McMullen, Moore, Murray, Nelson, Niemi, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Skratek, A. Smith, Sumner, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Wojahn - 34.

Excused: Senators Barr, Matson, McDonald, Snyder - 4.

Further debate ensued.

MOTION

Senator West moved that the rules be suspended and Senate Bill No. 6124 be advanced to third reading, the second reading considered the third and the bill be placed on final passage.

MOTION

Senator Newhouse moved that further consideration of Senate Bill No. 6124 be deferred and the bill be placed at the bottom of the calendar.

Senator Gaspard objected to deferring consideration of Senate Bill No. 6124 and moving the bill to the bottom of the calendar.

Senator Gaspard demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the motion by Senator Newhouse to defer further consideration of Senate Bill No. 6124 and to place the bill at the bottom of the calendar.

ROLL CALL

The Secretary called the roll and Senate Bill No. 6124 was deferred and moved to the bottom of the calendar, the President voting 'aye,' by the following vote: Yeas, 22; Nays, 22; Absent, 1; Excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Bluechel, Cantu, Craswell, Erwin, Hayner, McCaslin, Metcalf, Nelson, Newhouse, Oke, Patterson, Roach, Saling, Sellar, L. Smith, Sumner, Thorsness, von Reichbauer, West - 22.

Voting nay: Senators Bauer, Conner, Gaspard, Hansen, Jesernig, Madsen, McMullen, Moore, Murray, Niemi, Owen, Pelz, Rasmussen, Rinehart, Skratek, A. Smith, Stratton, Sutherland, Talmadge, Vognild, Williams, Wojahn - 22.

Absent: Senator Kreidler - 1.

Excused: Senators Barr, Matson, McDonald, Snyder - 4.

SECOND READING

SENATE BILL NO. 6327, by Senators Gaspard, Bailey, Johnson, Jesernig, Murray, Pelz, Anderson, von Reichbauer, Skratek, McMullen, Bauer, Erwin, Rinehart and Roach

Providing awards for excellence in education for classified employees.

MOTIONS

On motion of Senator Bailey, Substitute Senate Bill No. 6327 was substituted for Senate Bill No. 6327 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Bailey, the rules were suspended, Substitute Senate Bill No. 6327 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

POINT OF INQUIRY

Senator Rasmussen: "Senator Bailey, I note here in the summary that it says only teachers, principals and administrators and superintendents are eligible for the fiscal portion of the award. Is it intended to only give a plaque or a piece of paper to the classified employees that are getting awards?"

Senator Bailey: "Senator Rasmussen, no, they will get more than a plaque; they will be eligible for academic grants, recognition stipends or educational grants."

Senator Rasmussen: "This is something different? It merely says that teachers, principals, administrators and superintendents--fiscal portion--and that kind of throws me off. A piece of paper doesn't mean as much as a little piece of cash when you do excellent work."

Senator Bailey: "Senator Rasmussen, I see that Senator Gaspard would like to continue to answer your question for you, if he may."

Senator Rasmussen: "Thank you. Senator Gaspard."

REMARKS BY SENATOR GASPARD

Senator Gaspard: "Mr. President and members of the Senate. It is a pleasure to join with Senator Bailey to recommend this bill to all of us here as we decide our vote. This is a bill that really talks about establishing some equity. It would establish the same type of educational grants and stipend opportunities for the classified employees that are now recognized for those who are our classroom teachers and our administrators and principals. It would give them the same opportunity, as I mentioned before."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6327.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6327 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 1; Excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Madsen, McCaslin, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Stratton, Sumner, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 44.

Absent: Senator Kreidler - 1.

Excused: Senators Barr, Matson, McDonald, Snyder - 4.

SUBSTITUTE SENATE BILL NO. 6327, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was order to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6293, by Senators Thorsness, Owen, Metcalf, Rasmussen and Oke

Increasing the harvest of Puget Sound chinook salmon by recreational fishermen.

The bill was read the second time.

MOTIONS

On motion of Senator Anderson, the following amendment was adopted:

On page 1, beginning on line 9, after fishermen." insert "Such increase in opportunity for recreational fishermen shall not be accomplished by reducing other non-Indian fishing allocations."

On motion of Senator Metcalf, the rules were suspended, Engrossed Senate Bill No. 6293 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Owen: "Senator Metcalf, I want to understand, because I wasn't quite on top when that amendment by Senator Anderson came up. Now, the only place that they can take the--make up the difference is from the tribal allocation?"

Senator Metcalf: "That's where the overcount was; that is correct. That's what the bill says, reading the summary of the bill, it says, 'The director shall increase the opportunity for recreational fishermen to harvest chinook salmon in Puget Sound to make restitution for past errors in catch accounting between the treaty Indian fishermen and the non-Indian recreational fishermen.' That's where the allocation was; it was between the recreational and the tribal. The bill does not, in any event, involve the non-Indian commercial. Senator Anderson's amendment doesn't hurt the bill. It was not necessary, but I don't see it, in any way, damaging the bill."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6293.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6293 and the bill passed the Senate by the following vote: Yeas, 37; Nays, 7; Absent, 1; Excused, 4.

Voting yea: Senators Amondson, Bailey, Bauer, Bluechel, Cantu, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Madsen, McCaslin, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz,

Rasmussen, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Sumner, Sutherland, Thorsness, Vognild, von Reichbauer, West - 37.

Voting nay: Senators Anderson, Conner, Rinehart, Stratton, Talmadge, Williams, Wojahn - 7.

Absent: Senator Kreidler - 1.

Excused: Senators Barr, Matson, McDonald, Snyder - 4.

ENGROSSED SENATE BILL NO. 6293, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was order to stand as the title of the act.

MOTION

On motion of Senator Adam Smith, Senator Kreidler was excused.

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

THIRD READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5121, by Senate Committee on Governmental Operations (originally sponsored by Senators Metcalf, Talmadge, McCaslin, Owen, Thorsness, Vognild, Rinehart, Sellar, L. Smith, Sutherland, Roach, Amondson, Hayner, Rasmussen, Bailey, Moore, Barr, Oke, Wojahn, Nelson, von Reichbauer, Bauer, Gaspard, L. Kreidler, Johnson, Stratton, Skratek and Erwin)

Protecting whistleblowers.

MOTIONS

On motion of Senator Metcalf, the rules were suspended, Engrossed Substitute Senate Bill No. 5121 was returned to second reading and read the second time.

Senator Metcalf moved that the following amendment by Senators Metcalf and Skratek be adopted:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 42.40.020 and 1989 c 284 s 1 are each amended to read as follows:

As used in this chapter, the terms defined in this section shall have the meanings indicated unless the context clearly requires otherwise.

(1) "Auditor" means the office of the state auditor.

(2) "Employee" means any individual employed or holding office in any department or agency of state government.

(3)(a) "Improper governmental action" means any action by an employee:

(i) Which is undertaken in the performance of the employee's official duties, whether or not the action is within the scope of the employee's employment; and

(ii) Which is in violation of any state law or rule, is an abuse of authority, is of substantial and specific danger to the public health or safety, or is a gross waste of public funds.

(b) "Improper governmental action" does not include personnel actions including but not limited to employee grievances, complaints, appointments, promotions, transfers, assignments, reassignments, reinstatements, restorations, reemployments, performance evaluations, reductions in pay, dismissals, suspensions, demotions, violations of the state civil service law, alleged labor agreement violations, reprimands, or any action which may be taken under chapter 41.06 or 28B.16 RCW, or other disciplinary action except as provided in RCW 42.40.030.

(4) "Use of official authority or influence" includes taking, directing others to take, recommending, processing, or approving any personnel action such as an appointment, promotion, transfer, assignment, reassignment, reinstatement, restoration, reemployment, performance evaluation, or any adverse action under chapter 41.06 or 28B.16 RCW, or other disciplinary action.

(5) "Whistleblower" means an employee who in good faith reports alleged improper governmental action to the auditor, initiating an investigation under RCW 42.40.040. For purposes of the provisions of this chapter and chapter 49.60 RCW relating to reprisals and retaliatory action, the term "whistleblower" also means an employee who in good faith provides information to the auditor in connection with an investigation under RCW 42.40.040 and an employee who is believed to have reported alleged improper governmental action to the auditor or to have provided information to the

auditor in connection with an investigation under RCW 42.40.040 but who, in fact, has not reported such action or provided such information.

Sec. 2. RCW 42.40.040 and 1989 c 284 s 3 are each amended to read as follows:

(1) Upon receiving specific information that an employee has engaged in improper governmental action, the auditor shall, within five working days of receipt of the information, mail written acknowledgement to the whistleblower at the address provided. For a period not to exceed thirty days, the auditor shall conduct such preliminary investigation of the matter as the auditor deems appropriate. In conducting the investigation, the identity of the ~~((person providing the information which initiated the investigation))~~ whistleblower shall be kept confidential.

(2) In addition to the authority under subsection (1) of this section, the auditor may, on its own initiative, investigate incidents of improper state governmental action.

(3)(a) If it appears to the auditor, upon completion of the preliminary investigation, that the matter is so unsubstantiated that no further investigation, prosecution, or administrative action is warranted, the auditor shall so notify the ~~((person, if known, who provided the information initiating the investigation))~~ whistleblower.

(b) The notification shall be by memorandum containing a summary of the information received, a summary of the results of the preliminary investigation with regard to each allegation of improper governmental action, and any determination made by the auditor under (c) of this subsection.

(c) In any case to which this section applies, the identity of the ~~((person who provided the information initiating the investigation))~~ whistleblower shall be kept confidential unless the auditor determines that the information has been provided other than in good faith.

(d) If it appears to the auditor that the matter does not meet the definition of an "improper governmental action" under RCW 42.40.020(3), or is other than a gross waste of public funds, the auditor may forward a summary of the allegations to the appropriate agency for investigation and require a response by memorandum ~~((containing))~~ no later than thirty days after the allegations are received from the auditor. The response shall contain a summary of the investigation with regard to each allegation and any determination of corrective action taken. The auditor will keep the identity of the ~~((person who provided the information initiating the investigation))~~ whistleblower confidential. Upon receipt of the results of the investigation from the appropriate agency, the auditor will notify the ~~((provider))~~ whistleblower as prescribed under (a), (b), and (c) of this subsection.

(4) If it appears to the auditor after completion of the preliminary investigation that further investigation, prosecution, or administrative action is warranted, the auditor shall so notify the ~~((party, if known, who provided the information initiating the investigation))~~ whistleblower and either conduct further investigations or issue a report under subsection (6) of this section. Within sixty days after the thirty-day period in subsection (1) of this section, the auditor shall complete the investigation and report its findings to the whistleblower unless written justification for the delay is furnished to the whistleblower. In all such cases, the report of the auditor's investigation and findings shall be sent to the whistleblower within one year after the information was filed under subsection (1) of this section.

(5)(a) At any stage of an investigation under this section the auditor may require by subpoena the attendance and testimony of witnesses and the production of documentary or other evidence relating to the investigation at any designated place in the state. The auditor may issue subpoenas, administer oaths, examine witnesses, and receive evidence. In the case of contumacy or failure to obey a subpoena, the superior court for the county in which the person to whom the subpoena is addressed resides or is served may issue an order requiring the person to appear at any designated place to testify or to produce documentary or other evidence. Any failure to obey the order of the court may be punished by the court as a contempt thereof.

(b) The auditor may order the taking of depositions at any stage of a proceeding or investigation under this chapter. Depositions shall be taken before an individual designated by the auditor and having the power to administer oaths. Testimony shall be reduced to writing by or under the direction of the individual taking the deposition and shall be subscribed by the deponent.

(6)(a) If the auditor determines that there is reasonable cause to believe that an employee has engaged in any improper activity, the auditor shall report the nature and details of the activity to:

(i) The employee and the head of the employing agency; and

(ii) If appropriate, the attorney general or such other authority as the auditor determines appropriate.

(b) The auditor has no enforcement power except that in any case in which the auditor submits a report of alleged improper activity to the head of an agency, the attorney general, or any other individual to which a report has been made under this section, the individual shall report to the auditor with respect to any action taken by the individual regarding the activity, the first report being transmitted no later than thirty days after the date of the auditor's report and monthly thereafter until final action is taken. If the auditor determines that appropriate action is not being taken within a reasonable time, the auditor shall report the determination to the governor and to the legislature.

(7) This section does not limit any authority conferred upon the attorney general or any other agency of government to investigate any matter.

Sec. 3. RCW 42.40.050 and 1989 c 284 s 4 are each amended to read as follows:

~~((1) Any employee (a) who provides his or her name and specific information to the auditor on any matter which is found to warrant further investigation or other action, or which is provided by the employee in good faith, as determined by the auditor, whether or not further action is warranted and (b) who is subjected to any reprisal or retaliatory action undertaken during the period beginning on the day after the date on which the specific information is received by~~

the auditor alleging improper governmental action, may seek judicial review of the reprisal or retaliatory action in superior court, whether or not there has been an administrative review of the action. In such an action, the reviewing court may award reasonable attorney's fees.

~~(2) The employee who provided specific information shall notify the state auditor in writing if any changes in the employee's work situation exist which are related to the employee's having provided information. If the auditor has reason to believe that such a change in work situation has occurred, the auditor shall investigate and report on the matter in accordance with this chapter.~~

~~(3)) Any person who is a whistleblower, as defined in RCW 42.40.020, and who as a result of being a whistleblower has been subjected to workplace reprisal or retaliatory action has the remedies provided under chapter 49.60 RCW. For the purpose of this section "reprisal or retaliatory action" means but is not limited to:~~

- ~~((a)) (1) Denial of adequate staff to perform duties;~~
- ~~((b)) (2) Frequent staff changes;~~
- ~~((c)) (3) Frequent and undesirable office changes;~~
- ~~((d)) (4) Refusal to assign meaningful work;~~
- ~~((e)) (5) Unwarranted and unsubstantiated letters of reprimand or unsatisfactory performance evaluations;~~
- ~~((f)) (6) Demotion;~~
- ~~((g)) (7) Reduction in pay;~~
- ~~((h)) (8) Denial of promotion;~~
- ~~((i)) (9) Suspension; ~~(and~~~~
- ~~((j)) (10) Dismissal;~~
- ~~(11) Denial of employment; and~~

~~(12) A supervisor or superior encouraging coworkers to behave in a hostile manner toward the whistleblower. Nothing in this section prohibits an agency from making any decision exercising its authority to terminate, suspend, or discipline an employee who engages in workplace reprisal or retaliatory action against a whistleblower. However, the agency also shall implement any order under chapter 49.60 RCW (other than an order of suspension if the agency has terminated the retaliator).~~

Sec. 4. RCW 49.60.210 and 1985 c 185 s 18 are each amended to read as follows:

(1) It is an unfair practice for any employer, employment agency, labor union, or other person to discharge, expel, or otherwise discriminate against any person because he or she has opposed any practices forbidden by this chapter, or because he or she has filed a charge, testified, or assisted in any proceeding under this chapter.

(2) It is an unfair practice for a government agency or government manager or supervisor to retaliate against a whistleblower as defined in chapter 42.40 RCW.

Sec. 5. RCW 49.60.250 and 1989 c 175 s 115 are each amended to read as follows:

(1) In case of failure to reach an agreement for the elimination of such unfair practice, and upon the entry of findings to that effect, the entire file, including the complaint and any and all findings made, shall be certified to the chairperson of the commission. The chairperson of the commission shall thereupon request the appointment of an administrative law judge under Title 34 RCW to hear the complaint and shall cause to be issued and served in the name of the commission a written notice, together with a copy of the complaint, as the same may have been amended, requiring the respondent to answer the charges of the complaint at a hearing before the administrative law judge, at a time and place to be specified in such notice.

(2) The place of any such hearing may be the office of the commission or another place designated by it. The case in support of the complaint shall be presented at the hearing by counsel for the commission: PROVIDED, That the complainant may retain independent counsel and submit testimony and be fully heard. No member or employee of the commission who previously made the investigation or caused the notice to be issued shall participate in the hearing except as a witness, nor shall the member or employee participate in the deliberations of the administrative law judge in such case. Any endeavors or negotiations for conciliation shall not be received in evidence.

(3) The respondent shall file a written answer to the complaint and appear at the hearing in person or otherwise, with or without counsel, and submit testimony and be fully heard. The respondent has the right to cross-examine the complainant.

(4) The administrative law judge conducting any hearing may permit reasonable amendment to any complaint or answer. Testimony taken at the hearing shall be under oath and recorded.

(5) If, upon all the evidence, the administrative law judge finds that the respondent has engaged in any unfair practice, the administrative law judge shall state findings of fact and shall issue and file with the commission and cause to be served on such respondent an order requiring such respondent to cease and desist from such unfair practice and to take such affirmative action, including, (but not limited to) hiring, reinstatement or upgrading of employees, with or without back pay, an admission or restoration to full membership rights in any respondent organization, or to take such other action as, in the judgment of the administrative law judge, will effectuate the purposes of this chapter, including action that could be ordered by a court, except that damages for humiliation and mental suffering shall not exceed one thousand dollars, and including a requirement for report of the matter on compliance.

(6) If a determination is made that retaliatory action, as defined in RCW 42.40.050, has been taken against a whistleblower, as defined in RCW 42.40.020, the administrative law judge may, in addition to any other remedy, impose a civil penalty upon the retaliator of up to three thousand dollars and issue an order to the state employer to suspend the

retaliator for up to thirty days without pay. At a minimum, the administrative law judge shall require that a letter of reprimand be placed in the retaliator's personnel file. All penalties recovered shall be paid into the state treasury and credited to the general fund.

(7) The final order of the administrative law judge shall include a notice to the parties of the right to obtain judicial review of the order by appeal in accordance with the provisions of RCW 34.05.510 through 34.05.598, and that such appeal must be served and filed within thirty days after the service of the order on the parties.

~~((7))~~ (8) If, upon all the evidence, the administrative law judge finds that the respondent has not engaged in any alleged unfair practice, the administrative law judge shall state findings of fact and shall similarly issue and file an order dismissing the complaint.

~~((8))~~ (9) An order dismissing a complaint may include an award of reasonable attorneys' fees in favor of the respondent if the administrative law judge concludes that the complaint was frivolous, unreasonable, or groundless.

~~((9))~~ (10) The commission shall establish rules of practice to govern, expedite, and effectuate the foregoing procedure.

Sec. 6. RCW 43.09.050 and 1979 c 151 s 91 are each amended to read as follows:

The auditor shall:

(1) Except as otherwise specifically provided by law, audit the accounts of all collectors of the revenue and other holders of public money required by law to pay the same into the treasury;

(2) In his or her discretion, inspect the books of any person charged with the receipt, safekeeping, and disbursement of public moneys;

(3) Investigate improper governmental activity under chapter 42.40 RCW;

(4) Inform the attorney general in writing of the necessity for ~~(him)~~ the attorney general to direct prosecutions in the name of the state for all official delinquencies in relation to the assessment, collection, and payment of the revenue, against all persons who, by any means, become possessed of public money or property, and fail to pay over or deliver the same, and against all debtors of the state;

~~((4))~~ (5) Give information in writing to the legislature, whenever required, upon any subject relating to the financial affairs of the state, or touching any duties of his or her office;

~~((5))~~ (6) Report to the director of financial management in writing the names of all persons who have received any moneys belonging to the state, and have not accounted therefor;

~~((6))~~ (7) Authenticate with his or her official seal papers issued from his or her office;

~~((7))~~ (8) Make his or her official report annually on or before the 31st of December.

Sec. 7. RCW 43.88.160 and 1987 c 505 s 36 and 1987 c 436 s 1 are each reenacted and amended to read as follows:

This section sets forth the major fiscal duties and responsibilities of officers and agencies of the executive branch. The regulations issued by the governor pursuant to this chapter shall provide for a comprehensive, orderly basis for fiscal management and control, including efficient accounting and reporting therefor, for the executive branch of the state government and may include, in addition, such requirements as will generally promote more efficient public management in the state.

(1) Governor; director of financial management. The governor, through the director of financial management, shall devise and supervise a modern and complete accounting system for each agency to the end that all revenues, expenditures, receipts, disbursements, resources and obligations of the state shall be properly and systematically accounted for. The accounting system shall include the development of accurate, timely records and reports of all financial affairs of the state. The system shall also provide for central accounts in the office of financial management at the level of detail deemed necessary by the director to perform central financial management. The director of financial management shall adopt and periodically update an accounting procedures manual. Any agency maintaining its own accounting and reporting system shall comply with the updated accounting procedures manual and the rules of the director adopted under this chapter. An agency may receive a waiver from complying with this requirement if the waiver is approved by the director. Waivers expire at the end of the fiscal biennium for which they are granted. The director shall forward notice of waivers granted to the legislative fiscal committees. The director of financial management may require such financial, statistical, and other reports as the director deems necessary from all agencies covering any period.

The director of financial management is responsible for quarterly reporting of primary budget drivers such as applicable workloads, caseload estimates, and appropriate unit cost data. These reports shall be transmitted to the legislative fiscal committees or by electronic means to the legislative evaluation and accountability program committee. Quarterly reports shall include actual monthly data and the variance between actual and estimated data to date. The reports shall also include estimates of these items for the remainder of the budget period.

In addition, the director of financial management, as agent of the governor, shall:

(a) Make surveys and analyses of agencies with the object of determining better methods and increased effectiveness in the use of manpower and materials; and the director shall authorize expenditures for employee training to the end that the state may benefit from training facilities made available to state employees;

(b) Report to the governor with regard to duplication of effort or lack of coordination among agencies;

(c) Review any pay and classification plans, and changes thereunder, developed by any agency for their fiscal impact: PROVIDED, That none of the provisions of this subsection shall affect merit systems of personnel management now existing or hereafter established by statute relating to the fixing of qualifications requirements for recruitment,

appointment, or promotion of employees of any agency. The director shall advise and confer with agencies including appropriate standing committees of the legislature as may be designated by the speaker of the house and the president of the senate regarding the fiscal impact of such plans and may amend or alter said plans, except that for the following agencies no amendment or alteration of said plans may be made without the approval of the agency concerned: Agencies headed by elective officials;

(d) Fix the number and classes of positions or authorized man years of employment for each agency and during the fiscal period amend the determinations previously fixed by the director except that the director shall not be empowered to fix said number or said classes for the following: Agencies headed by elective officials;

(e) Provide for transfers and repayments between the budget stabilization account and the general fund as directed by appropriation and RCW 43.88.525 through 43.88.540;

(f) Promulgate regulations to effectuate provisions contained in ~~((subsections))~~ (a) through (e) ~~((hereof))~~ of this subsection.

(2) The treasurer shall:

(a) Receive, keep and disburse all public funds of the state not expressly required by law to be received, kept and disbursed by some other persons: PROVIDED, That this subsection shall not apply to those public funds of the institutions of higher learning which are not subject to appropriation;

(b) Disburse public funds under the treasurer's supervision or custody by warrant or check;

(c) Keep a correct and current account of all moneys received and disbursed by the treasurer, classified by fund or account;

(d) Perform such other duties as may be required by law or by regulations issued pursuant to this law.

It shall be unlawful for the treasurer to issue any warrant or check for public funds in the treasury except upon forms duly prescribed by the director of financial management. Said forms shall provide for authentication and certification by the agency head or the agency head's designee that the services have been rendered or the materials have been furnished; or, in the case of loans or grants, that the loans or grants are authorized by law; or, in the case of payments for periodic maintenance services to be performed on state owned equipment, that a written contract for such periodic maintenance services is currently in effect and copies thereof are on file with the office of financial management; and the treasurer shall not be liable under the treasurer's surety bond for erroneous or improper payments so made: PROVIDED, That when services are lawfully paid for in advance of full performance by any private individual or business entity other than as provided for by RCW 42.24.035, such individual or entity other than central stores rendering such services shall make a cash deposit or furnish surety bond coverage to the state as shall be fixed in an amount by law, or if not fixed by law, then in such amounts as shall be fixed by the director of the department of general administration but in no case shall such required cash deposit or surety bond be less than an amount which will fully indemnify the state against any and all losses on account of breach of promise to fully perform such services: AND PROVIDED FURTHER, That no payments shall be made in advance for any equipment maintenance services to be performed more than three months after such payment. Any such bond so furnished shall be conditioned that the person, firm or corporation receiving the advance payment will apply it toward performance of the contract. The responsibility for recovery of erroneous or improper payments made under this section shall lie with the agency head or the agency head's designee in accordance with regulations issued pursuant to this chapter. Nothing in this section shall be construed to permit a public body to advance funds to a private service provider pursuant to a grant or loan before services have been rendered or material furnished.

(3) The state auditor shall:

(a) Report to the legislature the results of current post audits that have been made of the financial transactions of each agency; to this end the auditor may, in the auditor's discretion, examine the books and accounts of any agency, official or employee charged with the receipt, custody or safekeeping of public funds. The current post audit of each agency may include a section on recommendations to the legislature as provided in (c) of this subsection ~~((3)(e) of this section))~~.

(b) Give information to the legislature, whenever required, upon any subject relating to the financial affairs of the state.

(c) Make the auditor's official report on or before the thirty-first of December which precedes the meeting of the legislature. The report shall be for the last complete fiscal period and shall include at least the following:

Determinations as to whether agencies, in making expenditures, complied with the laws of this state: PROVIDED, That nothing in this act shall be construed to grant the state auditor the right to perform performance audits. A performance audit for the purpose of this act shall be the examination of the effectiveness of the administration, its efficiency and its adequacy in terms of the programs of departments or agencies as previously approved by the legislature. The authority and responsibility to conduct such an examination shall be vested in the legislative budget committee as prescribed in RCW 44.28.085 as now or hereafter amended.

(d) Be empowered to take exception to specific expenditures that have been incurred by any agency or to take exception to other practices related in any way to the agency's financial transactions and to cause such exceptions to be made a matter of public record, including disclosure to the agency concerned and to the director of financial management. It shall be the duty of the director of financial management to cause corrective action to be taken promptly, such action to include, as appropriate, the withholding of funds as provided in RCW 43.88.110.

(e) Promptly report any irregularities to the attorney general.

(f) Investigate improper governmental activity under chapter 42.40 RCW.

(4) The legislative budget committee may:

(a) Make post audits of the financial transactions of any agency and management surveys and program reviews as provided for in RCW 44.28.085 as now or hereafter amended. To this end the committee may in its discretion examine the books, accounts, and other records of any agency, official, or employee.

(b) Give information to the legislature or any legislative committee whenever required upon any subject relating to the performance and management of state agencies.

(c) Make a report to the legislature which shall include at least the following:

(i) Determinations as to the extent to which agencies in making expenditures have complied with the will of the legislature and in this connection, may take exception to specific expenditures or financial practices of any agencies; and

(ii) Such plans as it deems expedient for the support of the state's credit, for lessening expenditures, for promoting frugality and economy in agency affairs and generally for an improved level of fiscal management.

Sec. 8. RCW 43.88.160 and 1991 c 358 s 4 are each amended to read as follows:

This section sets forth the major fiscal duties and responsibilities of officers and agencies of the executive branch. The regulations issued by the governor pursuant to this chapter shall provide for a comprehensive, orderly basis for fiscal management and control, including efficient accounting and reporting therefor, for the executive branch of the state government and may include, in addition, such requirements as will generally promote more efficient public management in the state.

(1) Governor; director of financial management. The governor, through the director of financial management, shall devise and supervise a modern and complete accounting system for each agency to the end that all revenues, expenditures, receipts, disbursements, resources, and obligations of the state shall be properly and systematically accounted for. The accounting system shall include the development of accurate, timely records and reports of all financial affairs of the state. The system shall also provide for central accounts in the office of financial management at the level of detail deemed necessary by the director to perform central financial management. The director of financial management shall adopt and periodically update an accounting procedures manual. Any agency maintaining its own accounting and reporting system shall comply with the updated accounting procedures manual and the rules of the director adopted under this chapter. An agency may receive a waiver from complying with this requirement if the waiver is approved by the director. Waivers expire at the end of the fiscal biennium for which they are granted. The director shall forward notice of waivers granted to the appropriate legislative fiscal committees. The director of financial management may require such financial, statistical, and other reports as the director deems necessary from all agencies covering any period.

(2) The director of financial management is responsible for quarterly reporting of primary operating budget drivers such as applicable workloads, caseload estimates, and appropriate unit cost data. These reports shall be transmitted to the legislative fiscal committees or by electronic means to the legislative evaluation and accountability program committee. Quarterly reports shall include actual monthly data and the variance between actual and estimated data to date. The reports shall also include estimates of these items for the remainder of the budget period.

(3) The director of financial management shall report at least annually to the appropriate legislative committees regarding the status of all appropriated capital projects, including transportation projects, showing significant cost overruns or underruns. If funds are shifted from one project to another, the office of financial management shall also reflect this in the annual variance report. Once a project is complete, the report shall provide a final summary showing estimated start and completion dates of each project phase compared to actual dates, estimated costs of each project phase compared to actual costs, and whether or not there are any outstanding liabilities or unsettled claims at the time of completion.

(4) In addition, the director of financial management, as agent of the governor, shall:

(a) Make surveys and analyses of agencies with the object of determining better methods and increased effectiveness in the use of manpower and materials; and the director shall authorize expenditures for employee training to the end that the state may benefit from training facilities made available to state employees;

(b) Report to the governor with regard to duplication of effort or lack of coordination among agencies;

(c) Review any pay and classification plans, and changes thereunder, developed by any agency for their fiscal impact: PROVIDED, That none of the provisions of this subsection shall affect merit systems of personnel management now existing or hereafter established by statute relating to the fixing of qualifications requirements for recruitment, appointment, or promotion of employees of any agency. The director shall advise and confer with agencies including appropriate standing committees of the legislature as may be designated by the speaker of the house and the president of the senate regarding the fiscal impact of such plans and may amend or alter said plans, except that for the following agencies no amendment or alteration of said plans may be made without the approval of the agency concerned: Agencies headed by elective officials;

(d) Fix the number and classes of positions or authorized man years of employment for each agency and during the fiscal period amend the determinations previously fixed by the director except that the director shall not be empowered to fix said number or said classes for the following: Agencies headed by elective officials;

(e) Provide for transfers and repayments between the budget stabilization account and the general fund as directed by appropriation and RCW 43.88.525 through 43.88.540;

(f) Promulgate regulations to effectuate provisions contained in ~~((subsections))~~ (a) through (e) ~~((hereof))~~ of this subsection.

(5) The treasurer shall:

(a) Receive, keep, and disburse all public funds of the state not expressly required by law to be received, kept, and disbursed by some other persons: PROVIDED, That this subsection shall not apply to those public funds of the institutions of higher learning which are not subject to appropriation;

(b) Disburse public funds under the treasurer's supervision or custody by warrant or check;

(c) Keep a correct and current account of all moneys received and disbursed by the treasurer, classified by fund or account;

(d) Perform such other duties as may be required by law or by regulations issued pursuant to this law.

It shall be unlawful for the treasurer to issue any warrant or check for public funds in the treasury except upon forms duly prescribed by the director of financial management. Said forms shall provide for authentication and certification by the agency head or the agency head's designee that the services have been rendered or the materials have been furnished; or, in the case of loans or grants, that the loans or grants are authorized by law; or, in the case of payments for periodic maintenance services to be performed on state owned equipment, that a written contract for such periodic maintenance services is currently in effect and copies thereof are on file with the office of financial management; and the treasurer shall not be liable under the treasurer's surety bond for erroneous or improper payments so made: PROVIDED, That when services are lawfully paid for in advance of full performance by any private individual or business entity other than as provided for by RCW 42.24.035, such individual or entity other than central stores rendering such services shall make a cash deposit or furnish surety bond coverage to the state as shall be fixed in an amount by law, or if not fixed by law, then in such amounts as shall be fixed by the director of the department of general administration but in no case shall such required cash deposit or surety bond be less than an amount which will fully indemnify the state against any and all losses on account of breach of promise to fully perform such services: AND PROVIDED FURTHER, That no payments shall be made in advance for any equipment maintenance services to be performed more than three months after such payment. Any such bond so furnished shall be conditioned that the person, firm or corporation receiving the advance payment will apply it toward performance of the contract. The responsibility for recovery of erroneous or improper payments made under this section shall lie with the agency head or the agency head's designee in accordance with regulations issued pursuant to this chapter. Nothing in this section shall be construed to permit a public body to advance funds to a private service provider pursuant to a grant or loan before services have been rendered or material furnished.

(6) The state auditor shall:

(a) Report to the legislature the results of current post audits that have been made of the financial transactions of each agency; to this end the auditor may, in the auditor's discretion, examine the books and accounts of any agency, official or employee charged with the receipt, custody or safekeeping of public funds. The current post audit of each agency may include a section on recommendations to the legislature as provided in (c) of this subsection.

(b) Give information to the legislature, whenever required, upon any subject relating to the financial affairs of the state.

(c) Make the auditor's official report on or before the thirty-first of December which precedes the meeting of the legislature. The report shall be for the last complete fiscal period and shall include at least the following:

Determinations as to whether agencies, in making expenditures, complied with the laws of this state: PROVIDED, That nothing in this section may be construed to grant the state auditor the right to perform performance audits. A performance audit for the purpose of this section is the examination of the effectiveness of the administration, its efficiency, and its adequacy in terms of the programs of departments or agencies as previously approved by the legislature. The authority and responsibility to conduct such an examination shall be vested in the legislative budget committee as prescribed in RCW 44.28.085.

(d) Be empowered to take exception to specific expenditures that have been incurred by any agency or to take exception to other practices related in any way to the agency's financial transactions and to cause such exceptions to be made a matter of public record, including disclosure to the agency concerned and to the director of financial management. It shall be the duty of the director of financial management to cause corrective action to be taken promptly, such action to include, as appropriate, the withholding of funds as provided in RCW 43.88.110.

(e) Promptly report any irregularities to the attorney general.

(f) Investigate improper governmental activity under chapter 42.40 RCW.

(7) The legislative budget committee may:

(a) Make post audits of the financial transactions of any agency and management surveys and program reviews as provided for in RCW 44.28.085. To this end the committee may in its discretion examine the books, accounts, and other records of any agency, official, or employee.

(b) Give information to the legislature or any legislative committee whenever required upon any subject relating to the performance and management of state agencies.

(c) Make a report to the legislature which shall include at least the following:

(i) Determinations as to the extent to which agencies in making expenditures have complied with the will of the legislature and in this connection, may take exception to specific expenditures or financial practices of any agencies; and

(ii) Such plans as it deems expedient for the support of the state's credit, for lessening expenditures, for promoting frugality and economy in agency affairs and generally for an improved level of fiscal management.

NEW SECTION. Sec. 9. Section 7 of this act shall expire April 1, 1992.

NEW SECTION. Sec. 10. Section 8 of this act shall take effect April 1, 1992.

NEW SECTION. Sec. 11. The sum of fifteen thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1993, from the general fund to the human rights commission for the purposes of this act.

Debate ensued.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Metcalf and Skratek to Engrossed Substitute Senate Bill No. 5121.

The motion by Senator Metcalf carried and the striking amendment was adopted.

MOTIONS

On motion of Senator Metcalf, the following title amendment was adopted:

On page 1, line 1 of the title, after "action;" strike the remainder of the title and insert "amending RCW 42.40.020, 42.40.040, 42.40.050, 49.60.210, 49.60.250, 43.09.050, and 43.88.160; reenacting and amending RCW 43.88.160; prescribing penalties; making an appropriation; providing an effective date; and providing an expiration date."

On motion of Senator Metcalf, the rules were suspended, Reengrossed Substitute Senate Bill No. 5121 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Reengrossed Substitute Senate Bill No. 5121.

ROLL CALL

The Secretary called the roll on the final passage of Reengrossed Substitute Senate Bill No. 5121 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Madsen, McCaslin, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Stratton, Sumner, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 44.

Excused: Senators Barr, Kreidler, Matson, McDonald, Snyder, - 5.

REENGROSSED SUBSTITUTE SENATE BILL NO. 5121, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was order to stand as the title of the act.

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

SECOND READING

SENATE BILL NO. 6321, by Senators Skratek, Metcalf, Gaspard and von Reichbauer

Regulating local government whistleblower programs.

MOTIONS

On motion of Senator McCaslin, Substitute Senate Bill No. 6321 was substituted for Senate Bill No. 6321 and the substitute bill was placed on second reading and read the second time.

On motion of Senator McCaslin, the rules were suspended, Substitute Senate Bill No. 6321 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6321.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6321 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Madsen, McCaslin, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Stratton, Sumner, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 44.

Excused: Senators Barr, Kreidler, Matson, McDonald, Snyder - 5.

SUBSTITUTE SENATE BILL NO. 6321, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6188, by Senators Bluechel, Sutherland, Nelson and Skratek (by request of Joint Select Committee on WASHINGTON 2000)

Establishing a council on fiscal legislation.

MOTIONS

On motion of Senator Bluechel, Substitute Senate Bill No. 6188 was substituted for Senate Bill No. 6188 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Bluechel, further consideration of Substitute Senate Bill No. 6188 was deferred.

SECOND READING

SENATE BILL NO. 6409, by Senators Bauer and Barr

Revising the restrictions on outdoor burning.

The bill was read the second time.

MOTIONS

On motion of Senator Newhouse, the following Committee on Agriculture and Water Resources amendment was adopted:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 70.94.743 and 1991 c 199 s 402 are each amended to read as follows:

(1) Consistent with the policy of the state to reduce outdoor burning to the greatest extent ~~((practical))~~ that will significantly improve air quality:

(a) Except for subsection (3) of this section, outdoor burning shall not be allowed in any area of the state where federal or state ambient air quality standards ~~((are exceeded for pollutants emitted by outdoor))~~ for particulates were violated for more than one day during the preceding twelve months. A day in which the standards were exceeded due to sources other than outdoor burning shall not be counted as a violation for the purpose of prohibiting burning.

(b) Outdoor burning shall ~~((not be allowed))~~ be limited in location through regulation by the local government in any urban growth area as defined by RCW 36.70A.030, or any city of the state having a population greater than ~~((ten))~~ twenty thousand people if such cities are threatened to exceed state or federal air quality standards, and where alternative disposal practices consistent with good solid waste management ~~((are reasonably available))~~ or practices eliminating production of organic refuse are ~~((reasonably))~~ available at reasonable cost.

Prior to the establishment of urban growth areas, outdoor burning may be limited within boundaries established by local air pollution control authorities in areas documented to have violated federal or state ambient air quality standards for particulates for more than one day during the preceding twelve months, if the primary source of the violation is outdoor burning. ((In no event shall such burning be allowed after December 31, 2000.))

(2) "Outdoor burning" means the combustion of material of any type in an open fire or in an outdoor container without providing for the control of combustion or the control of emissions from the combustion.

(3) This section shall not apply to: (a) Silvicultural burning used to improve or maintain fire dependent ecosystems for rare plants or animals within state, federal, and private natural area preserves, natural resource conservation areas, parks, and other wildlife areas or (b) if a burn permit is issued by a local fire district, the burning of weeds, trees and branches felled by a windstorm that is confirmed by an official weather station, agricultural residue if approved by a local soil conservation district, or diseased or pest-infested plant material.

On motion of Senator Newhouse, the following title amendment was adopted:

On page 1, line 1 of the title, after "burning;" strike the remainder of the title and insert "and amending RCW 70.94.743."

MOTION

On motion of Senator Newhouse, the rules were suspended, Engrossed Senate Bill No. 6409 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6409.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6409 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 5; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Rasmussen, Rinehart, Roach, Saling, Sellar, L. Smith, Stratton, Sumner, Sutherland, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 40.

Voting nay: Senators Murray, Pelz, Skratek, A. Smith, Talmadge - 5.

Excused: Senators Barr, Kreidler, Matson, Snyder - 4.

ENGROSSED SENATE BILL NO. 6409, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 6188, deferred on second reading earlier today.

MOTION

On motion of Senator Bluechel, the rules were suspended, Substitute Senate Bill No. 6188 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6188.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6188 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi,

Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Stratton, Sumner, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 45.

Excused: Senators Barr, Kreidler, Matson, Snyder - 4.

SUBSTITUTE SENATE BILL NO. 6188, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Murray, Senator Vognild was excused.

SECOND READING

SENATE BILL NO. 6155, by Senators Bailey, Gaspard, Anderson, Conner, Newhouse and Barr

Clarifying milk marketing order regulations.

The bill was read the second time.

MOTION

On motion of Senator Bailey, the rules were suspended, Senate Bill No. 6155 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6155.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6155 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Stratton, Sumner, Sutherland, Talmadge, Thorsness, von Reichbauer, West, Williams, Wojahn - 44.

Excused: Senators Barr, Kreidler, Matson, Snyder, Vognild - 5.

SENATE BILL NO. 6155, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

STANDING COMMITTEE ASSIGNMENTS

The President announced that Senator Sumner would be a member of the Committee on Health and Long-Term Care, replacing Senator Newhouse.

The President announced that Senator Sumner would be a member of the Committee on Environment and Natural Resources, replacing Senator Sellar.

MOTION

On motion of Senator Newhouse, the appointments were confirmed.

MOTION

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

REPORT OF STANDING COMMITTEE

February 13, 1992

SB 6089 Prime Sponsor, Senator West: Enacting comprehensive health care reform.
Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bluechel, Cantu, Hayner, Metcalf, Newhouse, Saling, L. Smith and West.

MINORITY Recommendation: Do not pass as amended. Signed by Senators Kreidler, Murray, Niemi, Rinehart, Talmadge, Williams and Wojahn.

Passed to Committee on Rules for second reading.

PERSONAL PRIVILEGE

Senator Metcalf: "A point of personal privilege, Mr. President. Today for lunch, we have oysters. They are delivered by the Pacific Coast Oyster Growers Association. It is sort of a special day down there and I want to express my appreciation to them for the donation of the oysters and if you have any questions on anything that relates to oysters, Tim Smith from that Pacific Coast Oyster Growers Association will be around. I want to express thanks to them and to happy eating today to you in the lunchroom."

MOTIONS

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

On motion of Senator Newhouse, the Committee on Environment and Natural Resources was relieved of further consideration of Substitute House Bill No. 2391.

On motion of Senator Newhouse, Substitute House Bill No. 2391 was referred to the Committee on Health and Long-Term Care.

MOTION

At 11:10 a.m., on motion of Senator Newhouse, the Senate recessed until 2:00 p.m.

The Senate was called to order at 2:04 p.m. by President Pro Tempore Craswell.

There being no objection, the President Pro Tempore returned the Senate to the sixth order of business.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Amondson, Gubernatorial Appointment No. 9191, Roland W. Dewhurst, as a member of the Board of Trustees for Bates Technical College, was confirmed.

MOTIONS

On motion of Senator Anderson, Senators Newhouse, Patterson, Thorsness and West were excused.

On motion of Senator Murray, Senator Madsen was excused.

APPOINTMENT OF ROLAND W. DEWHURST

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 37; Nays, 0; Absent, 6; Excused, 6.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Cantu, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, McCaslin, McDonald, McMullen, Murray, Niemi, Oke, Owen, Pelz, Rasmussen, Rinehart, Roach, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sumner, Sutherland, Talmadge, Vognild, von Reichbauer, Williams, Wojahn - 37.

Absent: Senators Bluechel, Conner, Metcalf, Moore, Nelson, Saling - 6.

Excused: Senators Madsen, Matson, Newhouse, Patterson, Thorsness, West - 6.

MOTION

On motion of Senator Amondson, Gubernatorial Appointment No. 9213, John I. McGinnis, as a member of the Board of Trustees for Bates Technical College, was confirmed.

MOTIONS

On motion of Senator Anderson, Senators Bluechel and Metcalf were excused.

On motion of Senator Murray, Senators Conner and Moore were excused.

APPOINTMENT OF JOHN I. MCGINNIS

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 39; Nays, 0; Absent, 1; Excused, 9.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Cantu, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, McCaslin, McMullen, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sumner, Sutherland, Talmadge, Vognild, von Reichbauer, Williams, Wojahn - 39.

Absent: Senator McDonald - 1.

Excused: Senators Bluechel, Conner, Madsen, Matson, Metcalf, Moore, Patterson, Thorsness, West - 9.

MOTION

On motion of Senator Saling, Gubernatorial Appointment No. 9227, Richard R. Sonstelie, as a member of the State Board for Community and Technical Colleges, was confirmed.

Senator McDonald spoke to the appointment of Richard R. Sonstelie as a member of the State Board for Community and Technical Colleges.

APPOINTMENT OF RICHARD R. SONSTELIE

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sumner, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Wojahn - 45.

Excused: Senators Conner, Madsen, Matson, Thorsness - 4.

There being no objection, the President Pro Tempore advanced the Senate to the seventh order of business.

THIRD READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5380, by Senate Committee on Ways and Means (originally sponsored by Senators Saling, Bauer, Nelson, Moore, Rasmussen, Niemi, Bailey, Gaspard, West, Amondson, Owen, Talmadge, A. Smith, Snyder, McMullen, Wojahn, Vognild, Murray, Rinehart, Williams, L. Kreidler, Conner, Jesernig, Roach and L. Smith)

Providing an adjusted retirement allowance for certain retirees.

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

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5380.
Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5380 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 3; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Conner, Craswell, Erwin, Gaspard, Hansen, Jesernig, Kreidler, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sumner, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Wojahn - 43.

Voting nay: Senators Bluechel, Cantu, Hayner - 3.

Excused: Senators Madsen, Matson, Thorsness - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5380, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the President Pro Tempore returned the Senate to the sixth order of business.

SECOND READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5086, by Senate Committee on Health and Long-Term Care (originally sponsored by Senators Amondson, Snyder, Bailey, Wojahn, Hayner, McMullen, Anderson, L. Kreidler, McDonald, Vognild, Newhouse, Craswell, Johnson, Owen, L. Smith, Oke, Conner, Rasmussen, Bauer, Moore, Stratton, McCaslin, Barr, Matson, Roach, Thorsness, Metcalf, Sellar, Nelson, Sutherland and West)

Providing for HIV testing without consent for certain persons.

The bill was read the second time.

MOTION

Senator Talmadge moved that the following amendment by Senators Talmadge and Amondson be adopted:

On page 8, line 2, strike "equivalent juvenile" and insert "juveniles who have been adjudged to have committed equivalent"

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senators Talmadge and Amondson on page 8, line 2, to Engrossed Substitute Senate Bill No. 5086.

The motion by Senator Talmadge carried and the amendment was adopted.

On motion of Senator Amondson, the rules were suspended, Reengrossed Substitute Senate Bill No. 5086 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Reengrossed Substitute Senate Bill No. 5086.

ROLL CALL

The Secretary called the roll on the final passage of Reengrossed Senate Bill No. 5086 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 2; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Oke, Owen, Patterson, Pelz, Rasmussen, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sumner, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Wojahn - 44.

Voting nay: Senators Niemi, Rinehart - 2.

Excused: Senators Madsen, Matson, Thorsness, - 3.

REENGROSSED SUBSTITUTE SENATE BILL NO. 5086, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6448, by Senators Sellar, Barr, Hayner, McCaslin, Saling, Thorsness, L. Smith, Amondson, Craswell, Patterson, Bailey, Owen and Vognild

Allowing counties under 100,000 in population to discontinue planning under the growth management act.

The bill was read the second time.

MOTIONS

On motion of Senator Newhouse, the following amendments by Senators Newhouse, Jesernig, McCaslin and Amondson were considered simultaneously and were adopted:

On page 1, line 14, strike "one" and insert "two"

On page 3, line 6, strike "one" and insert "two"

Senator Sutherland moved that the following amendment by Senator Madsen be adopted:

On page 3, after line 11 insert the following:

"(6) Within six months after the date a county adopts a resolution under subsection (5) of this section, the county and the cities within the county shall reimburse the department for an amount equal to the direct grants the county and cities received under RCW 36.70A.190 (2) and (3)."

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Madsen on page 3, after line 11, to Senate Bill No. 6448.

The motion by Senator Sutherland failed and the amendment by Senator Madsen was not adopted.

MOTION

On motion of Senator McCaslin, the rules were suspended, Engrossed Senate Bill No. 6448 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6448.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6448 and the bill passed the Senate by the following vote: Yeas, 31; Nays, 15; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Hansen, Hayner, Jesernig, McCaslin, McDonald, Nelson, Newhouse, Oke, Owen, Patterson, Rasmussen, Roach, Saling, Sellar, L. Smith, Snyder, Stratton, Sumner, Vognild, von Reichbauer, West - 31.

Voting nay: Senators Gaspard, Kreidler, McMullen, Metcalf, Moore, Murray, Niemi, Pelz, Rinehart, Skratek, A. Smith, Sutherland, Talmadge, Williams, Wojahn - 15.

Excused: Senators Madsen, Matson, Thorsness - 3.

ENGROSSED SENATE BILL NO. 6448, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6227, by Senators Saling, Stratton, Craswell, Cantu, Patterson and Rasmussen

Making the art acquisition program optional for institutions of higher education.

The bill was read the second time.

MOTIONS

On motion of Senator Saling, the following amendment by Senators Saling, Stratton, Bauer and Cantu was adopted:

On page 2, line 13, after "improving the facility." insert "Such funds shall remain with the institutions and shall not be otherwise diverted or held in reserve for any other purpose."

On motion of Senator Saling, the rules were suspended, Engrossed Senate Bill No. 6227 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Amondson: "Senator Niemi, would this bill in any way relate or apply to the Twelve Labors of Hercules in the House Chamber?"

Senator Niemi: "This bill certainly doesn't relate to the Twelve Labors of Hercules, but it does relate to the way the Legislature is seen from the outside."

Further debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6227.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6227 and the bill passed the Senate by the following vote: Yeas, 28; Nays, 18; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Cantu, Conner, Craswell, Erwin, Hayner, Jesernig, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Oke, Owen, Patterson, Rasmussen, Roach, Saling, Sellar, L. Smith, Stratton, Sumner, Vognild, von Reichbauer, West - 28.

Voting nay: Senators Bauer, Bluechel, Gaspard, Hansen, Kreidler, McMullen, Moore, Murray, Niemi, Pelz, Rinehart, Skratek, A. Smith, Snyder, Sutherland, Talmadge, Williams, Wojahn - 18.

Excused: Senators Madsen, Matson, Thorsness - 3.

ENGROSSED SENATE BILL NO. 6227, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 3:10 p.m., on motion of Senator Newhouse, the Senate adjourned until 12:00 noon, Sunday, February 16, 1992.

JOEL PRITCHARD, President of the Senate.

GORDON A. GOLOB, Secretary of the Senate.

THIRTY-FIFTH DAY

NOON SESSION

Senate Chamber, Olympia, Sunday, February 16, 1992

The Senate was called to order at 12:00 noon by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Madsen, McMullen, Niemi and Patterson. On motion of Senator Murray, Senators Madsen, McMullen and Niemi were excused. On motion of Senator Anderson, Senator Patterson was excused.

The Sergeant at Arms Color Guard, consisting of Pages Amy Spalding and Ben Oliver, presented the Colors. President Pritchard offered the prayer.

MOTION

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

MESSAGE FROM THE HOUSE

February 13, 1992

MR. PRESIDENT:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 1481,
 SUBSTITUTE HOUSE BILL NO. 2212,
 SUBSTITUTE HOUSE BILL NO. 2246,
 SUBSTITUTE HOUSE BILL NO. 2349,
 ENGROSSED HOUSE BILL NO. 2366,
 HOUSE BILL NO. 2368,
 HOUSE BILL NO. 2375,
 SUBSTITUTE HOUSE BILL NO. 2376,
 SUBSTITUTE HOUSE BILL NO. 2394,
 HOUSE BILL NO. 2398,
 SUBSTITUTE HOUSE BILL NO. 2411,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2423,
 SUBSTITUTE HOUSE BILL NO. 2430,
 HOUSE BILL NO. 2448,
 SUBSTITUTE HOUSE BILL NO. 2450,
 HOUSE BILL NO. 2454,
 SUBSTITUTE HOUSE BILL NO. 2457,
 HOUSE BILL NO. 2460,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2466,
 HOUSE BILL NO. 2468,
 HOUSE BILL NO. 2493,
 SUBSTITUTE HOUSE BILL NO. 2495,
 SUBSTITUTE HOUSE BILL NO. 2496,
 SUBSTITUTE HOUSE BILL NO. 2499,
 SUBSTITUTE HOUSE BILL NO. 2501,
 SUBSTITUTE HOUSE BILL NO. 2502,

SUBSTITUTE HOUSE BILL NO. 2506,
 HOUSE BILL NO. 2514,
 HOUSE BILL NO. 2516,
 SUBSTITUTE HOUSE BILL NO. 2532,
 ENGROSSED HOUSE BILL NO. 2534,
 HOUSE BILL NO. 2535,
 HOUSE BILL NO. 2538,
 SUBSTITUTE HOUSE BILL NO. 2544,
 HOUSE BILL NO. 2550,
 SUBSTITUTE HOUSE BILL NO. 2555,
 SUBSTITUTE HOUSE BILL NO. 2574,
 SUBSTITUTE HOUSE BILL NO. 2587,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2631,
 SUBSTITUTE HOUSE BILL NO. 2637,
 ENGROSSED HOUSE BILL NO. 2645,
 SUBSTITUTE HOUSE BILL NO. 2659,
 SUBSTITUTE HOUSE BILL NO. 2686, and the same are herewith transmitted.
 ALAN THOMPSON, Chief Clerk

INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 1481 by House Committee on Health Care (originally sponsored by Representatives May, Hine, Ballard, R. Johnson, Betrozoff, Spanel, Broback, Rasmussen, Wood, Brumsickle, Neher, Leonard, Ferguson, Day, Lisk, Cooper, Brough, Prentice, Former, Basich, Paris, Holland, G. Fisher, Horn, Sprengle, Dellwo, Moyer, Grant, Braddock, Bowman, Heavey, Kremen, Cantwell, Winsley, Zellinsky, Silver, Franklin, Pruitt, Inslee, Edmondson, Sheldon, McLean, Riley, Wynne, Rayburn, Wilson and Orr)

Amending the natural death act.

Referred to Committee on Health and Long-Term Care.

SHB 2212 by House Committee on Education (originally sponsored by Representatives O'Brien, Jacobsen, Locke, Anderson, Wineberry, Jones and Nelson)

Encouraging study of the Holocaust.

Referred to Committee on Education.

SHB 2246 by House Committee on Appropriations (originally sponsored by Representatives Spanel, McLean, Hine, Dellwo, D. Sommers, Wynne and May) (by request of Department of Retirement Systems)

Denying retirement system beneficiary benefits to slayers.

Referred to Committee on Ways and Means.

SHB 2349 by House Committee on Revenue (originally sponsored by Representatives Ludwig, Paris, Appelwick, Riley, Broback, Locke, Winsley and O'Brien) (by request of Washington State Patrol)

Creating a crime laboratory analysis fee.

Referred to Committee on Law and Justice.

EHB 2366 by Representatives R. King, Wilson, Ludwig, Bray, Orr, May, Ferguson and Anderson

Requiring the legislative budget committee to study the feasibility of merging the department of fisheries and the department of wildlife.

Referred to Committee on Environment and Natural Resources.

HB 2368 by Representatives Padden, Riley, Mielke and Paris

Allowing deputy sheriffs to practice law.

Referred to Committee on Law and Justice.

HB 2375 by Representatives Hine, G. Fisher, Heavey and Mitchell

Allowing less restrictive easements concerning aircraft noise.

Referred to Committee on Governmental Operations.

SHB 2376 by House Committee on State Government (originally sponsored by Representatives Hine, Prince, Anderson, Miller, Pruitt, G. Fisher, Cooper, Jacobsen, Winsley, Brough, Jones, Heavey, Paris, Wineberry, Roland, G. Cole, J. Kohl, Ludwig, Mitchell, Bowman, Wynne, Spanel, Ogden, Haugen, Valle, McLean, Ferguson, Sprenkle and O'Brien)

Requiring a statement of responsibility to accompany political advertising.

Referred to Committee on Governmental Operations.

SHB 2394 by House Committee on Judiciary (originally sponsored by Representatives Appelwick, Padden and Orr)

Establishing limitations for jurors.

Referred to Committee on Law and Justice.

HB 2398 by Representatives Fraser, Ballard, Wang, Bowman, Carlson, Sheldon, Rasmussen, Casada, J. Kohl and Morton (by request of Board for Volunteer Fire Fighters)

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

Referred to Committee on Ways and Means.

SHB 2411 by House Committee on Commerce and Labor (originally sponsored by Representatives O'Brien, G. Cole, Heavey and Scott)

Providing for the reduction of problem gambling.

Referred to Committee on Commerce and Labor.

ESHB 2423 by House Committee on Higher Education (originally sponsored by Representatives Jacobsen, May, Ogden, Wood and R. Fisher)

Changing provisions relating to private vocational schools.

Referred to Committee on Higher Education.

SHB 2430 by House Committee on Commerce and Labor (originally sponsored by Representatives O'Brien and May)

Regulating real estate appraisers.

Referred to Committee on Commerce and Labor.

HB 2448 by Representatives Rayburn, Nealey and Rasmussen (by request of Department of Agriculture)

Changing pesticide licensing laws.

Referred to Committee on Agriculture and Water Resources.

SHB 2450 by House Committee on Housing (originally sponsored by Representatives Winsley, Franklin, Mitchell and Paris)

Expanding official access to mobile home parks.

Referred to Committee on Commerce and Labor.

HB 2454 by Representatives Jones, Basich, Hargrove, Riley, Sheldon, P. Johnson, Heavey, Bowman, Jacobsen, Paris, McLean, Wynne, Morton, Chandler and J. Kohl

Providing additional unemployment insurance benefits.

Referred to Committee on Commerce and Labor.

SHB 2457 by House Committee on Agriculture and Rural Development (originally sponsored by Representatives Chandler, Rayburn, McLean, Rasmussen, Neher, Nealey, Hochstatter, Lisk, Morton, D. Sommers, Kremen, Ballard, Van Luven, Prentice, R. Johnson, Edmondson and Bray)

Changing restrictions on agricultural nuisances.

Referred to Committee on Agriculture and Water Resources.

HB 2460 by Representative Appelwick

Repealing obsolete sections in the Revised Code of Washington.

Referred to Committee on Law and Justice.

ESHB 2466 by House Committee on Human Services (originally sponsored by Representatives Ebersole, McLean, Leonard, Padden, Appelwick, Wineberry, Basich, Brumsickle, Ludwig,

Lisk, Rayburn, Dellwo, Locke, Pruitt, Neher, R. King, Ogden, Anderson, Franklin, G. Fisher, Bray, Bowman, Edmondson, Moyer, Prentice, Spanel, Dorn, Riley, Silver, Heavey, Mielke, H. Myers, Inslee, Brekke, Chandler, Fuhrman, Jacobsen, Vance, Kremen, Hochstatter, Forner, Brough, Broback, Winsley, Ferguson, Wood, Horn, P. Johnson, Jones, Wang, Haugen, Zellinsky, Carlson, Mitchell, Sprengle, J. Kohl, Valle, O'Brien, May, Roland, Fraser, Hine, Sheldon, Tate and Rasmussen)

Changing provisions relating to juveniles.

Referred to Committee on Law and Justice.

HB 2468 by Representatives G. Cole, Fuhrman, Lisk and Franklin (by request of Department of Licensing)

Altering fee structures for funeral directors, embalmers, and cemeteries.

Referred to Committee on Commerce and Labor.

HB 2493 by Representatives Peery, Neher, Valle, Betrozoff, Anderson, P. Johnson, Leonard, Haugen, Brumsickle, G. Cole, Roland, Dorn, Broback, G. Fisher, Orr, Jones, Rasmussen, Vance, Winsley, Spanel, Mitchell, J. Kohl and Pruitt (by request of State Board of Education)

Changing the membership and terms of the state board of education.

Referred to Committee on Education.

SHB 2495 by House Committee on Local Government (originally sponsored by Representatives Rayburn, Moyer, Haugen, Sheldon, Paris and Wynne)

Concerning rural public hospital districts.

Referred to Committee on Health and Long-Term Care.

SHB 2496 by House Committee on Commerce and Labor (originally sponsored by Representatives Jones, Fuhrman, Heavey, Lisk, Vance, G. Cole, Franklin, Prentice, O'Brien and Paris)

Concerning industrial insurance administrative appeals.

Referred to Committee on Commerce and Labor.

SHB 2499 by House Committee on Local Government (originally sponsored by Representatives Ludwig, Ferguson, Bray, Roland, Haugen, Grant, Riley, Zellinsky, Dellwo and Rayburn)

Changing requirements for claims against local governmental agencies.

Referred to Committee on Governmental Operations.

SHB 2501 by House Committee on Housing (originally sponsored by Representatives Wineberry, Ballard, Ogden, Mitchell, P. Johnson, Franklin, D. Sommers, Winsley, Paris, Van Luven, Bowman, Brough and Wynne)

Authorizing landlords' claims on tenants' property.

Referred to Committee on Law and Justice.

SHB 2502 by House Committee on Agriculture and Rural Development (originally sponsored by Representatives R. Johnson, Chandler, McLean, Rayburn, Miller, Paris, Lisk, Spanel, Rasmussen and P. Johnson) (by request of Department of Agriculture)

Changing provisions relating to organic agricultural products.

Referred to Committee on Agriculture and Water Resources.

SHB 2506 by House Committee on Judiciary (originally sponsored by Representatives Cooper, Riley, H. Myers, Winsley, Morris and Ludwig)

Making it a misdemeanor to impersonate a law enforcement officer.

Referred to Committee on Law and Justice.

HB 2514 by Representatives Wynne, Wang, Belcher, Brumsickle, Fraser, P. Johnson, G. Cole, Ballard, Rayburn, Horn, O'Brien, D. Sommers, Rust, Miller, Morton, Morris, Mitchell, Ferguson, Wood, Riley, Wilson, Basich, Forner, Hargrove, Silver, Heavey, Chandler, Broback, Moyer, Schmidt, Carlson, Vance, Van Luven, Zellinsky, Hine, Tate, Dellwo, Betrozoff, Haugen, Paris, Winsley, Lisk, Bowman, Orr, May, Brough, J. Kohl, Kremen, Ludwig, Roland, Pruitt, Spanel, Casada and Rasmussen

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

Referred to Committee on Ways and Means.

HB 2516 by Representatives Cooper, H. Myers, Morris, Prince, G. Fisher, Riley and Paris

Prohibiting unlawful conduct in transit stations.

Referred to Committee on Transportation.

SHB 2532 by House Committee on Judiciary (originally sponsored by Representatives Ebersole, Franklin, H. Myers, Heavey, Vance, Winsley, Wineberry, Jones, Orr, Wang, Scott, J. Kohl, Haugen, Morris, Ludwig, Roland, Ogden, Pruitt, Sheldon, Belcher, O'Brien, Hine, Rasmussen and Nelson)

Creating the crime of assault against a child.

Referred to Committee on Law and Justice.

EHB 2534 by Representatives R. King, Wilson, R. Meyers, Orr, Haugen and Kremen (by request of Department of Wildlife)

Creating a wildlife violator compact.

Referred to Committee on Environment and Natural Resources.

HB 2535 by Representatives R. Meyers, R. King, Padden, Orr, Wilson, Haugen, Jacobsen, Paris, Kremen and Rasmussen (by request of Department of Wildlife)

Punishing illegal traffic of wildlife.

Referred to Committee on Environment and Natural Resources.

HB 2538 by Representatives Ludwig, Padden, Appelwick and Paris

Altering the provisions concerning joint tenancy.

Referred to Committee on Law and Justice.

SHB 2544 by House Committee on Natural Resources and Parks (originally sponsored by Representatives Belcher and Beck)

Prohibiting the operation of vessels loaded beyond their safe carrying capacity ratings.

Referred to Committee on Environment and Natural Resources.

HB 2550 by Representatives Hargrove, Appelwick, Belcher and Orr

Concerning an order of support for a dependent child.

Referred to Committee on Law and Justice.

SHB 2555 by House Committee on Health Care (originally sponsored by Representatives Moyer, Braddock, Paris and Valle)

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

Referred to Committee on Health and Long-Term Care.

SHB 2574 by House Committee on Commerce and Labor (originally sponsored by Representatives Jones, G. Cole, Heavey and Fuhrman) (by request of Department of Labor and Industries)

Defining hospital in regard to self-insurers.

Referred to Committee on Commerce and Labor.

SHB 2587 by House Committee on Health Care (originally sponsored by Representatives Braddock, Moyer, Prentice, Franklin, Edmondson, Paris, Morris, Sprenkle, Ballard, Casada, Mitchell, Chandler, J. Kohl, Winsley and Cantwell)

Updating the schedules of drugs that the board of pharmacy has authority to control.

Referred to Committee on Health and Long-Term Care.

ESHB 2631 by House Committee on Education (originally sponsored by Representatives Peery, Brough, H. Sommers, Neher, Sheldon, Roland, Valle, Paris, Pruitt, Mitchell, Prentice, Betzoff, Rasmussen, P. Johnson and J. Kohl)

Changing school construction financing.

Referred to Committee on Education.

SHB 2637 by House Committee on Judiciary (originally sponsored by Representatives Rasmussen, Dellwo, Broback, Paris, Anderson, Wineberry, Roland, Valle, Mitchell, Betrozoff, Bowman, R. King, Jacobsen, Winsley and Brekke) (by request of Attorney General)

Regulating charitable solicitations.

Referred to Committee on Financial Institutions and Insurance.

EHB 2645 by Representatives Spanel, H. Sommers, Hine, McLean, Locke, Basich, Paris and Betrozoff

Prohibiting the department of retirement systems from recovering certain pension overpayments.

Referred to Committee on Ways and Means.

SHB 2659 by House Committee on Local Government (originally sponsored by Representatives Cooper, Haugen, Ferguson, Rayburn, Wynne, Zellinsky, Horn, Bray and Wood)

Concerning public works contracts.

Referred to Committee on Governmental Operations.

SHB 2686 by House Committee on Commerce and Labor (originally sponsored by Representatives Kremen, Heavey and Fuhrman)

Regulating contractor registration and licensing.

Referred to Committee on Commerce and Labor.

THIRD READING

SUBSTITUTE SENATE BILL NO. 5092, by Senate Committee on Ways and Means (originally sponsored by Senators Roach, Snyder, Stratton, Amondson, L. Kreidler, McCaslin, Erwin, Newhouse, Niemi, Sellar, Craswell, Gaspard, Hayner, Skratek, L. Smith, Talmadge, Oke, Bauer, Rasmussen, Thorsness, Johnson, Wojahn, Cantu and West)

Continuing retirement system membership while on active duty in operation Desert Shield.

MOTIONS

On motion of Senator Newhouse, the rules were suspended, Substitute Senate Bill No. 5092 was returned to second reading and read the second time.

On motion of Senator Roach, the following amendment by Senators Roach, Rasmussen, Wojahn and Madsen was adopted:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 41.26.520 and 1989 c 88 s 2 are each amended to read as follows:

(1) A member who is on a paid leave of absence authorized by a member's employer shall continue to receive service credit as provided for under the provisions of RCW 41.26.410 through 41.26.550.

(2) Except as specified in subsection (3) of this section, a member shall be eligible to receive a maximum of two years service credit during a member's entire working career for those periods when a member is on an unpaid leave of absence authorized by an employer. Such credit may be obtained only if the member makes the employer, member, and state contributions plus interest as determined by the department for the period of the authorized leave of absence within five years of resumption of service or prior to retirement whichever comes sooner: PROVIDED, That for the purpose of this subsection the contribution shall not include the contribution for the unfunded supplemental present value as required by RCW 41.26.450. The contributions required shall be based on the average of the member's basic salary at both the time the authorized leave of absence was granted and the time the member resumed employment.

(3) A member who ~~((is inducted into))~~ leaves the employ of an employer to enter the armed forces of the United States shall be ~~((deemed to be on an unpaid, authorized leave of absence))~~ entitled to retirement system service credit for up to four years of military service.

(a) The member qualifies for service credit under this subsection if:

(i) Within ninety days of the member's honorable discharge from the United States armed forces, the member returns to the employ of the employer who employed the member immediately prior to the member entering the United States armed forces; and

(ii) The member makes the employee contributions required under RCW 41.26.450 plus interest as determined by the department within five years of resumption of service or prior to retirement, whichever comes sooner.

(b) Upon receipt of member contributions under (a)(ii) of this subsection, the department shall bill the employer and the state for their respective contributions required under RCW 41.26.450 for the period of military service, plus interest as determined by the department.

(c) The contributions required shall be based on the average of the member's basic salary at both the time the authorized leave was granted and the time the member resumed employment.

(4) A member receiving benefits under Title 51 RCW who is not receiving benefits under this chapter shall be deemed to be on unpaid, authorized leave of absence.

Sec. 2. RCW 41.32.810 and 1977 ex.s. c 293 s 13 are each amended to read as follows:

(1) A member who is on a paid leave of absence authorized by a member's employer shall continue to receive service credit as provided for under the provisions of RCW 41.32.755 through 41.32.825.

(2) Except as specified in subsection (3) of this section, a member shall be eligible to receive a maximum of two years service credit during a member's entire working career for those periods when a member is on an unpaid leave of absence authorized by an employer. Such credit may be obtained only if the member makes both the employer and member contributions plus interest as determined by the department for the period of the authorized leave of absence within five years of resumption of service or prior to retirement whichever comes sooner: PROVIDED, That for the purpose of this subsection ~~((section))~~ the contribution shall not include the contribution for the unfunded supplemental present value as required by RCW 41.32.775. The contributions required shall be based on the average of the member's ~~((compensation))~~ earnable compensation at both the time the authorized leave of absence was granted and the time the member resumed employment.

(3) A member who ~~((is inducted into))~~ leaves the employ of an employer to enter the armed forces of the United States shall be ~~((deemed to be on an unpaid, authorized leave of absence))~~ entitled to retirement system service credit for up to four years of military service.

(a) The member qualifies for service credit under this subsection if:

(i) Within ninety days of the member's honorable discharge from the United States armed forces, the member returns to the employ of the employer who employed the member immediately prior to the member entering the United States armed forces; and

(ii) The member makes the employee contributions required under RCW 41.32.775 plus interest as determined by the department within five years of resumption of service or prior to retirement, whichever comes sooner.

(b) Upon receipt of member contributions under (a)(ii) of this subsection, the department shall bill the employer for its contribution required under RCW 41.32.775 for the period of military service, plus interest as determined by the department.

(c) The contributions required shall be based on the average of the member's earnable compensation at both the time the authorized leave was granted and the time the member resumed employment.

Sec. 3. RCW 41.40.710 and 1991 c 35 s 100 are each amended to read as follows:

(1) A member who is on a paid leave of absence authorized by a member's employer shall continue to receive service credit as provided for under the provisions of RCW 41.40.610 through 41.40.740.

(2) Except as specified in subsection (3) of this section, a member shall be eligible to receive a maximum of two years service credit during a member's entire working career for those periods when a member is on an unpaid leave of absence authorized by an employer. Such credit may be obtained only if the member makes both the plan II employer and member contributions plus interest as determined by the department for the period of the authorized leave of absence within five years of resumption of service or prior to retirement whichever comes sooner. The contributions required shall be based on the average of the member's compensation earnable at both the time the authorized leave of absence was granted and the time the member resumed employment.

(3) A member who ~~((is inducted into))~~ leaves the employ of an employer to enter the armed forces of the United States shall be ~~((deemed to be on an unpaid, authorized leave of absence))~~ entitled to retirement system service credit for up to four years of military service.

(a) The member qualifies for service credit under this subsection if:

(i) Within ninety days of the member's honorable discharge from the United States armed forces, the member returns to the employ of the employer who employed the member immediately prior to the member entering the United States armed forces; and

(ii) The member makes the employee contributions required under RCW 41.40.650 plus interest as determined by the department within five years of resumption of service or prior to retirement, whichever comes sooner.

(b) Upon receipt of member contributions under (a)(ii) of this subsection, the department shall bill the employer for its contribution required under RCW 41.40.650 for the period of military service, plus interest as determined by the department.

(c) The contributions required shall be based on the average of the member's compensation earnable at both the time the authorized leave was granted and the time the member resumed employment.

NEW SECTION. Sec. 4. This act applies retroactively for retirement system service credit for military service which began on or after January 1, 1990.

NEW SECTION. Sec. 5. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

MOTIONS

On motion of Senator Anderson, the following title amendment was adopted:

On page 1, line 2 of the title, after "Shield;" strike the remainder of the title and insert "amending RCW 41.26.520, 41.32.810, and 41.40.710; creating a new section; and declaring an emergency."

On motion of Senator Anderson, the rules were suspended, Engrossed Substitute Senate Bill No. 5092 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5092.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5092 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yeas: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Matson, McCaslin, McDonald, Metcalf, Moore, Murray, Nelson, Newhouse, Oke, Owen, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sumner, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 45.

Excused: Senators Madsen, McMullen, Niemi, Patterson - 4.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5092, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 12:16 p.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 1:26 p.m. by President Pritchard.

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

REPORTS OF STANDING COMMITTEES

February 14, 1992

SB 6041 Prime Sponsor, Senator Nelson: Changing provisions relating to juveniles. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Second Substitute Senate Bill No. 6041 be substituted therefor, and the second substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bluechel, Cantu, Hayner, Metcalf, Newhouse, Saling, L. Smith and West.

MINORITY Recommendation: Do not pass. Signed by Senators Murray, Niemi, Owen, Rinehart and Wojahn.

Passed to Committee on Rules for second reading.

February 14, 1992

ESHB 2470 Prime Sponsor, Representative Locke: Making supplemental appropriations. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bluechel, Cantu, Hayner, Metcalf, Newhouse, Saling, L. Smith and West.

MINORITY Recommendation: Do not pass as amended. Signed by Senators Bauer, Gaspard, Kreidler, Murray, Niemi, Owen, Rinehart, Talmadge, Williams and Wojahn.

MOTION

On motion of Senator Newhouse, the rules were suspended, Engrossed Substitute House Bill No. 2470 was advanced to second reading and read the second time.

MOTION

Senator McDonald moved that the following Committee on Ways and Means amendment be adopted:

Strike everything after the enacting clause and insert the following:

PART I
GENERAL GOVERNMENT

Sec. 101. 1991 sp.s c 16 s 101 is amended to read as follows:

FOR THE HOUSE OF REPRESENTATIVES

General Fund Appropriation	\$	53,992,000))
		<u>49,141,000</u>

The appropriation in this section is subject to the following conditions and limitations:

~~(((1)))~~ \$102,500 is provided solely for the task force on city and county finances to meet the requirements of RCW 82.14.301.

~~(((2)) Up to \$125,000 is provided for a study of comparable worth in state employee salaries. The study shall review the current implementation of comparable worth and evaluate compensation policy alternatives and other personnel practices as they relate to comparable worth.)~~

Sec. 102. 1991 sp.s. c 16 s 102 is amended to read as follows:

FOR THE SENATE

General Fund Appropriation	\$	((41,071,000))
		<u>37,450,000</u>

The appropriation in this section is subject to the following conditions and limitations:

(1) \$102,500 is provided solely for the task force on city and county finances to meet the requirements of RCW 82.14.301.

(2) \$10,000 is provided solely for expenses related to the meetings and conferences of the Pacific northwest economic region established under chapter 251, Laws of 1991 (Substitute Senate Bill No. 5008, Pacific northwest economic region).

Sec. 103. 1991 sp.s. c 16 s 103 is amended to read as follows:

FOR THE LEGISLATIVE BUDGET COMMITTEE

General Fund Appropriation	\$	((2,384,000))
		<u>2,264,000</u>

The appropriation in this section is subject to the following conditions and limitations: The legislative budget committee shall conduct an audit of supplemental contracts entered into by school districts under RCW 28A.400.200(4).

The audit shall examine the number and frequency of the contracts, the amount of compensation paid, and the nature of the work performed.

Sec. 104. 1991 sp.s. c 16 s 104 is amended to read as follows:

FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE

General Fund Appropriation	\$	((2,858,000))
		<u>2,712,000</u>

Sec. 105. 1991 sp.s. c 16 s 106 is amended to read as follows:

FOR THE JOINT LEGISLATIVE SYSTEMS COMMITTEE

General Fund Appropriation	\$	((8,623,000))
		<u>7,649,000</u>

The appropriation in this section is subject to the following conditions and limitations: The appropriation shall be transferred to the legislative systems revolving fund.

Sec. 106. 1991 sp.s. c 16 s 107 is amended to read as follows:

FOR THE STATUTE LAW COMMITTEE

General Fund Appropriation	\$	((6,898,000))
		<u>6,412,000</u>

The appropriation in this section is subject to the following conditions and limitations: \$15,000 is provided solely for the expenses of the law revision commission under chapter 1.30 RCW.

Sec. 107. 1991 sp.s. c 16 s 108 is amended to read as follows:

FOR THE REDISTRICTING COMMISSION

General Fund Appropriation	\$	((888,000))
		<u>794,000</u>

Sec. 108. 1991 sp.s. c 16 s 109 is amended to read as follows:

FOR THE SUPREME COURT

General Fund Appropriation	\$	((15,060,000))
		<u>15,519,000</u>

The appropriation in this section is subject to the following conditions and limitations:

~~(\$6,118,000)~~ (1) \$6,875,000 is provided solely for the indigent appeals program.

(2) In implementing the cost reduction measures required by this act, the supreme court may enter into agreements with other judicial agencies to make efficient and effective use of available financial resources within the judicial branch.

Sec. 109. 1991 sp.s. c 16 s 110 is amended to read as follows:

FOR THE LAW LIBRARY

General Fund Appropriation	\$	((3,189,000))
		<u>3,027,000</u>

Sec. 110. 1991 sp.s. c 16 s 111 is amended to read as follows:

FOR THE COURT OF APPEALS

General Fund Appropriation	\$	((15,620,000))
		<u>15,203,000</u>

The appropriation in this section is subject to the following conditions and limitations: In implementing the cost reduction measures required by this act, the court of appeals may enter into agreements with other judicial agencies to make efficient and effective use of available financial resources within the judicial branch.

Sec. 111. 1991 sp.s. c 16 s 112 is amended to read as follows:

FOR THE COMMISSION ON JUDICIAL CONDUCT

General Fund Appropriation	\$	((955,000))
		<u>956,000</u>

Sec. 112. 1991 sp.s. c 16 s 113 is amended to read as follows:

FOR THE ADMINISTRATOR FOR THE COURTS

General Fund Appropriation	\$	((26,552,000))
		<u>27,048,000</u>

Public Safety and Education Account Appropriation	\$	((28,409,000))
		<u>28,023,000</u>

TOTAL APPROPRIATION	\$	((54,961,000))
		<u>55,071,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~(\$18,543,000)~~ \$20,850,000 of the general fund appropriation is provided solely for the superior court judges program. Of this amount, a maximum of \$150,000 may be used to reimburse county superior courts for superior court

judges temporarily assigned to other counties that are experiencing large and sudden surges in criminal filings. Reimbursement shall be limited to per diem and travel expenses of assigned judges.

(2) \$1,744,000 of the public safety and education account appropriation is provided solely to install the district court information system (DISCIS) at forty-two district court sites. When providing equipment upgrades to an existing site, an equal amount of local matching funds shall be provided by the local jurisdictions.

(3) \$217,000 of the public safety and education account appropriation is provided solely to contract with the state board for community college education to pay for court interpreter training classes in at least six community colleges for a total of at least 200 financially needy students, who shall be charged reduced tuition based on level of need. Other students may be served by charging the full tuition needed to recover costs.

(4) ~~(\$725,000)~~ \$688,000 of the general fund appropriation is provided solely to implement chapter 127, Laws of 1991 (Second Substitute Senate Bill No. 5127, foster care citizen review).

(5) ~~(\$7,875,000)~~ \$7,677,000 of the public safety and education account appropriation is provided solely for the continuation of treatment-alternatives-to-street-crimes (TASC) programs in Pierce, Snohomish, Clark, King, Spokane, and Yakima counties.

(6) In implementing the cost reduction measures required by this act, the administrator for the courts may enter into agreements with other judicial agencies to make efficient and effective use of available financial resources within the judicial branch.

Sec. 113. 1991 sp.s. c 16 s 114 is amended to read as follows:

FOR THE OFFICE OF THE GOVERNOR

General Fund Appropriation	\$	((7,773,000))
		<u>7,184,000</u>

The appropriation in this section is subject to the following conditions and limitations:

(1) \$186,000 is provided solely for mansion maintenance.

(2) \$500,000 is provided solely for extradition expenses to carry out RCW 10.34.030, providing for the return of fugitives by the governor, including prior claims, and for extradition-related legal services as determined by the attorney general.

~~((3) \$207,000 is provided solely for two FTE staff to implement chapter 24, Laws of 1991 (Substitute House Bill No. 1800, office of international relations).))~~

Sec. 114. 1991 sp.s. c 16 s 115 is amended to read as follows:

FOR THE COMMISSION ON AFRICAN-AMERICAN AFFAIRS

General Fund Appropriation	\$	((286,000))
		<u>279,000</u>

Sec. 115. 1991 sp.s. c 16 s 116 is amended to read as follows:

FOR THE LIEUTENANT GOVERNOR

General Fund Appropriation	\$	((524,000))
		<u>496,000</u>

Sec. 116. 1991 sp.s. c 16 s 117 is amended to read as follows:

FOR THE PUBLIC DISCLOSURE COMMISSION

General Fund Appropriation	\$	((1,884,000))
		<u>1,808,000</u>

The appropriation in this section is subject to the following conditions and limitations: \$25,000 is provided solely to implement a system to track gratuities received by elected officials and other persons required to report under state public disclosure laws.

Sec. 117. 1991 sp.s. c 16 s 118 is amended to read as follows:

FOR THE SECRETARY OF STATE

General Fund Appropriation	\$	((8,618,000))
		<u>8,162,000</u>

Archives and Records Management Account

Appropriation	\$	((3,612,000))
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Savings Recovery Account Appropriation	\$	<u>3,522,000</u>
		569,000

TOTAL APPROPRIATION	\$	((12,799,000))
		<u>12,253,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$809,000 of the general fund appropriation is provided solely to reimburse counties for the state's share of primary and general election costs and the costs of conducting mandatory recounts on state measures.

(2) \$2,919,000 of the general fund appropriation is provided solely for the verification of initiative and referendum petitions, maintenance of related voter registration records, legal advertising of state measures, and the publication and distribution of the voters and candidates pamphlet.

Sec. 118. 1991 sp.s. c 16 s 119 is amended to read as follows:

FOR THE GOVERNOR'S OFFICE OF INDIAN AFFAIRS

General Fund Appropriation	\$	((318,000))
		<u>310,000</u>

Sec. 119. 1991 sp.s. c 16 s 120 is amended to read as follows:

FOR THE COMMISSION ON ASIAN-AMERICAN AFFAIRS

General Fund Appropriation	\$	((370,000))
		<u>360,000</u>

Sec. 120. 1991 sp.s. c 16 s 121 is amended to read as follows:

FOR THE STATE TREASURER

Motor Vehicle Account Appropriation	\$	44,000
State Treasurer's Service Fund Appropriation	\$	((9,571,000))

		<u>9,727,000</u>
TOTAL APPROPRIATION	\$	((9,615,000))
		<u>9,771,000</u>

Sec. 121. 1991 sp.s. c 16 s 122 is amended to read as follows:

FOR THE STATE AUDITOR

General Fund Appropriation	\$	((615,000))
		<u>562,000</u>

Motor Vehicle Fund Appropriation	\$	243,000
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Municipal Revolving Fund Appropriation	\$	19,319,000
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Auditing Services Revolving Fund Appropriation	\$	((11,269,000))
		<u>10,987,000</u>

TOTAL APPROPRIATION	\$	((31,446,000))
		<u>31,111,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$280,000 of the auditing services revolving fund appropriation is provided solely for the whistleblower program.

Sec. 122. 1991 sp.s. c 16 s 123 is amended to read as follows:

FOR THE CITIZENS' COMMISSION ON SALARIES FOR ELECTED OFFICIALS

General Fund Appropriation	\$	((82,000))
		<u>78,000</u>

Sec. 123. 1991 sp.s. c 16 s 124 is amended to read as follows:

FOR THE ATTORNEY GENERAL

General Fund--State Appropriation	\$	((6,264,000))
		<u>5,530,000</u>

General Fund--Federal Appropriation	\$	1,589,000
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Public Safety and Education Account Appropriation	\$	1,736,000
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Legal Services Revolving Fund Appropriation	\$	((90,555,000))
		<u>88,291,000</u>

Motor Vehicle Fund Appropriation	\$	727,000
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New Motor Vehicle Arbitration Account Appropriation	\$	1,742,000
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TOTAL APPROPRIATION	\$	((102,613,000))
		<u>99,615,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The attorney general shall report on actual legal services expenditures and actual attorney and support staffing levels for each agency receiving legal services. A report covering fiscal year 1992 shall be submitted to the office of financial management and the fiscal committees of the senate and house of representatives by September 1, 1992.

(2) Beginning July 1, 1992, the attorney general shall include, at a minimum, the following information with each bill sent to agencies receiving legal services: (a) The number of hours and cost of attorney services provided during the billing period; (b) the number of hours and cost of support staff services provided during the billing period; (c) attorney general overhead and central support costs charged to the agency for the billing period; (d) direct legal costs, such as filing and docket fees, charged to the agency for the billing period; and (e) other costs charged to the agency for the billing period. If requested by an agency receiving legal services, the attorney general shall provide the information required in this subsection by program.

(3) \$1,736,000 of the public safety and education account appropriation is provided solely for the attorney general's criminal litigation unit.

NEW SECTION. Sec. 124. ATTORNEY GENERAL--TRIBAL SHELLFISH LITIGATION COSTS. The sum of nine hundred thousand dollars, or so much thereof as may be necessary, is appropriated from the general fund to the office of the attorney general solely for legal costs incurred in defending the state and public interest in tribal shellfish litigation (U.S. v. Washington, subproceeding 89-3). From this appropriation, the office of the attorney general shall

reimburse the department of fisheries for any expenditures made prior to the effective date of this act by the department of fisheries from the moneys provided under section 312(5), chapter 16, Laws of 1991 sp.s.

Sec. 125. 1991 sp.s. c 16 s 125 is amended to read as follows:

FOR THE ECONOMIC AND REVENUE FORECAST COUNCIL

General Fund Appropriation	\$	((868,000))
		<u>833,000</u>

Sec. 126. 1991 sp.s. c 16 s 126 is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT

General Fund--State Appropriation	\$	((20,563,000))
		<u>3,957,000</u>
General Fund--Federal Appropriation	\$	101,000
Savings Recovery Account Appropriation	\$	((1,932,000))
		<u>15,158,000</u>
Public Safety and Education Account Appropriation	\$	290,000
Motor Vehicle Fund Appropriation	\$	108,000
TOTAL APPROPRIATION	\$	((22,994,000))
		<u>19,614,000</u>

The appropriations in this section are subject to the following conditions and limitations: ((3)) The appropriations in this section include amounts sufficient to implement section 13 of chapter 36, Laws of 1991 (Engrossed Substitute House Bill No. 1608, children's mental health).

Sec. 127. 1991 sp.s. c 16 s 127 is amended to read as follows:

FOR THE OFFICE OF ADMINISTRATIVE HEARINGS

Administrative Hearings Revolving Fund Appropriation	\$	((11,730,000))
		<u>11,437,000</u>

Sec. 128. 1991 sp.s. c 16 s 128 is amended to read as follows:

FOR THE DEPARTMENT OF PERSONNEL

Department of Personnel Service Fund Appropriation	\$	((17,178,000))
		<u>16,321,000</u>

The appropriation in this section is subject to the following conditions and limitations:

(1) \$65,000 is provided solely to increase advertising for employment opportunities with the state.

(2) \$121,000 is provided solely for an executive search specialist in the department to be utilized by all state agencies.

(3) From the level of expenditures allotted prior to the effective date of this act, the department shall reduce expenditures from the data processing revolving fund by \$248,000.

Sec. 129. 1991 sp.s. c 16 s 129 is amended to read as follows:

FOR THE COMMITTEE FOR DEFERRED COMPENSATION

General Fund Appropriation	\$	((384,000))
		<u>364,000</u>

The appropriation in this section is subject to the following conditions and limitations: ((351,000)) \$333,000 is provided solely for the administration of a state employee salary reduction plan for dependent care assistance.

Sec. 130. 1991 sp.s. c 16 s 131 is amended to read as follows:

FOR THE COMMISSION ON HISPANIC AFFAIRS

General Fund Appropriation	\$	((401,000))
		<u>391,000</u>

Sec. 131. 1991 sp.s. c 16 s 133 is amended to read as follows:

FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--OPERATIONS

Department of Retirement Systems Expense Fund		
Appropriation	\$	((27,791,000))
		<u>27,999,000</u>

The appropriation in this section is subject to the following conditions and limitations: \$2,403,000 is provided solely for information systems projects known by the following names or successor names: Support of member database, support of audit, and audit of member files. Authority to expend this amount is conditioned on compliance with section 902 of this act. The department shall report to the fiscal committees of the senate and house of representatives on the status of the member database project by January 15, 1992.

Sec. 132. 1991 sp.s. c 16 s 134 is amended to read as follows:

FOR THE STATE INVESTMENT BOARD

State Investment Board Expense Account Appropriation	\$	((4,555,000))
		<u>6,153,000</u>

The appropriation in this section is subject to the following conditions and limitations: \$1,700,000 is provided solely for one-time expenditures incurred in exercising the board's fiduciary responsibilities associated with managing trust and retirement funds. The moneys provided in this subsection shall not be used to obligate the board to any on-going expenses, including equipment lease-purchase agreements, or the employment of permanent staff. The board shall report to the fiscal committees of the senate and house of representatives by January 15, 1992, on the use of the moneys provided in this subsection.

Sec. 133. 1991 sp.s. c 16 s 135 is amended to read as follows:

FOR THE DEPARTMENT OF REVENUE

General Fund Appropriation	\$	((91,543,000))
		<u>95,965,000</u>
Timber Tax Distribution Account Appropriation	\$	4,241,000
State Toxics Control Account Appropriation	\$	90,000
Solid Waste Management Account Appropriation	\$	82,000
Pollution Liability Reinsurance Trust Account Appropriation	\$	226,000
Vehicle Tire Recycling Account Appropriation	\$	122,000
Air Operating Permit Account Appropriation	\$	42,000
Oil/Hazardous Substance Cleanup Account Appropriation	\$	27,000
TOTAL APPROPRIATION	\$	((96,373,000))
		<u>100,795,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$((4,660,000)) 4,145,000 of the general fund appropriation is provided solely for the information systems project known as "taxpayer account integration management". Authority to expend this amount is conditioned on compliance with section 902 of this act.

(2) \$((668,000)) 584,000 of the general fund appropriation is provided solely to reimburse counties for property tax revenue losses resulting from enactment of chapters 203, 213, and 219, Laws of 1991 (Substitute Senate Bill No. 5110, House Bill No. 1299, House Bill No. 1642; senior citizens' tax exemptions).

(3) \$168,000 of the general fund--state appropriation is provided solely for the implementation of chapter 218, Laws of 1991 (Substitute House Bill No. 1301, property tax administrative practices).

(4) \$1,500,000 from the general fund appropriation is provided solely to implement Senate Bill No. ... (tax amnesty).
If the bill is not enacted by June 30, 1992, the amount provided in this subsection shall lapse.

Sec. 134. 1991 sp.s. c 16 s 136 is amended to read as follows:

FOR THE BOARD OF TAX APPEALS

General Fund Appropriation	\$	((1,572,000))
		<u>1,519,000</u>

Sec. 135. 1991 sp.s. c 16 s 138 is amended to read as follows:

FOR THE UNIFORM LEGISLATION COMMISSION

General Fund Appropriation	\$	((49,000))
		<u>44,000</u>

Sec. 136. 1991 sp.s. c 16 s 139 is amended to read as follows:

FOR THE OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES

General Fund Appropriation	\$	((2,319,000))
		<u>2,196,000</u>

Sec. 137. 1991 sp.s. c 16 s 140 is amended to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

General Fund--State Appropriation	\$	((5,119,000))
		<u>4,335,000</u>
General Fund--Federal Appropriation	\$	1,649,000
General Fund--Private/Local Appropriation	\$	274,000
Savings Recovery Account Appropriation	\$	1,070,000
Risk Management Account Appropriation	\$	((1,192,000))
		<u>1,172,000</u>
Motor Transport Account Appropriation	\$	((8,568,000))
		<u>8,309,000</u>
Central Stores Revolving Account Appropriation	\$	((4,365,000))
		<u>3,965,000</u>
Air Pollution Control Account Appropriation	\$	111,000

General Administration Facilities and Services		
Revolving Fund Appropriation	\$	((19,592,000))
		<u>20,790,000</u>
TOTAL APPROPRIATION	\$	((41,940,000))
		<u>41,675,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$22,000 of the motor transport account appropriation and \$111,000 of the air pollution control account appropriation are provided solely to implement the department's responsibilities under chapter 199, Laws of 1991 (Engrossed Substitute House Bill No. 1028, air quality).

(2) ~~\$(2,850,000))~~ 2,612,000 of the motor transport account appropriation is provided solely for replacement of motor vehicles through the state treasurer's financing contract program under chapter 39.94 RCW. The department may acquire new motor vehicles only to replace and not to increase the number of motor vehicles within the department's fleet.

(3) ~~\$(4,365,000))~~ \$3,965,000 of the central stores revolving fund appropriation is provided solely for the purchasing and contract administration activities of the office of state procurement, division of purchasing, as provided in RCW 43.19.1923. Of this amount ~~\$(555,000))~~ \$155,000 is provided solely to implement chapter 297, Laws of 1991 (Second Substitute Senate Bill No. 5143, purchasing recycled goods).

(4) \$117,000 of the general administration facilities and services revolving fund appropriation is provided solely to assist state agencies in processing asbestos claims.

(5) The department shall develop a consolidated mail service to handle all incoming mail in the 98504 zip code area, as well as all outgoing mail of executive branch agencies in the Olympia, Tumwater, and Lacey area, as determined by the director of general administration. Upon request, the department shall also provide outgoing mail services to legislative and judicial agencies in the Olympia, Tumwater, and Lacey area. For purposes of administering the consolidated mail service, the director shall:

(a) Determine the nature and extent of agency participation in the service, including the phasing of participation;

(b) Subject to the approval of the director of financial management and in compliance with applicable personnel laws, transfer employees and equipment from other agencies to the department when the director determines that such transfers will further the efficiency of the consolidated mail service. The director of financial management shall ensure that there are no net increases in state-wide staffing levels as a result of providing services currently being performed by state agencies through the consolidated mail service;

(c) Periodically assess charges on participating agencies to recover the cost of providing consolidated mail services;

(d) Accurately account for all costs incurred in implementation of the consolidated mail operation, and document any cost savings or avoidances; and

(e) By September 1, 1992, report to the appropriate committees of the legislature on the implementation of the service, including documentation of cost savings or avoidances achieved from the consolidation of mail services during fiscal year 1992.

(6) \$849,000 of the general administration facilities and services revolving fund appropriation is provided solely for maintenance services to the department of labor and industries and the department of natural resources.

(7) From the expenditure levels allotted prior to the effective date of this act, the department shall reduce expenditures from nonappropriated moneys in the central stores revolving account by \$238,000.

Sec. 138. 1991 sp.s. c 16 s 141 is amended to read as follows:

FOR THE DEPARTMENT OF INFORMATION SERVICES

General Fund Appropriation	\$	((428,000))
		<u>417,000</u>
Data Processing Revolving Fund Appropriation	\$	((1,379,000))
		<u>1,809,000</u>
TOTAL APPROPRIATION	\$	((1,807,000))
		<u>2,226,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~\$(428,000))~~ \$417,000 of the general fund appropriation is provided solely to complete the video telecommunications demonstration project begun by the department during the 1989-91 biennium. Authority to spend this amount is conditioned on compliance with section 903 of this act.

~~(2) (The department shall report to the appropriate committees of the legislature by January 15, 1992, on the state's information systems development, review, and approval process. The report shall include recommendations on the appropriate roles and responsibilities of individual agencies, the department of information services, and the office of financial management.)~~ From the level of expenditures allotted prior to the effective date of this act, the department shall reduce expenditures from nonappropriated moneys in the data processing revolving fund by \$4,344,000.

Sec. 139. 1991 sp.s. c 16 s 144 is amended to read as follows:

FOR THE BOARD OF ACCOUNTANCY

General Fund Appropriation	\$	((523,000))
		<u>495,000</u>

Certified Public Accountants' Account Appropriation	\$	669,000
TOTAL APPROPRIATION	\$	<u>((1,192,000))</u>
		1,164,000

Sec. 140. 1991 sp.s. c 16 s 146 is amended to read as follows:

FOR THE PROFESSIONAL ATHLETIC COMMISSION

General Fund Appropriation	\$	<u>((144,000))</u>
		136,000

The appropriation in this section is subject to the following conditions and limitations: Expenditures from this appropriation during fiscal year 1993 shall not exceed the amount of fee revenue deposited in the state general fund by the commission during fiscal year 1993 under chapter 67.08 RCW.

Sec. 141. 1991 sp.s. c 16 s 148 is amended to read as follows:

FOR THE LIQUOR CONTROL BOARD

Liquor Revolving Fund Appropriation	\$	<u>((106,415,000))</u>
		105,031,000

Sec. 142. 1991 sp.s. c 16 s 149 is amended to read as follows:

FOR THE UTILITIES AND TRANSPORTATION COMMISSION

Public Service Revolving Fund Appropriation	\$	<u>((29,189,000))</u>
		29,381,000
Grade Crossing Protective Fund Appropriation	\$	320,000
TOTAL APPROPRIATION	\$	<u>((29,509,000))</u>
		29,701,000

The appropriations in this section are subject to the following conditions and limitations: \$50,000 of the public service revolving fund appropriation is provided solely for the purpose of contracting with the state energy office to develop plans and recommendations to expand the availability of compressed natural gas refueling stations for motor vehicles, pursuant to chapter 199, Laws of 1991 (Engrossed Substitute House Bill No. 1028).

Sec. 143. 1991 sp.s. c 16 s 151 is amended to read as follows:

FOR THE MILITARY DEPARTMENT

General Fund--State Appropriation	\$	<u>((9,549,000))</u>
		8,969,000
General Fund--Federal Appropriation	\$	7,582,000
General Fund--Private/Local Appropriation	\$	180,000
TOTAL APPROPRIATION	\$	<u>((17,311,000))</u>
		16,731,000

The appropriations in this section are subject to the following conditions and limitations: \$10,000 of the general fund--state appropriation is provided to the public affairs office for headquarters STARC, Camp Murray, Washington air national guard solely for the purpose of a publication to assist in the recruitment and retention of the Washington national guard.

Sec. 144. 1991 sp.s. c 16 s 152 is amended to read as follows:

FOR THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

General Fund Appropriation	\$	<u>((2,176,000))</u>
		2,122,000

**PART II
HUMAN SERVICES**

Sec. 201. 1991 sp.s. c 16 s 201 is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(1) Appropriations made in this act to the department of social and health services shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act except as expressly provided in this act, nor shall allotment modifications permit moneys that are provided solely for a specified purpose to be used for other than that purpose. However, the department may transfer to the revenue program up to \$2,000,000 of the general fund--state appropriations made to other department programs in this act. Such transfers shall be from other programs where general fund--state savings are realized as the result of increased federal support for current state programs.

(2) The department of social and health services shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law, or unless the services were provided on March 1, 1991. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act, and an equal amount of appropriated state general fund moneys

shall lapse. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(3) Appropriations in this act derived from the \$31,600,000 federal child care block grant and the Title IV-A grant are subject to the following conditions and limitations:

(a) \$13,290,000 is provided solely for vendor rate increases for child care facilities. Increases by cluster shall result in rates set at a uniform percentile of child care provider rates across clusters. Rates set by other methods shall result in the same percentage increase as the state-wide average increase for rates set by cluster. The department shall transfer rate increase funds among child care programs as necessary to maintain a uniform rate policy.

~~((4))~~ (b) \$1,000,000 is provided solely to contract with eligible providers for specialized child care and respite care for children of homeless parents. Providers shall demonstrate that licensed child-care facilities are available to provide specialized child care for children under six years of age. Respite child-care providers shall demonstrate that respite child care is available for children under six years of age and shall submit to a felony background check through the state patrol. Child-care services provided by shelters shall be subject to department of community development rules on applicant eligibility criteria. The total allocation to providers within a county shall be not less than ~~((twenty-five thousand))~~ nine thousand five hundred dollars per fiscal year in counties that had at least one hundred children under the age of five served in emergency shelters for the preceding year as reported by the department of community development and not less than ~~((ten))~~ three thousand eight hundred dollars for all other counties. ~~((If Substitute Senate Bill No. 5653 (homeless child care) is enacted by July 31, 1991, the amount provided in this subsection is provided solely to implement the bill.~~

~~((e))~~ (c) \$450,000 of this amount shall be deposited in the child care facility revolving fund for loans or grants to assist persons, businesses, or organizations to start or operate a licensed child care facility to the extent permitted by federal law, pursuant to chapter 248, Laws of 1991 (Substitute Senate Bill No. 5583, child care facility fund).

~~((g))~~ (d) \$100,000 is provided solely for licensing and regulation activities of the department of social and health services.

~~((h))~~ (e) \$100,000 is provided solely for data collection, evaluation, and reporting activities of the department of social and health services.

~~((i))~~ (f) \$4,609,000 is provided solely to increase child care slots for low-income families.

~~((j))~~ (g) \$100,000 is provided solely for transfer through interagency agreement to the department of health to fund increased child care licensing workload.

Sec. 202. 1991 sp.s. c 16 s 202 is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--CHILDREN AND FAMILY SERVICES PROGRAM

General Fund--State Appropriation	\$	((277,041,000)) <u>260,537,000</u>
General Fund--Federal Appropriation	\$	((174,174,000)) <u>170,859,000</u>
Drug Enforcement and Education Account Appropriation	\$	<u>4,000,000</u>
Public Safety and Education Account Appropriation	\$	((2,618,000)) <u>2,418,000</u>
TOTAL APPROPRIATION	\$	((457,833,000)) <u>437,814,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,000,000 of the general fund--state appropriation is provided solely to implement chapter 364, Laws of 1991 (Engrossed Substitute Senate Bill No. 5025, youth and family services) subject to the following conditions and limitations.

(a) \$94,000 of this amount is provided solely for an evaluation of family reconciliation services pursuant to section 1, chapter 364, Laws of 1991 (Engrossed Second Substitute Senate Bill No. 5025, youth and family services).

(b) \$650,000 is provided solely to expand family reconciliation services.

(c) ~~\$(256,000))~~ 250,000 is provided solely to expand homebuilder services to Whatcom county on July 1, 1992.

~~(2) ((\$5,902,000 of the general fund--state appropriation and \$1,081,000 of the general fund--federal appropriation are provided solely for vendor rate increases of five percent on January 1, 1992, and on January 1, 1993, for children's out of home residential providers except interim care, including but not limited to foster parents and child placement agencies, and 3.1 percent on January 1, 1992, and 3.4 percent on January 1, 1993, for other providers, except child care providers.~~

~~(3))~~ \$1,350,000 of the general fund--state appropriation is provided solely for the continuation of the family violence pilot project and to initiate one new project at a cost of no more than \$350,000.

~~((4))~~ (3) \$1,150,000 of the general fund--state appropriation is provided solely to implement a therapeutic home program under section 2 of chapter 326, Laws of 1991 (Engrossed Substitute House Bill No. 1608, children's services).

~~((5))~~ (4) \$500,000 of the general fund--state appropriation is provided solely to implement chapter 283, Laws of 1991 (Second Substitute Senate Bill No. 5341, foster parent liability insurance).

~~((6))~~ (5) \$110,000 of the general fund--state appropriation is provided solely for volunteers of America of Spokane's crosswalk project.

~~((7))~~ (6) \$3,300,000 of the general fund--state appropriation is provided solely for direct services provided by four existing continuum of care projects.

~~((8))~~ (7) \$900,000 of the drug enforcement and education account appropriation and \$300,000 of the general fund--state appropriation are provided solely to contract for the operation of one pediatric interim care facility. The facility shall provide residential care for up to twelve children through two years of age. Seventy-five percent of the children served by the facility must be in need of special care as a result of substance abuse by their mothers. The facility also shall provide on-site training to biological, adoptive, or foster parents. The facility shall provide at least three months of consultation and support to parents accepting placement of children from the facility. The facility may recruit new and current foster and adoptive parents for infants served by the facility. The department shall not require case management as a condition of the contract. The department shall solicit proposals from current pediatric interim care providers. The department shall select a provider from among the current pediatric interim care providers through an accelerated selection process by August 15, 1991. The contract shall be awarded by August 15, 1991.

~~((9))~~ (8) \$700,000 of the general fund--state appropriation and \$299,000 of the drug enforcement and education account appropriation are provided solely for up to three nonfacility based programs for the training, consultation, support, and recruitment of biological, foster, and adoptive parents of children through age three in need of special care as a result of substance abuse by their mothers, except that each program may serve up to three medically fragile nonsubstance-abuse-affected children. In selecting nonfacility based programs, preference shall be given to programs whose federal or private funding sources have expired or have successfully performed under the existing pediatric interim care program. The department shall select providers under this subsection using an accelerated selection process, to be completed no later than August 15, 1991.

~~((10))~~ (9) The amounts in subsections ~~((8) and (9))~~ (6) and (7) of this section may be used to continue the existing pediatric interim care programs through August 15, 1991.

~~((11))~~ (10) ~~(\$200,000)~~ \$100,000 of the public safety and education account is provided solely to implement sections 11 and 12, chapter 301, Laws of 1991 (Engrossed Substitute House Bill No. 1884, domestic violence programs).

~~((12))~~ (11) Up to \$25,000 of the general fund--state appropriation is provided to implement section 7 of chapter 301, Laws of 1991 (Substitute House Bill No. 1884, domestic violence programs).

~~((13))~~ (12) \$1,500,000 of the general fund--state appropriation is provided solely for increased funding for domestic violence programs.

~~((15))~~ (13) \$480,000 of the general fund--state appropriation is provided solely for purchase of service and for grants to nonprofit child placement agencies licensed under chapter 74.15 RCW to recruit potential adoptive parents for, and place for adoption, children with physical, mental, or emotional disabilities, children who are part of a sibling group, children over age 10, and minority or limited English-speaking children.

Sec. 203. 1991 sp.s. c 16 s 203 is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--JUVENILE REHABILITATION PROGRAM

(1) COMMUNITY SERVICES

General Fund--State Appropriation	\$	((57,604,000))
		<u>52,686,000</u>
General Fund--Federal Appropriation	\$	135,000
Drug Enforcement and Education Account Appropriation	\$	1,762,000
TOTAL APPROPRIATION	\$	((59,501,000))
		<u>54,583,000</u>

~~((The appropriations in this subsection are subject to the following conditions and limitations: (a) \$1,117,000 of the general fund--state appropriation is provided solely to provide vendor rate increases of five percent on January 1, 1992, and five percent on January 1, 1993, to juvenile rehabilitation group homes, and 3.1 percent on January 1, 1992, and 3.4 percent on January 1, 1993, for other vendors.))~~

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation	\$	((54,370,000))
		<u>57,709,000</u>
General Fund--Federal Appropriation	\$	949,000
Drug Enforcement and Education Account Appropriation	\$	940,000
TOTAL APPROPRIATION	\$	((56,259,000))
		<u>59,598,000</u>

(3) PROGRAM SUPPORT

General Fund Appropriation	\$	((4,390,000))
		<u>2,678,000</u>
Drug Enforcement and Education Account Appropriation	\$	342,000
TOTAL APPROPRIATION	\$	((4,732,000))
		<u>3,020,000</u>

The appropriations in this subsection are subject to the following conditions and limitations: \$90,000 of the general fund--state appropriation is provided solely to implement chapter 234, Laws of 1991 (Second Substitute Senate Bill No. 5167, juvenile justice act), including section 2 of the act.

Sec. 204. 1991 sp.s. c 16 s 204 is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--MENTAL HEALTH PROGRAM

(1) COMMUNITY SERVICES/REGIONAL SUPPORT NETWORKS

General Fund--State Appropriation	\$	((235,715,000))
		<u>216,414,000</u>
General Fund--Federal Appropriation	\$	((110,751,000))
		<u>109,057,000</u>
General Fund--Local Appropriation	\$	<u>3,360,000</u>
TOTAL APPROPRIATION	\$	((349,826,000))
		<u>328,831,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) ~~(((\$6,213,000 of the general fund--state appropriation and \$2,863,000 of the general fund--federal appropriation are provided solely for vendor rate increases of 3.1 percent on January 1, 1992, and 3.4 percent on January 1, 1993.~~

~~((b) \$33,021,000))~~ \$24,971,000 of the general fund--state appropriation and \$250,000 of the general fund--federal appropriation are provided for the continued implementation of chapter 206, Laws of 1989, as amended, and other community enhancements. Of this amount:

(i) ~~(((\$7,200,000))~~ \$6,400,000 is provided solely to implement sections 1(16) and 2(8) of chapter 262, Laws of 1991 (Second Substitute Senate Bill No. 5667, evaluation/treatment access).

(ii) \$400,000 of the general fund--state appropriation is provided solely for Pierce county for costs related to the administration of the involuntary treatment act.

(iii) ~~(((\$17,582,000))~~ \$9,582,000 is provided solely to expand mental health service capacity in a manner to be determined by the regional support networks. However, community services that will reduce the populations of the state hospitals shall have first priority for these funds.

(iv) \$1,900,000 of the general fund--state appropriation is provided solely for regional support networks for acquisition and implementation of local management information systems in compliance with RCW 71.24.035. These information systems shall assure exchange of state required core data concerning mental health programs. The department of social and health services shall contract with regional support networks for these information systems.

(v) \$1,600,000 of the general fund--state appropriation is provided solely for an integrated information system which allows for assured exchange of state required core data in compliance with RCW 71.24.035. Authority to expend these funds is conditioned on compliance with section 902 of this act.

(vi) \$589,000 of the general fund--state appropriation is provided solely to establish the Grays Harbor regional support network by January 1, 1992.

(vii) \$500,000 of the general fund--state appropriation is provided solely to implement section 14, chapter 326, Laws of 1991 (Engrossed Substitute House Bill No. 1608, services for children).

(viii) ~~(((\$750,000))~~ \$500,000 of the general fund--state appropriation and \$250,000 of the general fund--federal appropriation are provided solely for up to five performance-based contracts for the delivery of children's mental health services with regional support networks that have developed interagency children's mental health services delivery plans. To be eligible for a contract, the interagency children's mental health services delivery plan shall:

(A) Involve the major child-serving systems, including education, child welfare, and juvenile justice, in the county or counties served by the regional support network, in a coordinated system for delivery of children's mental health services; and

(B) Include mechanisms for interagency case planning, where necessary, that do not result in duplicative case management, to meet the mental health needs of children served through the plan.

~~((e))~~ (b) \$1,500,000 of the general fund--state appropriation is provided solely for transportation services.

~~((d))~~ (c) \$2,000,000 of the general fund--state appropriation is provided solely to enroll an additional four counties in the regional support network program by January 1993.

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation	\$	((237,703,000))
		<u>192,234,000</u>
General Fund--Federal Appropriation	\$	((13,604,000))
		<u>62,735,000</u>
TOTAL APPROPRIATION	\$	((251,307,000))
		<u>254,969,000</u>

(3) CIVIL COMMITMENT

General Fund--State Appropriation	\$	((4,908,000))
		<u>4,339,000</u>

(4) SPECIAL PROJECTS

General Fund--State Appropriation	\$	((1,917,000))
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		<u>1,858,000</u>
General Fund--Federal Appropriation	\$	2,966,000
TOTAL APPROPRIATION	\$	((4,883,000))
		<u>4,824,000</u>

~~((The appropriations in this subsection are subject to the following conditions and limitations: \$59,000 of the general fund--state appropriation is provided solely for vendor rate increases of 3.1 percent on January 1, 1992, and 3.4 percent on January 1, 1993.))~~

(5) PROGRAM SUPPORT

General Fund--State Appropriation	\$	((6,197,000))
		<u>5,911,000</u>
General Fund--Federal Appropriation	\$	((1,887,000))
		<u>1,865,000</u>
TOTAL APPROPRIATION	\$	((8,084,000))
		<u>7,776,000</u>

The appropriations in this section are subject to the following conditions and limitations: ~~\$(338,000)~~ 327,000 from the general fund--state appropriation is provided solely for transfer by interagency agreement to the University of Washington for an evaluation of mental health reform. The legislative budget committee shall review the evaluation work plan and deliverables. The indirect cost rate for this study shall be the same as that for the first steps evaluation.

NEW SECTION. Sec. 205. MENTAL HEALTH RISK POOL FUND. The sum of \$8,000,000, or so much thereof as may be necessary, is appropriated from the state general fund to the mental health program of the department of social and health services for a risk pool fund to support a collaborative effort between regional support networks and state hospitals to serve patients in community settings.

Money from this fund shall be expended as payments to regional support networks for reductions in population at Eastern and Western State Hospitals or, to the extent such reductions are not made, to cover resulting costs at the state hospitals.

Payments to regional support networks shall be specified in regional support network contracts with the department and shall be based on negotiations between regional support networks and the state hospitals. These negotiations shall identify the intended reductions in bed days, the expected reductions in costs in state hospitals, and the amount and timing of payments to regional support networks.

Sec. 206. 1991 sp.s. c 16 s 205 is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--DEVELOPMENTAL DISABILITIES PROGRAM

(1) COMMUNITY SERVICES

General Fund--State Appropriation	\$	((189,332,000))
		<u>186,094,000</u>
General Fund--Federal Appropriation	\$	((111,394,000))
		<u>113,215,000</u>
TOTAL APPROPRIATION	\$	((300,726,000))
		<u>299,309,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

~~((e))~~ (a) \$500,000 of the general fund--state appropriation, or as much thereof as may be necessary, is provided solely for tenant or intensive tenant support services for clients of group homes of over fifteen clients that demonstrate difficulty in meeting departmental standards.

~~((d))~~ (b) ~~\$(706,000)~~ 631,000 of the general fund--state appropriation and \$815,000 of the general fund--federal appropriation are provided solely for community-based residential programs for twelve clients under the care of the united cerebral palsy intermediate care facility for the mentally retarded.

~~((e))~~ (c) ~~\$(3,150,000)~~ \$3,050,000 of the general fund--state appropriation and ~~\$(3,698,000)~~ \$3,581,000 of the general fund--federal appropriation are provided solely for community-based services for developmentally disabled persons who have transferred from Western State Hospital or Eastern State Hospital to the community or who in the judgment of the secretary are at risk of being committed to either hospital.

~~((f))~~ (d) \$1,500,000 of the general fund--state appropriation is provided solely for the family support services program.

~~((g))~~ \$7,200,000 of the general fund--state appropriation and \$7,200,000 of the general fund--federal appropriation are provided solely for additional clients in the state operated living alternative community residential program (SOLA) who previously resided in residential habilitation centers. Any of these amounts used for employment or day programs shall be used to contract with private community providers.

~~((h))~~ \$5,900,000 of the general fund--state appropriation and \$5,900,000 of the general fund--federal appropriation are provided solely for additional clients in privately operated community residential programs who previously resided in residential habilitation centers.

~~(i) \$1,800,000~~) (e) \$4,674,000 of the general fund--state appropriation and \$4,674,000 of the general fund--federal appropriation are provided solely for community-based residential programs for at least seventy-three clients who during the 1991-93 biennium transfer from residential habilitation centers.

(f) \$400,000 of the general fund--state appropriation ~~((and \$600,000 of the general fund--federal appropriation are))~~ is provided solely for costs related to additional case management.

~~((g))~~ (g) \$800,000 of the general fund--state appropriation and \$800,000 of the general fund--federal appropriation are provided solely for emergency community residential placements in lieu of placement at residential habilitation centers.

~~((k))~~ \$1,924,000 of the general fund--state appropriation and \$1,465,000 of the general fund--federal appropriation are provided solely for community-based residential services for seventy clients transferred from Fircrest School to the community.)

(h) After June 30, 1992, funds appropriated under this act may not be used to provide state-operated living alternatives (SOLAs) for persons with developmental disabilities living outside of state institutions. By July 1, 1992, all such SOLAs shall be replaced by contracted residential services.

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation	\$	((115,404,000)) 141,277,000
General Fund--Federal Appropriation	\$	((143,511,000)) 181,244,000
TOTAL APPROPRIATION	\$	((258,915,000)) 322,521,000

The appropriations in this subsection are subject to the following conditions and limitations: The general fund--state appropriation shall be reduced by the amount that has been expended as of the effective date of this act from the appropriation under section 207, chapter 16, Laws of 1991 sp.s.

~~((b))~~ \$400,000) \$100,000 of the general fund--state appropriation is provided solely for enhanced staff training.

(3) PROGRAM SUPPORT

General Fund--State Appropriation	\$	((5,638,000)) 5,556,000
General Fund--Federal Appropriation	\$	((1,094,000)) 997,000
TOTAL APPROPRIATION	\$	((6,732,000)) 6,553,000

The appropriations in this section are subject to the following conditions and limitations: ~~((1,040,000))~~ \$1,015,000 of the general fund--state appropriation is provided solely to establish five regional centers representing all areas of the state and to provide grants to nonprofit community-based organizations to provide services for the deaf in each region. If Substitute Senate Bill No. 5458 (regional deaf centers) is enacted by July 31, 1991, the amount provided in this subsection is provided solely to implement the bill.

NEW SECTION. Sec. 207. INTERLAKE SCHOOL. 1991 sp.s. c 16 s 207 is repealed.

Sec. 208. 1991 sp.s. c 16 s 208 is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--DEVELOPMENTAL DISABILITIES PROGRAM--COMMUNITY SERVICES EXPANSION

The sum of ~~((17,000,000))~~ \$15,216,000 from the general fund--state and \$2,100,000 from the general fund--federal, or so much thereof as may be necessary, is appropriated ~~((from the state general fund))~~ to the developmental disabilities program of the department of social and health services for the community services program to expand community-based services during the 1991-93 fiscal biennium. Of this appropriation:

(1) ~~((6,700,000 of the general fund appropriation is provided solely for expansion of employment programs for persons who have completed a high school curriculum within the previous two years.~~

(2) \$5,400,000 of the general fund appropriation is provided solely for employment programs for those persons who complete a high school curriculum during the 1991-93 biennium.

(3) ~~\$4,200,000 of the general fund appropriation~~) \$6,800,000 is provided solely for employment programs, or for community access programs if employment is not presently an appropriate alternative, for those persons who completed a high school curriculum during 1989, 1990, or 1991, or who will complete a high school curriculum during 1992.

(2) \$4,200,000 is provided solely to expand the family support services program.

~~((4))~~ (3) \$700,000 of the general fund appropriation is provided solely to add new cases to the early intervention services program.

(4) \$3,516,000 of the general fund--state appropriation and \$2,100,000 of the general fund--federal appropriation are provided solely to provide contracted community residential and employment or other day training services for unserved persons who are presently living with their parents or other family members.

NEW SECTION. Sec. 209. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--DEVELOPMENTAL DISABILITIES PROGRAM--COMMUNITY VENDOR RATES.

1991 sp.s. c 16 s 209 is repealed.

Sec. 210. 1991 sp.s. c 16 s 210 is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--LONG-TERM CARE SERVICES

General Fund--State Appropriation	\$	((565,033,000)) 526,357,000
General Fund--Federal Appropriation	\$	((665,949,000)) 627,132,000
TOTAL APPROPRIATION	\$	((1,230,982,000)) 1,153,489,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Nursing home rates shall be adjusted for inflation under RCW 74.46.495 by 3.1 percent on July 1, 1991, and 3.4 percent on July 1, 1992.

(2) \$1,000,000 of the general fund--state appropriation is provided solely to increase the capacity of the chore services program.

(3) At least ~~((16,686,400))~~ \$16,015,400 of the general fund--state appropriation shall initially be allotted for implementation of the senior citizens services act. However, at least \$1,290,300 of this amount shall be used solely for programs that use volunteer workers for the provision of chore services to persons whose need for chore services is not being met by the chore services programs.

(4) \$714,000 of the general fund--state appropriation is provided solely to continue funding for the volunteer chore services program.

~~(5) ((5,276,000 of the general fund--state appropriation and \$3,171,000 of the general fund--federal appropriation are provided solely for vendor rate increases of 3.1 percent on January 1, 1992, and 3.4 percent on January 1, 1993.~~

~~(6))~~ \$5,001,000 of the general fund--state appropriation and \$3,751,000 of the general fund--federal appropriation are provided solely for salary and wage increases for chore workers (both contracted and individual providers), COPEs workers (agency and individual providers), Title XIX personal care contracted workers, and respite care workers.

~~((7) \$1,477,000)~~ (6) \$892,000 of the general fund--state appropriation and ~~((1,748,000))~~ \$1,054,000 of the general fund--federal appropriation are provided solely for increases in the assisted living program.

~~((8))~~ (7) \$100,000 of the general fund--state appropriation is provided solely for a prospective rate enhancement for nursing homes meeting all of the following conditions: (a) The nursing home entered into an arms-length agreement for a facility lease prior to January 1, 1980; (b) the lessee purchased the leased facility after January 1, 1980; (c) the lessor defaulted on its loan or mortgage for the assets of the facility; (d) the facility is located in a county with a 1989 population of less than 45,000 and an area more than 5,000 square miles. The rate increase shall be effective July 1, 1990. To the extent possible, the increase shall recognize the 1982 fair market value of the nursing home's assets as determined by an appraisal contracted by the department of general administration. If necessary, the increase shall be granted from state funds only. In no case shall the annual value of the rate increase exceed \$50,000. The rate adjustment in this subsection shall not be implemented if it jeopardizes federal matching funds for qualifying facilities or the long-term care program in general. Funds may be disbursed on a monthly basis.

~~((9))~~ (8) Within the appropriations in this section, the department shall implement chapter 271, Laws of 1991 (Engrossed Substitute House Bill No. 2100, nursing homes/ethnic minorities).

Sec. 211. 1991 sp.s. c 16 s 211 is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--INCOME ASSISTANCE PROGRAM

General Fund--State Appropriation	\$	((601,519,000)) 576,351,000
General Fund--Federal Appropriation	\$	((655,543,000)) 677,461,000
TOTAL APPROPRIATION	\$	((1,257,062,000)) 1,253,812,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Payment levels in the programs for aid to families with dependent children, general assistance, and refugee assistance shall contain an energy allowance to offset the costs of energy. The allowance shall be excluded from consideration as income for the purpose of determining eligibility and benefit levels of the food stamp program to the maximum extent such exclusion is authorized under federal law and RCW 74.08.046. To this end, up to \$230,000,000 of the income assistance payments is so designated for exemptions of the following amounts:

Family size:	1	2	3	4	5	6	7	8 or more
Exemption:	\$55	71	86	102	117	133	154	170

(2) ~~(\$1,100,000 of the general fund state appropriation and \$1,173,000 of the general fund federal appropriation are provided solely for a 3.1 percent vendor rate increase on January 1, 1992, and a 3.4 percent increase on January 1, 1993.~~

~~(3) \$21,404,000 of the general fund state appropriation and \$25,887,000 of the general fund federal appropriation are provided solely for a grant standard increase for aid for families with dependent children, the family independence program, general assistance special and supplemental security income additional requirements, consolidated emergency assistance, and refugee assistance. The increase shall equal 3.1 percent on January 1, 1992, and 3.4 percent on January 1, 1993.~~

~~(4)) \$1,008,000 of the general fund--state appropriation is provided solely to implement retrospective budgeting under RCW 74.04.005(6)(b)(ii).~~

(3) Of the general fund--state appropriation, no more shall be expended for the state supplementary payment for supplemental security income (SSI) payments than is required to comply with 20 CFR Ch. III, s 416.2096(c)(1). The department shall adjust the state supplementary payment in order to comply within this condition and limitation.

(4) No funds are provided under this section for the consolidated emergency assistance program. The department of social and health services shall discontinue the program as of July 1, 1992.

Sec. 212. 1991 sp.s. c 16 s 212 is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ALCOHOL AND SUBSTANCE ABUSE PROGRAM

General Fund--State Appropriation	\$	((45,437,000))
		39,395,000
General Fund--Federal Appropriation	\$	((41,691,000))
		41,692,000
Drug Enforcement and Education Account		
State Appropriation	\$	38,236,000
TOTAL APPROPRIATION	\$	((125,364,000))0
		<u>119,323,000</u>

~~(The appropriations in this section are subject to the following conditions and limitations:~~

~~(1) \$3,242,000 of the general fund state appropriation is provided solely for vendor rate increases of 3.1 percent on January 1, 1992, and 3.4 percent on January 1, 1993.))~~

Sec. 213. 1991 sp.s. c 16 s 213 is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--MEDICAL ASSISTANCE PROGRAM

General Fund--State Appropriation	\$	((968,684,000))
		988,712,000
General Fund--Federal Appropriation	\$	((1,058,273,000))
		1,192,489,000
General Fund--Local Appropriation	\$	((12,000,000))
		58,904,000
TOTAL APPROPRIATION	\$	((2,038,957,000))
		<u>2,240,105,000</u>

The appropriations in this section are subject to the following conditions and limitations:

~~(1) (\$10,853,000 of the general fund state appropriation and \$11,832,000 of the general fund federal appropriation is provided solely for a 3.1 percent vendor rate increase on January 1, 1992, and a 3.4 percent increase on January 1, 1993.~~

~~(2) \$2,262,000 of the general fund state appropriation and \$2,763,000 of the general fund federal appropriation is provided solely for the grant standard increase authorized in section 211 of this act.~~

~~(3)) The department shall adopt measures to realize savings of \$7,500,000 in general fund--state expenditures for optional medicaid services or coverages as estimated in the March 1991 forecast estimate by the office of financial management. These limits or measures shall be effective no later than September 1, 1991, and shall be reported to the appropriate committees of the legislature by that date.~~

~~((4)) (2) The department shall establish standards for the use and frequency of use of reimbursable chiropractic services. The standards shall recognize the medical or therapeutic value of such services.~~

~~((5)) (3) The department shall continue disproportionate share payments and vendor payment advances to Harborview medical center. It is the intent of the legislature that Harborview medical center continue to be an economically viable component of the health care system and that the state's financial interest in Harborview medical center be recognized. To this end, the legislature requests that the chair of Harborview medical center board of trustees convene a work group consisting of state legislators and county elected officials, with representation from the University of Washington board of regents and administration, to discuss alternative governance strategies. The legislature requests that by December 1, 1991, the work group submit to appropriate legislative committees recommendations to improve the structure and governance process of Harborview medical center. It is the intent of the legislature that Harborview medical~~

center maintain its high standards of care through active participation in health research. Therefore, the legislature expects Harborview medical center to proceed with the renovation of Harborview hall.

~~((6))~~ (4) The department is authorized under 42 U.S.C. Sec. 1396b(a)(1) to pay third-party health insurance premiums for categorically needy medical assistance recipients upon a determination that payment of the health insurance premium is cost effective. In determining cost effectiveness, the department shall compare the amount, duration, and scope of coverage offered under the medical assistance program.

~~((7))~~ (5) The department shall continue variable ratable reductions for the medically indigent and general assistance--unemployable programs in effect November 1, 1988.

~~((8))~~ (6) \$14,473,000 of the general fund--state appropriation and \$17,566,000 of the general fund--federal appropriation are provided solely for the adult dental program for Title XIX categorically eligible and medically needy persons.

~~((9))~~ (7) \$125,000 of the general fund--state appropriation and \$150,000 of the general fund--federal appropriation are provided solely for a prenatal care project. The project shall be designed to triage low-income pregnant women according to health needs and to refer them through an equitable client distribution system to appropriate maternity care providers. The project shall be located in an urban county designated as a maternity care distressed area, with a high need for such services, as evidenced by the number of women unable otherwise to obtain care and by the rate of infant mortality and similar factors. The department shall give preference to existing programs that are at risk of termination due to lack of funding.

~~((10))~~ (8) Not more than \$261,000 from the appropriations in this section may be expended to implement chapter 233, Laws of 1991 (Substitute Senate Bill No. 5010, occupational therapy), subject to the adoption of savings measures by the department under subsection (3) of this section.

(9) \$435,000, of which \$217,500 is from the general fund--federal appropriation, is provided solely for transfer by interagency agreement to the University of Washington for the continuation of the first steps evaluation. The legislative budget committee shall review the evaluation progress and deliverables. Overhead on the research contract shall continue at the 1989-91 level.

(10) \$49,000,000 of the general fund--federal appropriation and \$40,000,000 of the general fund--private/local appropriation are provided solely to establish a hospital assistance program through the disproportionate share mechanism. The program shall assist Harborview medical center, the University of Washington medical center, and rural hospitals as determined by the department.

(11) \$341,000 of the general fund--state appropriation and \$427,000 of the general fund--federal appropriation are provided solely to restore foot care services by podiatric physicians and surgeons on July 1, 1992.

Sec. 214. 1991 sp.s. c 9 s 10 is amended to read as follows:

(1) The sum of ~~((one hundred twenty eight million four hundred ten thousand dollars))~~ \$125,199,000 from the state general fund, of which ~~((sixty nine million nine hundred thousand dollars))~~ \$68,152,000 is from the general fund--federal, is hereby appropriated for the fiscal period beginning September 1, 1991, and ending June 30, 1993, to the medical assistance program of the department of social and health services for the purpose of the payment of the components of the disproportionate share adjustment under section 9 of this act. The appropriation in this subsection shall lapse on the date that sections 1 through 4 of this act expire. Amounts that have been paid under this subsection, but are properly attributable to a period after the expiration of sections 1 through 4 of this act, shall be repaid or credited to the state as provided in rules of the department.

(2) The sum of ~~((thirty eight million one hundred eighty seven thousand dollars))~~ \$37,231,000 from the state general fund, of which ~~((twenty million nine hundred ninety five thousand dollars))~~ \$20,469,000 is from the general fund--federal, is hereby appropriated for the biennium ending June 30, 1993, to the medical assistance program of the department of social and health services for the purpose of the payment of the medical indigency care components of the disproportionate share adjustment under RCW 74.09.730(1) (b) and (c).

(3) The allotments from the appropriations in this section shall be made so as to enable expenditure of the appropriations through the end of the 1991-93 biennium.

(4) The appropriations ~~((is))~~ in this section are supplemental to other appropriations to the medical assistance program. The department of social and health services shall not use the moneys appropriated in this section in lieu of any other appropriations for the medical assistance program.

Sec. 215. 1991 sp.s. c 16 s 214 is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--VOCATIONAL REHABILITATION PROGRAM

General Fund--State Appropriation	\$	((16,601,000)) <u>16,369,000</u>
General Fund--Federal Appropriation	\$	((56,973,000)) <u>55,798,000</u>
TOTAL APPROPRIATION	\$	((73,574,000)) <u>72,167,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~((\\$91,000 of the general fund--state appropriation is provided solely for vendor rate increases of 3.1 percent on January 1, 1992, and 3.4 percent on January 1, 1993,~~

~~(2)))~~ \$1,621,000 of the general fund--state appropriation and \$3,576,000 of the general fund--federal appropriation are provided solely to enhance vocational rehabilitation services.

(2) \$805,000 of the general fund--state appropriation and \$2,415,000 of the general fund--federal appropriation are provided solely for vocational rehabilitation services for severely handicapped individuals who completed a high school special education curriculum in 1989, 1990, or 1991, or who will complete a high school special education curriculum during 1992.

Sec. 216. 1991 sp.s. c 16 s 215 is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ADMINISTRATION AND SUPPORTING SERVICES PROGRAM

General Fund--State Appropriation	\$	((53,529,000))
		<u>48,322,000</u>
General Fund--Federal Appropriation	\$	((37,706,000))
		<u>35,883,000</u>
Industrial Insurance Premium Refund Account		
Appropriation	\$	80,000
TOTAL APPROPRIATION	\$	((91,315,000))
		<u>84,285,000</u>

The appropriations in this section are subject to the following conditions and limitations:

~~((2)))~~ \$500,000 of the general fund--state appropriation is provided solely to implement section 28 of chapter 315, Laws of 1991 (Engrossed Substitute Senate Bill No. 5555, timber family support centers).

Sec. 217. 1991 sp.s. c 16 s 216 is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--COMMUNITY SERVICES ADMINISTRATION PROGRAM

General Fund--State Appropriation	\$	((221,996,000))
		<u>192,438,000</u>
General Fund--Federal Appropriation	\$	((267,315,000))
		<u>204,995,000</u>
TOTAL APPROPRIATION	\$	((489,311,000))
		<u>397,433,000</u>

The appropriations in this section are subject to the following conditions and limitations:

~~((1))~~ ~~((\\$266,000 of the general fund--state appropriation and \$50,000 of the general fund--federal appropriation are provided solely for vendor rate increases of 3.1 percent on January 1, 1992, and 3.4 percent on January 1, 1993,~~

~~(2)))~~ \$1,748,000 of the general fund--state appropriation and \$1,748,000 of the general fund--federal appropriation are provided solely for the supplemental security income pilot project.

~~((3)))~~ (2) \$500,000 of the general fund--state appropriation is provided solely to ~~((implement))~~ implement section 28 of Substitute Senate Bill No. 5555 (timber area assistance). If the bill is not enacted by July 31, 1991, the amount provided in this subsection shall lapse.

~~((4))~~ ~~((\\$266,000))~~ (3) \$249,000 of the general fund--state appropriation and ~~((\\$492,000))~~ (4) \$402,000 of the general fund--federal appropriation are provided solely for development costs of the automated client eligibility system. Authority to expend these funds is conditioned on compliance with section 902 of this act.

~~((5))~~ ~~(\$435,000 is provided solely for transfer by interagency agreement to the University of Washington for the continuation of the first steps evaluation. The legislative budget committee shall review the evaluation progress and deliverables. Overhead on the research contract shall continue at the 1989-91 level.~~

~~(7)))~~ (4) \$250,000 of the general fund--state appropriation is provided solely for the delivery of information to new immigrants and legal aliens. The program shall emphasize information needed to help these individuals become healthy, productive members of their communities.

~~((8)))~~ (5) The department shall establish procedures for the timely referral of general assistance clients not meeting the criteria for supplemental security income to employment, vocational, and educational services designed to assist them in entering the work force.

~~((9))~~ ~~(\$636,600)~~ (6) \$599,000 of the general fund--state appropriation and ~~((\\$1,181,400))~~ (7) \$1,103,000 of the general fund--federal appropriation are provided solely for transfer by interagency agreement to the legislative budget committee for an independent evaluation of the family independence program as required by section 14, chapter 434, Laws of 1987.

~~((10))~~ ~~(\$1,000,000)~~ (7) \$962,000 of the general fund--state appropriation and ~~((\\$1,000,000))~~ (8) \$962,000 of the general fund--federal appropriation are provided solely for transfer by interagency agreement to the institute for public policy at The Evergreen State College to continue to conduct a longitudinal study for public assistance recipients, pursuant to section 14, chapter 434, Laws of 1987.

~~((11))~~ ~~(\$800,000)~~ (8) \$591,000 of the general fund--state appropriation is provided solely to expand refugee services.

~~((13))~~ (9) \$600,000 of the general fund--state appropriation is provided solely for transfer by interagency agreement to the office of the superintendent of public instruction for the purpose of English as a second language courses.

Sec. 218. 1991 sp.s. c 16 s 217 is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--REVENUE COLLECTIONS PROGRAM

General Fund--State Appropriation	\$	((43,979,000))
		<u>50,803,000</u>
General Fund--Federal Appropriation	\$	((90,407,000))
		<u>92,059,000</u>
General Fund--Local Appropriation	\$	280,000
((Public Safety and Education Account Appropriation	\$	5,100,000))
TOTAL APPROPRIATION	\$	<u>((139,766,000))</u>
		<u>143,142,000</u>

The appropriations in this section are subject to the following conditions and limitations:

~~((5,100,000 from the public safety and education account appropriation is provided solely to county officials to provide child support enforcement services.))~~

(1) The department shall increase federal support for current state programs. It is the intent of the legislature that the department increase federal support by at least \$2,000,000. If necessary, the department shall retain outside experts to assist in increasing federal support.

(2) Funds are provided in this section to implement Second Substitute Senate Bill No. 6114 (medical costs/support enforcement).

Sec. 219. 1991 sp.s. c 16 s 218 is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--PAYMENTS TO OTHER AGENCIES PROGRAM

General Fund--State Appropriation	\$	((33,062,000))
		<u>31,398,000</u>
General Fund--Federal Appropriation	\$	((11,516,000))
		<u>10,980,000</u>
TOTAL APPROPRIATION	\$	<u>((44,578,000))</u>
		<u>42,378,000</u>

Sec. 220. 1991 sp.s. c 16 s 219 is amended to read as follows:

FOR THE WASHINGTON STATE HEALTH CARE AUTHORITY

State Health Care Authority Administrative Account

Appropriation	\$	((9,357,000))
		<u>9,522,000</u>
General Fund Appropriation	\$	((366,000))
		<u>417,000</u>
TOTAL APPROPRIATION	\$	<u>((9,723,000))</u>
		<u>9,939,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,261,000 of the state health care authority administrative account appropriation is provided solely to implement the recommendations of the health care purchasing study concerning the use of diagnostic-related groups for hospital care, the implementation of a resource-based relative value scale for physicians' fees, and new prescription drug policies. The departments of social and health services, veteran's affairs, health, corrections, and other state agencies that purchase or oversee health care services shall work cooperatively with the health care authority to implement the study's recommendations.

(2) The state employees' benefits board shall consider developing and offering to employees a health care benefit plan that minimizes the impact of deductibles, copayments, or coinsurance on lower-paid employees by using a sliding scale or a means test for out-of-pocket expenses.

(3) The general fund appropriation is provided solely for the operations of the health care commission. Of this amount, \$60,000 is provided solely for the employment of a research director.

Sec. 221. 1991 sp.s. c 16 s 220 is amended to read as follows:

FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

General Fund--State Appropriation	\$	((102,767,000))
		<u>101,894,000</u>
General Fund--Federal Appropriation	\$	((153,195,000))
		<u>202,410,000</u>
General Fund--Private/Local Appropriation	\$	1,370,000
Public Safety and Education Account Appropriation	\$	((5,532,000))
		<u>1,326,000</u>
<u>Fire Service Trust Account</u>	<u>\$</u>	<u>164,000</u>

Building Code Council Account Appropriation	\$	924,000
Public Works Assistance Account Appropriation	\$	1,022,000
Fire Service Training Account Appropriation	\$	803,000
State Toxics Control Account Appropriation	\$	556,000
Drug Enforcement and Education Account Appropriation	\$	4,188,000
Low Income Weatherization Account Appropriation	\$	2,563,000
Washington Housing Trust Fund Appropriation	\$	13,500,000
Oil Spill Administration Account Appropriation	\$	395,000
<u>Water Quality Account Appropriation</u>	<u>\$</u>	<u>1,500,000</u>
<u>Enhanced 911 Account Appropriation</u>	<u>\$</u>	<u>1,936,000</u>
TOTAL APPROPRIATION	\$	((286,815,000))
		<u>334,551,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$5,331,000 of the general fund--state appropriation and \$2,500,000 of the general fund--federal appropriation are provided solely for the early childhood education and assistance program.

(2) \$970,000 of the general fund--state appropriation is provided solely for the department to offer technical assistance to timber-dependent communities in economic diversification and revitalization efforts, as authorized by section 9, chapter 314, Laws of 1991 (Engrossed Substitute House Bill No. 1341, timber-dependent communities).

(3) ~~((750,000))~~ \$744,000 of the general fund--state appropriation is provided solely for mortgage assistance in timber-dependent communities as authorized in sections 23 through 27, chapter 315, Laws of 1991 (Engrossed Substitute Senate Bill No. 5555, timber areas assistance). No more than five percent of this amount may be expended by the department for administration.

~~(4) ((400,000 of the general fund--state appropriation is provided solely for a state-wide stabilization program for arts organizations that have annual budgets exceeding \$200,000. The grants authorized in this subsection shall be made to individual arts organizations. No portion of this amount may be expended for a grant without equal matching funds from nonstate sources. No organization may receive a grant without a written contract. No money may be paid under the contract unless the grantee has operated without a deficit during the contract period, which shall be for at least one year, beginning no earlier than July 1, 1991.~~

~~(5))~~ \$50,000 of the general fund--state appropriation is provided solely as a pass-through grant to the city of Vancouver for costs associated with the Medal of Honor project.

~~((6))~~ (5) \$3,213,000 of the general fund--state appropriation is provided solely for emergency food assistance authorized under section 201, chapter 336, Laws of 1991 (Second Substitute Senate Bill No. 5568, hunger and nutrition). Of this amount, \$2,913,000 shall be allocated by the department for the purpose of supporting the operation of food banks, food distribution programs, and tribal voucher programs, for the purchase, transportation and storage of food under the emergency food assistance program. These funds may be used to purchase food for people with special nutritional needs. The remaining \$300,000 shall be allocated to food banks in timber-dependent communities, as defined in chapter 314, Laws of 1991 (Engrossed Substitute House Bill No. 1341, timber-dependent communities).

~~((7))~~ (6) \$20,000 of the general fund--state appropriation is provided solely for a grant for the Children's Museum.

~~((8) \$300,000)~~ (7) \$150,000 of the general fund--state appropriation is provided solely for continuation of the Washington state games.

~~((9) \$300,000)~~ (8) \$198,000 of the general fund--state appropriation is provided solely for continuation of the community economic diversification program under chapter 43.63A RCW.

~~((10))~~ (9) \$68,000 of the state building code council appropriation is provided solely to implement chapter 347, Laws of 1991 (Engrossed Substitute House Bill No. 2026, water resources management).

~~((11) \$14,539,000)~~ (10) \$5,660,000 of the general fund--state appropriation is provided solely for fiscal year 1993 expenditures for growth management planning grants to local governments.

~~((12) \$7,739,000 of the general fund--state appropriation is provided solely to implement Engrossed Substitute House Bill No. 1025 (growth management). If this bill is not enacted by July 31, 1991, \$5,239,000 of the amount provided in this subsection shall lapse. Of the amount provided in this subsection:~~

~~(a) \$4,250,000 is provided solely for planning grants to local governments additional to those provided for under subsection (11) of this section;~~

~~(b) \$1,000,000 is provided solely to conduct environmental planning pilot projects; and~~

~~(c) \$975,000 is provided solely to contract with the environmental hearings office for three growth planning hearings boards. A maximum of \$1,950,000 of the amount provided in this subsection (12) may be used for this purpose.~~

~~(13))~~ (11) \$7,955,000 of the general fund--federal appropriation is provided solely for the drug control and system improvement formula grant program, to be distributed in fiscal year 1992 as follows:

(a) \$4,400,000 to local units of government to continue existing local drug task forces.

(b) \$800,000 to local units of government for urban projects.

(c) \$766,000 to the department of community development to continue the state-wide drug prosecution assistance program.

(d) \$170,000 to the department of community development for a state-wide drug offense indigent defense program.

(e) \$440,000 to the department of community development for drug education programs in the common schools. The department shall give priority to programs in underserved areas. The department shall direct the funds to education programs that employ either local law enforcement officers or state troopers.

(f) \$50,000 to the Washington state patrol for data management.

(g) \$225,000 to the Washington state patrol for a technical support unit.

(h) \$375,000 to the Washington state patrol for support of law enforcement task forces.

(i) \$120,000 to the Washington state patrol for continued funding for a clandestine drug lab unit. The patrol shall coordinate activities related to the clandestine drug lab unit with the department of ecology to ensure maximum effectiveness of the program.

(j) \$150,000 to the Washington state patrol for coordination of local drug task forces.

(k) \$279,000 to the department of community development for allocation to public or private nonprofit groups or organizations with experience and expertise in the field of domestic violence, for the purpose of continuing existing domestic violence advocacy programs, providing legal and other assistance to victims and witnesses in court proceedings, and establishing new domestic violence advocacy programs.

(l) \$180,000 to the department of community development for general administration of grants.

~~((14) \$500,000 of the general fund state appropriation is provided solely for fire protection contracts. The department shall award contracts for cities and towns where state owned facilities constitute fifteen percent of the total valuation of property within the jurisdiction, and where the city or town does not have an existing agreement with a state agency for fire protection reimbursement.~~

(15) \$1,080,000)) (12) \$8,087,000 of the general fund--federal appropriation is provided solely for the drug control and system improvement formula grant program, to be distributed in fiscal year 1993 as follows:

(a) \$4,180,000 to local units of government to continue existing local drug task forces.

(b) \$440,000 to local units of government for urban projects. The distribution shall be made through a competitive grant process administered by the department.

(c) \$749,000 to the department of community development to continue the state-wide drug prosecution assistance program.

(d) \$231,000 to the department of community development for a state-wide drug offense indigent defense program.

(e) \$300,000 to the department of community development for drug education programs in the common schools. The department shall give priority to programs in underserved areas. The department shall direct the funds to education programs that employ either local law enforcement officers or state patrol troopers.

(f) \$50,000 to the Washington state patrol for data management.

(g) \$225,000 to the Washington state patrol for a technical support unit.

(h) \$543,000 to the Washington state patrol for support of law enforcement task forces.

(i) \$150,000 to the Washington state patrol for coordination of local drug task forces.

(j) \$200,000 to the department of community development for allocation to public or private nonprofit groups or organizations with experience and expertise in the field of domestic violence, for the purpose of continuing existing domestic violence advocacy programs, providing legal and other assistance to victims and witnesses in court proceedings, and establishing new domestic violence advocacy programs.

(k) \$225,000 to the department of community development for general administration of grants.

(l) \$140,000 to the department of community development to conduct a program evaluation in accordance with federal regulations.

(m) \$404,000 to the Washington state patrol for implementing changes in managing criminal history records in accordance with new federal standards.

(n) \$100,000 to the Washington state patrol for the crime lab program.

(o) \$150,000 to the criminal justice training commission for law enforcement training.

(13) \$980,000 of the general fund--state appropriation is provided solely for continuation of the urban-rural links grant program established under the growth management act of 1990.

~~((16) \$300,000 of the public safety and education account appropriation is provided solely for legal advocacy services to victims of sexual assault under chapter 267, Laws of 1991 (Engrossed Substitute House Bill No. 1534, sexual assault investigation).~~

(17)) (14) \$395,000 of the oil spill administration account appropriation is provided solely to implement chapter 200, Laws of 1991 (Engrossed Substitute House Bill No. 1027, oil and hazardous substance spill prevention and response).

((18) \$75,000)) (15) \$144,000 of the general fund--state appropriation is provided solely for the Mount St. Helen's monitoring system and emergency medical services.

((19) \$340,000)) (16) \$290,000 of the general fund--state appropriation is provided solely to replace lost federal funds for continued support of the community development finance program.

((20) \$200,000)) (17) \$200,000 of the general fund--state appropriation is provided solely to continue assistance to Okanogan county to address impacts associated with tourism developments.

((21)) (18) \$46,000 of the general fund--state appropriation is provided solely to implement chapter 297, Laws of 1991 (Substitute Senate Bill No. 5143 recycled products).

((22) \$250,000)) (19) \$220,000 of the general fund--state appropriation is provided solely to provide technical assistance and managerial support to nonprofit community-based organizations by:

- (a) Acting as a clearinghouse for and providing information and referral services;
- (b) Providing management training courses designed for nonprofit managers, staff, and boards;
- (c) Providing direct assistance to individual organizations;
- (d) Assisting organizations in soliciting and managing volunteers; and
- (e) Coordinating activities with the state volunteer center, other state agencies, local service providers, and other volunteer organizations giving similar assistance.

If Substitute Senate Bill No. 5581 (community partnership program) is enacted by July 31, 1991, the amount provided in this subsection is provided solely to implement the bill.

~~((23))~~ (20) \$40,000 of the general fund--state appropriation is provided solely to continue the circuit-rider program, which provides technical and managerial assistance to cities and counties.

~~((24))~~ (21) \$50,000 of the general fund--state appropriation is provided solely to provide technical assistance to local governments to help them implement screening procedures, service delivery standards, and cost recovery, and the other requirements of RCW 10.101.020, 10.101.030, and 10.101.040. If Substitute Senate Bill No. 5072 (indigent defense task force) is enacted by July 31, 1991, the amount provided in this subsection is provided solely to implement the bill.

~~((25) \$50,000)~~ (22) \$25,000 of the general fund--state appropriation is provided solely for Washington's share of costs associated with the Bi-State Policy Advisory Committee.

~~((27))~~ (23) \$25,000 of the general fund--state appropriation is provided solely for a contract with an organization representing persons with disabilities. Under the contract, the organization shall provide legal advocacy to ensure that the state, as trustee, is fully complying with the fiduciary duties owed to persons with disabilities, pursuant to trusts established under state and federal law.

(24) \$1,500,000 from the water quality account appropriation is provided solely to implement Second Substitute Senate Bill No. 6255 (wetlands). If the bill is not enacted by June 30, 1992, the amount provided in this subsection shall lapse.

Sec. 222. 1991 sp.s. c 16 s 221 is amended to read as follows:

FOR THE HUMAN RIGHTS COMMISSION

General Fund--State Appropriation	\$	((4,292,000))
		<u>4,032,000</u>
General Fund--Federal Appropriation	\$	((942,000))
		<u>999,000</u>
General Fund--Private/Local Appropriation	\$	<u>520,000</u>
TOTAL APPROPRIATION	\$	((5,754,000))
		<u>5,551,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$520,000 of the general fund--local/private appropriation is provided solely for the provision of technical assistance services by the department.

Sec. 223. 1991 sp.s. c 16 s 222 is amended to read as follows:

FOR THE BOARD OF INDUSTRIAL INSURANCE APPEALS

Public Safety and Education Account Appropriation	\$	((110,000))
		<u>101,000</u>
Worker and Community Right-to-Know Account Appropriation	\$	<u>20,000</u>
Accident Fund Appropriation	\$	((8,373,000))
		<u>8,602,000</u>
Medical Aid Fund Appropriation	\$	((8,373,000))
		<u>8,602,000</u>
TOTAL APPROPRIATION	\$	((16,876,000))
		<u>17,325,000</u>

Sec. 224. 1991 sp.s. c 16 s 223 is amended to read as follows:

FOR THE CRIMINAL JUSTICE TRAINING COMMISSION

General Fund Appropriation	\$	((66,000))
		<u>62,000</u>
Death Investigations Account Appropriation	\$	<u>36,000</u>
Public Safety and Education Account Appropriation	\$	((12,016,000))
		<u>11,357,000</u>
Drug Enforcement and Education Account Appropriation	\$	<u>370,000</u>
TOTAL APPROPRIATION	\$	((12,488,000))
		<u>11,825,000</u>

The appropriations in this section are subject to the following conditions and limitations:

- (1) ~~\$(33,000)~~ 31,000 of the general fund appropriation is provided solely to implement chapter 328, Laws of 1991 (Engrossed Substitute House Bill No. 1181, private detectives licensing).

(2) ~~\$(33,000)~~ 31,000 of the general fund appropriation is provided solely to implement chapter 334, Laws of 1991 (Second Substitute Senate Bill No. 5124, security guards licensing).

Sec. 225. 1991 sp.s. c 16 s 224 is amended to read as follows:

FOR THE DEPARTMENT OF LABOR AND INDUSTRIES

General Fund Appropriation	\$	((10,708,000)) <u>10,099,000</u>
Public Safety and Education Account State Appropriation	\$	21,226,000
Public Safety and Education Account Federal Appropriation	\$	4,480,000
Accident Fund Appropriation	\$	((131,416,000)) <u>131,662,000</u>
Electrical License Fund Appropriation	\$	<u>15,230,000</u>
Farm Labor Revolving Account Appropriation	\$	30,000
Medical Aid Fund Appropriation	\$	((148,883,000)) <u>149,883,000</u>
Plumbing Certificate Fund Appropriation	\$	649,000
Pressure Systems Safety Fund Appropriation	\$	1,898,000
Worker and Community Right-to-Know Fund Appropriation	\$	2,112,000
TOTAL APPROPRIATION	\$	((336,632,000)) <u>337,269,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$8,970,229 from the accident fund appropriation; \$7,265,063 from the medical aid fund appropriation; \$714,163 from the electrical license fund appropriation; \$41,139 from the plumbing certificate fund appropriation; \$92,956 from the pressure systems safety fund appropriation; \$317 from the public safety and education account appropriation; and \$12,448 from the worker and community right-to-know fund appropriation are provided solely for information systems projects named in this section. Authority to expend these moneys is conditioned on compliance with section 902 of this act. For the purposes of this section, "information systems projects" means the projects known by the following names or successor names: Document imaging, state fund information system, safety and health information management system, and local area network/wide area network data communications.

(2) ~~\$(50,000)~~ 100,000 of the accident fund appropriation and ~~\$(50,000)~~ 100,000 of the medical aid fund appropriation are provided solely to implement chapter 172, Laws of 1991 (Substitute Senate Bill No. 5374 ((4), labor/management ((cooperative)) cooperation program), and to continue the program through June 30, 1993, as provided in Senate Bill No. 6361.

(3) \$2,466,500 from the accident fund appropriation and \$2,466,500 from the medical aid fund appropriation is provided solely to increase the claims management staffing levels.

(4) \$263,500 from the accident fund appropriation and \$263,500 from the medical aid fund appropriation are provided solely to increase the staffing levels of the asbestos-related disease claims filed with the department.

(5) \$1,920,150 from the accident fund appropriation and \$338,850 from the medical aid fund appropriation are provided solely to increase staffing levels for work environment improvement safety and health package.

(6) \$70,000 from the accident fund appropriation and \$70,000 from the medical aid fund appropriation are provided solely to add one additional staff to establish a return-to-work program for all state agencies and institutions of higher education.

(7) \$42,000 of the medical aid fund appropriation and \$42,000 of the accident fund appropriation are provided solely for an additional adjudicator position to assist in monitoring complaints and compliance of self-insured employers.

(8) \$196,000 of the accident fund appropriation and \$35,000 of the medical aid fund appropriation are provided solely for such revised occupational safety and health data reporting as is essential for compliance with federal requirements.

Sec. 226. 1991 sp.s. c 16 s 225 is amended to read as follows:

FOR THE INDETERMINATE SENTENCE REVIEW BOARD

General Fund Appropriation	\$	((3,247,000)) <u>2,032,000</u>
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Sec. 227. 1991 sp.s. c 16 s 226 is amended to read as follows:

FOR THE DEPARTMENT OF VETERANS AFFAIRS

General Fund--State Appropriation	\$	((21,839,000)) <u>21,972,000</u>
General Fund--Federal Appropriation	\$	6,708,000
General Fund--Local Appropriation	\$	10,429,000
TOTAL APPROPRIATION	\$	((38,976,000)) <u>39,109,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$300,000 of the general fund--state appropriation is provided solely for the expansion of services for counseling of Vietnam veterans for post-traumatic stress disorder. This counseling shall be provided in a joint effort between existing community mental health systems and the department. The department shall place a priority on the delivery of these services to minority veterans.

Sec. 228. 1991 sp.s. c 16 s 227 is amended to read as follows:

FOR THE DEPARTMENT OF HEALTH

General Fund--State Appropriation	\$	((132,613,000))
		124,907,000
General Fund--Federal Appropriation	\$	((109,011,000))
		122,474,000
General Fund--Local Appropriation	\$	((16,100,000))
		17,817,000
Hospital Commission Account Appropriation	\$	2,919,000
Medical Disciplinary Account Appropriation	\$	1,677,000
Health Professions Account Appropriation	\$	((25,237,000))
		25,350,000
Public Safety and Education Account Appropriation	\$	((90,000))
		82,000
State Toxics Control Account Appropriation	\$	3,321,000
Drug Enforcement and Education Account Appropriation	\$	492,000
Medical Test Site Licensure Account Appropriation	\$	489,000
Safe Drinking Water Account Appropriation	\$	710,000
TOTAL APPROPRIATION	\$	((292,659,000))
		300,238,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~((3,312,000))~~ \$3,038,000 of the general fund--state appropriation is provided solely to implement the Puget Sound water quality management plan.

(2) \$3,500,000 of the general fund--state appropriation is provided solely to increase funding to regional AIDS service networks to address growth in the number of persons living with AIDS. Seventy-five percent of these funds shall be allocated on the basis of reported incidence of surviving Class IV AIDS cases and twenty-five percent shall be distributed on the basis of each region's population. Ongoing funding for each regional AIDS service network shall continue at 1989-91 levels.

~~((4))~~ (3) \$165,000 of the general fund--state appropriation is provided solely to provide inflation adjustments of 3.1 percent on January 1, 1992, and 3.4 percent on January 1, 1993 for current medical and dental services provided by community clinics.

~~((5))~~ (4) \$1,000,000 of the general fund--state appropriation is provided solely for expanding the high priority infant tracking program.

~~((6))~~ (5) \$2,410,000 of the general fund--state appropriation is provided solely to continue implementation of the trauma system plan.

~~((7))~~ (6) \$2,400,000 of the general fund--state appropriation is provided solely for expansion of migrant health clinic services.

~~((8))~~ (7) \$1,100,000 of the general fund--state appropriation is provided solely for expanding by 1000 the number of women funded through the state-only prenatal program.

~~((9))~~ (8) The entire safe drinking water account appropriation is provided solely to implement chapter 304, Laws of 1991 (Substitute House Bill No. 1709, water system operating permit).

~~((10))~~ (9) \$450,000 of the general fund--state appropriation provided solely for implementation of chapter 332, Laws of 1991 (Engrossed Substitute House Bill No. 1960, health professions practice).

~~((11))~~ (10) \$1,000,000 of the general fund--state appropriation is provided solely for a grant to a nonprofit agency whose major goal is AIDS prevention and education.

Sec. 229. 1991 sp.s. c 16 s 228 is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

(1) COMMUNITY CORRECTIONS

General Fund Appropriation	\$	((106,548,000))
		102,764,000
Drug Enforcement and Education Account Appropriation	\$	7,604,000
Public Safety and Education Account Appropriation	\$	200,000
TOTAL APPROPRIATION	\$	((114,352,000))
		110,568,000

The appropriations in this subsection are limited to the following conditions and limitations:

(a) \$200,000 from the public safety and education account appropriation is provided solely for comprehensive local criminal justice planning under the county partnership program pursuant to RCW 72.09.300.

(b) \$75,000 of the general fund--state appropriation is provided solely to implement chapter 147, Laws of 1991 (Substitute Senate Bill No. 5128, witness notification).

(2) INSTITUTIONAL SERVICES

General Fund Appropriation	\$	((358,209,000))
		340,605,000
Drug Enforcement and Education Account Appropriation	\$	((25,837,000))
		39,099,000
TOTAL APPROPRIATION	\$	((384,046,000))
		379,704,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$12,000,000 is provided solely for the start-up and operation of new correctional capacity. Expenditure of any portion of this amount shall be subject to the prior written authorization of the director of financial management, which shall be transmitted to the legislative fiscal committees. If the new correctional capacity is not completed during fiscal year 1993, up to \$1,497,000 of this amount may be expended to support emergency capacity.

(b) \$220,000 is provided solely for start-up and operation of the 300-bed camp located at Dayton.

(3) ADMINISTRATION AND PROGRAM SUPPORT

General Fund Appropriation	\$	((37,651,000))
		34,758,000
Drug Enforcement and Education Account Appropriation	\$	((2,140,000))
		2,140,000
Industrial Insurance Premium Refund Account Appropriation	\$	((72,000))
		208,000
TOTAL APPROPRIATION	\$	((39,863,000))
		37,106,000

The appropriations in this section are subject to the following conditions and limitations:

(a) \$350,000 of the general fund appropriation is provided solely to mitigate the impact of state institutions on local communities in the manner provided under RCW 72.72.030(2).

(b) \$125,000 of the general fund appropriation is provided solely for an additional affirmative action officer.

(4) CORRECTIONAL INDUSTRIES

General Fund Appropriation	\$	((3,526,000))
		3,348,000

Sec. 230. 1991 sp.s. c 16 s 229 is amended to read as follows:

FOR THE DEPARTMENT OF SERVICES FOR THE BLIND

General Fund--State Appropriation	\$	((2,957,000))
		2,719,000
General Fund--Federal Appropriation	\$	((7,969,000))
		7,608,000
TOTAL APPROPRIATION	\$	((10,926,000))
		10,327,000

~~((The appropriations in this section are subject to the following conditions and limitations: \$47,000 of the general fund--state appropriation is provided solely for vendor rate increases of 3.1 percent on January 1, 1992, and 3.4 percent on January 1, 1993.))~~

Sec. 231. 1991 sp.s. c 16 s 230 is amended to read as follows:

FOR THE WASHINGTON BASIC HEALTH PLAN

General Fund Appropriation	\$	((45,768,000))
		40,929,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The basic health plan may enroll up to 24,000 members during the 1991-93 biennium.

(2) At least 2,000 of the 4,000 members added must be from timber communities on the Olympic Peninsula and southwest Washington that were not served by the plan during 1989-91, pursuant to section 22, chapter 315, Laws of 1991 (Engrossed Substitute Senate Bill No. 5555, timber assistance).

(3) ~~((Plan enrollment may exceed 24,000 by up to 1,300, beginning January 1, 1993, if coordination of benefits with medicaid is in place and will result in savings of at least \$4,500,000 from the state general fund by June 30, 1993. Before expanding enrollment, the plan shall report to the fiscal committees of the house of representatives and senate on the anticipated savings level.))~~

((4)) A maximum of ~~(\$4,151,000)~~ \$4,067,000 of the general fund appropriation may be expended for administration of the plan.

Sec. 232. 1991 sp.s. c 16 s 231 is amended to read as follows:

FOR THE SENTENCING GUIDELINES COMMISSION

General Fund Appropriation	\$	((628,000))
		<u>640,000</u>

Sec. 233. 1991 sp.s. c 16 s 232 is amended to read as follows:

FOR THE EMPLOYMENT SECURITY DEPARTMENT

General Fund--State Appropriation	\$	((32,000))
		<u>27,000</u>
General Fund--Federal Appropriation	\$	133,302,000
General Fund--Local Appropriation	\$	9,329,000
Administrative Contingency Fund--Federal Appropriation	\$	11,808,000
Unemployment Compensation Administration Fund Federal Appropriation	\$	130,803,000
Employment Service Administration Account Federal Appropriation	\$	9,837,000
<u>Industrial Insurance Premium Refund Account-- State Appropriation</u>	\$	<u>79,000</u>
<u>Unemployment Compensation Administration Fund--State Appropriation</u>	\$	<u>100,000</u>
TOTAL APPROPRIATION	\$	((295,111,000))
		<u>295,285,000</u>

The appropriations in this section are subject to the following conditions and limitations:

((2)) (1) \$70,000 of the administrative contingency fund--federal appropriation is provided solely to implement section 30 of chapter 315, Laws of 1991, (Engrossed Substitute Senate Bill No. 5555, timber areas assistance) for the department to contract with the department of community development for support of existing employment centers in timber-dependent communities.

((3)) (2) \$240,000 of the administrative contingency fund--federal appropriation is provided solely for the department to contract with the department of community development for support of existing reemployment support centers.

((6)) (3) \$1,000,000 of the administrative contingency fund--federal appropriation is provided solely to implement sections 5 through 9 of chapter 315, Laws of 1991 (Engrossed Substitute Senate Bill No. 5555, countercyclical program for timber-impacted areas).

((7)) (4) \$500,000 of the administrative contingency fund--federal appropriation is provided solely to implement section 3 of chapter 315, Laws of 1991 (Engrossed Substitute Senate Bill No. 5555, self-employment enterprise development program for timber areas).

(5) \$400,000 of the administrative contingency fund--federal appropriation for fiscal year 1993 is provided solely for the corrections clearinghouse ex-offender program.

**PART III
NATURAL RESOURCES**

Sec. 301. 1991 sp.s. c 16 s 301 is amended to read as follows:

FOR THE STATE ENERGY OFFICE

General Fund--State Appropriation	\$	((2,359,000))
		<u>2,029,000</u>
General Fund--Federal Appropriation	\$	20,433,000
General Fund--Private/Local Appropriation	\$	5,640,000
Geothermal Account--Federal Appropriation	\$	40,000
Building Code Council Account Appropriation	\$	86,000
Air Pollution Control Account Appropriation	\$	((6,830,000))
		<u>6,861,000</u>
Energy Code Training Account Appropriation	\$	121,000
Energy Efficiency Services Account Appropriation	\$	((1,008,000))
		<u>1,158,000</u>
TOTAL APPROPRIATION	\$	((36,517,000))
		<u>36,368,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$43,000 of the general fund--state appropriation is provided solely to maintain the database for the state hydropower plan.

(2) \$292,000 of the general fund--state appropriation and all of the energy efficiency services account appropriation are provided solely to implement chapter 201, Laws of 1991 (Engrossed Substitute Senate Bill No. 5245, energy policy development).

(3) The entire air pollution control account appropriation is provided solely to implement chapter 199, Laws of 1991 (Engrossed Substitute House Bill No. 1028, air pollution control) and chapter 202, Laws of 1991 (Second Substitute House Bill No. 1671, growth strategies and transportation planning). It is the intent of the legislature that revenue generated from fees established by chapter 199, Laws of 1991 may be used for purposes of implementing chapter 202, Laws of 1991.

Sec. 302. 1991 sp.s. c 16 s 302 is amended to read as follows:

FOR THE COLUMBIA RIVER GORGE COMMISSION

General Fund--State Appropriation	\$	((537,000))
		<u>509,000</u>
General Fund--Private/Local Appropriation	\$	516,000
TOTAL APPROPRIATION	\$	((1,053,000))
		<u>1,025,000</u>

Sec. 303. 1991 sp.s. c 16 s 303 is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

General Fund--State Appropriation	\$	((65,589,000))
		<u>58,076,000</u>
General Fund--Federal Appropriation	\$	38,234,000
General Fund--Private/Local Appropriation	\$	1,015,000
((Flood Control Assistance Account Appropriation	\$	3,999,000))
Special Grass Seed Burning Research Account Appropriation	\$	132,000
Reclamation Revolving Account Appropriation	\$	513,000
Emergency Water Project Revolving Account Appropriation: Appropriation pursuant to chapter 1, Laws of 1977 ex.s.	\$	300,000
Litter Control Account Appropriation	\$	7,674,000
State and Local Improvements Revolving Account-- Waste Disposal Facilities: Appropriation pursuant to chapter 127, Laws of 1972 ex.s. (Referendum 26)	\$	2,547,000
State and Local Improvements Revolving Account-- Waste Disposal Facilities 1980: Appropriation pursuant to chapter 159, Laws of 1980 (Referendum 39)	\$	908,000
State and Local Improvements Revolving Account-- Water Supply Facilities: Appropriation pursuant to chapter 234, Laws of 1979 ex.s. (Referendum 38)	\$	1,298,000
Stream Gaging Basic Data Fund Appropriation	\$	302,000
Vehicle Tire Recycling Account Appropriation	\$	7,820,000
Water Quality Account Appropriation	\$	3,461,000
Wood Stove Education Account Appropriation	\$	1,380,000
Worker and Community Right-to-Know Fund Appropriation	\$	393,000
State Toxics Control Account--State Appropriation	\$	((48,128,000))
		<u>50,482,000</u>
State Toxics Control Account--Federal Appropriation	\$	7,527,000
Local Toxics Control Account Appropriation	\$	3,220,000
Water Quality Permit Account Appropriation	\$	14,532,000
Solid Waste Management Account Appropriation	\$	7,918,000
Underground Storage Tank Account Appropriation	\$	3,862,000
Hazardous Waste Assistance Account Appropriation	\$	5,543,000
Air Pollution Control Account Appropriation	\$	((7,955,000))
		<u>8,555,000</u>
Aquatic Lands Enhancement Account Appropriation	\$	50,000
Oil Spill Response Account Appropriation	\$	2,863,000
Oil Spill Administration Account Appropriation	\$	((3,104,000))

		<u>3,156,000</u>
Fresh Water Aquatic Weed Control Account		
Appropriation	\$	895,000
Air Operating Permit Account Appropriation	\$	2,511,000
TOTAL APPROPRIATION	\$	((243,673,000))
		<u>235,167,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~((9,462,000))~~ \$8,648,000 of the general fund--state appropriation and \$1,149,000 of the general fund--federal appropriation are provided solely for the implementation of the Puget Sound water quality management plan.

(2) ~~((5,640,000))~~ \$5,174,000 of the general fund--state appropriation is provided solely for the auto emissions inspection and maintenance program. The amount provided in this subsection is contingent upon a like amount being deposited in the general fund from auto emission inspection fees in accordance with RCW 70.120.170(4).

(3) \$1,323,000 of the general fund--state appropriation is provided solely for water resource management activities associated with the continued implementation of the growth management act (chapter 17, Laws of 1990 1st ex.s.).

(4) \$1,000,000 of the general fund--state appropriation and \$578,000 of the water quality permit account appropriation are provided solely to carry out the recommendations of the commission on efficiency and accountability in government concerning the wastewater discharge permit program.

(5) \$961,000 of the general fund--state appropriation, \$3,459,000 of the general fund--federal appropriation, and \$2,316,000 of the air pollution control account appropriation are provided solely for grants to local air pollution control authorities.

(6) The aquatic lands enhancement account appropriation is provided solely for the department to: (a) Conduct a sediment transport study of the Nooksack river to determine the amount of material that would have to be removed from the river to minimize flooding; and (b) develop an environmental assessment, of the Nooksack river and, based on this assessment, develop a sand and gravel management plan, for the river. In preparing the management plan, the department shall seek input from appropriate state and local agencies, Indian tribes, and other interested parties to the maximum extent feasible. The department shall prepare the management plan in such a manner that the plan can be used as a model for future plans that may be developed for other state rivers.

(7) ~~((491,000))~~ \$295,000 of the general fund--state appropriation is provided solely to implement chapter 347, Laws of 1991 (Engrossed Substitute House Bill No. 2026, water resources management).

(8) ~~((6,000,000))~~ \$8,000,000 of the state toxics control account appropriation is provided solely for the following purposes:

(a) To conduct remedial actions for sites for which there are no potentially liable persons or for which potentially liable persons cannot be found;

(b) To provide funding to assist potentially liable persons under RCW 70.105D.070(2)(d)(xi) to pay for the cost of the remedial actions; and

(c) To conduct remedial actions for sites for which potentially liable persons have refused to comply with the orders issued by the department under RCW 70.105D.030 requiring the persons to provide the remedial action.

(9) \$3,104,000 of the oil spill administration account appropriation and the entire oil spill response account appropriation are provided solely to implement chapter 200, Laws of 1991 (Engrossed Substitute House Bill No. 1027, oil and hazardous substance spill prevention and response).

~~((11))~~ (10) \$286,000 of the general fund--state appropriation is provided solely to implement chapter 350, Laws of 1991 (Second Substitute Senate Bill No. 5358, water system inerties).

~~((12))~~ (11) \$139,000 of the solid waste management account appropriation is provided solely to implement chapter 297, Laws of 1991 (Senate Bill No. 5143, recycled products procurement).

~~((13))~~ \$30,000 of the general fund--state appropriation is provided solely for the department's participation in the Pacific Ocean resources management compact.

~~((14))~~ (12) \$200,000 of the general fund--state appropriation is provided solely to implement chapter 273, Laws of 1991 (House Bill No. 2021, joint water resource policy committee).

~~((15))~~ (13) \$100,000 of the state toxics control account appropriation is provided for a study on the need for regional hazardous materials response teams. The study shall include, but not be limited to, the following items: Review of existing services, determination of where services are needed and the risks of not providing those services, funding requirements, equipment standards, training, mutual aid between jurisdictions, liability, and cost recovery. The study shall include specific recommendations on each of these items. Furthermore, the study shall include a specific recommendation on how to implement regional teams based upon geographic location and public exposure. The study shall include a review of steps taken in Oregon to address these problems. The state emergency response commission shall act as the steering committee for the study. Representatives from adjoining states may be requested to assist the commission.

~~((16))~~ (14) The entire fresh water aquatic weed control account appropriation is provided solely to implement chapter 302, Laws of 1991 (Engrossed Substitute House Bill No. 1389, aquatic plant regulation).

(15) \$144,000 of the general fund--state appropriation is provided solely for the wastewater treatment operator certification and training program. No portion of this amount may be expended until an equal amount of revenue from wastewater treatment operator certification and training fees has been deposited into the general fund.

Sec. 304. 1991 sp.s. c 16 s 305 is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

General Fund--State Appropriation	\$	((38,450,000))
		<u>51,663,000</u>
General Fund--Federal Appropriation	\$	1,683,000
General Fund--Private/Local Appropriation	\$	1,043,000
((Trust Land Purchase Account Appropriation	\$	14,935,000))
Winter Recreation Program Account Appropriation	\$	832,000
ORV (Off-Road Vehicle) Account Appropriation	\$	225,000
Snowmobile Account Appropriation	\$	((1,283,000))
		<u>1,548,000</u>
Millersylvania State Park--Private/Local Appropriation	\$	9,000
Public Safety and Education Account Appropriation	\$	((50,000))
		<u>46,000</u>
Motor Vehicle Fund Appropriation	\$	1,112,000
Oil Spill Administration Account Appropriation	\$	61,000
TOTAL APPROPRIATION	\$	((59,683,000))
		<u>58,222,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The commission shall conduct a review of fees charged to park users. The commission's review shall: (a) Examine current park use, including use by campers, day users, boaters, recreational vehicle operators, and other users of park facilities; (b) examine the extent to which user groups pay park fees to support their use of park facilities; and (c) propose alternatives to the current structure of park fees that equitably distribute the cost of operating state parks among the various user groups. The commission shall submit the results of the review to the office of financial management and the appropriate committees of the legislature by January 1, 1992.

(2) ~~\$65,000 of the ((trust land purchase account))~~ general fund--state appropriation is provided solely for preparation of a conceptual plan for future alpine skiing facilities and service levels at Mount Spokane State Park. In preparing the plan, the commission shall: (a) Reevaluate the goals and objectives of the alpine ski area; (b) examine current functions of the alpine ski area including lodge use, ski patrol operations, food and beverage services, equipment rentals, grooming of slopes, selection and maintenance of ski runs, and customer service and public relations; (c) determine how to provide reasonable opportunities for the use of the alpine ski area for all members of the skiing public; and (d) propose alternatives to the current management approach. The commission shall submit the plan to the office of financial management and the appropriate committees of the legislature by August 1, 1992.

(3) \$120,000 of the ~~((trust land purchase account))~~ general fund--state appropriation is provided solely for the scenic rivers program.

(4) \$644,000 of the ~~((trust land purchase account))~~ general fund--state appropriation is provided solely to repair damage to state parks facilities caused by November and December, 1990, and January, 1991, storms.

(5) ~~((294,000))~~ \$287,000 of the general fund state appropriation is provided solely to implement the Puget Sound water quality management plan.

(6) ~~((The entire trust land purchase account appropriation is provided solely for costs associated with the administration, maintenance, and operation of state parks and other state parks programs.~~

~~(7))~~ \$61,000 of the oil spill administration account appropriation is provided solely to implement chapter 200, Laws of 1991 (Engrossed Substitute House Bill No. 1027, oil and hazardous substance spill prevention and response).

(7) \$89,000 of the general fund--state appropriation is provided for the purchase of protective equipment for park rangers.

(8) This section provides sufficient funds to preclude reductions in public access to state parks. The commission shall not close state parks or reduce public access during the biennium.

Sec. 305. 1991 sp.s. c 16 s 306 is amended to read as follows:

FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Outdoor Recreation Account--State Appropriation	\$	((2,172,000))
		<u>2,185,000</u>
Outdoor Recreation Account--Federal Appropriation	\$	32,000
Firearms Range Account Appropriation	\$	44,000
TOTAL APPROPRIATION	\$	((2,248,000))
		<u>2,261,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$13,000 of the outdoor recreation account--state appropriation is provided solely for a study to examine and address the stewardship needs of state-owned parks, natural areas, and recreational lands.

Sec. 306. 1991 sp.s. c 16 s 307 is amended to read as follows:

FOR THE ENVIRONMENTAL HEARINGS OFFICE

General Fund Appropriation	\$	((1,180,000))
		<u>1,170,000</u>

The appropriation in this section is subject to the following conditions and limitations:
~~((80,000))~~ \$67,000 is provided solely for an additional administrative law judge.

Sec. 307. 1991 sp.s. c 16 s 308 is amended to read as follows:

FOR THE DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT

General Fund Appropriation	\$	((33,708,000))
		<u>30,016,000</u>
Motor Vehicle Fund Appropriation	\$	564,000
Solid Waste Management Account Appropriation	\$	((1,000,000))
		<u>2,000,000</u>
Litter Control Account Appropriation	\$	((1,000,000))
		<u>2,000,000</u>
TOTAL APPROPRIATION	\$	((36,272,000))
		<u>34,580,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$500,000 of the general fund appropriation is provided solely for establishment of a European trade office. The amount provided in this subsection is contingent on receipt of at least \$200,000 in nonstate sources from port associations for establishment of the office.

~~((3-\$1,000,000))~~ (2) \$2,000,000 of the litter control account appropriation and ~~\$(1,000,000))~~ 2,000,000 of the solid waste management account appropriation are provided solely for the purposes of implementing the market development center created in chapter 319, Laws of 1991 (Second Substitute Senate Bill No. 5591, comprehensive recycling program) ~~((for the fiscal year ending June 30, 1992)).~~

~~((4-\$2,000,000))~~ (3) \$1,800,000 of the general fund appropriation is provided solely to continue and expand the department's efforts to promote value-added manufacturing under the forest products program, as authorized under section 7, chapter 314, Laws of 1991 (Engrossed Substitute House Bill No. 1341, timber-dependent communities). Within this amount, the department shall maintain expenditures for the forest products program at the fiscal year 1991 level. The balance of this amount shall be provided as contracts to promote value-added manufacturing. The department shall report to the appropriate committees of the legislature on the amount and types of contracts provided by January 1, 1992.

~~((7-\$1,200,000))~~ (4) \$920,000 of the general fund appropriation is provided solely for establishment of the Pacific Northwest export assistance center, as authorized in sections 11 through 18 of chapter 314, Laws of 1991 (Engrossed Substitute House Bill No. 1341, timber-dependent communities). The center will provide export assistance to firms located in timber-dependent communities. No more than five percent of this amount may be expended by the department for administration.

~~((8-\$8,195,000))~~ (5) \$7,565,000 of the general fund appropriation is provided solely for the Washington high technology center.

~~((9))~~ (6) The department of trade and economic development shall establish a schedule of fees for services performed by the department's overseas trade offices. ~~((The fee schedule shall generate revenue of at least \$1,032,000 during the 1991-93 biennium, which shall be deposited in the general fund.~~

~~((1))~~ (7) \$100,000 of the general fund appropriation is provided solely for a contract with the Tacoma world trade center to enhance export opportunities for Washington businesses.

~~((12))~~ (8) \$150,000 of the general fund appropriation is provided solely as an enhancement to the current level of funding. In determining revisions of contract amounts for grants to associate development organizations (ADOs), the department shall seek to maintain current grant levels for ADOs that serve rural or economically distressed communities.

(9) \$800,000 of the general fund--state appropriation is provided solely for business network contracts to assist timber-dependent communities. The department shall report to the appropriate committees of the legislature by December 1, 1992, regarding the amount and types of contracts awarded. No more than five percent of this amount may be expended by the department for administration.

Sec. 308. 1991 sp.s. c 16 s 309 is amended to read as follows:

FOR THE CONSERVATION COMMISSION

General Fund Appropriation	\$	((2,189,000))
		<u>2,011,000</u>
Water Quality Account Appropriation	\$	192,000
TOTAL APPROPRIATION	\$	((2,381,000))
		<u>2,203,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Not more than eight percent of the water quality account moneys administered by the commission may be used for the commission for administration and program activities related to the grant and loan program.

(2) \$385,000 of the general fund appropriation is provided solely to implement the Puget Sound water quality management plan.

(3) ~~(\$650,000)~~ \$632,000 of the general fund appropriation is provided solely for increased basic operation grants to conservation districts.

Sec. 309. 1991 sp.s. c 16 s 310 is amended to read as follows:

FOR THE WINTER RECREATION COMMISSION

General Fund Appropriation	\$	((20,000))
		<u>11,000</u>

The appropriation in this section is subject to the following conditions and limitations: \$10,000 is provided solely for a study of the state's ski and tourism industry.

Sec. 310. 1991 sp.s. c 16 s 311 is amended to read as follows:

FOR THE PUGET SOUND WATER QUALITY AUTHORITY

General Fund--State Appropriation	\$	((3,679,000))
		<u>3,457,000</u>
General Fund--Federal Appropriation	\$	202,000
Water Quality Account Appropriation	\$	1,100,000
TOTAL APPROPRIATION	\$	((4,981,000))
		<u>4,759,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~(\$330,000)~~ \$322,000 of the general fund--state appropriation is provided solely for an interagency agreement with Washington State University cooperative extension service for field agents to provide technical assistance in implementing the Puget Sound water quality management plan.

(2) ~~(\$240,000)~~ \$234,000 of the general fund--state appropriation is provided solely for an interagency agreement with the University of Washington sea grant program for field agents to provide technical assistance in implementing the Puget Sound water quality management plan.

(3) In addition to the amounts provided in subsections (1) and (2) of this section, \$812,000 of the general fund--state appropriation is provided solely to implement other provisions of the Puget Sound water quality management plan.

Sec. 311. 1991 sp.s. c 16 s 312 is amended to read as follows:

FOR THE DEPARTMENT OF FISHERIES

General Fund--State Appropriation	\$	((61,034,000))
		<u>56,587,000</u>
General Fund--Federal Appropriation	\$	((17,901,000))
		<u>17,901,000</u>
General Fund--Private/Local Appropriation	\$	8,301,000
Aquatic Lands Enhancement Account Appropriation	\$	1,092,000
Oil Spill Administration Account Appropriation	\$	410,000
<u>Industrial Insurance Premium Refund Account</u>		
<u>Appropriation</u>	<u>\$</u>	<u>4,000</u>
TOTAL APPROPRIATION	\$	((88,738,000))
		<u>84,295,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$263,000 of the general fund--state appropriation is provided solely for improvements to and monitoring of wastewater discharges from state salmon hatcheries.

(2) ~~(\$1,180,000)~~ \$1,153,000 of the general fund--state appropriation is provided solely to implement the Puget Sound water quality management plan.

(3) \$410,000 of the oil spill administration account appropriation is provided solely to implement chapter 200, Laws of 1991 (Engrossed Substitute House Bill No. 1027, oil and hazardous substance spill prevention and response).

~~(\$950,000 of the general fund--state appropriation is provided solely for attorney general costs, on behalf of the department of fisheries, department of natural resources, department of health, and the state parks and recreation commission, in defending the state and public interest in tribal shellfish litigation (U.S. v. Washington, subproceeding 89-3). The attorney general cost shall be paid as an interagency reimbursement.~~

(4) \$427,000 of the general fund--state appropriation is provided solely for increased enforcement activities.

Sec. 312. 1991 sp.s. c 16 s 313 is amended to read as follows:

FOR THE DEPARTMENT OF WILDLIFE

General Fund Appropriation	\$	((11,497,000))
		<u>10,932,000</u>

ORV (Off-Road Vehicle) Account Appropriation	\$	275,000
Aquatic Lands Enhancement Account Appropriation	\$	1,096,000
Public Safety and Education Account Appropriation	\$	589,000
Wildlife Fund--State Appropriation	\$	50,002,000
Wildlife Fund--Federal Appropriation	\$	16,308,000
Wildlife Fund--Private/Local Appropriation	\$	2,120,000
Game Special Wildlife Account Appropriation	\$	((532,000))
		832,000
Oil Spill Administration Account Appropriation	\$	565,000
TOTAL APPROPRIATION	\$	((82,984,000))
		<u>82,719,000</u>

The appropriations in this section are subject to the following conditions and limitations:

- (1) ~~((514,000))~~ \$498,000 of the general fund appropriation is provided solely to implement the Puget Sound water quality management plan.
- (2) \$565,000 of the oil spill administration account appropriation is provided solely to implement chapter 200, Laws of 1991 (Engrossed Substitute House Bill No. 1027, oil and hazardous substance spill prevention and response).
- (3) \$770,000 of the wildlife fund--state appropriation is provided solely for the operation of the game farm program.
- (4) During the 1991-93 biennium, the wildlife enforcement FTE staff levels shall not be reduced below the fiscal year 1991 average FTE staff level. \$1,300,000 of the general fund--state appropriation and \$3,872,000 of the wildlife fund--state appropriation are provided solely for wildlife enforcement. ~~((If House Bill No. 2235 (hunting and fishing fees) is not enacted by July 31, 1991, this subsection shall be null and void.))~~
- (5) \$25,000 of the general fund appropriation and \$25,000 of the wildlife fund--state appropriation are provided solely for a demonstration project to develop a wildlife mitigation plan for private and public lands in the Lake Roosevelt area. The department shall create a steering committee consisting of representatives of local private landowners, local government, tribes, hunters, fishers, and other users of wildlife in the Lake Roosevelt area. The committee shall study and report to the department on issues related to the development of the Lake Roosevelt plan including, but not limited to, local government impact, wildlife species, needs of wildlife users, other recreational needs, land use regulations, and wildlife supply.
- (6) The office of financial management and legislative committees staff shall examine wildlife fees and expenditures. Issues to be examined shall include the division of agency resources in support of both game and nongame activities and the overall funding level for the agency. ~~((If House Bill No. 2235 (hunting and fishing fees) is not enacted by July 31, 1991, this subsection shall be null and void.))~~

Sec. 313. 1991 sp.s. c 16 s 314 is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

General Fund--State Appropriation	\$	((58,010,000))
		<u>59,162,000</u>
General Fund--Federal Appropriation	\$	604,000
General Fund--Private/Local Appropriation	\$	12,000
ORV (Off-Road Vehicle) Account Appropriation	\$	4,521,000
Forest Development Account Appropriation	\$	30,155,000
Survey and Maps Account Appropriation	\$	1,074,000
Natural Resources Conservation Area Stewardship Account Appropriation	\$	1,080,000
Aquatic Lands Enhancement Account Appropriation	\$	1,491,000
Resource Management Cost Account Appropriation	\$	79,780,000
Aquatic Land Dredged Material Disposal Site Account Appropriation	\$	814,000
State Toxics Control Account Appropriation	\$	764,000
Air Pollution Control Account Appropriation	\$	430,000
Oil Spill Administration Account Appropriation	\$	128,000
Litter Control Account Appropriation	\$	500,000
<u>Industrial Insurance Premium Refund Account</u>		
<u>Appropriation</u>	\$	<u>82,000</u>
TOTAL APPROPRIATION	\$	((179,363,000))
		<u>180,597,000</u>

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$1,841,000, of which \$1,136,000 is from the resource management cost account appropriation and \$705,000 is from the forest development account appropriation, is provided solely for the development of a harvest planning system for state trust lands.

(2) \$450,000, of which \$225,000 is from the resource management cost account appropriation and \$225,000 is from the aquatic lands enhancement account appropriation is provided solely for the control and eradication of Spartina, including research, environmental impact statements, and public education. The department shall develop a Spartina eradication plan and report to the house of representatives natural resources committee and the senate environment and natural resources committee by January 15, 1992, on the plan.

(3) ~~(\$5,185,000)~~ \$9,777,000 of the general fund--state appropriation is provided solely for the emergency fire suppression subprogram.

(4) ~~(\$1,909,000)~~ \$1,862,000 of the general fund--state appropriation is provided solely to implement the Puget Sound water quality management plan.

(5) ~~(\$2,840,000)~~ \$2,696,000 of the general fund--state appropriation is ~~((provided solely))~~ for cooperative monitoring, evaluation, and research projects related to implementation of the timber-fish-wildlife agreement.

(6) ~~(\$1,683,000)~~ \$1,433,000 of the general fund--state appropriation is ~~((provided solely))~~ for the development of an electronic forest practices permit processing data management system.

(7) \$163,000 of the general fund--state appropriation is provided solely for the department to contract with the University of Washington college of forest resources for continuation of the timber supply study. The study shall identify the quantity of timber present now and the quantity of timber that may be available from forest lands in the future, use various assumptions of landowner management, and include changes in the forest land base, amount of capital invested in timber management, and expected harvest age. No portion of this appropriation may be expended for indirect costs associated with the study.

(8) The department of natural resources shall sell approximately 726 acres of undeveloped land at the Northern State multiservice center to Skagit county. The land shall be sold at fair market value, which shall not exceed \$701,000 if the sale occurs before January 1, 1992. Proceeds of the sale shall be deposited in the charitable, educational, penal and reformatory institutions account. The sale of the land shall be conditioned on the permanent dedication of the land for public recreational uses, which may include fairgrounds, and up to 50 acres of which may be used for purposes of a public educational institution.

(9) \$500,000 of the general fund--state appropriation and \$1,000,000 of the resource management cost account appropriation are provided solely to implement sections 5 through 9, chapter 315, Laws of 1991 (Engrossed Substitute Senate Bill No. 5555, countercyclical program for timber-impacted areas).

(10) ~~(\$3,400,000)~~ \$2,723,000 of the general fund--state appropriation is provided solely for forest practices activities. Of the amount provided in this subsection, ~~(\$1,500,000)~~ \$919,000 is provided solely for monitoring and enforcement of forest practices permit conditions, reforestation requirements, and conversion requirements. The department shall submit a plan to the appropriate committees of the legislature by October 1, 1991, showing how it will spend this amount. The balance of the amount provided in this subsection shall be expended as follows: ~~(\$760,000)~~ \$722,000 to the department of fisheries, ~~(\$660,000)~~ \$626,000 to the department of wildlife, and ~~(\$480,000)~~ \$456,000 to the department of ecology for each of these department's responsibilities related to forest practices.

(11) \$429,000 of the air pollution control account appropriation, \$60,000 of the forest development account appropriation, and \$141,000 of the resource management cost account appropriations are provided solely to implement chapter 199, Laws of 1991 (Engrossed Substitute House Bill No. 1028, air pollution control).

(12) \$150,000 of the general fund--state appropriation is provided solely for the department ~~((to contract for increased development of))~~ for the Mount Tahoma cross-country ski trails system. ~~((No portion of the amount provided in this subsection may be expended without equal matching funds from nonstate sources for the same purpose.))~~ Expenditure of this amount is contingent on receipt of a nonstate match of equal value, as determined by the department.

(13) ~~(\$1,700,000)~~ \$1,200,000 of the general fund--state appropriation is ~~((provided))~~ for fiscal year 1993 ~~((solely))~~ for the forest practices program for activities related to critical wildlife habitat, cumulative effects assessment, clear-cut size and timing, wetlands, and rate-of-harvest monitoring that are required as a result of rules adopted by the forest practices board. The department shall submit a status report on adoption of forest practices rules by February 1, 1992, to the appropriate committees of the legislature. The amount provided in this subsection shall lapse if the forest practices board does not adopt rules on these items by June 30, 1992.

(14) \$160,000 from the natural resources conservation area stewardship account appropriation is provided solely for operating expenses of the natural heritage program.

(15) \$128,000 of the oil spill administration account appropriation is provided solely to implement chapter 200, Laws of 1991 (Engrossed Substitute House Bill No. 1027, oil and hazardous substance spill prevention and response).

Sec. 314. 1991 sp.s. c 16 s 315 is amended to read as follows:

FOR THE DEPARTMENT OF AGRICULTURE

General Fund--State Appropriation	\$	(19,680,000)
		<u>18,631,000</u>
General Fund--Federal Appropriation	\$	1,226,000
State Toxics Control Account Appropriation	\$	1,109,000
<u>Weights and Measures Account--State Appropriation</u>	<u>\$</u>	<u>350,000</u>
TOTAL APPROPRIATION	\$	((22,015,000))
		<u>21,316,000</u>

The appropriations in this section are subject to the following conditions and limitations:

- (1) Within the appropriations provided in this section, the department shall collect and provide information to growers on minor use crop pesticides.
- (2) \$100,000 of the general fund--state appropriation is provided solely to implement the Puget Sound water quality management plan.
- (3) ~~\$(872,000)~~ 846,000 of the general fund--state appropriation is provided solely for the state noxious weed program. Of this amount ~~\$(524,000)~~ 511,000 is provided solely for noxious weed control grants.
- (4) ~~((The appropriations in this section are based on an assumption that the IMPACT program will establish fees pursuant to RCW 28B.30.541.~~
- (5)) \$97,000 of the general fund--state appropriation is ~~((provided solely))~~ to implement chapter 280, Laws of 1991 (Engrossed Second Substitute Senate Bill No. 5096, adverse impacts on agriculture).

Sec. 315. 1991 sp.s. c 16 s 316 is amended to read as follows:

FOR THE STATE CONVENTION AND TRADE CENTER

State Convention/Trade Center Account Appropriation	\$	((21,490,000))
		<u>21,790,000</u>

The appropriation in this section is subject to the following conditions and limitations: \$4,786,000 is provided solely for marketing the facilities and services of the convention center, for promoting the locale as a convention and visitor destination, and for related activities. Of the amount provided in this section, the center shall not expend more than is received from revenue generated by the special excise tax deposited in the state convention and trade center operations account under RCW 67.40.090(3). Projections of such revenue shall be as determined and updated by the department of revenue.

**PART IV
TRANSPORTATION**

Sec. 401. 1991 sp.s. c 16 s 401 is amended to read as follows:

FOR THE STATE PATROL

General Fund--State Appropriation	\$	((24,089,000))
		<u>22,790,000</u>
General Fund--Federal Appropriation	\$	220,000
General Fund--Private/Local Appropriation	\$	169,000
Death Investigations Account Appropriation	\$	24,000
Drug Enforcement and Education Account Appropriation	\$	1,960,000
<u>Industrial Insurance Premium Refund Account--State</u>		
<u>Appropriation</u>	<u>\$</u>	<u>19,000</u>
TOTAL APPROPRIATION	\$	((26,462,000))
		<u>25,182,000</u>

The appropriations in this section are subject to the following conditions and limitations:

- (1) The staff of the Washington state patrol crime laboratory shall not provide tests for marijuana to cities or counties except: (a) To verify weight for criminal cases where weight is a factor, or (b) for criminal cases that the prosecuting attorney and field administrator of the crime laboratory agree are likely to go to trial.
- (2) \$194,900 of the general fund--state appropriation is provided solely for security costs for the national governors' association 1991 conference.
- (3) \$151,000 of the general fund--state appropriation is provided solely for reimbursement to local law enforcement agencies for the cost of registering sex offenders.
- (4) \$320,000 of the general fund--state appropriation is provided for aircraft lease costs.
- (5) \$271,000 of the general fund--state appropriation is provided for vehicle license fraud investigation.
- (6) \$150,000 of the general fund--state appropriation is provided for special services.
- (7) \$60,000 of the general fund--state appropriation is provided solely to implement chapter 274, Laws of 1991 (Substitute House Bill 1997, sex offender registration).

Sec. 402. 1991 sp.s. c 16 s 402 is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING

General Fund Appropriation	\$	((21,240,000))
		<u>18,184,000</u>
Architects' License Account Appropriation	\$	861,000
Cemetery Account Appropriation	\$	203,000
Health Professions Account Appropriation	\$	506,000
Professional Engineers' Account Appropriation	\$	2,096,000

Real Estate Commission Account Appropriation	\$	7,396,000
Air Pollution Control Account Appropriation	\$	106,000
<u>Master Licensing Account Appropriation</u>	<u>\$</u>	<u>2,698,000</u>
TOTAL APPROPRIATION	\$	((32,408,000)) <u>32,050,000</u>

The appropriations in this section are subject to the following conditions and limitations: ~~((2))~~ (1) Of the general fund appropriation, the amounts specified in this subsection are provided solely for the purposes of the following legislation. The general fund shall be reimbursed by June 30, 1993, by an assessment of fees sufficient to cover all costs of implementing the specified legislation.

- (a) Chapter 334, Laws of 1991 (Engrossed Second Substitute Senate Bill No. 5124, licensing private security guards) \$ 538,000
- (b) Chapter 328, Laws of 1991 (Engrossed Substitute House Bill No. 1181, licensing private detectives) \$ 145,000
- (c) Chapter 236, Laws of 1991 (Substitute House Bill No. 1712, athlete agent registration) \$ 42,000

The amount in this subsection (1)(c) shall be reduced by any amount expended as of the effective date of this act from the appropriation in section 10, chapter 236, Laws of 1991.

- (d) Chapter 324, Laws of 1991 (Engrossed Substitute House Bill No. 1136, cosmetology regulations) \$ 329,000

(2) The entire master licensing account appropriation is contingent on enactment of House Bill No. 2618 or Senate Bill No. 6461 (master license fees). If neither bill is enacted by June 30, 1992, the appropriation is null and void.

NEW SECTION. Sec. 403. ATHLETE AGENT REGISTRATION PROGRAM. 1991 c 236 s 10 is repealed.

**PART V
EDUCATION**

Sec. 501. 1991 sp.s. c 16 s 501 is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR STATE ADMINISTRATION

General Fund--State Appropriation	\$	((23,813,000)) <u>22,009,000</u>
General Fund--Federal Appropriation	\$	13,006,000
Public Safety and Education Account Appropriation	\$	383,000
Drug Enforcement and Education Account Appropriation	\$	153,000
TOTAL APPROPRIATION	\$	((37,355,000)) <u>35,551,000</u>

The appropriations in this section are subject to the following conditions and limitations:

- (1) The entire public safety and education account appropriation is provided solely for administration of the traffic safety education program, including in-service training related to instruction in the risks of driving while under the influence of alcohol and other drugs.
- (2) The entire drug enforcement and education account appropriation is provided solely for administration of the grant awards established under chapter 28A.170 RCW.
- (3) ~~\$(100,000))~~ 95,000 of the general fund--state appropriation is ~~((provided solely))~~ to print and distribute an informational brochure on enrollment options.
- (4) The superintendent of public instruction shall propose procedures and standards to meet demonstrable funding needs beyond the level provided in the state-funded program for handicapped children. The procedures and standards shall permit relief for a school district only if a district can at least demonstrate that:
 - (a) Student characteristics and costs of providing program services in the district differ significantly from the assumptions of the state handicapped funding formula;
 - (b) Individualized education plans are properly and efficiently prepared and formulated;
 - (c) The district is making a reasonable effort to provide program services for handicapped children within funds generated by the state funding formula;
 - (d) District programs are operated in a reasonably efficient manner;
 - (e) No indirect costs are charged against the handicapped program; and
 - (f) Any available federal funds are insufficient to address the additional needs.

The superintendent of public instruction shall submit a report describing the proposed procedures and standards to the legislature by January 10, 1992.

(5) \$((650,000)) 400,000 of the general fund--state appropriation is provided solely to upgrade the data collection capability of the superintendent of public instruction. The office of financial management may not disburse any of this amount until the superintendent:

(a) Establishes an advisory committee on information needs with representation from the senate ways and means committee, the house of representatives appropriations committee, the office of financial management, and educational service districts;

(b) Presents a decision package to the office of financial management describing the recommended system design, including cost estimates, describing the extent to which the recommended system meets the information needs established by the advisory committee, and describing comparable information for at least two alternative systems; and

(c) Receives approval from the office of financial management for the recommended system design.

(6) \$((1,000,000)) 900,000 of the general fund--state appropriation is provided solely for inservice training, technical assistance, and evaluation of the special services demonstration projects authorized in chapter 265, Laws of 1991 (Engrossed Substitute House Bill No. 1329, special services demonstration projects).

(7) \$((853,000)) 810,000 of the general fund--state appropriation is provided solely for the operation and expenses of the state board of education, including basic education assistance activities.

(8) \$((500,000)) 475,000 of the general fund--state appropriation is provided solely for certification investigation activities of the office of professional practices.

(9) \$((39,000)) 37,000 of the general fund--state appropriation is provided to implement chapter 255, Laws of 1991 (Second Substitute Senate Bill No. 5022, teacher excellence awards).

(10) The superintendent shall adopt rules to implement the intent of RCW 28A.400.275 and 28A.400.280.

(11) The superintendent shall continue participation in the national assessment of educational progress.

Sec. 502. 1991 sp.s. c 16 s 502 is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR GENERAL APPORTIONMENT (BASIC EDUCATION)

General Fund Appropriation \$ ((5,215,683,000))
5,211,903,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$500,537,000 of the general fund appropriation is provided solely for the remaining months of the 1990-91 school year.

(2) Allocations for certificated staff salaries for the 1991-92 and 1992-93 school years shall be determined using formula-generated staff units calculated pursuant to this subsection. Small school enrollments in kindergarten through grade six shall generate funding under (a) of this subsection, and shall not generate allocations under (d) and (e) of this subsection, if the staffing allocations generated under (a) of this subsection exceed those generated under (d) and (e) of this subsection. The certificated staffing allocations shall be as follows:

(a) On the basis of average annual full time equivalent enrollments, excluding full time equivalent enrollment otherwise recognized for certificated staff unit allocations under (c) through (f) of this subsection:

(i) Four certificated administrative staff units for each one thousand full time equivalent kindergarten through twelfth grade students excluding full time equivalent handicapped enrollment as recognized for funding purposes under section 509 of this act;

(ii) 54.3 certificated instructional staff units for each one thousand full time equivalent students in kindergarten through third grade, excluding full time equivalent handicapped students ages six through eight; and

(iii) Forty-six certificated instructional staff units for each one thousand full time equivalent students, excluding full time equivalent handicapped students ages nine and above;

(b) For school districts with a minimum enrollment of 250 full time equivalent students, whose full time equivalent student enrollment count in a given month exceeds the first of the month full time equivalent enrollment count by 5 percent, an additional state allocation of 110 percent of the share that such increased enrollment would have generated had such additional full time equivalent students been included in the normal enrollment count for that particular month;

(c) On the basis of full time equivalent enrollment in vocational education programs and skill center programs approved by the superintendent of public instruction, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units for each 16.67 full time equivalent vocational students;

(d) For districts enrolling not more than twenty-five average annual full time equivalent students in kindergarten through grade eight, and for small school plants within any school district which have been judged to be remote and necessary by the state board of education and enroll not more than twenty-five average annual full time equivalent students in kindergarten through grade eight:

(i) For those enrolling no students in grades seven and eight, 1.76 certificated instructional staff units and 0.24 certificated administrative staff units for enrollment of not more than five students, plus one-twentieth of a certificated instructional staff unit for each additional student enrolled; and

(ii) For those enrolling students in grades seven or eight, 1.68 certificated instructional staff units and 0.32 certificated administrative staff units for enrollment of not more than five students, plus one-tenth of a certificated instructional staff unit for each additional student enrolled.

(e) For specified enrollments in districts enrolling more than twenty-five but not more than one hundred average annual full time equivalent students in kindergarten through grade eight, and for small school plants within any school

district which enroll more than twenty-five average annual full time equivalent kindergarten through eighth grade students and have been judged to be remote and necessary by the state board of education:

(i) For enrollment of up to sixty annual average full time equivalent students in kindergarten through grade six, 2.76 certificated instructional staff units and 0.24 certificated administrative staff units; and

(ii) For enrollment of up to twenty annual average full time equivalent students in grades seven and eight, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units.

(f) For districts operating no more than two high schools with enrollments of less than three hundred average annual full time equivalent students, for enrollment in grades nine through twelve in each such school, other than alternative schools:

(i) For remote and necessary schools enrolling students in any grades nine through twelve but no more than twenty-five average annual full time equivalent kindergarten through twelfth grade students, four and one-half certificated instructional staff units and one-quarter of a certificated administrative staff unit;

(ii) For all other small high schools under this subsection, nine certificated instructional staff units and one-half of a certificated administrative staff unit for the first sixty average annual full time equivalent students, and additional staff units based on a ratio of 0.8732 certificated instructional staff units and 0.1268 certificated administrative staff units per each additional forty-three and one-half average annual full time equivalent students.

Units calculated under (f)(ii) of this subsection shall be reduced by certificated staff units at the rate of forty-six certificated instructional staff units and four certificated administrative staff units per thousand vocational and handicapped full time equivalent students.

(g) For each nonhigh school district having an enrollment of more than seventy annual average full time equivalent students and less than one hundred eighty students, operating a grades K-8 program or a grades 1-8 program, an additional one-half of a certificated instructional staff unit;

(h) For each nonhigh school district having an enrollment of more than fifty annual average full time equivalent students and less than one hundred eighty students, operating a grades K-6 program or a grades 1-6 program, an additional one-half of a certificated instructional staff unit.

(3) Allocations for classified salaries for the 1991-92 and 1992-93 school years shall be calculated using formula-generated classified staff units determined as follows:

(a) For enrollments generating certificated staff unit allocations under subsection (2) (d) through (h) of this section, one classified staff unit for each three certificated staff units allocated under such subsections.

(b) For all other enrollment in grades kindergarten through twelve, including vocational but excluding handicapped full time equivalent enrollments, one classified staff unit for each sixty average annual full time equivalent students.

(c) For each nonhigh school district with an enrollment of more than fifty annual average full time equivalent students and less than one hundred eighty students, an additional one-half of a classified staff unit.

(4) Fringe benefit allocations shall be calculated at a rate of ~~((21.11))~~ 20.74 percent in the 1991-92 and 1992-93 school years of certificated salary allocations provided under subsection (2) of this section, and a rate of ~~((18.84))~~ 18.70 percent in the 1991-92 and 1992-93 school years of classified salary allocations provided under subsection (3) of this section.

(5) Insurance benefit allocations shall be calculated at the rates specified in section 505 of this act, based on:

(a) The number of certificated staff units determined in subsection (2) of this section; and

(b) The number of classified staff units determined in subsection (3) of this section multiplied by 1.152. This factor is intended to adjust allocations so that, for the purposes of distributing insurance benefits, full time equivalent classified employees may be calculated on the basis of 1440 hours of work per year, with no individual employee counted as more than one full time equivalent.

(6)(a) For nonemployee-related costs associated with each certificated staff unit allocated under subsection (2) (a), (b), and (d) through (h) of this section, there shall be provided a maximum of \$6,848 per certificated staff unit in the 1991-92 school year and a maximum of \$7,060 per certificated staff unit in the 1992-93 school year.

(b) For nonemployee-related costs associated with each certificated staff unit allocated under subsection (2)(c) of this section, there shall be provided a maximum of \$13,049 per certificated staff unit in the 1991-92 school year and a maximum of \$13,454 per certificated staff unit in the 1992-93 school year.

(7) Allocations for substitute costs for classroom teachers shall be distributed at a maximum rate of \$318 for the 1991-92 school year and \$318 per year for the 1992-93 school year for allocated classroom teachers. Solely for the purposes of this subsection, allocated classroom teachers shall be equal to the number of certificated instructional staff units allocated under subsection (2) of this section, multiplied by the ratio between the number of actual basic education certificated teachers and the number of actual basic education certificated instructional staff reported state-wide for the 1990-91 school year.

(8) The superintendent may distribute a maximum of ~~\$(4,633,000))~~ 4,468,000 outside the basic education formula during fiscal years 1992 and 1993 as follows:

(a) For fire protection for school districts located in a fire protection district as now or hereafter established pursuant to chapter 52.04 RCW, a maximum of \$386,000 may be expended in fiscal year 1992 and a maximum of \$398,000 may be expended in fiscal year 1993.

(b) For summer vocational programs at skills centers, a maximum of ~~\$(1,777,000))~~ 1,619,000 may be expended in fiscal year 1992 and a maximum of ~~\$(1,788,000))~~ 1,781,000 may be expended in fiscal year 1993.

(c) A maximum of \$284,000 may be expended for school district emergencies.
 (9) For the purposes of RCW 84.52.0531, the increase per full time equivalent student in state basic education appropriations provided under this act, including appropriations for salary and benefits increases, is 5.6 percent from the 1990-91 school year to the 1991-92 school year, and ~~((5.0))~~ 2.3 percent from the 1991-92 school year to the 1992-93 school year.

(10) A maximum of \$2,450,000 may be expended in the 1991-92 fiscal year and a maximum of \$2,450,000 may be expended in the 1992-93 fiscal year for high technology vocational equipment for secondary vocational education programs and skill centers.

(11)(a) Funds provided under subsection (2)(a)(ii) of this section in excess of the amount required to maintain the statutory minimum ratio established under RCW 28A.150.260(2)(c), shall be allocated only if the district documents an actual ratio equal to or greater than 54.3 certificated instructional staff per thousand full time equivalent students in grades K-3. For any school district documenting a lower certificated instructional staff ratio, the allocation shall be based on the district's actual K-3 certificated instructional staff ratio achieved in that school year, or the statutory minimum ratio established under RCW 28A.150.260(2)(c), if greater.

(b) Districts at or above 51.0 certificated instructional staff per one thousand full time equivalent students in grades K-3 may dedicate up to 1.3 of the 54.3 funding ratio to employ additional classified instructional assistants assigned to basic education classrooms in grades K-3. For purposes of documenting a district's staff ratio under subsection (11)(a) and (c) of this section, funds used by the district to employ additional classified instructional assistants shall be converted to a certificated staff equivalent and added to the district's actual certificated instructional staff ratio. Additional classified instructional assistants, for the purposes of this subsection, shall be determined using the 1989-90 school year as the base year.

(c) Any district maintaining a ratio equal to or greater than 54.3 certificated instructional staff per thousand full time equivalent students in grades K-3 may use allocations generated under subsection (2)(a)(ii) in excess of that required to maintain the minimum ratio established under RCW 28A.150.260(2)(c) to employ additional basic education certificated instructional staff or classified instructional assistants in grades 4-6. Funds allocated under this section shall only be expended to reduce class size in grades K-6. No more than 1.3 of the certificated instructional funding ratio amount may be expended for provision of classified instructional assistants.

(12) The superintendent of public instruction shall study the rate of staff per student if current levels of certificated instructional staffing and paraprofessionals are counted together as "classroom resources." A report identifying "classroom resource" per pupil rates shall be provided to the appropriate fiscal and policy committees of the house of representatives and senate by January 10, 1992.

Sec. 503. 1991 sp.s. c 16 s 503 is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--BASIC EDUCATION EMPLOYEE COMPENSATION INCREASES

General Fund Appropriation	\$	((218,249,000))
		<u>154,000,000</u>

The appropriation in this section is subject to the following conditions and limitations:

(1) The following calculations determine the salaries used in the general fund allocations for certificated instructional, certificated administrative, and classified staff units under section 502 of this act:

(a) Salary allocations for certificated instructional staff units shall be determined for each district by multiplying the district's certificated instructional derived base salary shown on LEAP Document 12R, by the district's average staff mix factor for basic education certificated instructional staff in that school year, computed using LEAP Document 1A.

(b) Salary allocations for certificated administrative staff units and classified staff units for each district shall be based on the district's certificated administrative and classified salary allocation amounts shown on LEAP Document 12R.

(2) For the purposes of this section:

(a) "Basic education certificated instructional staff" is defined as provided in RCW 28A.150.100.

(b) "LEAP Document 1A" means the computerized tabulation establishing staff mix factors for basic education certificated instructional staff according to education and years of experience, as developed by the legislative evaluation and accountability program committee on April 8, 1991, at 13:35 hours.

(c) "LEAP Document 12R" means the computerized tabulation of 1990-91, 1991-92, and 1992-93 school year salary allocations for basic education certificated administrative staff and basic education classified staff and derived base salaries for basic education certificated instructional staff as developed by the legislative evaluation and accountability program committee on ~~((June 26, 1991, at 12:01 hours))~~ February 3, 1992, at 13:35 hours.

(3) Incremental fringe benefits factors shall be applied to salary increases at a rate of ~~((1.2047))~~ 1.2010 for certificated salaries and ~~((1.1534))~~ 1.1520 for classified salaries for both the 1991-92 and 1992-93 school years.

(4) The increase for each certificated administrative staff unit provided under section 502 of this act shall be the 1990-91 state-wide average certificated administrative salary increased by 4.0 percent for 1991-92~~((;))~~ and ~~((further increased by 3.547 percent for))~~ 1992-93~~((;))~~ as shown on LEAP Document 12R.

(5) The increase for each classified staff unit provided under section 502 of this act shall be the 1990-91 state-wide average classified salary increased by 4.0 percent for 1991-92 and ~~((further increased by 3.547 percent for))~~ 1992-93~~((;))~~ as shown on LEAP Document 12R.

(6) Increases for certificated instructional staff units provided under section 502 of this act shall be the difference between the salary allocation specified in subsection (1)(a) of this section and the salary allocation specified as follows:

(a) For 1991-92, the allocation for each certificated instructional staff unit shall be the 1991-92 derived base salary, as shown on LEAP Document 12R, multiplied by the district's average staff mix factor for actual 1991-92 full time equivalent basic education certificated instructional staff using LEAP Document 1A.

(b) For 1992-93, the allocation for each certificated instructional staff unit shall be the 1992-93 derived base salary, as shown on LEAP Document 12R, multiplied by the district's average staff mix factor for actual 1992-93 full time equivalent basic education certificated instructional staff using LEAP Document 1A.

(7)(a) Pursuant to RCW 28A.150.410, the following state-wide salary allocation schedule((e)) for certificated instructional staff ((are)) is established for basic education salary allocations for the 1991-92 and 1992-93 school years:

**1991-92 and 1992-93 STATE-WIDE SALARY ALLOCATION SCHEDULE
FOR INSTRUCTIONAL STAFF**

Years of Service	BA	BA+15	BA+30	BA+45	BA+90
0	20,801	21,363	21,945	22,528	24,400
1	21,482	22,063	22,664	23,285	25,212
2	22,178	22,776	23,395	24,076	26,035
3	22,908	23,525	24,161	24,880	26,874
4	23,652	24,307	24,961	25,718	27,764
5	24,430	25,102	25,775	26,589	28,668
6	25,240	25,910	26,620	27,492	29,603
7	26,064	26,750	27,478	28,407	30,569
8	26,899	27,624	28,368	29,374	31,566
9		28,528	29,309	30,352	32,595
10			30,262	31,379	33,653
11				32,437	34,760
12				33,461	35,897
13					37,062
14					38,233
15 or more					39,227

Years of Service	BA+135	MA	MA+45	MA+90 or PHD
0	25,606	24,939	26,811	28,018
1	26,434	25,696	27,624	28,846
2	27,295	26,488	28,447	29,706
3	28,188	27,292	29,286	30,600
4	29,115	28,130	30,176	31,527
5	30,073	29,000	31,080	32,485
6	31,043	29,904	32,015	33,455
7	32,065	30,818	32,981	34,476
8	33,116	31,786	33,978	35,528
9	34,198	32,762	35,007	36,609
10	35,308	33,791	36,064	37,720
11	36,449	34,849	37,172	38,861
12	37,637	35,949	38,309	40,049
13	38,854	37,086	39,474	41,265
14	40,116	38,258	40,720	42,528
15 or more	41,159	39,252	41,779	43,634

~~**((1992-93 STATE-WIDE SALARY ALLOCATION SCHEDULE
FOR INSTRUCTIONAL STAFF**~~

Years of Service	BA	BA+15	BA+30	BA+45	BA+90
0	21,539	22,120	22,724	23,327	25,265
1	22,244	22,845	23,468	24,111	26,106

2	22,965	23,584	24,225	24,930	26,959
3	23,721	24,359	25,018	25,763	27,827
4	24,491	25,169	25,847	26,630	28,749
5	25,296	25,992	26,689	27,532	29,685
6	26,135	26,829	27,564	28,468	30,653
7	26,988	27,699	28,453	29,414	31,653
8	27,853	28,603	29,375	30,416	32,686
9		29,540	30,349	31,428	33,751
10			31,335	32,492	34,846
11				33,587	35,993
12				34,648	37,170
13					38,376
14					39,589
15 or more					40,618

Years of Service	BA+135	MA	MA+45	MA+90 or PHD
0	26,514	25,824	27,762	29,012
1	27,372	26,608	28,603	29,869
2	28,263	27,428	29,456	30,759
3	29,188	28,260	30,324	31,685
4	30,148	29,128	31,246	32,645
5	31,139	30,029	32,182	33,637
6	32,144	30,965	33,150	34,642
7	33,202	31,912	34,151	35,699
8	34,290	32,913	35,183	36,788
9	35,411	33,924	36,248	37,908
10	36,561	34,989	37,344	39,058
11	37,742	36,085	38,490	40,239
12	38,972	37,224	39,667	41,469
13	40,232	38,401	40,874	42,729
14	41,539	39,615	42,165	44,036
15 or more	42,619	40,644	43,261	45,181))

(b) As used in this subsection, the column headings "BA+(N)" refer to the number of credits earned since receiving the baccalaureate degree.

(c) For credits earned after the baccalaureate degree but before the masters degree, any credits in excess of forty-five credits may be counted after the masters degree. Thus, as used in this subsection, the column headings "MA+(N)" refer to the total of:

(i) Credits earned since receiving the masters degree; and

(ii) Any credits in excess of forty-five credits that were earned after the baccalaureate degree but before the masters degree.

(8) For the purposes of this section:

(a) "BA" means a baccalaureate degree.

(b) "MA" means a masters degree.

(c) "PHD" means a doctorate degree.

(d) "Years of service" shall be calculated under the same rules used by the superintendent of public instruction for salary allocations in the 1990-91 school year.

(e) "Credits" means college quarter hour credits and equivalent inservice credits computed in accordance with RCW 28A.415.020.

(9) The salary allocation schedule((s)) established in subsection (7) of this section ((are)) is for allocation purposes only except as provided in RCW 28A.400.200(2).

(10) The superintendent of public instruction, in cooperation with the legislative budget committee, shall conduct a study to verify the accuracy of education credits reported by school districts to the superintendent for purposes of calculating staff-mix ratios used in the 1991-93 biennial operating budget process. The study shall be presented to the fiscal committees of the senate and house of representatives by November 1, 1992.

Sec. 504. 1991 sp.s. c 16 s 504 is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--CATEGORICAL PROGRAM SALARY INCREASES

General Fund Appropriation \$ ((47,058,000))

The appropriation in this section is subject to the following conditions and limitations:

(1) The incremental fringe benefits factors applied to salary increases in subsection (3) of this section shall be ~~((1.2047))~~ 1.2010 for certificated salaries and ~~((1.1534))~~ 1.1520 for classified salaries in the 1991-92 and 1992-93 school years.

(2) Salary increases ~~((for each school year))~~ for state-supported formula units in the following categorical programs include costs of incremental fringe benefits and shall be distributed by increasing allocation rates for each school year by the amounts specified below:

(a) Transitional bilingual instruction: The rates specified in section 519 of this act shall be increased by ~~\$(18.66))~~ 18.60 per pupil for the 1991-92 school year and by ~~\$(35.87))~~ 18.60 per pupil for the 1992-93 school year.

(b) Learning assistance: The rates specified in section 520 of this act shall be increased by ~~\$(14.15))~~ 14.13 per pupil for the 1991-92 school year and by ~~\$(27.20))~~ 14.13 per pupil for the 1992-93 school year.

(c) Education of highly capable students: The rates specified in section 515 of this act shall be increased by ~~\$(11.05))~~ 11.02 per pupil for the 1991-92 school year and by ~~\$(21.24))~~ 9.92 per pupil for the 1992-93 school year.

~~(d) ((Vocational technical institutes: The rates for vocational programs specified in section 507 of this act shall be increased by \$80.05 per full-time equivalent student for the 1991-92 school year, and by \$167.21 per full-time equivalent student for the 1992-93 school year. A maximum of \$734,000 is provided for the 1991-92 fiscal year and a maximum of \$1,685,000 is provided for the 1992-93 fiscal year.~~

~~(e))~~ Pupil transportation: The rates provided under section 506 of this act shall be increased by \$.72 per weighted pupil-mile for the 1991-92 school year, and by ~~\$(1.39))~~ .72 per weighted pupil-mile for the 1992-93 school year.

(3) The superintendent of public instruction shall distribute salary increases and incremental fringe benefits for state-supported staff unit allocations in the handicapped program (section 509 of this act), in the educational service districts (section 511 of this act), and in the institutional education program (section 514 of this act), in the same manner as salary increases are provided for basic education staff.

Sec. 505. 1991 sp.s. c 16 s 505 is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SCHOOL EMPLOYEE INSURANCE BENEFIT INCREASES

General Fund Appropriation	\$	((88,498,000))
		<u>84,923,000</u>

The appropriation in this section is subject to the following conditions and limitations:

(1) Allocations for insurance benefits from general fund appropriations provided under section 502 of this act shall be calculated at a rate of \$246.24 per month for each certificated staff unit, and for each classified staff unit adjusted pursuant to section 502(5)(b) of this act.

(2) The appropriation in this section is provided solely to increase insurance benefit allocations for state-funded certificated and classified staff for the 1991-92 school year, effective October 1, 1991, to a rate of \$289.95 per month, and for the 1992-93 school year, effective October 1, 1992, to a rate of ~~\$(321.80))~~ 317.79 as distributed pursuant to this section.

(3) The increase in insurance benefit allocations for basic education staff units under section 502(5) of this act, for handicapped program staff units as calculated under section 509 of this act, for state-funded staff in educational service districts, and for institutional education programs is \$43.71 per month for the 1991-92 school year and an additional ~~\$(31.85))~~ 27.84 per month in the 1992-93 school year.

(4) The increases in insurance benefit allocations for the following categorical programs shall be calculated by increasing the annual state funding rates by the amounts specified in this subsection. Effective October 1 of each school year, the maximum rate adjustments provided on an annual basis under this section are:

(a) For pupil transportation, an increase of \$.40 per weighted pupil-mile for the 1991-92 school year and an additional ~~\$(.29))~~ .25 per weighted pupil-mile for the 1992-93 school year;

(b) For learning assistance, an increase of \$10.92 per pupil for the 1991-92 school year and an additional ~~\$(7.96))~~ 6.96 for the 1992-93 school year;

(c) For education of highly capable students, an increase of \$3.72 per pupil for the 1991-92 school year and an additional ~~\$(2.74))~~ 2.37 per pupil for the 1992-93 school year;

(d) For transitional bilingual education, an increase of \$7.08 per pupil for the 1991-92 school year and an additional ~~\$(5.16))~~ 4.51 per pupil for the 1992-93 school year;

~~(e) For vocational technical institutes, an increase of \$29.09 per full-time equivalent pupil for the 1991-92 school year and \$21.20 per full-time equivalent pupil for the 1992-93 school year. A maximum of \$240,000 is provided for the 1991-92 fiscal year and \$543,000 is provided for the 1992-93 fiscal year).~~

Sec. 506. 1991 sp.s. c 16 s 506 is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR PUPIL TRANSPORTATION

General Fund Appropriation	\$	((292,126,000))
		<u>295,285,000</u>

The appropriation in this section is subject to the following conditions and limitations:

(1) \$26,028,000 is provided solely for distribution to school districts for the remaining months of the 1990-91 school year.

~~((A maximum of \$134,333,000 may be distributed for pupil transportation operating costs in the 1991-92 school year.~~

~~(3))~~ A maximum of \$873,000 may be expended for regional transportation coordinators.

~~((4))~~ (3) A maximum of \$65,000 may be expended for bus driver training.

~~((5))~~ (4) For eligible school districts, the small-fleet maintenance factor shall be funded at a rate of \$1.65 in the 1991-92 school year and \$1.70 in the 1992-93 school year per weighted pupil-mile.

~~((6))~~ (5) The superintendent shall ensure that, by the 1992-93 school year, school districts in accordance with RCW 28A.160.160(4) are making good faith efforts to alleviate the problem of hazardous walking conditions for students.

~~((7))~~ (6) \$755,000 of the general fund--state appropriation is provided solely to implement chapter 166, Laws of 1991 (Engrossed Substitute Senate Bill No. 5114, school bus safety crossing arms). Moneys provided in this subsection may be expended to reimburse school districts that purchased school bus safety crossing arms during the 1990-91 school year, subject to criteria and rules adopted by the superintendent.

~~((8) \$100,000)~~ (7) \$90,000 is provided solely for the 1992-93 school year for transportation of students enrolled in "choice" programs. Transportation shall be limited to low-income students who are transferring to "choice" programs solely for educational reasons. The superintendent shall provide a report to the legislature concerning the use of these moneys by November 1, 1993.

Sec. 507. 1991 sp.s. c 16 s 507 is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR VOCATIONAL-TECHNICAL INSTITUTES AND ADULT EDUCATION AT VOCATIONAL-TECHNICAL INSTITUTES

General Fund Appropriation	\$	((86,545,000))
		<u>12,345,000</u>

The appropriation in this section is subject to the following conditions and limitations:

~~((1) Funding for vocational programs during the 1991-92 and 1992-93 school years shall be distributed at a rate of \$3,293 per student for a maximum of 12,655 full time equivalent students.~~

~~(2) Funding for adult basic education programs during the 1991-92 and 1992-93 school years shall be distributed at a rate of \$1.62 per hour of student service for a maximum of 288,690 hours.~~

~~(3) \$1,450,000 is provided solely to lease computer equipment, reprogram software and databases, and provide for other initial operating costs necessary to merge the computer systems of the vocational technical institutes into the community and technical college system created under chapter 238 Laws of 1991 (Engrossed Substitute Senate Bill No. 5184, work force training education). The apportionment of this amount among the vocational technical institutes shall be made by the director of the state board for community and technical colleges.)~~ The appropriation is provided solely for the remaining months of the 1990-91 school year.

Sec. 508. 1991 sp.s. c 16 s 509 is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR HANDICAPPED EDUCATION PROGRAMS

General Fund--State Appropriation	\$	((691,346,000))
		<u>691,313,000</u>
General Fund--Federal Appropriation	\$	83,900,000
TOTAL APPROPRIATION	\$	((775,246,000))
		<u>775,213,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$62,455,000 of the general fund--state appropriation is provided solely for the remaining months of the 1990-91 school year.

(2) The superintendent of public instruction shall distribute state funds for the 1991-92 and 1992-93 school years in accordance with districts' actual handicapped enrollments and the allocation model established in LEAP Document 13 as developed on June 26, 1991, at 13:02 hours.

(3) A maximum of \$614,000 may be expended from the general fund--state appropriation to fund 5.43 full time equivalent teachers and 2.1 full time equivalent aides at Children's Orthopedic Hospital and Medical Center. This amount is in lieu of money provided through the home and hospital allocation and the handicapped program.

(4) \$192,000 of the general fund--state appropriation is provided solely for the early childhood home instruction program for hearing impaired infants and their families.

(5) \$1,000,000 of the general fund--federal appropriation is provided solely for projects to provide handicapped students with appropriate job and independent living skills, including work experience where possible, to facilitate their successful transition out of the public school system. The funds provided by this subsection shall be from federal discretionary grants.

(6) \$300,000 of the general fund--federal appropriation is provided solely for inservice training, technical assistance, and evaluation of the special services demonstration projects authorized in chapter 265, Laws of 1991 (Engrossed Substitute House Bill No. 1329, special services demonstration projects).

(7) Project funding for special services demonstration projects shall be allocated and disbursed under chapter 265, Laws of 1991 (Engrossed Substitute House Bill No. 1329, special services demonstration projects).

Sec. 509. 1991 sp.s. c 16 s 510 is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR TRAFFIC SAFETY EDUCATION PROGRAMS

Public Safety and Education Account Appropriation	\$	((5,321,000))
		<u>14,439,000</u>

The appropriation in this section is subject to the following conditions and limitations:

(1) \$1,086,000 is provided solely for the remaining months of the 1990-91 school year.

(2) Not more than \$596,000 may be expended for regional traffic safety education coordinators.

~~((2) A maximum of \$2,300,000 may be expended in the 1991-92 fiscal year and \$2,425,000 in the 1992-93 fiscal year to provide tuition assistance for traffic safety education for students from low income families.))~~

Sec. 510. 1991 sp.s. c 16 s 511 is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR EDUCATIONAL SERVICE DISTRICTS

General Fund Appropriation	\$	((11,070,000))
		<u>10,480,000</u>

The appropriation in this section is subject to the following conditions and limitations:

(1) The educational service districts shall continue to furnish financial services required by the superintendent of public instruction and RCW 28A.310.190 (3) and (4).

(2) ~~\$(500,000)~~ 475,000 is provided solely to implement chapter 285, Laws of 1991 (Engrossed Substitute House Bill No. 1813, E.S.D. teacher recruitment coordination).

Sec. 511. 1991 sp.s. c 16 s 513 is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR THE ENUMERATED PURPOSES

General Fund--Federal Appropriation	\$	((183,032,000))
		<u>178,332,000</u>
(1) Education Consolidation and Improvement Act	\$	178,000,000
(2) Education of Indian Children	\$	332,000
((3) Adult Basic Education	\$	4,700,000))

Sec. 512. 1991 sp.s. c 16 s 514 is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR INSTITUTIONAL EDUCATION PROGRAMS

General Fund--State Appropriation	\$	((24,950,000))
		<u>24,901,000</u>
General Fund--Federal Appropriation	\$	7,700,000
TOTAL APPROPRIATION	\$	((32,650,000))
		<u>32,601,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$4,065,000 of the general fund--state appropriation is provided solely for the remaining months of the 1990-91 school year.

(2) A maximum of \$950,000 of the general fund--state appropriation may be expended for juvenile parole learning centers in the 1991-92 school year and \$950,000 in the 1992-93 school year at a rate not to exceed \$2,351 per full time equivalent student.

(3) State funding provided under this section is based on salaries and other expenditures for a 220-day school year. The superintendent of public instruction shall monitor school district expenditure plans for institutional education programs to ensure that districts plan for a full-time summer program.

(4) Average staffing ratios for each category of institution, excluding juvenile parole learning centers, shall not exceed the rates specified in the legislative budget notes.

(5) The superintendent of public instruction shall:

(a) Define what constitutes a full time equivalent student;

(b) In cooperation with the secretary of social and health services, define responsibility for the variety of services offered through the common schools and the department of social and health services;

(c) Convene meetings of the parties responsible for the well-being of children in the institutional education programs for purpose of identifying and resolving problems associated with service delivery; and

(d) Report to the appropriate fiscal and policy committees of the legislature on (a), (b), and (c) of this subsection by January 10, 1992.

Sec. 513. 1991 sp.s. c 16 s 515 is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR PROGRAMS FOR HIGHLY CAPABLE STUDENTS

General Fund Appropriation	\$	((10,398,000))
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9,925,000

The appropriation in this section is subject to the following conditions and limitations:

(1) ~~\$(945,000)~~ 975,000 is ~~((provided solely))~~ for distribution to school districts for the remaining months of the 1990-91 school year.

(2) Allocations for school district programs for highly capable students during the 1991-92 ~~((and 1992-93))~~ school year ~~((e))~~ shall be distributed at a maximum rate of ~~\$(397.16)~~ 396.31 per student and, for the 1992-93 school year, \$356.68 per student, for up to one and one-half percent of each district's full time equivalent enrollment.

(3) A maximum of ~~\$(520,000)~~ 494,000 is provided to contract for gifted programs to be conducted at Fort Worden state park.

Sec. 514. 1991 sp.s. c 16 s 516 is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SCHOOL DISTRICT SUPPORT

General Fund--State Appropriation	\$	((6,155,000))
		<u>5,307,000</u>
General Fund--Federal Appropriation	\$	6,085,000
Drug Enforcement and Education Account Appropriation	\$	13,509,000
TOTAL APPROPRIATION	\$	((25,749,000))
		<u>24,901,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~\$(282,000)~~ 268,000 of the general fund--state appropriation is provided solely for teacher in-service training in math, science, and computer technology.

(2) ~~\$(651,000)~~ 618,000 of the general fund--state appropriation is provided solely for teacher training workshops conducted by the Pacific science center. ~~\$(496,000)~~ 472,000 of this amount is for in-service training in science to be provided to approximately ten percent of the kindergarten through eighth grade teachers each year.

(3) ~~\$(872,000)~~ 828,000 of the general fund--state appropriation and \$413,000 of the general fund--federal appropriation are provided solely for teacher training in drug and alcohol abuse education and prevention in kindergarten through grade twelve. The amount provided in this subsection includes \$300,000 from license fees collected pursuant to RCW 66.24.320 and 66.24.330 which are dedicated to juvenile drug and alcohol prevention programs under RCW 66.08.180(4).

(4) ~~\$(3,000,000)~~ 2,850,000 of the general fund--state appropriation is provided solely for training of paraprofessional classroom assistants and classroom teachers to whom the assistants are assigned.

(5) ~~\$(150,000)~~ 143,000 of the general fund--state appropriation is provided solely for school district staff training and materials to implement the architecture and children program.

~~((7))~~ (6) \$3,209,000 of the drug enforcement and education account appropriation is provided solely for matching grants to enhance security in secondary schools. Not more than seventy-five percent of a district's total expenditures for school security in any school year may be paid from a grant under this subsection. The grants shall be expended solely for the costs of employing or contracting for building security monitors in secondary schools during school hours and school events. Of the amount provided in this subsection, at least \$3,000,000 shall be spent for grants to districts that, during the 1988-89 school year, employed or contracted for security monitors in schools during school hours. However, these grants may be used only for increases in school district expenditures for school security over expenditure levels for the 1988-89 school year.

~~((8))~~ (7) \$30,000 of the general fund--federal appropriation is provided solely for inservice training for elementary teachers on innovative methods of encouraging girls and minority students to develop and pursue an interest in math and science.

~~((9))~~ (8) ~~\$(1,200,000)~~ 600,000 of the general fund--state appropriation is provided solely for support to strengthen school district management.

Sec. 515. 1991 sp.s. c 16 s 517 is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SPECIAL AND PILOT PROGRAMS

General Fund--State Appropriation	\$	((62,036,000))
		<u>44,360,000</u>
General Fund--Federal Appropriation	\$	11,500,000
TOTAL APPROPRIATION	\$	((73,536,000))
		<u>55,860,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~\$(2,231,000)~~ 2,119,000 of the general fund--state appropriation is provided solely for a contract with the Pacific science center for travelling van programs and other educational services for public schools.

(2) ~~\$(88,000)~~ 84,000 of the general fund--state appropriation is provided solely for a contract with the Cispus learning center for environmental education programs.

(3) \$2,000,000 of the general fund--federal appropriation is provided solely to fund innovative programs that are targeted to providing special assistance to at-risk students.

(4) ~~\$(2,312,000))~~ 2,196,000 of the general fund--state appropriation is provided solely for the beginning teachers assistance program established under RCW 28A.405.450. Moneys shall be distributed under this subsection at a maximum rate per mentor/beginning teacher team of \$1,780 per year.

(5) ~~\$(204,000))~~ 194,000 of the general fund--state appropriation is provided solely for child abuse education provisions of RCW 28A.300.150 through 28A.300.160.

(6) ~~\$(50,000))~~ 48,000 of the general fund--state appropriation is provided solely to implement chapter 252, Laws of 1991 (Substitute House Bill No. 1885, teacher recruiting).

(7) ~~\$(6,000,000))~~ 5,700,000 of the general fund--state appropriation is provided solely for a complex needs factor. \$3,333,000 of this amount shall be provided for the 1991-92 school year to districts according to LEAP Document ~~((30))~~ 30A, developed by the legislative evaluation and accountability program committee on ~~((June 27, 1991))~~ January 15, 1992, at ~~((13:40))~~ 12:00 hours. Funds remaining for the 1992-93 school year shall be allocated ~~((for the 1992-93 school year))~~ according to funding ratios established in LEAP Document ((30)) 30A unless the superintendent develops a new complex needs formula and the legislature enacts a new formula. Development of the complex needs formula shall include consideration of elements included in LEAP Document ~~((30))~~ 30A, including ratios of students qualifying for free and reduced-price meals, students participating in bilingual education, and the number of different language or dialect programs offered.

(8) ~~\$(900,000))~~ 855,000 of the general fund--state appropriation is provided solely for grants to school districts for programs to employ low-income students in grades ten through twelve as tutors for students in kindergarten through grade nine. School districts receiving these grants shall pay student tutors at least minimum wage. The tutoring shall be conducted after school hours. The school districts shall provide training and supervision of the student tutors.

(9) ~~\$(1,400,000))~~ 1,330,000 of the general fund--state appropriation is provided solely for grants for drop-out prevention and retrieval programs established under chapter 28A.175 RCW.

(10) ~~\$(126,000))~~ 120,000 of the general fund--state appropriation is provided to operate a toll-free telephone number at the Lifeline Institute to assist school districts in youth suicide prevention.

~~(11) ~~\$(1,519,000 of the general fund--state appropriation is provided solely for grants to public or private nonprofit organizations to assist parents of children in headstart or early childhood education and assistance programs who are enrolled in adult literacy classes or tutoring programs under RCW 28A.610.010 through 28A.610.020. Grants provided under this subsection may be used for scholarships, costs of transportation and child care, and other support services. Moneys provided under this subsection may not be used by the superintendent of public instruction for state administrative costs.~~~~

~~(12) ~~\$(9,981,000))~~ \$9,482,000 of the general fund--state appropriation is provided solely for the schools for the twenty-first century pilot programs established under RCW 28A.630.100 through 28A.630.290.~~

~~((13))~~ (12) \$15,000,000 of the general fund--state appropriation is provided solely for early intervention and prevention services.

~~((b))~~ (a) The superintendent of public instruction shall distribute funds provided in this subsection equitably to all school districts based on the district's enrollment in kindergarten through grade six. However, the allocations for school districts enrolling fewer than 1,000 full time equivalent students shall be distributed to the educational service district in which the district is located. The educational service district shall use the allocation to provide early intervention and prevention services under a cooperative agreement between the district and the educational service district. Educational service districts shall coordinate the use of staff and resources to serve school districts under this section. School districts and educational service districts may not use the grants to supplant funding from other sources previously provided for counseling or intervention services. School districts and educational service districts accepting moneys under this subsection shall: (i) Develop a district plan for providing prevention and early intervention services for elementary students; (ii) document that community-based public and private human service providers, district-level and building-level staff and administrators, and parents participated in developing the plan; and (iii) enter into written agreements with community-based public and private human service providers to ensure delivery of appropriate services to students. To the greatest extent possible, the delivery of services to students shall not duplicate other programs, shall maximize the use of community-based service providers, shall be consistent with the applicable children's mental health delivery system developed under chapter 71.36 RCW, shall emphasize the most efficient and cost-effective use of these moneys, and shall be provided on a twelve-month basis. School districts and educational service districts are strongly encouraged to contract with public and private community-based human service providers to provide elementary students with prevention and intervention services under the local fair start program.

~~((c))~~ (b) If separate legislation establishing the Fair Start program is enacted by July 31, 1992, (a) of this subsection shall be null and void.

~~((14))~~ (13) \$4,000,000 of the general fund--state appropriation is provided solely for magnet school grants, based on enrollments, ~~((to the Seattle and Tacoma school districts))~~ for magnet school programs established to encourage racial integration of schools through voluntary student transfers. The superintendent shall consider criteria which expand the number of school districts receiving grants and make awards accordingly for the school year starting in 1992-93. The grants shall be used solely to support the development and implementation of specialized curricula and instructional programs that assist in the elimination, reduction, or prevention of minority group isolation. Placement of students in magnet programs shall not be based on test scores or grades. Grants shall be expended solely for planning and promotional activities; acquisition of books, materials, and equipment needed specifically to implement magnet programs;

staff training designed specifically to assist in the development of magnet programs; and certificated staff assigned to instructional programs that are in addition to the school's core basic skills curriculum and that are an integral part of the magnet program. Grants may be used for staff development days only if these days are in addition to district-wide increases in supplemental contract days for certificated instructional staff.

~~((15))~~ (14) \$25,000 of the general fund--state appropriation is provided solely for a program acknowledging the contributions of persons awarded the United States Medal of Honor.

~~((16) \$50,000))~~ (15) \$47,500 of the general fund--state appropriation is provided solely for grants to school districts to develop model secondary school projects that combine academic and vocational education into a single instructional system. The projects shall integrate vocational and academic curriculum, emphasize increased guidance and counseling for students, and include active participation by employers, community service providers, parents, and community members.

~~((17) \$500,000))~~ (16) \$475,000 of the general fund--state appropriation is provided solely for grants for homeless children education programs. The grant applications shall be submitted jointly by school districts and at least one shelter within the district serving homeless families. The grants are not intended to fund separate instructional programs for homeless children unless the services are necessary to facilitate adjustment into a regular classroom setting. The grants may be used for staffing, for coordinating the transfer of records, for transportation, for student assessment, or for other individualized instruction or assistance.

~~((18))~~ (17) \$50,000 of the general fund--federal appropriation is provided solely for a pilot program for teenage suicide prevention through the Federal Way school district. None of this amount may be used by either the district or the superintendent of public instruction for indirect costs.

~~((19) \$50,000))~~ (18) \$48,000 of the general fund--state and \$50,000 of the general fund--federal appropriation is provided solely for a pilot program for teenage suicide prevention in the Northshore school district.

~~((21))~~ (19) \$2,000,000 of the general fund--state appropriation is provided solely for grants to school districts of the second class under RCW 28A.315.230. The superintendent shall provide grants based on full time equivalent enrollment to applicant school districts meeting all of the following criteria:

- (a) The median household income of the district is at least twenty percent below the state average;
- (b) The number of families receiving aid to families with dependent children exceeds the state-wide average by twenty percent;
- (c) The number of persons unemployed exceeds the state-wide average by twenty percent;
- (d) The assessed valuation of property for excess levy purposes would require a levy rate of more than two dollars per one thousand dollars of valuation to raise a ten percent levy;
- (e) The district does not receive federal impact aid in excess of the maximum amount the district would be eligible to raise with a ten percent levy; and
- (f) The district does not receive federal forest moneys in excess of its basic education allocation.

However, if a second class school district is a joint district under RCW 28A.315.350, the criteria under this subsection shall be applied based upon the county which comes closest to meeting the criteria under this subsection.

~~((22) \$500,000))~~ (20) \$475,000 of the general fund--state appropriation is provided solely to implement chapter 258, Laws of 1991 (Substitute Senate Bill No. 5504, student teaching centers).

~~((23) \$100,000))~~ (21) \$95,000 of the general fund--state appropriation is provided solely for a cooperative alternative high school operated jointly by the Willapa Valley, Raymond, and South Bend school districts.

(22) \$68,000 of the general fund--state appropriation is provided solely for assistance to the Blaine school district in establishing a K-2 school at Point Roberts. Prior to receiving this funding, Blaine school district must to the satisfaction of the superintendent of public instruction negotiate with Canadian authorities to obtain remedies to the border crossing delays.

Sec. 516. 1991 sp.s. c 6 s 519 is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR TRANSITIONAL BILINGUAL PROGRAMS		
General Fund Appropriation	\$	((23,882,000))
		<u>28,502,000</u>

The appropriation in this section is subject to the following conditions and limitations:

- (1) \$2,395,000 is provided solely for the remaining months of the 1990-91 school year.
- (2) The superintendent shall distribute funds for the 1991-92 and 1992-93 school years at a rate for each year of ~~\$((\$98.82))~~ 507.39 per eligible student.
- (3) For a student served more than twenty-five percent of the school day in a transitional bilingual program, the superintendent of public instruction shall ensure that state basic education funds generated by the student are expended, to the greatest extent practical, in the instruction of that student.
- (4) Project funding for special services demonstration projects shall be allocated and disbursed under chapter 265, Laws of 1991 (Engrossed Substitute House Bill No. 1329, special services demonstration projects).

Sec. 517. 1991 sp.s. c 16 s 520 is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR THE LEARNING ASSISTANCE PROGRAM		
General Fund Appropriation	\$	((91,732,000))
		<u>91,352,000</u>

The appropriation in this section is subject to the following conditions and limitations:

(1) \$8,850,000 is provided solely for the remaining months of the 1990-91 school year.

(2) Funding for school district learning assistance programs serving kindergarten through grade nine shall be distributed during the 1991-92 and 1992-93 school years at a maximum rate of \$426 per unit as calculated pursuant to this subsection. The number of units for each school district in each school year shall be the sum of: (a) The number of full time equivalent students enrolled in kindergarten through grade six in the district multiplied by the percentage of the district's students taking the fourth grade basic skills test who scored in the lowest quartile as compared to national norms, and then reduced by the number of students ages eleven and below in the district who are identified as specific learning disabled and are served through programs established pursuant to chapter 28A.155 RCW; and (b) the number of full time equivalent students enrolled in grades seven through nine in the district multiplied by the percentage of the district's students taking the eighth grade basic skills test who scored in the lowest quartile as compared to national norms, and then reduced by the number of students ages twelve through fourteen in the district who are identified as specific learning disabled and are served through programs established pursuant to chapter 28A.155 RCW. In determining these allocations, the superintendent shall use the most recent prior five-year average scores on the fourth grade and eighth grade state-wide basic skills tests.

(3) Project funding for special services demonstration projects shall be allocated and disbursed under chapter 265, Laws of 1991 (Engrossed Substitute House Bill No. 1329, special services demonstration projects).

Sec. 518. 1991 sp.s. c 16 s 521 is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR EDUCATIONAL CLINICS

General Fund Appropriation	\$	((3,584,000))
		<u>3,405,000</u>

The appropriation in this section is subject to the following conditions and limitations: Not more than \$1,792,000 of the general fund appropriation may be expended during fiscal year 1992.

Sec. 519. 1991 sp.s. c 16 s 522 is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--LOCAL EDUCATION PROGRAM ENHANCEMENT FUNDS

General Fund Appropriation	\$	((58,724,000))
		<u>58,589,000</u>

The appropriation in this section is subject to the following conditions and limitations:

(1) \$5,605,000 of the general fund appropriation is provided solely for the remaining months of the 1990-91 school year.

(2) School districts receiving moneys pursuant to this section shall expend such moneys to meet educational needs identified by the district within the following program areas:

- (a) Prevention and intervention services in the elementary grades;
- (b) Reduction of class size;
- (c) Early childhood education;
- (d) Student-at-risk programs, including dropout prevention and retrieval, and substance abuse awareness and prevention;
- (e) Staff development and in-service programs;
- (f) Student logical reasoning and analytical skill development;
- (g) Programs for highly capable students;
- (h) Programs involving students in community services;
- (i) Senior citizen volunteer programs; and
- (j) Other purposes that enhance a school district's basic education program including purchase of instructional materials and supplies and other nonemployee-related costs.

Program enhancements funded pursuant to this section do not fall within the definition of basic education for purposes of Article IX of the state Constitution and the state's funding duty thereunder, nor shall such funding as now or hereafter appropriated and allocated constitute levy reduction funds for purposes of RCW 84.52.0531.

(3)(a) Allocation to eligible school districts for the 1991-92 and 1992-93 school years shall be calculated on the basis of average annual full time equivalent enrollment, at an annual rate of up to \$35.26 per pupil. For school districts enrolling not more than one hundred average annual full time equivalent students, and for small school plants within any school district designated as remote and necessary schools, the allocations shall be determined as follows:

- (i) Enrollment of not more than sixty average annual full time equivalent students in grades kindergarten through six shall generate funding based on sixty full time equivalent students;
- (ii) Enrollment of not more than twenty average annual full time equivalent students in grades seven and eight shall generate funding based on twenty full time equivalent students; and
- (ii) Enrollment of sixty or fewer average annual full time equivalent students in grades nine through twelve shall generate funding based on sixty full time equivalent students.

(b) Allocations shall be distributed on a school-year basis pursuant to RCW 28A.510.250.

Sec. 520. 1991 sp.s. c 16 s 523 is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR CERTIFICATED INSTRUCTIONAL STAFF--LONGEVITY SALARY INCREMENTS

General Fund Appropriation \$ 48,611,000

The appropriation in this section is subject to the following conditions and limitations:

(1) This appropriation is intended to provide eligible certificated instructional staff an average 3.2 percent increment for an additional year of experience in each school year, based on LEAP Document 1R as developed on March 29, 1990, at 11:00 hours.

(2) The superintendent shall transfer the following amounts to the specified programs:

- (a) \$((42,144,000)) 42,139,000 to General Apportionment, section 502 of this act;
- (b) \$((6,252,000)) 6,258,000 to the Handicapped Education Program, section 509 of this act; and
- (c) \$((215,000)) 214,000 to the Institutional Education Program, section 514 of this act.

(3) Certificated instructional staff salary allocations in the specified programs shall be allocated in accordance with sections 502 and 503 of this act.

**PART VI
HIGHER EDUCATION**

Sec. 601. 1991 sp.s. c 16 s 601 is amended to read as follows:

HIGHER EDUCATION. The appropriations in sections 602 through 610 of this act are subject to the following conditions and limitations:

(1) "Institutions of higher education" means the institutions receiving appropriations pursuant to sections 602 through 610 of this act.

~~((3)(a) Student Quality Standard: Each institution and branch campus shall adhere to biennial budgeted enrollment levels. For the 1991-93 fiscal biennium, each institution of higher education shall spend not less than the average biennial amount listed in this subsection per full time equivalent student, plus or minus two percent. The amount includes total appropriated general fund state operating expenditures, less expenditures for plant maintenance and operation, with the exception of Washington State University, where cooperative extension and agriculture research expenditures are also excluded.~~

University of Washington	\$	9,996
Washington State University	\$	8,084
Eastern Washington University	\$	5,906
Central Washington University	\$	5,932
The Evergreen State College	\$	7,463
Western Washington University	\$	5,694
State Board for Community College Education	\$	3,551))

(2)(a) "Student quality standard" means, for each four-year institution and the community and technical colleges as a whole, the following amount divided by the budgeted enrollment levels specified in (b) of this subsection: The general fund--state operating appropriation under this act, less expenditures for plant maintenance and operation, with the exception of Washington State University, where cooperative extension and agriculture research expenditures are excluded, and with the exception of the state board for community and technical colleges, where technical college operations and FTE enrollments, the Seattle vocational institute operations and FTE enrollments, and supplemental funding and enrollments for timber-dependent communities are excluded.

(b) Budgeted Enrollments: Each institution shall enroll to its budgeted biennial average full time equivalent enrollments, plus or minus two percent, except each branch campus shall enroll within plus or minus twelve percent. If the estimated 1991-93 average biennial full time equivalent student enrollment of an institution or branch campus (as estimated on April 30, 1993, by the office of financial management using spring enrollment reports submitted by the institutions) varies from the biennial budgeted amount by more than two percent, or twelve percent for each branch campus, then an amount equal to the student quality standard ((as included in (3)(a) of this subsection per)) multiplied by the number of full time equivalent students above or below the two percent or twelve percent branch campus variance shall revert to the state general fund. The variance allowance for the state board for community and technical colleges excludes the technical colleges.

	Average 1991-93 Budgeted FTEs
University of Washington	
Main campus	29,981
Tacoma branch	345
Bothell branch	348

Washington State University	
Main campus	((15,862))
	<u>15,806</u>
Tri-Cities branch	467
Vancouver branch	343
Spokane branch	((104))
	<u>160</u>
Eastern Washington University	7,281
Central Washington University	6,361
The Evergreen State College	3,159
Western Washington University	8,913
State Board for Community and Technical Colleges ((Education))	88,350

(c) Facilities Quality Standard: During the 1991-93 biennium, no institution of higher education may allow its expenditures for plant operation and maintenance to fall more than five percent below the amounts allotted for this purpose.

(3)(a) Each four-year institution of higher education shall reduce the amount of operating fee foregone revenue from tuition waivers by ten percent of the fiscal year 1993 projection under the office of financial management tuition and fee model used in the governor's November 1991 forecast.

(b) The state board for community and technical colleges shall reduce the amount of operating fee foregone revenue from tuition waivers, for the community college system as a whole, by thirteen percent of the fiscal year 1993 projection under the office of financial management tuition and fee model used in the governor's November 1991 forecast, excluding the adult basic education program, emergency medical technician program, apprenticeship programs, industrial first aid program, small business and farm management program, problems of aging program, and the parent education program.

(4)(a) The amounts specified in (b), (c), and (d) of this subsection are maximum amounts that each institution may spend from the appropriations in sections 602 through 610 of this act for staff salary increases on January 1, 1992, ~~((and January 1, 1993))~~ excluding classified staff salary increases, and subject to all the limitations contained in this section.

(b) The following amounts shall be used to provide instruction and research faculty at each four-year institution an average salary increase of 3.9 percent on January 1, 1992, ~~((and 3.9 percent on January 1, 1993))~~.

	1991-92	1992-93
University of Washington	\$ 2,888,000	((8,086,000))
		<u>5,082,000</u>
Washington State University	\$ 1,157,000	((3,544,000))
		<u>2,328,000</u>
Eastern Washington University	\$ 435,000	((1,190,000))
		<u>736,000</u>
Central Washington University	\$ 393,000	((1,053,000))
		<u>643,000</u>
The Evergreen State College	\$ 185,000	((502,000))
		<u>309,000</u>
Western Washington University	\$ 540,000	((1,446,000))
		<u>884,000</u>

(c) The following amounts shall be used to provide exempt professional staff, academic administrators, academic librarians, counselors, and teaching and research assistants as classified by the office of financial management, at each four-year institution, and the higher education coordinating board an average salary increase of 3.9 percent on January 1, 1992, ~~((and 3.9 percent on January 1, 1993))~~. In providing these increases, institutions shall ensure that each person employed in these classifications is granted a salary increase of 3.1 percent on January 1, 1992, ~~((and 3.4 percent on January 1, 1993))~~. The remaining amounts shall be used by each institution to grant salary increases on January 1, 1992, ~~((and on January 1, 1993))~~ that address its most serious salary inequities among exempt staff within these classifications.

	1991-92	1992-93
University of Washington	\$ 918,000	((2,720,000))
		<u>1,763,000</u>
Washington State University	\$ 625,000	((1,898,000))
		<u>1,251,000</u>
Eastern Washington University	\$ 118,000	((348,000))
		<u>226,000</u>

Central Washington University	\$ 93,000	((275,000))
		<u>179,000</u>
The Evergreen State College	\$ 79,000	((232,000))
		<u>150,000</u>
Western Washington University	\$ 138,000	((407,000))
		<u>264,000</u>
Higher Education Coordinating Board	\$ 25,000	((75,000))
		<u>50,000</u>

(d) \$4,342,000 for fiscal year 1992 and \$~~((11,701,000))~~ 7,180,000 for fiscal year 1993 are provided solely for the state board for community and technical colleges ~~((education))~~ to provide faculty and exempt staff for the community college system as a whole excluding the technical colleges, average salary increases of 3.9 percent on January 1, 1992~~((and 3.9 percent on January 1, 1993))~~.

(e) The salary increases authorized under this subsection may be granted to state employees at Washington State University who are supported in full or in part by federal land grant formula funds.

~~((6))~~ (4)(a) The following amounts from the appropriations in sections 602 and 610 of this act, or as much thereof as may be necessary, shall be spent to provide employees classified by the higher education personnel board a 3.6 percent across-the-board salary increase effective January 1, 1992~~((and an additional 3.6 percent across the board increase effective January 1, 1993))~~. The amount identified for the state board for community and technical colleges excludes employees of the technical colleges.

	1991-92	1992-93
University of Washington	\$ 1,422,000	((4,316,000))
		<u>2,831,000</u>
Washington State University	\$ 868,000	((2,647,000))
		<u>1,737,000</u>
Eastern Washington University	\$ 214,000	((651,000))
		<u>427,000</u>
Central Washington University	\$ 172,000	((525,000))
		<u>344,000</u>
The Evergreen State College	\$ 131,000	((396,000))
		<u>260,000</u>
Western Washington University	\$ 232,000	((724,000))
		<u>475,000</u>
State Board for Community and Technical Colleges <u>(Education)</u>	\$ 1,323,000	((4,031,000))
		<u>2,645,000</u>
Higher Education Coordinating Board	\$ 12,000	((36,000))
		<u>24,000</u>

(b) The salary increases granted in this subsection (6) of this section shall be implemented in compliance and conformity with all requirements of the comparable worth agreement ratified by the 1986 Senate Concurrent Resolution No. 126, where applicable.

(c) No salary increases may be paid under this subsection (6) of this section to any person whose salary has been Y-rated pursuant to rules adopted by the higher education personnel board.

~~((7))~~ (5) The following amounts are provided to fund as much as may be required for salary increases resulting from the higher education personnel board's job classification revision of clerical support staff, as adopted by the board on January 3, 1991, and revised by the board on February 14, 1991. The amount identified for the state board for community and technical colleges excludes employees of the technical colleges.

University of Washington	\$ 2,386,000
Washington State University	\$ 1,057,000
Eastern Washington University	\$ 239,000
Central Washington University	\$ 198,000
The Evergreen State College	\$ 265,000
Western Washington University	\$ 289,000
State Board for Community College Education	\$ 1,634,000
Higher Education Coordinating Board	\$ 26,000

(6) Each institution of higher education shall report to the office of financial management all compensation paid by the institution to each of its employees. The report shall include all compensation paid by related organizations and foundations, including compensation paid from endowment funds.

Sec. 602. 1991 sp.s. c 16 s 602 is amended to read as follows:

FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES ((EDUCATION))

General Fund--State Appropriation	\$	((718,695,000))
		<u>792,307,000</u>
General Fund--Federal Appropriation	\$	4,700,000
<u>TOTAL APPROPRIATION</u>	<u>\$</u>	<u>797,007,000</u>

The appropriations in this section ((is)) are subject to the following conditions and limitations:

(1) ((At least \$3,640,000 shall be spent on)) \$3,549,000 of the general fund--state appropriation is provided solely for assessment of student outcomes.

(2) ((At least \$1,500,000 shall be spent)) \$1,463,000 of the general fund--state appropriation is provided solely to recruit and retain minorities.

(3) The 1991-93 enrollment increases funded by this appropriation shall be distributed among the community college districts based on the weighted prorated percentage enrollment plan developed by the state board for community and technical colleges ((education)), and contained in the legislative budget notes.

(4) \$2,204,000 of the general fund--state appropriation is provided solely for 500 supplemental FTE enrollment slots to implement section 17, chapter 315, Laws of 1991 (Engrossed Substitute Senate Bill No. 5555, timber-dependent communities).

(5) ((At least \$1,500,000 shall be spent as)) \$1,000,000 of the general fund--state appropriation is provided solely for grants to the community college districts to fund unusually high start-up costs for training programs.

(6) ((At least \$75,000 shall be used as payment to the state board for vocational education for the Lower Columbia College job skills program.

(7)) In addition to any other compensation adjustments provided in this act, salary increments may be funded by community college districts to the extent that funds are available from staff turnover. A maximum of \$1,000,000 for fiscal year 1992 and \$1,240,000 for fiscal year 1993 of the appropriation in this section may be expended to supplement savings from staff turnover for the payment of faculty salary increments. The state board for community and technical colleges ((education)) shall issue system-wide guidelines for the payment of salary increments for full time faculty by community college districts and monitor compliance with those guidelines.

(7) \$78,731,000 of the general fund--state appropriation is provided solely for vocational programs and adult basic education at technical colleges. Of this amount, \$7,800,000 of expenditures may be accrued but not disbursed.

(8) \$1,925,413 of the general fund--state appropriation is provided solely for technical college employee salary increases in fiscal year 1992 and carried forward into fiscal year 1993, including \$916,913 in fiscal year 1992 and \$1,008,500 in fiscal year 1993.

(9) \$783,000 of the general fund--state appropriation is provided solely for technical college employees' insurance benefit increases. A maximum of \$307,325 is provided for fiscal year 1992 and \$475,675 is provided for fiscal year 1993.

(10) \$1,414,000 of the general fund--state appropriation is provided solely to lease computer equipment, reprogram software and data bases, and to provide for other initial operating costs necessary to merge the computer systems of the technical colleges into the community and technical college system created under chapter 238, Laws of 1991. The apportionment of this amount among the technical colleges shall be made by the director of the state board for community and technical colleges.

(11) \$1,481,000 of the general fund--state appropriation is provided solely for grants to public or private nonprofit organizations to assist parents of children in headstart or early childhood education and assistance programs who are enrolled in adult literacy classes or tutoring programs under RCW 28A.610.010 through 28A.610.020. Grants provided under this subsection may be used for scholarships, transportation, child care, and other support services.

(12) \$4,700,000 of the general fund--federal appropriation is provided solely for adult basic education and other related purposes as may be defined by federal regulations.

(13) \$3,064,000 of the general fund--state appropriation is provided solely for the Seattle vocational institute.

(14) The state board for community and technical colleges shall reduce spending by \$3,915,000 for travel, equipment, furnishings, noninstructional staff, and other noninstructional expenses. These funds are to be used to mitigate enrollment reductions as part of the agency's 2.5 percent allotment reduction.

(15) \$585,000 of the general fund--state appropriation is provided solely for English instruction to non-English speaking immigrants.

(16) From the general fund--state appropriation, the state board for community and technical colleges shall place \$1,843,000 in reserve status. Moneys may be removed from reserve status only to the extent and in the amount that the director of financial management determines that operating fee revenue to the general fund from the community colleges exceeds the amount of operating fee revenue assumed in the November 1991 revenue forecast.

Sec. 603. 1991 sp.s. c 16 s 603 is amended to read as follows:

FOR THE UNIVERSITY OF WASHINGTON

General Fund Appropriation	\$	((689,120,000))
		666,126,000
Medical Aid Fund Appropriation	\$	((3,625,000))
		3,738,000
Accident Fund Appropriation	\$	((3,625,000))
		3,738,000
Death Investigations Account Appropriation	\$	((1,033,000))
		1,137,000
Oil Spill Administration Account Appropriation	\$	229,000
TOTAL APPROPRIATION	\$	((697,632,000))
		674,968,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) ~~((At least \$9,007,000 shall be spent))~~ \$8,782,000 of the general fund appropriation is provided solely to operate upper-division and graduate level courses offered at the Bothell branch campus. The amount referenced in this subsection does not include amounts authorized for 1991-93 salary increases.
- (2) ~~((At least \$7,664,000 shall be spent))~~ \$7,472,000 of the general fund appropriation is provided solely to operate upper-division and graduate level courses offered at the Tacoma branch campus. The amount referenced in this subsection does not include amounts authorized for 1991-93 salary increases.
- (3) ~~((At least \$400,000 shall be spent on))~~ \$390,000 of the general fund--state appropriation is provided solely for assessment of student outcomes.
- (4) ~~((At least \$696,000 shall be spent))~~ \$679,000 of the general fund--state appropriation is provided solely to recruit and retain minorities.
- (5) ~~\$(575,000)~~ 561,000 is provided solely to operate the Olympic natural resources center.
- (6) \$229,000 of the oil spill administration account appropriation is provided solely to implement section 10, chapter 200, Laws of 1991 (Engrossed Substitute House Bill No. 1027, hazardous substance spills).
- (7) \$669,000 of the general fund--state appropriation is provided solely to add 75 student FTEs to the evening degree program.
- (8) The University of Washington shall reduce spending by \$3,424,000 for travel, equipment, furnishings, noninstructional staff and other noninstructional expenses. These funds are to be used to eliminate enrollment reductions planned as part of the agency's 2.5 percent allotment reduction and to improve instruction.
- (9) From the general fund appropriation, the university shall place \$2,256,000 in reserve status. Moneys may be removed from reserve status only to the extent and in the amount that the director of financial management determines that operating fee revenue to the general fund from the university exceeds the amount of operating fee revenue assumed in the November 1991 revenue forecast.

Sec. 604. 1991 sp.s. c 16 s 604 is amended to read as follows:

FOR WASHINGTON STATE UNIVERSITY

General Fund Appropriation	\$	((381,720,000))
		370,002,000

The appropriation in this section is subject to the following conditions and limitations:

- (1) ~~((At least \$7,917,000 shall be spent))~~ \$7,719,000 is provided solely to operate upper-division and graduate level courses offered at the Tri-Cities branch campus. At least \$500,000 of this amount is provided solely to implement sections 6, 7, and 8, chapter 341, Laws of 1991 (Engrossed Substitute House Bill No. 1426, research and extension programs). The amount referenced in this subsection does not include amounts authorized for 1991-93 salary increases.
- (2) ~~((At least \$7,125,000 shall be spent))~~ \$6,947,000 is provided solely to operate upper-division and graduate level courses offered at the Vancouver branch campus. The amount referenced in this subsection does not include amounts authorized for 1991-93 salary increases.
- (3) ~~((At least \$7,107,000 shall be spent))~~ \$6,929,000 is provided solely to operate graduate level courses offered at the Spokane branch campus. The amount referenced in this subsection does not include amounts authorized for 1991-93 salary increases.
- (4) ~~((At least \$400,000 shall be spent on))~~ \$390,000 is provided solely for assessment of student outcomes.
- (5) ~~((At least \$300,000 shall be spent))~~ \$293,000 is provided solely to recruit and retain minorities.
- (6) \$60,000 is provided solely for the aquatic animal health program.
- (7) \$779,000 is provided solely to operate the international marketing program for agriculture commodities and trade (IMPACT). If House Bill No. 2316 (IMPACT sunset termination) is not enacted by June 30, 1992, the amount provided in this subsection shall lapse.
- (8) Washington State University shall reduce spending by \$1,643,000 for travel, equipment, furnishings, noninstructional staff and other noninstructional expenses. These funds are to be used to eliminate enrollment reductions of planned as part of the agency's 2.5 percent allotment reduction and to improve instruction.
- (9) Funding for the agricultural experimental stations shall not be reduced by more than 2.5 percent from the initial 1991-93 biennial allotted level.

(10) From this appropriation, the university shall place \$1,083,000 in reserve status. Moneys may be removed from reserve status only to the extent and in the amount that the director of financial management determines that operating fee revenue to the general fund from the university exceeds the amount of operating fee revenue assumed in the November 1991 revenue forecast.

Sec. 605. 1991 sp.s. c 16 s 605 is amended to read as follows:

FOR EASTERN WASHINGTON UNIVERSITY

General Fund Appropriation \$ ((103,396,000))
99,961,000

The appropriation in this section is subject to the following conditions and limitations:

(1) ~~((At least \$400,000 shall be spent on))~~ \$390,000 is provided solely for assessment of student outcomes.

(2) ~~((At least \$200,000 shall be spent))~~ \$195,000 is provided solely to recruit and retain minorities.

(3) Eastern Washington University shall reduce spending by \$547,000 for travel, equipment, furnishings, noninstructional staff and other noninstructional expenses. These funds are to be used to improve instruction.

(4) From this appropriation, the university shall place \$182,000 in reserve status. Moneys may be removed from reserve status only to the extent and in the amount that the director of financial management determines that operating fee revenue to the general fund from the university exceeds the amount of operating fee revenue assumed in the November 1991 revenue forecast.

Sec. 606. 1991 sp.s. c 16 s 606 is amended to read as follows:

FOR CENTRAL WASHINGTON UNIVERSITY

General Fund Appropriation \$ ((88,061,000))
85,132,000

The appropriation in this section is subject to the following conditions and limitations:

(1) ~~((At least \$400,000 shall be spent on))~~ \$390,000 is provided solely for assessment of student outcomes.

(2) ~~((At least \$151,000 shall be spent))~~ \$147,000 is provided solely to recruit and retain minorities.

(3) Central Washington University shall reduce spending by \$446,000 for travel, equipment, furnishings, noninstructional staff and other noninstructional expenses. These funds are to be used to improve instruction.

(4) From this appropriation, the university shall place \$97,000 in reserve status. Moneys may be removed from reserve status only to the extent and in the amount that the director of financial management determines that operating fee revenue to the general fund from the university exceeds the amount of operating fee revenue assumed in the November 1991 revenue forecast.

Sec. 607. 1991 sp.s. c 16 s 607 is amended to read as follows:

FOR THE EVERGREEN STATE COLLEGE

General Fund Appropriation \$ ((55,374,000))
53,880,000

The appropriation in this section is subject to the following conditions and limitations:

(1) ~~((At least \$400,000 shall be spent on))~~ \$390,000 is provided solely for assessment of student outcomes.

(2) ~~((At least \$100,000 shall be spent))~~ \$98,000 is provided solely to recruit and retain minorities.

(3) The Evergreen State College shall reduce spending by \$222,000 for travel, equipment, furnishings, noninstructional staff and other noninstructional expenses. These funds are to be used to improve instruction.

(4) From this appropriation, the college shall place \$51,000 in reserve status. Moneys may be removed from reserve status only to the extent and in the amount that the director of financial management determines that operating fee revenue to the general fund from the college exceeds the amount of operating fee revenue assumed in the November 1991 revenue forecast.

Sec. 608. 1991 sp.s. c 16 s 608 is amended to read as follows:

FOR WESTERN WASHINGTON UNIVERSITY

General Fund Appropriation \$ ((115,445,000))
111,548,000

The appropriation in this section is subject to the following conditions and limitations:

(1) ~~((At least \$400,000 shall be spent on))~~ \$390,000 is provided solely for assessment of student outcomes.

(2) ~~((At least \$200,000 shall be spent))~~ \$195,000 is provided solely to recruit and retain minorities.

(3) Western Washington University shall reduce spending by \$601,000 for travel, equipment, furnishings, noninstructional staff and other noninstructional expenses. These funds are to be used to improve instruction.

(4) From this appropriation, the university shall place \$171,000 in reserve status. Moneys may be removed from reserve status only to the extent and in the amount that the director of financial management determines that operating fee revenue to the general fund from the university exceeds the amount of operating fee revenue assumed in the November 1991 revenue forecast.

Sec. 609. 1991 sp.s. c 16 s 609 is amended to read as follows:

FOR THE HIGHER EDUCATION COORDINATING BOARD--POLICY COORDINATION AND ADMINISTRATION

General Fund--State Appropriation	\$	((4,633,000))
		<u>4,380,000</u>
General Fund--Federal Appropriation	\$	230,000
TOTAL APPROPRIATION	\$	((4,863,000))
		<u>4,610,000</u>

The appropriations in this section are provided to carry out the policy coordination, planning, studies, and administrative functions of the board and are subject to the following conditions and limitations:

(1) \$((100,000)) 50,000 of the general fund--state appropriation is provided solely to continue the Washington state writing demonstration project to be administered by the board or its designee. Under the project, proposals shall be competitively selected that enhance the skills of writing teachers in grades kindergarten through twelve in Washington public schools. The board shall evaluate the project by September 1, 1992, and recommend to the governor and legislature whether or not it should be continued.

(2) The higher education coordinating board shall implement the following measures regarding tuition and fee waivers, reduced fees, and residency exemptions:

(a) Each state university, regional university, state college, and the community college system shall include a special report on tuition and fee waivers in its biennial budget request.

(b) By December 1, 1991, in cooperation with the house of representatives and senate higher education and fiscal committees, the board shall develop and recommend evaluation criteria. The criteria shall include, but not be limited to, consideration of a financial needs test and a reauthorization requirement. The criteria for space-available waiver programs shall include, but not be limited to, consideration of overall access, demand, and effectiveness in achieving program goals.

(c) Using the criteria, the board shall review and evaluate at least half of the existing programs by June 30, 1993, and recommend the continuation, modification, or termination of evaluated programs to the governor, the legislature, and the institutions of higher education.

(3) \$((52,000)) 50,000 of the general fund--state appropriation is provided solely to implement sections 7 and 8, chapter 228, Laws of 1991 (Engrossed Substitute Senate Bill No. 5475, higher education services for students with disabilities).

(4) \$((70,000)) 63,000 of the general fund--state appropriation is provided solely for a higher education faculty compensation study. By June 1, 1992, the higher education coordinating board, in consultation with the state board for community college education and with the cooperation of the institutions of higher education, shall report to the appropriate committees of the legislature on higher education faculty compensation. The report shall include historical and current information as well as recommendations regarding: (a) Salary increments; (b) salary disparity among institutions and within departments of institutions; and (c) performance-based compensation plans.

(5) \$((230,000)) 190,000 of the general fund--state appropriation is provided solely for the purposes of section 5, chapter 322, Laws of 1991 (Engrossed Substitute House Bill No. 1960, health personnel resources plan).

(6) \$((546,000)) 538,000 of the general fund--state appropriation is provided solely to implement sections 18 through 21, chapter 315, Laws of 1991 (Engrossed Substitute Senate Bill No. 5555, timber dependent communities).

Sec. 610. 1991 sp.s. c 16 s 610 is amended to read as follows:

FOR THE HIGHER EDUCATION COORDINATING BOARD--FINANCIAL AID AND GRANT PROGRAMS

General Fund--State Appropriation	\$	((74,898,000))
		<u>74,790,000</u>
General Fund--Federal Appropriation	\$	3,326,000
State Education Grant Account Appropriation	\$	40,000
TOTAL APPROPRIATION	\$	((78,264,000))
		<u>78,156,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$((1,012,000)) 962,000 of the general fund--state appropriation is provided solely for the displaced homemakers program.

(2) \$((467,000)) 444,000 of the general fund--state appropriation is provided solely for the western interstate commission for higher education.

(3) \$((73,419,000)) 73,384,000 of the general fund--state appropriation is provided solely for student financial aid, including all administrative costs. Of this amount:

(a) \$((66,639,000)) 66,725,000 is provided solely for the state need grant and state work study programs. Not less than \$24,200,000 shall be expended for state work study grants. Any state need grant moneys not awarded by April 1 of each year may be transferred to the state work study program for distribution. The state need grant award to any individual shall not exceed the amount received by a student attending a state research university.

(b) \$2,000,000 is provided solely for educational opportunity grants.

(c) \$150,000 is provided solely for the health professional loan repayment program.

(d) \$234,000 of the general fund--state appropriation is provided solely to implement chapter 255, Laws of 1991 (Second Substitute Senate Bill No. 5022, teacher excellence awards).

(e) A maximum of \$((350,000)) 229,000 may be expended to increase the financial aid administrative budget, excluding the four percent state work study program administrative allowance provision.

Sec. 611. 1991 sp.s. c 16 s 611 is amended to read as follows:

FOR THE JOINT CENTER FOR HIGHER EDUCATION

General Fund Appropriation	\$	((613,000))
		<u>463,000</u>

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely to carry out the administrative and fiscal responsibilities of the joint center for higher education pursuant to chapter 205, Laws of 1991 (House Bill No. 2198, joint center for higher education).

Sec. 612. 1991 sp.s. c 16 s 612 is amended to read as follows:

FOR THE COMPACT FOR EDUCATION

General Fund Appropriation	\$	((101,000))
		<u>98,000</u>

Sec. 613. 1991 sp.s. c 16 s 613 is amended to read as follows:

FOR THE ~~((STATE BOARD FOR VOCATIONAL EDUCATION))~~ WORKFORCE TRAINING AND EDUCATION COORDINATING BOARD

General Fund--State Appropriation	\$	((4,043,000))
		<u>3,902,000</u>
General Fund--Federal Appropriation	\$	33,067,000
TOTAL APPROPRIATION	\$	((37,110,000))
		<u>36,969,000</u>

The appropriations in this section are subject to the following conditions and limitations: From moneys provided to the board for the job skills training program, the board shall allocate \$500,000 to a state technical or community college for the purpose of a vocational training program for the maintenance of commercial aircraft. The board shall allocate moneys under this section only after the governor determines that a commercial airline will establish a new facility in this state for the maintenance of commercial aircraft. If no determination is made by January 1, 1993, or if the governor determines prior to that date that no facility will be established, this limitation shall have no effect and the board may allocate these moneys for other purposes of the job skills program.

Sec. 614. 1991 sp.s. c 16 s 615 is amended to read as follows:

FOR THE HIGHER EDUCATION PERSONNEL BOARD

Higher Education Personnel Board Service Fund

Appropriation	\$	((2,405,000))
		<u>2,269,000</u>

The appropriation in this section is subject to the following conditions and limitations:

(1) \$2,000 is provided solely for salary increases for staff of the higher education personnel board resulting from the higher education personnel board's job classification revision of clerical support staff.

(2) \$((60,000)) 44,000 is provided solely for a 3.6 percent across-the-board salary increase effective January 1, 1992, ((and an additional 3.6 percent across the board salary increase effective January 1, 1993,)) for classified and exempt staff of the higher education personnel board.

Sec. 615. 1991 sp.s. c 16 s 616 is amended to read as follows:

FOR WASHINGTON STATE LIBRARY

General Fund--State Appropriation	\$	((14,495,000))
		<u>13,979,000</u>
General Fund--Federal Appropriation	\$	4,671,000
General Fund--Private/Local Appropriation	\$	46,000
TOTAL APPROPRIATION	\$	((19,212,000))
		<u>18,696,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$((2,463,516)) 2,420,516 of the general fund appropriation, of which \$54,000 is from federal funds, are provided solely for a contract with the Seattle public library for library services for the blind and physically handicapped.

(2) \$((100,000)) 97,500 of the general fund--state appropriation is provided solely to contract for provision of compiled business data regarding the Pacific rim region. Contracts shall be limited to Washington state libraries that comprise the Pacific rim business information service.

Sec. 616. 1991 sp.s. c 16 s 617 is amended to read as follows:

FOR THE WASHINGTON STATE ARTS COMMISSION

General Fund--State Appropriation	\$	((4,706,000))
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	4,422,000
General Fund--Federal Appropriation	\$ 900,000
TOTAL APPROPRIATION	\$ ((5,606,000))
	<u>5,322,000</u>

Sec. 617. 1991 sp.s. c 16 s 618 is amended to read as follows:
FOR THE WASHINGTON STATE HISTORICAL SOCIETY

General Fund Appropriation	\$ ((1,278,000))
	<u>1,282,000</u>

Sec. 618. 1991 sp.s. c 16 s 619 is amended to read as follows:
FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY

General Fund Appropriation	\$ ((922,000))
	<u>894,000</u>

Sec. 619. 1991 sp.s. c 16 s 620 is amended to read as follows:
FOR THE STATE CAPITOL HISTORICAL ASSOCIATION

General Fund Appropriation	\$ ((1,117,000))
	<u>1,066,000</u>

State Capitol Historical Association Museum

Account Appropriation	\$ 135,000
TOTAL APPROPRIATION	\$ ((1,252,000))
	<u>1,201,000</u>

Sec. 620. 1991 sp.s. c 16 s 621 is amended to read as follows:
FOR THE STATE SCHOOL FOR THE DEAF

General Fund Appropriation--State	\$ ((12,450,000))
	<u>12,074,000</u>
General Fund Appropriation--Federal	\$ 235,000
TOTAL APPROPRIATION	\$ ((12,685,000))
	<u>12,309,000</u>

Sec. 621. 1991 sp.s. c 16 s 622 is amended to read as follows:
FOR THE STATE SCHOOL FOR THE BLIND

General Fund Appropriation--State	\$ ((6,657,000))
	<u>6,420,000</u>
General Fund Appropriation--Federal	\$ 68,000
TOTAL APPROPRIATION	\$ ((6,725,000))
	<u>6,488,000</u>

NEW SECTION. Sec. 622. WASHINGTON INSTITUTE OF APPLIED TECHNOLOGY. 1991 sp.s. c 16 s 614 is repealed.

**PART VII
 SPECIAL APPROPRIATIONS**

Sec. 701. 1991 sp.s. c 16 s 701 is amended to read as follows:
**FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND
 REGISTRATION AND TRANSFER CHARGES: FOR GENERAL FUND BOND DEBT**

General Fund Appropriation	\$ ((600,303,000))
	<u>590,703,000</u>

This appropriation is for deposit into the accounts listed in section 801 of this act.

Sec. 702. 1991 sp.s. c 16 s 706 is amended to read as follows:
**FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND
 REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES**

State Convention and Trade Center Appropriation	\$ 8,926
Excess Earnings Account Appropriation	\$ 750,000
State/Local Improvements Revolving Account Appropriation \$,574	
State/Local Improvements Revolving Account Waste Disposal Facilities Appropriation	\$ 13,388
State Building Construction Account Appropriation \$,715,566	
State/Local Improvements Revolving Account Water Supply Facilities Appropriation	\$ 2,680
Motor Vehicle Fund Appropriation	\$ 1,542,000
Urban Arterial Trust Account Appropriation	\$ 552,496
Labor and Industries Construction Appropriation	\$ 583,115

TOTAL APPROPRIATION \$ 48,171,745

Total Bond Retirement and Interest

Appropriations contained in sections 701 through 706, chapter 16, Laws of 1991 sp. sess., as amended by this act \$ ((1,009,464,782))
999,865,814

Sec. 703. 1991 sp.s. c 16 s 707 is amended to read as follows:

FOR THE GOVERNOR--FOR TRANSFER TO THE TORT CLAIMS REVOLVING FUND

General Fund Appropriation \$ ((9,532,000))
9,294,000
 Motor Vehicle Fund Appropriation \$ 8,942,000
 Wildlife Fund Appropriation \$ 106,000
 Accident Fund Appropriation \$ 4,000
 ((Ferry System Revolving)) Marine Operating
 Account Appropriation \$ 4,744,000
 Liquor Revolving Fund Appropriation \$ 378,000
 Lottery Administrative Account \$ 50,000
 Resource Management Cost Account Appropriation \$ 980,000
 Public Service Revolving Account Appropriation \$ 48,000
 TOTAL APPROPRIATION \$ ((24,784,000))
24,546,000

Sec. 704. 1991 sp.s. c 16 s 708 is amended to read as follows:

FOR THE GOVERNOR--EMERGENCY FUND

General Fund Appropriation \$ ((1,500,000))
862,000

The appropriation in this section is for the governor's emergency fund, for the critically necessary work of any agency.

Sec. 705. 1991 sp.s. c 16 s 709 is amended to read as follows:

FOR THE GOVERNOR--TORT DEFENSE SERVICES

General Fund Appropriation \$ ((1,542,000))
1,503,000
 Special Fund Agency Tort Defense Services
 Revolving Fund Appropriation \$ 850,000
 TOTAL APPROPRIATION \$ ((2,392,000))
2,353,000

The appropriations in this section are subject to the following conditions and limitations: To facilitate payment of tort defense services from special funds, the state treasurer is directed to transfer sufficient moneys from each special fund to the special fund tort defense services revolving fund, in accordance with schedules provided by the office of financial management. The governor shall distribute the moneys appropriated in this section to agencies to pay for tort defense services.

Sec. 706. 1991 sp.s. c 16 s 710 is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT--BELATED CLAIMS

- (1) There is appropriated to the office of financial management for payment of supplies and services furnished in previous biennia, from the General Fund \$ ((800,000))
762,000
- (2) The following sums, or so much thereof as shall severally be found necessary, are hereby appropriated and authorized to be expended out of the several funds indicated, for the period from the effective date of this act to June 30, 1993, in order to reimburse the general fund for expenditures from belated claims, to be disbursed on vouchers approved by the office of financial management:
 - Archives and Records Management Account \$ ((562))
871
 - Winter Recreational Program Account \$ 75
 - Snowmobile Account \$ 226
 - Flood Control Assistance Account \$ 1,354
 - Aquatic Lands Enhancement \$ ((6))
110
 - State Investment Board Expense Account \$ 1,995
 - State Toxics Control Account \$ 671

State Emergency Water Projects Revolving Account	\$	16
<u>Charitable, Educational, Penal and Reformatory Institutions Account</u>	\$	<u>19,384</u>
State and Local Improvement Revolving Account-- Waste Disposal Facilities	\$	384
Local Toxics Control Account	\$	((3,626))
		<u>51,879</u>
Litter Control Account	\$	((173))
		<u>299</u>
State Patrol Highway Account	\$	((29,500))
		<u>120,300</u>
State Wildlife Fund	\$	((31,700))
		<u>31,900</u>
<u>Highway Safety Account</u>	\$	<u>597</u>
Motor Vehicle Fund	\$	((42,708))
		<u>46,932</u>
High Capacity Transportation Account	\$	7,110
Public Service Revolving Account	\$	3,038
Insurance Commissioner's Regulatory Account	\$	2,079
<u>Water Quality Account</u>	\$	<u>88,565</u>
State Treasurer's Service Fund	\$	((37))
		<u>546</u>
<u>Drug Enforcement and Education Account</u>	\$	<u>400</u>
Legal Services Revolving Fund	\$	24,362
Municipal Revolving Account	\$	6,249
Department of Personnel Service Fund	\$	1,238
State Auditing Services Revolving Account	\$	2,878
Liquor Revolving Fund	\$	((21,372))
		<u>22,597</u>
<u>Convention and Trade Center Operations Account</u>	\$	<u>4,037</u>
Department of Retirement Systems Expense Fund	\$	((1,234))
		<u>2,415</u>
Accident Fund	\$	3,034
Medical Aid Fund	\$	3,034

Sec. 707. 1991 sp.s. c 16 s 711 is amended to read as follows:

FOR SUNDRY CLAIMS The following sums, or so much thereof as may be necessary, are appropriated from the general fund, unless otherwise indicated, for relief of various individuals, firms, and corporations for sundry claims. These appropriations are to be disbursed on vouchers approved by the director of general administration, except as otherwise provided, as follows:

(1)	Pay'n Save Drug Stores, Inc., in settlement of medical assistance pharmacy billings during the 1989-91 biennium: PROVIDED, That the department of social and health services shall seek reimbursement from federal funds to the maximum extent permitted by federal law	\$	8,111.92
(2)	State Auditor, for payment of weed district assessments against state lands pursuant to RCW 17.04.180	\$	1,715.72
(3)	City of Tacoma, in settlement of all claims per Pierce County Superior Court, Cause No. 86-2-09014-8	\$	<u>758,052.07</u>
(4)	Charlie Bauleke, for payment of claim number SCJ-91-13	\$	<u>3,347</u>
(5)	Carol Berg, for payment of claim number SCJ-91-18	\$	<u>5,120.22</u>
(6)	Denny Flatz, for payment of claim number SCJ-91-21	\$	<u>6,603.87</u>
(7)	Cynthia A. Fonken, for payment of claim numbers SCJ-91-17 and SCJ-91-15	\$	<u>6,815.93</u>
(8)	Wesley A. Grow, for payment of claim number SCJ-90-16	\$	<u>2,143</u>
(9)	Larry Harris, for payment of claim number SCJ-91-20	\$	<u>2,379</u>
(10)	Steve Allen Rice, for payment of claim number SCJ-91-25	\$	<u>4,031.11</u>

Sec. 708. 1991 sp.s. c 16 s 712 is amended to read as follows:

FOR THE GOVERNOR--COMPENSATION--SALARY AND INSURANCE BENEFITS		
General Fund--State Appropriation	\$	((115,019,000)) 92,481,000
General Fund--Federal Appropriation	\$	((17,626,000)) 12,570,000
Special Fund Salary and Insurance Contribution		
Increase Revolving Fund Appropriation	\$	((109,009,000)) 98,786,000
TOTAL APPROPRIATION	\$	((241,654,000)) <u>203,837,000</u>

The appropriations in this section, or so much thereof as may be necessary, shall be expended solely for the purposes designated in this section and are subject to the conditions and limitations specified in this section.

(1) ~~((62,500,000))~~ \$45,179,000 of the general fund--state appropriation, ~~((16,500,000))~~ 11,992,000 of the general fund--federal appropriation, and ~~((41,800,000))~~ 30,151,000 of the special fund salary and insurance contribution increase revolving fund appropriation are provided solely for a 3.6 percent across-the-board salary increase effective January 1, 1992, ~~((and an additional 3.6 percent across the board salary increase effective January 1, 1993,))~~ for all classified and exempt employees under the state personnel board and commissioned officers of the Washington state patrol.

(2) \$3,100,000 of the general fund--state appropriation, \$735,000 of the general fund--federal appropriation, and \$107,000 of the special fund salary and insurance contribution are provided solely to:

(a) Grant a 3.1 percent salary increase effective January 1, 1992, and an additional 3.6 percent salary increase effective January 1, 1993, to registered nurses and related job classes requiring licensure as a registered nurse; and

(b) Increase shift differential pay for registered nurses and related job classes requiring licensure as a registered nurse from \$1.00 per hour to \$1.50 per hour for evening shift and from \$1.50 per hour to \$2.50 per hour for night shift.

The salary increases granted in this subsection shall be in addition to any increase granted under subsection (1) of this section, and shall be granted only to employees classified under the state personnel board.

(3) ~~((860,000))~~ \$779,000 of the general fund--state appropriation and \$235,000 of the general fund--federal appropriation are provided solely to grant a five-range, or approximately 12.5 percent, salary increase effective July 1, 1991, to the psychologist 5 and psychologist 6 job classes (classes 6816 and 6820) to address problems with recruitment and retention.

(4) ~~((121,000))~~ \$75,000 of the general fund--state appropriation, \$8,000 of the general fund--federal appropriation, and \$4,030,000 of the special fund salary and insurance contribution increase revolving fund appropriation are provided for a four range, or approximately ten percent, salary increase effective July 1, 1991, for the transportation technician 2, transportation engineer 2, transportation engineer 5, and right-of-way agent 2 job classes, and all job classes directly indexed to one of those four benchmark job classes.

(5) ~~((759,000))~~ \$719,000 of the general fund--state appropriation, \$147,000 of the general fund--federal appropriation, and \$873,000 of the special fund salary and insurance contribution increase revolving fund appropriation are provided for a two-range, or approximately 5 percent, salary increase effective January 1, 1992, for the environmental engineer 2, architect 1, and civil engineer 2 job classes, and all job classes directly indexed to one of those three benchmark job classes.

The salary increase granted in this subsection shall be in addition to any increase granted under subsection (1) of this section.

(6) The governor shall allocate to state agencies ~~((15,000,000))~~ \$14,910,000 from the general fund--state appropriation, and \$15,000,000 from the special fund salary and insurance contribution increase revolving fund appropriation to fulfill the 1991-93 obligations of the comparable worth agreement ratified by 1986 Senate Concurrent Resolution No. 126. The amounts allocated under this subsection are for employees classified under both the state personnel board and the higher education personnel board systems.

(7) The salary increases granted in this section shall be implemented in compliance and conformity with all requirements of the comparable worth agreement ratified by the 1986 Senate Concurrent Resolution No. 126, where applicable.

(8)(a) The monthly contributions for insurance benefit premiums shall not exceed \$289.95 per eligible employee for fiscal year 1992, and ~~((321.80))~~ 317.79 for fiscal year 1993.

(b) The monthly contributions for the margin in the self-insured medical and dental plans and for the operating costs of the health care authority shall not exceed \$8.36 per eligible employee for fiscal year 1992, and ~~((6.34))~~ 6.41 for fiscal year 1993.

(c) Any returns of funds to the health care authority resulting from favorable claims experienced during the 1991-93 biennium shall be held in reserve within the state employees insurance account until appropriated by the legislature.

(d) Funds provided under this section, including funds resulting from dividends or refunds, shall not be used to increase employee insurance benefits over the level of services provided on the effective date of this act. Contributions by any county, municipal, or other political subdivision to which coverage is extended after the effective date of this act

shall not receive the benefit of any surplus funds attributable to premiums paid prior to the date on which coverage is extended.

(9) To facilitate the transfer of moneys from dedicated funds and accounts, the state treasurer is directed to transfer sufficient moneys from each dedicated fund or account to the special fund salary and insurance contribution increase revolving fund in accordance with schedules provided by the office of financial management.

(10) In calculating individual agency allocations for this section, the office of financial management shall calculate the allocation of each subsection separately. The separate allocations for each agency may be combined under a single appropriation code for improved efficiency. The office of financial management shall transmit a list of agency allocations by subsection to the senate committee on ways and means and the house of representatives committee on appropriations.

(11) No salary increase may be paid under this section to any person whose salary has been Y-rated pursuant to rules adopted by the state personnel board.

(12) A maximum of ~~\$(7,342,000)~~ 5,923,900 of the special fund salary and insurance contribution increase revolving fund appropriation in this section may be expended for salary and benefit increases for ferry workers consistent with the 1991-93 transportation appropriations act.

(13) The general fund--state appropriation has been reduced by \$3,835,000, the general fund--federal appropriation has been reduced by \$548,000, and the special fund salary and insurance contribution increase revolving fund appropriation has been reduced by \$1,401,000 as a result of the revised public employees' and teachers' retirement system contribution rates provided in Substitute Senate Bill No. 6286 (adjusting pension contribution rates). The office of financial management shall reduce allocations for individual state agencies and institutions of higher education accordingly.

Sec. 709. 1991 sp.s. c 16 s 714 is amended to read as follows:

FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--CONTRIBUTIONS TO RETIREMENT SYSTEMS

The appropriations in this section are subject to the following conditions and limitations: The appropriations shall be made on a quarterly basis.

(1) There is appropriated for state contributions to the law enforcement officers' and fire fighters' retirement system:

	FY 1992	FY 1993
General Fund Appropriation	\$ 76,000,000	((81,500,000))
		<u>58,125,000</u>
TOTAL APPROPRIATION		((157,500,000))
		<u>134,125,000</u>

(2) There is appropriated for contributions to the judicial retirement system:

	FY 1992	FY 1993
General Fund Appropriation	\$ 3,371,000	3,371,000
TOTAL APPROPRIATION		6,742,000

The appropriation in this subsection is subject to the following conditions and limitations: \$92,000 is provided solely to implement chapter 159, Laws of 1991 (Substitute House Bill No. 1721, judicial retirement system).

(3) There is appropriated for contributions to the judges retirement system:

	FY 1992	FY 1993
General Fund Appropriation	\$ 506,000	506,000
TOTAL APPROPRIATION		1,012,000

The appropriation in this subsection is subject to the following conditions and limitations: \$2,000 is provided solely to implement chapter 159, Laws of 1991 (Substitute House Bill No. 1721 judicial retirement system).

Sec. 710. 1991 sp.s. c 16 s 715 is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT--CONTRIBUTIONS TO RETIREMENT SYSTEMS

	FY 1992	FY 1993
General Fund--State Appropriation	\$ 1,295,000	((3,255,000))
		<u>1,014,000</u>
Special Retirement Contribution Increase		
Revolving Fund Appropriation	\$ 900,000	((2,100,000))
		<u>570,000</u>
TOTAL APPROPRIATION		((7,550,000))
		<u>3,779,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) In addition to any cost of living adjustments provided under RCW 41.32.575, 41.32.487, 41.40.325, or 41.40.1981, on February 1, 1992, the department of retirement systems shall also pay an additional adjustment to any

retiree of plan I of the public employees retirement system or plan I of the teachers retirement system whose state retirement benefit has a purchasing power of less than 60 percent of the purchasing power of the benefit the retiree received at age 65. Each such retiree shall be given a one-time increase sufficient, when combined with any other adjustment received on July 1, 1991, to restore the purchasing power of the retiree's state retirement benefit to 60 percent of the purchasing power of the benefit received by the retiree at age 65. This increase shall be calculated using the formulas contained in RCW 41.32.575 and 41.40.325 but without regard to RCW 41.32.575(2)(b) and RCW 41.40.325(2)(b), and shall be effective for the remainder of the 1991-93 biennium.

(2) ~~\$(4,450,000)~~ 2,209,000 of the general fund--state appropriation and ~~\$(3,000,000)~~ 1,470,000 of the special retirement contribution increase revolving fund appropriation, or as much thereof as may be necessary, shall be distributed to state agencies to increase state contributions to the public employees retirement system to implement subsection (1) of this section.

(3) \$100,000 of the general fund--state appropriation, or as much thereof as may be necessary, shall be distributed to state agencies to increase state contributions to the teachers retirement system to implement subsection (1) of this section.

Sec. 711. 1991 sp.s. c 16 s 716 is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--RETIREMENT CONTRIBUTIONS

General Fund Appropriation	\$	(7,450,000)
		<u>6,600,000</u>

The appropriation in this section is subject to the following conditions and limitations:

(1) In addition to any cost-of-living adjustments provided under RCW 41.32.575, 41.32.487, 41.40.325, or 41.40.1981, on February 1, 1992, the department of retirement systems shall also pay an additional adjustment to any retiree of plan I of the public employees' retirement system or plan I of the teachers' retirement system whose state retirement benefit has a purchasing power of less than 60 percent of the purchasing power of the benefit the retiree received at age 65. Each such retiree shall be given a one-time increase sufficient, when combined with any other adjustment received on July 1, 1991, to restore the purchasing power of the retiree's state retirement benefit to 60 percent of the purchasing power of the benefit received by the retiree at age 65. This increase shall be calculated using the formulas contained in RCW 41.32.575 and 41.40.325 but without regard to RCW 41.32.575(2)(b) and RCW 41.40.325(2)(b), and shall be effective for the remainder of the 1991-93 biennium.

(2) \$5,550,000 for the teachers' retirement system and ~~\$(1,900,000)~~ 1,050,000 for the public employees' retirement system shall be distributed to local school districts and educational service districts to increase state retirement system contributions to implement subsection (1) of this section.

**PART VIII
OTHER TRANSFERS AND APPROPRIATIONS**

Sec. 801. 1991 sp.s. c 16 s 801 is amended to read as follows:

FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT SUBJECT TO THE STATUTORY DEBT LIMIT

Fisheries Bond Redemption Fund 1977 Appropriation	\$	1,370,000
Water Pollution Control Facilities Bond Redemption Fund 1967 Appropriation	\$	1,844,000
State Building and Higher Education Construction Bond Redemption Fund 1967 Appropriation	\$	1,902,000
State Building (Expo 74) Bond Redemption Fund 1973A Appropriation	\$	376,000
State Building Bond Redemption Fund 1973 Appropriation	\$	3,796,000
State Higher Education Bond Redemption Fund 1973 Appropriation	\$	4,387,000
State Building Authority Bond Redemption Fund Appropriation	\$	9,408,000
Community College Capital Improvement Bond Redemption Fund 1972 Appropriation	\$	7,528,000
State Higher Education Bond Redemption Fund 1974 Appropriation	\$	1,189,000
Waste Disposal Facilities Bond Redemption Fund Appropriation	\$	57,907,000
Water Supply Facilities Bond Redemption Fund Appropriation	\$	11,105,058
Recreation Improvements Bond Redemption Fund Appropriation	\$	6,021,890

Social and Health Services Facilities 1972 Bond Redemption Fund Appropriation	\$	3,712,694
Outdoor Recreation Bond Redemption Fund 1967 Appropriation	\$	3,967,392
Indian Cultural Center Construction Bond Redemption Fund 1976 Appropriation	\$	124,027
Fisheries Bond Redemption Fund 1976 Appropriation	\$	761,536
Higher Education Bond Redemption Fund 1975 Appropriation	\$	2,164,887
State Building Bond Retirement Fund 1975 Appropriation	\$	426,060
Social and Health Services Bond Redemption Fund 1976 Appropriation	\$	9,467,557
Emergency Water Projects Bond Retirement Fund 1977 Appropriation	\$	2,624,875
Higher Education Bond Redemption Fund 1977 Appropriation	\$	16,559,408
Salmon Enhancement Bond Redemption Fund 1977 Appropriation	\$	3,883,552
Fire Service Training Center Bond Retirement Fund 1977 Appropriation	\$	739,795
State General Obligation Bond Retirement Bond 1979 Appropriation	\$	491,009,053
TOTAL APPROPRIATION	\$	642,277,149 <u>642,274,784</u>

The total expenditures from the state treasury under the appropriations in this section and in section 701 of this act shall not exceed the total appropriation in this section:

Sec. 802. 1991 sp.s. c 16 s 804 is amended to read as follows:

FOR THE STATE TREASURER--TRANSFERS

General Government Special Revenue Fund--State Treasurer's Service Account: For transfer to the general fund on or before ~~(July 20)~~ June 30, 1993, an amount up to ~~(\$11,000,000)~~ \$16,627,000 in excess of the cash requirements in the State Treasurer's Service Account for fiscal year 1994, for credit

to the fiscal year in which earned	\$	((11,000,000)) <u>16,627,000</u>
General Fund--State: For transfer to the Natural Resources Fund--Water Quality Account	\$	((12,753,000)) <u>3,202,022</u>
General Fund--State: For transfer to the Flood Control Assistance Account	\$	3,700,000
Public Facilities Construction Loan and Grant Revolving Fund: For transfer to the General Fund	\$	631,400
Water Quality Account: For transfer to the water pollution revolving fund. Transfers shall be made at intervals coinciding with deposits of federal capitalization grant money into the revolving fund. The amounts transferred shall not exceed the match required for each federal deposit	\$	14,500,000
Disability Accommodation Revolving Account: For transfer to the General Fund	\$	190,000
Local Toxics Control Account: For transfer to the general fund for reimbursement of expenses paid by the general fund in support of grants to local governments for water quality, remedial actions, and solid and hazardous waste planning purposes	\$	2,003,000
<u>State Employees' Insurance Account: For transfer to the general fund (Northwestern National Life Insurance Refund)</u>	\$	<u>8,310,000</u>
<u>Department of Personnel Service Fund: For transfer to the general fund</u>	\$	<u>820,000</u>
<u>Flood Control Assistance Account: For transfer to the general fund</u>	\$	<u>4,000,000</u>
<u>Natural Resources Fund--Water Quality Account: For transfer to the general fund</u>	\$	<u>3,202,022</u>
<u>Trust Land Purchase Account: For transfer to the general fund</u>	\$	<u>18,575,000</u>

<u>Motor Transport Account:</u>	
For transfer to the general fund	\$ 61,000
<u>Motor Transport Account:</u>	
For transfer to the savings recovery account	\$ 947,000

PART IX
MISCELLANEOUS

NEW SECTION. Sec. 901. APPLICABILITY OF OTHER PROVISIONS. This act is subject to the provisions, definitions, conditions, and limitations of chapter 16, Laws of 1991 sp. sess., as amended by this act.

NEW SECTION. Sec. 902. SUPERSESION OF GOVERNOR'S ORDER. The allotment reductions ordered by the governor in executive order 91-09 issued November 22, 1991, are superseded by this act and shall have no effect inconsistent with this act.

NEW SECTION. Sec. 903. MINIMIZATION OF ESSENTIAL REQUIREMENT LEVELS FOR THE 1993-95 BIENNIUM. It is the intent of the legislature that in making FTE reductions in response to appropriations amended by this act, and in order to minimize the impact on essential requirement level estimates for the 1993-95 biennium, agencies shall not achieve FTE reductions by delaying hiring or temporarily reducing employment, but instead shall make permanent employment reductions. It is the intent of the legislature to use this principle in calculating essential requirement levels for the 1993-95 biennium. The office of financial management shall enclose a copy of this section as part of its instructions to agencies on revising allotments to conform with this act.

Sec. 904. 1991 sp.s. c 16 s 907 is amended to read as follows:

EXPENDITURES FOR PERSONAL SERVICE CONTRACTS. No moneys appropriated in this act may be expended for personal service contracts, as defined under chapter 39.29 RCW, entered into after June 30, 1991, except in compliance with the requirements of this section.

(1) Personal service contracts, and modifications thereto, that provide services relating to management consulting, organizational development, marketing, communications, employee training, or employee recruiting shall be filed with the office of financial management and made available for public inspection at least ten working days prior to the proposed starting date of the contract. The office of financial management shall approve personal service contracts, and modifications thereto, filed under this subsection by agencies of the executive branch before such contracts, and modifications thereto, become binding and before any services may be performed under such contracts. The office of financial management shall adopt rules to implement this subsection.

(2) Documentation of the approval required under RCW 39.29.018(2) for sole source contracts of ten thousand dollars or more shall be filed with the legislative fiscal committees within ten days after the contract is approved by the office of financial management.

(3) Any amendment of or extension to an existing contract, if the value of the amendment or extension exceeds fifty percent of the value of the original contract, or if the amendment substantially changes the scope of the contract, must receive written approval by the office of financial management at least ten working days prior to the proposed starting date of the contract. A copy of the approval shall be transmitted to the legislative fiscal committees.

(4) An agency of the executive branch shall not enter into any contract or combination of contracts with a single firm or individual having a value exceeding one hundred thousand dollars without the written approval of the office of financial management. A copy of the approval shall be transmitted to the legislative budget committee and the legislative fiscal committees.

(5) In submitting proposed expenditures for allotment revisions pursuant to the appropriations in this act, each agency shall place in reserve from general fund--state appropriations an amount equal to ten percent of its revised fiscal year 1993 general fund--state allotments for personal service contracts. No allotment shall be approved unless it complies with this section. Amounts placed in reserve pursuant to this subsection shall revert. Total general fund--state reserves under this subsection are expected to be \$2,804,000. This subsection shall not apply to appropriations for: Judicial branch agencies; the department of revenue; the divisions of juvenile rehabilitation, mental health, developmental disabilities, revenue collections, and information systems within the department of social and health services; the department of veterans affairs; the department of corrections; the state patrol; institutions of higher education; and the superintendent of public instruction.

Sec. 905. 1991 sp.s. c 16 s 909 is amended to read as follows:

SAVINGS RECOVERY ACCOUNT. (1) The savings recovery account is hereby established in the state treasury.

(2) The director of the office of financial management shall identify savings realized by affected state agencies as a result of:

(a) The implementation of the recommendations of the motor pool review team of the governor's commission on efficiency and accountability in government;

(b) The implementation of the furniture acquisition study by the governor's commission on efficiency and accountability in government;

(c) The state employees' suggestion award and incentive pay program under chapter 41.60 RCW;

(d) Reduced rates charged by the department of information services resulting from efficiencies in the delivery of services; and

(e) Other specifically identified management efficiencies.

(3) Periodically during the 1991-93 fiscal biennium, and by June 30, 1993, the director of financial management shall withhold from agency appropriations and deposit into the savings recovery account at least (((\$3,572,000)) \$7,710,000 as a result of implementation of the recommendations, suggestions, and efficiencies listed in subsection (2) of this section. The office of financial management shall report to the fiscal committees of the legislature by January 1, 1992, and January 1, 1993, on the amounts and sources of moneys deposited into the savings recovery account.

NEW SECTION. Sec. 906. REVOLVING FUND EXPENDITURE REDUCTION. In submitting proposed revisions to expenditure allotments for fiscal year 1993 pursuant to the appropriations in this act, each state agency shall place in reserve an amount that reflects the agency's savings resulting from the reductions in expenditures and appropriations under this act from the following state revolving funds: Archives and records management account, legal services revolving account, auditing services revolving account, department of personnel service account, data processing revolving account, motor transport account, central stores revolving account, department of general administration facilities and services revolving account, risk management account, and administrative hearings revolving account. No allotment revision shall be approved unless it complies with this section. Total reserves under this section are anticipated to be \$8,061,000. The amounts placed in reserve under this section shall not be expended and shall be deposited in the savings recovery account established under section 909, chapter 16, Laws of 1991 sp.s.

NEW SECTION. Sec. 907. THURSTON COUNTY FTE REDUCTION. (1) The legislature finds that state employment in Thurston county has increased by approximately sixty percent since 1985, while total state employment during the same period has grown by only twenty-six percent. This pattern reflects, in part, a rate of growth in state administrative staff that far exceeds the growth rate of employee positions directly engaged in the delivery of services to the public. In order to conserve state resources and maintain critical services, the number of state employee positions in Thurston county must be reduced.

(2) By July 1, 1992, the governor shall reduce the number of full time equivalent state employees whose work stations are located in Thurston county by ten percent. This ten percent reduction shall be based on the level of FTE employment in the revised fiscal year 1993 expenditure allotments made pursuant to the appropriations in this act. At least one-half of the positions eliminated under this section shall be from the officials and administrators job category as defined by the department of personnel.

(3) In calculating and implementing the reduction in employment required by this section, the following agencies, programs, and positions shall be excluded:

- (a) Agencies with fewer than twenty-five full time equivalent employees in Thurston county;
- (b) Employee positions that are funded from appropriations in the omnibus transportation appropriations act or wholly supported by federal funds;
- (c) The department of revenue and the revenue collections program of the department of social and health services;
- (d) Agencies of the legislative and judicial branches, appropriations for which have been reduced by this act to reflect the reduction in employment;
- (e) The Evergreen State College and South Puget Sound Community College;
- (f) Correctional facilities located in Thurston county;
- (g) Regional, community, or local service offices of the department of social and health services; and
- (h) Protective service workers, including police patrol officers, fire fighters, guards, and detectives.

(4) Agency expenditure allotments shall be revised to reflect the employee reductions under this section. Unexpended moneys resulting from this section shall not be expended for any other purpose and shall revert.

(5) Implementation of this section shall result in the elimination of 1,271 full time equivalent positions in Thurston county and the reversion of \$50,084,000, of which \$12,883,000 is from the general fund--state. The total amount reverted may be reduced only to the extent necessary to reflect the exclusion of employment positions supported by federal funds.

NEW SECTION. Sec. 908. DISPUTED FUNDS ACCOUNT--FAMILY INDEPENDENCE PROGRAM. No moneys may be disbursed from the disputed funds account (general ledger account 5113) to the federal government in settlement of any claim or adjustment relating to the family independence program. On the effective date of this act, all moneys in this account relating to the family independence program shall revert to the state general fund. The amount reverted shall be at least \$16,000,000.

Sec. 909. RCW 70.47.030 and 1991 sp.s. c 13 s 68 and 1991 sp.s. c 4 s 1 are each reenacted and amended to read as follows:

The basic health plan trust account is hereby established in the state treasury. All nongeneral fund-state funds collected for this program shall be deposited in the basic health plan trust account and may be expended without further appropriation. Moneys in the account shall be used exclusively for the purposes of this chapter, including payments to participating managed health care systems on behalf of enrollees in the plan and payment of costs of administering the plan. After July 1, ((1991)) 1993, the administrator shall not expend or encumber for an ensuing fiscal period amounts exceeding ninety-five percent of the amount anticipated to be spent for purchased services during the fiscal year.

Sec. 910. RCW 70.146.080 and 1991 sp.s. c 16 s 923 is amended to read as follows:

Within thirty days after June 30, 1987, and within thirty days after each succeeding fiscal year thereafter, the state treasurer shall determine the tax receipts deposited into the water quality account for the preceding fiscal year. If the tax receipts deposited into the account in each of the fiscal years 1988 and 1989 are less than forty million dollars, the

state treasurer shall transfer sufficient moneys from general state revenues into the water quality account to bring the total receipts in each fiscal year up to forty million dollars.

For the biennium ending June 30, 1991, if the tax receipts deposited into the water quality account and the earnings on investment of balances credited to the account are less than ninety million dollars, the treasurer shall transfer sufficient moneys from general state revenues into the water quality account to bring the total revenue up to ninety million dollars. The determination and transfer shall be made by July 31, 1991. However, during the 1991-93 biennium, the legislature may subsequently direct the treasurer to transfer up to that same amount back to the general fund.

For fiscal year ~~((1992))~~ 1993 and thereafter, if the tax receipts deposited into the water quality account for each fiscal year are less than forty-five million dollars, the treasurer shall transfer sufficient moneys from general state revenues into the water quality account to bring the total revenue up to forty-five million dollars. Determinations and transfers shall be made by July 31 for the preceding fiscal year.

Sec. 911. RCW 74.04.005 and 1991 sp.s. c 10 s 1 are each amended to read as follows:

For the purposes of this title, unless the context indicates otherwise, the following definitions shall apply:

(1) "Public assistance" or "assistance"--Public aid to persons in need thereof for any cause, including services, medical care, assistance grants, disbursing orders, work relief, general assistance and federal-aid assistance.

(2) "Department"--The department of social and health services.

(3) "County or local office"--The administrative office for one or more counties or designated service areas.

(4) "Director" or "secretary" means the secretary of social and health services.

(5) "Federal-aid assistance"--The specific categories of assistance for which provision is made in any federal law existing or hereafter passed by which payments are made from the federal government to the state in aid or in respect to payment by the state for public assistance rendered to any category of needy persons for which provision for federal funds or aid may from time to time be made, or a federally administered needs-based program.

(6)(a) "General assistance"--Aid to persons in need who:

(i) Are not eligible to receive federal-aid assistance, other than food stamps and medical assistance; however, an individual who refuses or fails to cooperate in obtaining federal-aid assistance, without good cause, is not eligible for general assistance;

(ii) Are either:

(A) Pregnant: PROVIDED, That need is based on the current income and resource requirements of the federal aid to families with dependent children program: PROVIDED FURTHER, That during any period in which an aid for dependent children employable program is not in operation, only those pregnant women who are categorically eligible for medicaid are eligible for general assistance; or

(B) Incapacitated from gainful employment by reason of bodily or mental infirmity that will likely continue for a minimum of ninety days as determined by the department. Persons who are unemployable due to alcohol or drug addiction are not eligible for general assistance. Persons receiving general assistance on July 26, 1987, or becoming eligible for such assistance thereafter, due to an alcohol or drug-related incapacity, shall be referred to appropriate assessment, treatment, shelter, or supplemental security income referral services as authorized under chapter 74.50 RCW. Referrals shall be made at the time of application or at the time of eligibility review. Alcoholic and drug addicted clients who are receiving general assistance on July 26, 1987, may remain on general assistance if they otherwise retain their eligibility until they are assessed for services under chapter 74.50 RCW. This subsection (6)(a)(ii)(B) shall not be construed to prohibit the department from granting general assistance benefits to alcoholics and drug addicts who are incapacitated due to other physical or mental conditions that meet the eligibility criteria for the general assistance program. For the period from July 1, 1992, until June 30, 1993, the determination of incapacity under this subsection (6)(a)(ii)(B) shall be based on medical criteria as otherwise required in this section and shall not include consideration of vocational factors, including work history, age, training, or education. After July 1, 1992, and until June 30, 1993, assistance provided under this subsection (6)(a)(ii)(B) shall be discontinued if the person received this assistance for any twelve months within the prior twenty-four month period unless the person, in the discretion of the department, appears to be eligible for federal supplemental security income benefits and the person's application or administrative appeal is pending. If the application and any administrative appeal is denied, the department may continue assistance under this subsection (6)(a)(ii)(B) for an additional six months from the date of denial if the department determines that further appeal is likely to result in eligibility for supplemental security income;

(iii) Are citizens or aliens lawfully admitted for permanent residence or otherwise residing in the United States under color of law; and

(iv) Have furnished the department their social security account number. If the social security account number cannot be furnished because it has not been issued or is not known, an application for a number shall be made prior to authorization of assistance, and the social security number shall be provided to the department upon receipt.

(b) Notwithstanding the provisions of subsection (6)(a)(i), (ii), and (c) of this section, general assistance shall be provided to the following recipients of federal-aid assistance:

(i) Recipients of supplemental security income whose need, as defined in this section, is not met by such supplemental security income grant because of separation from a spouse; or

(ii) To the extent authorized by the legislature in the biennial appropriations act, to recipients of aid to families with dependent children whose needs are not being met because of a temporary reduction in monthly income below the entitled benefit payment level caused by loss or reduction of wages or unemployment compensation benefits or some other

unforeseen circumstances. The amount of general assistance authorized shall not exceed the difference between the entitled benefit payment level and the amount of income actually received.

(c) General assistance shall be provided only to persons who are not members of assistance units receiving federal aid assistance, except as provided in subsection (6)(a)(ii)(A) and (b) of this section, and will accept available services which can reasonably be expected to enable the person to work or reduce the need for assistance unless there is good cause to refuse. Failure to accept such services shall result in termination until the person agrees to cooperate in accepting such services and subject to the following maximum periods of ineligibility after reapplication:

- (i) First failure: One week;
- (ii) Second failure within six months: One month;
- (iii) Third and subsequent failure within one year: Two months.

(d) The department shall adopt by rule medical criteria for general assistance eligibility to ensure that eligibility decisions are consistent with statutory requirements and are based on clear, objective medical information.

(e) The process implementing the medical criteria shall involve consideration of opinions of the treating or consulting physicians or health care professionals regarding incapacity, and any eligibility decision which rejects uncontroverted medical opinion must set forth clear and convincing reasons for doing so.

(f) Recipients of general assistance based upon a finding of incapacity from gainful employment who remain otherwise eligible shall not have their benefits terminated absent a clear showing of material improvement in their medical or mental condition or specific error in the prior determination that found the recipient eligible by reason of incapacitation. Recipients of general assistance based upon pregnancy who relinquish their child for adoption, remain otherwise eligible, and are not eligible to receive benefits under the federal aid to families with dependent children program shall not have their benefits terminated until the end of the month in which the period of six weeks following the birth of the recipient's child falls. Recipients of the federal aid to families with dependent children program who lose their eligibility solely because of the birth and relinquishment of the qualifying child may receive general assistance through the end of the month in which the period of six weeks following the birth of the child falls.

(7) "Applicant"--Any person who has made a request, or on behalf of whom a request has been made, to any county or local office for assistance.

(8) "Recipient"--Any person receiving assistance and in addition those dependents whose needs are included in the recipient's assistance.

(9) "Standards of assistance"--The level of income required by an applicant or recipient to maintain a level of living specified by the department.

(10) "Resource"--Any asset, tangible or intangible, owned by or available to the applicant at the time of application, which can be applied toward meeting the applicant's need, either directly or by conversion into money or its equivalent: PROVIDED, That an applicant may retain the following described resources and not be ineligible for public assistance because of such resources.

(a) A home, which is defined as real property owned and used by an applicant or recipient as a place of residence, together with a reasonable amount of property surrounding and contiguous thereto, which is used by and useful to the applicant. Whenever a recipient shall cease to use such property for residential purposes, either for himself or his dependents, the property shall be considered as a resource which can be made available to meet need, and if the recipient or his dependents absent themselves from the home for a period of ninety consecutive days such absence, unless due to hospitalization or health reasons or a natural disaster, shall raise a rebuttable presumption of abandonment: PROVIDED, That if in the opinion of three physicians the recipient will be unable to return to the home during his lifetime, and the home is not occupied by a spouse or dependent children or disabled sons or daughters, such property shall be considered as a resource which can be made available to meet need.

(b) Household furnishings and personal effects and other personal property having great sentimental value to the applicant or recipient, as limited by the department consistent with limitations on resources and exemptions for federal aid assistance.

(c) A motor vehicle, other than a motor home, used and useful having an equity value not to exceed one thousand five hundred dollars.

(d) All other resources, including any excess of values exempted, not to exceed one thousand dollars or other limit as set by the department, to be consistent with limitations on resources and exemptions necessary for federal aid assistance.

(e) Applicants for or recipients of general assistance may retain the following described resources in addition to exemption for a motor vehicle or home and not be ineligible for public assistance because of such resources:

(i) Household furnishings, personal effects, and other personal property having great sentimental value to the applicant or recipient;

(ii) Term and burial insurance for use of the applicant or recipient;

(iii) Life insurance having a cash surrender value not exceeding one thousand five hundred dollars; and

(iv) Cash, marketable securities, and any excess of values above one thousand five hundred dollars equity in a vehicle and above one thousand five hundred dollars in cash surrender value of life insurance, not exceeding one thousand five hundred dollars for a single person or two thousand two hundred fifty dollars for a family unit of two or more. The one thousand dollar limit in subsection (10)(d) of this section does not apply to recipients of or applicants for general assistance.

(f) If an applicant for or recipient of public assistance possesses property and belongings in excess of the ceiling value, such value shall be used in determining the need of the applicant or recipient, except that: (i) The department may exempt resources or income when the income and resources are determined necessary to the applicant's or recipient's restoration to independence, to decrease the need for public assistance, or to aid in rehabilitating the applicant or recipient or a dependent of the applicant or recipient; and (ii) the department may provide grant assistance for a period not to exceed nine months from the date the agreement is signed pursuant to this section to persons who are otherwise ineligible because of excess real property owned by such persons when they are making a good faith effort to dispose of that property: **PROVIDED, That:**

(A) The applicant or recipient signs an agreement to repay the lesser of the amount of aid received or the net proceeds of such sale;

(B) If the owner of the excess property ceases to make good faith efforts to sell the property, the entire amount of assistance may become an overpayment and a debt due the state and may be recovered pursuant to RCW 43.20B.630;

(C) Applicants and recipients are advised of their right to a fair hearing and afforded the opportunity to challenge a decision that good faith efforts to sell have ceased, prior to assessment of an overpayment under this section; and

(D) At the time assistance is authorized, the department files a lien without a sum certain on the specific property.

(11) "Income"--(a) All appreciable gains in real or personal property (cash or kind) or other assets, which are received by or become available for use and enjoyment by an applicant or recipient during the month of application or after applying for or receiving public assistance. The department may by rule and regulation exempt income received by an applicant for or recipient of public assistance which can be used by him to decrease his need for public assistance or to aid in rehabilitating him or his dependents, but such exemption shall not, unless otherwise provided in this title, exceed the exemptions of resources granted under this chapter to an applicant for public assistance. In determining the amount of assistance to which an applicant or recipient of aid to families with dependent children is entitled, the department is hereby authorized to disregard as a resource or income the earned income exemptions consistent with federal requirements. The department may permit the above exemption of earnings of a child to be retained by such child to cover the cost of special future identifiable needs even though the total exceeds the exemptions or resources granted to applicants and recipients of public assistance, but consistent with federal requirements. In formulating rules and regulations pursuant to this chapter, the department shall define income and resources and the availability thereof, consistent with federal requirements. All resources and income not specifically exempted, and any income or other economic benefit derived from the use of, or appreciation in value of, exempt resources, shall be considered in determining the need of an applicant or recipient of public assistance.

(b) If, under applicable federal requirements, the state has the option of considering property in the form of lump sum compensatory awards or related settlements received by an applicant or recipient as income or as a resource, the department shall consider such property to be a resource.

(12) "Need"--The difference between the applicant's or recipient's standards of assistance for himself and the dependent members of his family, as measured by the standards of the department, and value of all nonexempt resources and nonexempt income received by or available to the applicant or recipient and the dependent members of his family.

(13) For purposes of determining eligibility for public assistance and participation levels in the cost of medical care, the department shall exempt restitution payments made to people of Japanese and Aleut ancestry pursuant to the Civil Liberties Act of 1988 and the Aleutian and Pribilof Island Restitution Act passed by congress, P.L. 100-383, including all income and resources derived therefrom.

(14) In the construction of words and phrases used in this title, the singular number shall include the plural, the masculine gender shall include both the feminine and neuter genders and the present tense shall include the past and future tenses, unless the context thereof shall clearly indicate to the contrary.

Sec. 912. RCW 86.26.007 and 1991 sp.s. c 13 s 24 are each amended to read as follows:

The flood control assistance account is hereby established in the state treasury. At the beginning of each biennium the state treasurer shall transfer from the general fund to the flood control assistance account an amount of money which, when combined with money remaining in the account from the previous biennium, will equal four million dollars. During the 1991-93 biennium, the legislature may direct the transfer of amounts from the account to the general fund. Moneys in the flood control assistance account may be spent only after appropriation for purposes specified under this chapter.

NEW SECTION. Sec. 913. SEVERABILITY. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 914. EFFECTIVE DATE. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

MOTIONS

On motion of Senator Moore, the following amendment by Senators Moore and Hayner to the Committee on Ways and Means amendment was adopted:

On page 13, line 26, after "staff." insert the following: "None of this appropriation shall be used for actuarial services, which services shall be provided by the state actuary."

Senator West moved that the following amendment by Senators West, Patterson and Wojahn to the Committee on Ways and Means amendment be adopted:

On page 64, after line 12 of the committee amendment, insert the following:

"(9) \$65,263 of the accident fund appropriation and \$65,262 of the medical aid fund appropriation are provided solely to conduct a study investigating the problems and causes associated with assaults on state employees at eastern and western state hospitals. The study will include, but not be limited to, the possible ameliorative actions of increased staffing levels, increased employee training, and physical plant improvements. In the study, the department shall consult with state employees and their representatives, department of social and health services and hospital management, advocates for the mentally ill, patients or former patients of the state mental hospitals, persons with demonstrated expertise in managing assaultive and self destructive behavior, and others with an interest in this issue. The department shall report back to the appropriate committees of the legislature regarding its findings and recommendations by December 31, 1993."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators West, Patterson and Wojahn on page 64, after line 12, to the Committee on Ways and Means striking amendment to Engrossed Substitute House Bill No. 2470.

The motion by Senator West carried and the amendment to the committee amendment was adopted.

MOTION

Senator Bauer moved that the following amendment by Senators Bauer and Rasmussen to the Committee on Ways and Means amendment be adopted:

On page 175, after line 6, insert the following:

NEW SECTION. Sec. 710. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--RETIREMENT ALLOWANCES

General Fund--State Appropriation \$ 5,000,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely to implement Engrossed Substitute Senate Bill No. 5380 (retirement allowances).

Correct internal references accordingly and renumber the sections consecutively.

MOTION

On motion of Senator Newhouse, the following names were included as sponsors of this amendment on page 175, after line 6, to the Committee on Ways and Means amendment, which is the same amendment to the Committee on Ways and Means amendment as the next proposed amendment and, therefore, will not be considered: Senators Craswell, McCaslin, von Reichbauer, Roach, Patterson and Linda Smith.

MOTION

On motion of Senator Bauer, those Senators wishing to be additional sponsors of this amendment on page 175, after line 6, to the Committee on Ways and Means amendment may do so by signing their name at the desk.

Senators Wojahn, Nelson, Erwin, Williams, Talmadge, Stratton, McMullen, Sutherland, Skratek, Snyder, Oke, Conner, Gaspard, Bailey and Pelz signed on as additional sponsors of the original amendment by Senators Bauer and Rasmussen on page 175, after line 6, to the Committee on Ways and Means amendment to Engrossed Substitute House Bill No. 2470.

Debate on the amendment on page 175, after line 6, to the Committee on Ways and Means striking amendment to Engrossed Substitute House Bill No. 2470 ensued.

POINT OF INQUIRY

Senator Talmadge: "Senator McDonald, I know you are a real guardian of the rainy day fund and a guardian of the ending fund balance of the state. What does the adoption of this amendment do to the ending fund balance of your budget?"

Senator McDonald: "Senator Talmadge, we are slightly in deficit , but that certainly is not unique. There is another body, not very far across the rotunda that did similar, so I think this is something we can certainly work out in a Conference Committee. I am supportive of this amendment."

Further debate ensued.

The President declared the question before the Senate to be the adoption of the amendment, originally sponsored by Senators Bauer and Rasmussen on page 175, after line 6, to the Committee on Ways and Means striking amendment to Engrossed Substitute House Bill No. 2470.

The motion by Senator Bauer carried and the amendment to the committee amendment was adopted.

MOTION

On motion of Senator Metcalf, the following amendment by Senators Metcalf, Thorsness and Gaspard to the Committee on Ways and Means amendment was adopted:

On page 187, after line 28, insert the following:

NEW SECTION. Sec. 909. The September 3, 1992, salary increase for judges of the superior court, court of appeals, and supreme court; members of the legislature; and state-wide elected officials shall not take effect unless the salary increase for public school teachers and state employees provided for under sections 503 and 712, chapter 16, Laws of 1991 sp.s. are fully implemented in the 1992 supplemental omnibus appropriations act. To the extent that the scheduled salary increases for teachers and state employees are partially implemented, the September 3, 1992, salary increases for elected officials shall be prorated. To the extent that moneys are not expended from the appropriations in this act as a result of the operation of this section, these moneys shall be placed in reserve status.

Renumber the remaining sections consecutively.

MOTION

Senator Niemi moved that the following amendment to the Committee on Ways and Means amendment be adopted:

On page 1, at the beginning of the amendment, strike the entire amendment and title amendment and insert the following:

Strike everything after the enacting clause and insert the following:

PART I
GENERAL GOVERNMENT

Sec. 101. 1991 sp.s. c 16 s 101 is amended to read as follows:

FOR THE HOUSE OF REPRESENTATIVES

General Fund Appropriation \$ ((53,992,000))
50,533,000

The appropriation in this section is subject to the following conditions and limitations:

~~((1))~~ \$102,500 is provided solely for the task force on city and county finances to meet the requirements of RCW 82.14.301.

~~((2)) Up to \$125,000 is provided for a study of comparable worth in state employee salaries. The study shall review the current implementation of comparable worth and evaluate compensation policy alternatives and other personnel practices as they relate to comparable worth.~~

Sec. 102. 1991 sp.s. c 16 s 102 is amended to read as follows:

FOR THE SENATE

General Fund Appropriation \$ ((41,071,000))

38,513,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$102,500 is provided solely for the task force on city and county finances to meet the requirements of RCW 82.14.301.

(2) \$10,000 is provided solely for expenses related to the meetings and conferences of the Pacific northwest economic region established under chapter 251, Laws of 1991 (Substitute Senate Bill No. 5008, Pacific northwest economic region).

Sec. 103. 1991 sp.s. c 16 s 103 is amended to read as follows:

FOR THE LEGISLATIVE BUDGET COMMITTEE

General Fund Appropriation \$ ((2,384,000))
2,232,000

Sec. 104. 1991 sp.s. c 16 s 104 is amended to read as follows:

FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE

General Fund Appropriation \$ ((2,858,000))
2,657,000

Sec. 105. 1991 sp.s. c 16 s 106 is amended to read as follows:

FOR THE JOINT LEGISLATIVE SYSTEMS COMMITTEE

General Fund Appropriation \$ ((8,623,000))
8,149,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation shall be transferred to the legislative systems revolving fund.

Sec. 106. 1991 sp.s. c 16 s 107 is amended to read as follows:

FOR THE STATUTE LAW COMMITTEE

General Fund Appropriation \$ ((6,898,000))
6,457,000

The appropriation in this section is subject to the following conditions and limitations: \$15,000 is provided solely for the expenses of the law revision commission under chapter 1.30 RCW.

Sec. 107. 1991 sp.s. c 16 s 108 is amended to read as follows:

FOR THE REDISTRICTING COMMISSION

General Fund Appropriation \$ ((888,000))
864,000

Sec. 108. 1991 sp.s. c 16 s 109 is amended to read as follows:

FOR THE SUPREME COURT

General Fund Appropriation \$ ((15,060,000))
16,335,000

The appropriation in this section is subject to the following conditions and limitations:

(1) ~~(\$6,118,000)~~ \$7,626,000 is provided solely for the indigent appeals program.

(2) In implementing the cost reduction measures required by this act, the supreme court may enter into agreements with other judicial agencies to make efficient and effective use of available financial resources within the judicial branch.

Sec. 109. 1991 sp.s. c 16 s 110 is amended to read as follows:

FOR THE LAW LIBRARY

General Fund Appropriation \$ ((3,189,000))
3,027,000

Sec. 110. 1991 sp.s. c 16 s 111 is amended to read as follows:

FOR THE COURT OF APPEALS

General Fund Appropriation \$ ((15,620,000))
15,253,000

The appropriation in this section is subject to the following conditions and limitations: In implementing the cost reduction measures required by this act, the court of appeals may enter into agreements with other judicial agencies to make efficient and effective use of available financial resources within the judicial branch.

Sec. 111. 1991 sp.s. c 16 s 112 is amended to read as follows:

FOR THE COMMISSION ON JUDICIAL CONDUCT

General Fund Appropriation \$ ((955,000))
956,000

Sec. 112. 1991 sp.s. c 16 s 113 is amended to read as follows:

FOR THE ADMINISTRATOR FOR THE COURTS

General Fund Appropriation	\$	((26,552,000))
		29,351,000
Public Safety and Education Account Appropriation	\$	((28,409,000))
		24,849,000
<u>Judicial Information System Account Appropriation</u>	<u>\$</u>	<u>200,000</u>
<u>Drug Enforcement and Education Account Appropriation</u>	<u>\$</u>	<u>850,000</u>
TOTAL APPROPRIATION	\$	((54,961,000))
		55,250,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~(\$18,543,000)~~ \$20,850,000 of the general fund appropriation is provided solely for the superior court judges program. Of this amount, a maximum of \$150,000 may be used to reimburse county superior courts for superior court judges temporarily assigned to other counties that are experiencing large and sudden surges in criminal filings. Reimbursement shall be limited to per diem and travel expenses of assigned judges.

(2) \$1,744,000 of the public safety and education account appropriation is provided solely to install the district court information system (DISCIS) at forty-two district court sites. When providing equipment upgrades to an existing site, an equal amount of local matching funds shall be provided by the local jurisdictions.

(3) \$217,000 of the public safety and education account appropriation is provided solely to contract with the state board for community college education to pay for court interpreter training classes in at least six community colleges for a total of at least 200 financially needy students, who shall be charged reduced tuition based on level of need. Other students may be served by charging the full tuition needed to recover costs.

(4) ~~(\$725,000)~~ \$688,000 of the general fund appropriation is provided solely to implement chapter 127, Laws of 1991 (Second Substitute Senate Bill No. 5127, foster care citizen review).

(5) ~~(\$7,875,000)~~ \$5,007,000 of the public safety and education account appropriation ~~(is)~~, \$850,000 of the drug enforcement and education account appropriation and \$1,500,000 of the general fund--state appropriation are provided solely for the continuation of treatment-alternatives-to-street-crimes (TASC) programs in Pierce, Snohomish, Clark, King, Spokane, and Yakima counties.

(6) In implementing the cost reduction measures required by this act, the administrator for the courts may enter into agreements with other judicial agencies to make efficient and effective use of available financial resources within the judicial branch.

(7) \$345,000 of the general fund--state appropriation is provided solely for implementation of Substitute House Bill No. 2459. The amount provided in this subsection is contingent on enactment of Substitute House Bill No. 2459 (superior court judges) and House Bill No..... (H-4356.1/92 supreme court and court of appeal filing fee increases). If either of these bills is not enacted by June 30, 1992, the amount provided in this subsection shall lapse.

Sec. 113. 1991 sp.s. c 16 s 114 is amended to read as follows:

FOR THE OFFICE OF THE GOVERNOR

General Fund Appropriation	\$	((7,773,000))
		7,350,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$186,000 is provided solely for mansion maintenance.

(2) \$500,000 is provided solely for extradition expenses to carry out RCW 10.34.030, providing for the return of fugitives by the governor, including prior claims, and for extradition-related legal services as determined by the attorney general.

(3) \$207,000 is provided solely for two FTE staff to implement chapter 24, Laws of 1991 (Substitute House Bill No. 1800, office of international relations).

Sec. 114. 1991 sp.s. c 16 s 115 is amended to read as follows:

FOR THE COMMISSION ON AFRICAN-AMERICAN AFFAIRS

General Fund Appropriation	\$	((286,000))
		279,000

Sec. 115. 1991 sp.s. c 16 s 116 is amended to read as follows:

FOR THE LIEUTENANT GOVERNOR

General Fund Appropriation	\$	((524,000))
		496,000

Sec. 116. 1991 sp.s. c 16 s 117 is amended to read as follows:

FOR THE PUBLIC DISCLOSURE COMMISSION

General Fund Appropriation	\$	((1,884,000))
		1,787,000

The appropriation in this section is subject to the following conditions and limitations: \$25,000 is provided solely to implement a system to track gratuities received by elected officials and other persons required to report under state public disclosure laws.

Sec. 117. 1991 sp.s. c 16 s 118 is amended to read as follows:

FOR THE SECRETARY OF STATE

General Fund Appropriation	\$	((8,618,000))
		<u>8,122,000</u>
Archives and Records Management Account Appropriation	\$	((3,612,000))
		<u>3,599,000</u>
Savings Recovery Account Appropriation	\$	569,000
TOTAL APPROPRIATION	\$	((12,799,000))
		<u>12,290,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$809,000 of the general fund appropriation is provided solely to reimburse counties for the state's share of primary and general election costs and the costs of conducting mandatory recounts on state measures.

(2) \$2,919,000 of the general fund appropriation is provided solely for the verification of initiative and referendum petitions, maintenance of related voter registration records, legal advertising of state measures, and the publication and distribution of the voters and candidates pamphlet.

Sec. 118. 1991 sp.s. c 16 s 119 is amended to read as follows:

FOR THE GOVERNOR'S OFFICE OF INDIAN AFFAIRS

General Fund Appropriation	\$	((318,000))
		<u>310,000</u>

Sec. 119. 1991 sp.s. c 16 s 120 is amended to read as follows:

FOR THE COMMISSION ON ASIAN-AMERICAN AFFAIRS

General Fund Appropriation	\$	((370,000))
		<u>360,000</u>

Sec. 120. 1991 sp.s. c 16 s 121 is amended to read as follows:

FOR THE STATE TREASURER

Motor Vehicle Account Appropriation	\$	44,000
State Treasurer's Service Fund Appropriation	\$	((9,571,000))
		<u>10,112,000</u>
TOTAL APPROPRIATION	\$	((9,615,000))
		<u>10,156,000</u>

Sec. 121. 1991 sp.s. c 16 s 122 is amended to read as follows:

FOR THE STATE AUDITOR

General Fund Appropriation	\$	((615,000))
		<u>566,000</u>
Motor Vehicle Fund Appropriation	\$	243,000
Municipal Revolving Fund Appropriation	\$	((19,319,000))
		<u>19,311,000</u>
Auditing Services Revolving Fund Appropriation	\$	((11,269,000))
		<u>11,264,000</u>
TOTAL APPROPRIATION	\$	((31,446,000))
		<u>31,384,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$280,000 of the auditing services revolving fund appropriation is provided solely for the whistleblower program.

Sec. 122. 1991 sp.s. c 16 s 123 is amended to read as follows:

FOR THE CITIZENS' COMMISSION ON SALARIES FOR ELECTED OFFICIALS

General Fund Appropriation	\$	((82,000))
		<u>78,000</u>

Sec. 123. 1991 sp.s. c 16 s 124 is amended to read as follows:

FOR THE ATTORNEY GENERAL

General Fund--State Appropriation	\$	((6,264,000))
		<u>5,644,000</u>
General Fund--Federal Appropriation	\$	1,589,000
Public Safety and Education Account Appropriation	\$	((1,736,000))
		<u>1,693,000</u>
Legal Services Revolving Fund Appropriation	\$	((90,555,000))
		<u>88,976,000</u>
Motor Vehicle Fund Appropriation	\$	727,000
New Motor Vehicle Arbitration Account Appropriation	\$	1,742,000
TOTAL APPROPRIATION	\$	((102,613,000))

100,371,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The attorney general shall report on actual legal services expenditures and actual attorney and support staffing levels for each agency receiving legal services. A report covering fiscal year 1992 shall be submitted to the office of financial management and the fiscal committees of the senate and house of representatives by September 1, 1992.

(2) Beginning July 1, 1992, the attorney general shall include, at a minimum, the following information with each bill sent to agencies receiving legal services: (a) The number of hours and cost of attorney services provided during the billing period; (b) the number of hours and cost of support staff services provided during the billing period; (c) attorney general overhead and central support costs charged to the agency for the billing period; (d) direct legal costs, such as filing and docket fees, charged to the agency for the billing period; and (e) other costs charged to the agency for the billing period. If requested by an agency receiving legal services, the attorney general shall provide the information required in this subsection by program.

(3) ~~\$(1,736,000)~~ 1,693,000 of the public safety and education account appropriation is provided solely for the attorney general's criminal litigation unit.

Sec. 124. 1991 sp.s. c 16 s 125 is amended to read as follows:

FOR THE ECONOMIC AND REVENUE FORECAST COUNCIL

General Fund Appropriation	\$	((868,000))
		<u>823,000</u>

Sec. 125. 1991 sp.s. c 16 s 126 is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT

General Fund--State Appropriation	\$	((20,563,000))
		<u>16,357,000</u>
General Fund--Federal Appropriation	\$	101,000
Savings Recovery Account Appropriation	\$	((1,932,000))
		<u>4,683,000</u>
Public Safety and Education Account Appropriation	\$	((290,000))
		<u>283,000</u>
Motor Vehicle Fund Appropriation	\$	108,000
TOTAL APPROPRIATION	\$	((22,994,000))
		<u>21,532,000</u>

The appropriations in this section are subject to the following conditions and limitations:

~~((3))~~ (1) The appropriations in this section include amounts sufficient to implement section 13 of chapter 36, Laws of 1991 (Engrossed Substitute House Bill No. 1608, children's mental health).

(2) A portion of moneys from these appropriations expended for education reform shall be used to establish a commission for the purpose of developing assessment standards and other tasks necessary for the implementation of the student learning goals of the governor's council on education reform and funding.

Sec. 126. 1991 sp.s. c 16 s 128 is amended to read as follows:

FOR THE DEPARTMENT OF PERSONNEL

Department of Personnel Service Fund Appropriation	\$	((17,178,000))
		<u>16,868,000</u>

The appropriation in this section is subject to the following conditions and limitations:

(1) \$65,000 is provided solely to increase advertising for employment opportunities with the state.

(2) ~~(\$121,000 is provided solely for an executive search specialist in the department to be utilized by all state agencies.)~~ \$118,000 is provided solely to implement the provisions of House Bill No. 2308 (state employee day care). If the bill is not enacted by June 30, 1992, the amount provided in this subsection shall lapse.

Sec. 127. 1991 sp.s. c 16 s 129 is amended to read as follows:

FOR THE COMMITTEE FOR DEFERRED COMPENSATION

General Fund Appropriation	\$	((384,000))
		<u>364,000</u>

The appropriation in this section is subject to the following conditions and limitations: ~~(\$351,000)~~ \$333,000 is provided solely for the administration of a state employee salary reduction plan for dependent care assistance.

Sec. 128. 1991 sp.s. c 16 s 131 is amended to read as follows:

FOR THE COMMISSION ON HISPANIC AFFAIRS

General Fund Appropriation	\$	((401,000))
		<u>391,000</u>

Sec. 129. 1991 sp.s. c 16 s 133 is amended to read as follows:

FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--OPERATIONS

Department of Retirement Systems Expense Fund		
Appropriation	\$	((27,791,000))
		<u>28,000,000</u>

The appropriation in this section is subject to the following conditions and limitations: \$2,403,000 is provided solely for information systems projects known by the following names or successor names: Support of member database, support of audit, and audit of member files. Authority to expend this amount is conditioned on compliance with section 902 of this act. The department shall report to the fiscal committees of the senate and house of representatives on the status of the member database project by January 15, 1992.

Sec. 130. 1991 sp.s. c 16 s 134 is amended to read as follows:

FOR THE STATE INVESTMENT BOARD

State Investment Board Expense Account Appropriation	\$	((4,555,000))
		<u>6,153,000</u>

The appropriation in this section is subject to the following conditions and limitations: \$1,700,000 is provided solely for one-time expenditures incurred in exercising the board's fiduciary responsibilities associated with managing trust and retirement funds. The moneys provided in this subsection shall not be used to obligate the board to any on-going expenses, including equipment lease-purchase agreements, or the employment of permanent staff. The board shall report to the fiscal committees of the senate and house of representatives by January 15, 1992, on the use of the moneys provided in this subsection.

Sec. 131. 1991 sp.s. c 16 s 135 is amended to read as follows:

FOR THE DEPARTMENT OF REVENUE

General Fund Appropriation	\$	((91,543,000))
		<u>91,064,000</u>
Timber Tax Distribution Account Appropriation	\$	4,241,000
State Toxics Control Account Appropriation	\$	90,000
Solid Waste Management Account Appropriation	\$	82,000
Pollution Liability Reinsurance Trust Account		
Appropriation	\$	226,000
Vehicle Tire Recycling Account Appropriation	\$	122,000
Air Operating Permit Account Appropriation	\$	42,000
Oil/Hazardous Substance Cleanup Account		
Appropriation	\$	27,000
TOTAL APPROPRIATION	\$	((96,373,000))
		<u>95,894,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$4,660,000 of the general fund appropriation is provided solely for the information systems project known as "taxpayer account integration management". Authority to expend this amount is conditioned on compliance with section 902 of this act.

(2) \$668,000 of the general fund appropriation is provided solely to reimburse counties for property tax revenue losses resulting from enactment of chapters 203, 213, and 219, Laws of 1991 (Substitute Senate Bill No. 5110, House Bill No. 1299, House Bill No. 1642; senior citizens' tax exemptions).

(3) \$168,000 of the general fund--state appropriation is provided solely for the implementation of chapter 218, Laws of 1991 (Substitute House Bill No. 1301, property tax administrative practices).

Sec. 132. 1991 sp.s. c 16 s 136 is amended to read as follows:

FOR THE BOARD OF TAX APPEALS

General Fund Appropriation	\$	((1,572,000))
		<u>1,552,000</u>

Sec. 133. 1991 sp.s. c 16 s 138 is amended to read as follows:

FOR THE UNIFORM LEGISLATION COMMISSION

General Fund Appropriation	\$	((49,000))
		<u>44,000</u>

Sec. 134. 1991 sp.s. c 16 s 139 is amended to read as follows:

FOR THE OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES

General Fund Appropriation	\$	((2,319,000))
		<u>2,193,000</u>

Sec. 135. 1991 sp.s. c 16 s 140 is amended to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

General Fund--State Appropriation	\$	((5,119,000))
		<u>4,649,000</u>
General Fund--Federal Appropriation	\$	1,649,000

General Fund--Private/Local Appropriation	\$	274,000
Savings Recovery Account Appropriation	\$	1,070,000
Risk Management Account Appropriation	\$	1,192,000
Motor Transport Account Appropriation	\$	8,568,000
Central Stores Revolving Account Appropriation	\$	((4,365,000))
		<u>3,965,000</u>
Air Pollution Control Account Appropriation	\$	111,000
General Administration Facilities and Services		
Revolving Fund Appropriation	\$	((19,592,000))
		<u>20,464,000</u>
TOTAL APPROPRIATION	\$	((41,940,000))
		<u>41,942,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$22,000 of the motor transport account appropriation and \$111,000 of the air pollution control account appropriation are provided solely to implement the department's responsibilities under chapter 199, Laws of 1991 (Engrossed Substitute House Bill No. 1028, air quality).

(2) \$2,850,000 of the motor transport account appropriation is provided solely for replacement of motor vehicles through the state treasurer's financing contract program under chapter 39.94 RCW. The department may acquire new motor vehicles only to replace and not to increase the number of motor vehicles within the department's fleet.

(3) ~~(\$4,365,000)~~ \$3,965,000 of the central stores revolving fund appropriation is provided solely for the purchasing and contract administration activities of the office of state procurement, division of purchasing, as provided in RCW 43.19.1923. Of this amount ~~(\$555,000)~~ \$155,000 is provided solely to implement chapter 297, Laws of 1991 (Second Substitute Senate Bill No. 5143, purchasing recycled goods).

(4) \$117,000 of the general administration facilities and services revolving fund appropriation is provided solely to assist state agencies in processing asbestos claims.

(5) The department shall develop a consolidated mail service to handle all incoming mail in the 98504 zip code area, as well as all outgoing mail of executive branch agencies in the Olympia, Tumwater, and Lacey area, as determined by the director of general administration. Upon request, the department shall also provide outgoing mail services to legislative and judicial agencies in the Olympia, Tumwater, and Lacey area. For purposes of administering the consolidated mail service, the director shall:

(a) Determine the nature and extent of agency participation in the service, including the phasing of participation;

(b) Subject to the approval of the director of financial management and in compliance with applicable personnel laws, transfer employees and equipment from other agencies to the department when the director determines that such transfers will further the efficiency of the consolidated mail service. The director of financial management shall ensure that there are no net increases in state-wide staffing levels as a result of providing services currently being performed by state agencies through the consolidated mail service;

(c) Periodically assess charges on participating agencies to recover the cost of providing consolidated mail services;

(d) Accurately account for all costs incurred in implementation of the consolidated mail operation, and document any cost savings or avoidances; and

(e) By September 1, 1992, report to the appropriate committees of the legislature on the implementation of the service, including documentation of cost savings or avoidances achieved from the consolidation of mail services during fiscal year 1992.

(6) \$849,000 of the general administration facilities and services revolving fund appropriation is provided solely for maintenance services to the department of labor and industries and the department of natural resources, subject to negotiations with those departments to determine the levels and prices of services.

Sec. 136. 1991 sp.s. c 16 s 141 is amended to read as follows:

FOR THE DEPARTMENT OF INFORMATION SERVICES

General Fund Appropriation	\$	((428,000))
		<u>406,000</u>
Data Processing Revolving Fund Appropriation	\$	1,379,000
TOTAL APPROPRIATION	\$	((1,807,000))
		<u>1,785,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~(\$428,000)~~ \$406,000 of the general fund appropriation is provided solely to complete the video telecommunications demonstration project begun by the department during the 1989-91 biennium. Authority to spend this amount is conditioned on compliance with section 903 of this act.

(2) The department shall report to the appropriate committees of the legislature by January 15, 1992, on the state's information systems development, review, and approval process. The report shall include recommendations on the

appropriate roles and responsibilities of individual agencies, the department of information services, and the office of financial management.

Sec. 137. 1991 sp.s. c 16 s 143 is amended to read as follows:

FOR THE INSURANCE COMMISSIONER

Insurance Commissioner's Regulatory Account

Appropriation	\$	((15,432,000))
		<u>15,420,000</u>

The appropriation in this section is subject to the following conditions and limitations: The insurance commissioner shall employ a fiscal analyst to (1) review financial statements and other data to discern potential financial difficulties of insurance companies admitted to do business in this state; (2) monitor the financial condition of admitted companies on a priority basis; (3) coordinate information within the insurance commissioner's office that relates to solvency conditions; and (4) analyze the financial statements of foreign companies seeking admission in this state in order to expedite the admissions process.

Sec. 138. 1991 sp.s. c 16 s 144 is amended to read as follows:

FOR THE BOARD OF ACCOUNTANCY

General Fund Appropriation	\$	((523,000))
		<u>495,000</u>
Certified Public Accountants' Account Appropriation	\$	669,000
TOTAL APPROPRIATION	\$	((1,192,000))
		<u>1,164,000</u>

Sec. 139. 1991 sp.s. c 16 s 146 is amended to read as follows:

FOR THE PROFESSIONAL ATHLETIC COMMISSION

General Fund Appropriation	\$	((144,000))
		<u>136,000</u>

Sec. 140. 1991 sp.s. c 16 s 148 is amended to read as follows:

FOR THE LIQUOR CONTROL BOARD

Liquor Revolving Fund Appropriation	\$	((106,415,000))
		<u>103,653,000</u>

Industrial Insurance Premium Refund Account

Appropriation 73,000

TOTAL APPROPRIATION	\$	<u>103,724,000</u>
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Sec. 141. 1991 sp.s. c 16 s 149 is amended to read as follows:

FOR THE UTILITIES AND TRANSPORTATION COMMISSION

Public Service Revolving Fund Appropriation	\$	((29,189,000))
		<u>29,357,000</u>
Grade Crossing Protective Fund Appropriation	\$	320,000
TOTAL APPROPRIATION	\$	((29,509,000))
		<u>29,677,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$50,000 of the public service revolving fund appropriation is provided solely for the purpose of contracting with the state energy office to develop plans and recommendations to expand the availability of compressed natural gas refueling stations for motor vehicles, pursuant to chapter 199, Laws of 1991 (Engrossed Substitute House Bill No. 1028).

Sec. 142. 1991 sp.s. c 16 s 151 is amended to read as follows:

FOR THE MILITARY DEPARTMENT

General Fund--State Appropriation	\$	((9,549,000))
		<u>9,016,000</u>
General Fund--Federal Appropriation	\$	7,582,000
General Fund--Private/Local Appropriation	\$	180,000
TOTAL APPROPRIATION	\$	((17,311,000))
		<u>16,778,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$10,000 of the general fund--state appropriation is provided to the public affairs office for headquarters STARC, Camp Murray, Washington air national guard solely for the purpose of a publication to assist in the recruitment and retention of the Washington national guard.

Sec. 143. 1991 sp.s. c 16 s 152 is amended to read as follows:

FOR THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

General Fund Appropriation	\$	((2,176,000))
		<u>2,153,000</u>

**PART II
HUMAN SERVICES**

Sec. 201. 1991 sp.s. c 16 s 202 is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--CHILDREN AND FAMILY SERVICES PROGRAM

General Fund--State Appropriation	\$	((277,041,000))
		<u>269,906,000</u>
General Fund--Federal Appropriation	\$	((174,174,000))
		<u>171,732,000</u>
Drug Enforcement and Education Account Appropriation	\$	4,000,000
Public Safety and Education Account Appropriation	\$	((2,618,000))
		<u>2,418,000</u>
TOTAL APPROPRIATION	\$	((457,833,000))
		<u>448,056,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~(\$1,000,000)~~ \$607,000 of the general fund--state appropriation is provided solely to implement chapter 364, Laws of 1991 (Engrossed Substitute Senate Bill No. 5025, youth and family services) subject to the following conditions and limitations.

(a) \$94,000 of this amount is provided solely for an evaluation of family reconciliation services pursuant to section 1, chapter 364, Laws of 1991 (Engrossed Second Substitute Senate Bill No. 5025, youth and family services).

(b) ~~(\$650,000)~~ \$513,000 is provided solely to expand family reconciliation services.

~~(\$256,000 is provided solely to expand homebuilder services to Whatcom county on July 1, 1992.)~~

(2) ~~(\$5,902,000)~~ \$4,002,000 of the general fund--state appropriation and ~~(\$1,081,000)~~ \$950,000 of the general fund--federal appropriation are provided solely for vendor rate increases of ~~(five)~~ four percent on ~~(January)~~ July 1, 1992, and five percent on January 1, 1993, for children's out-of-home residential providers except interim care, including but not limited to foster parents and child placement agencies, and ~~(3.1)~~ two percent on ~~(January)~~ July 1, 1992, and 3.4 percent on January 1, 1993, for other providers, except child care providers.

~~(3) (\$1,350,000 of the general fund--state appropriation is provided solely for the continuation of the family violence pilot project and to initiate one new project at a cost of no more than \$350,000.~~

~~(4))~~ (4) \$1,150,000 of the general fund--state appropriation is provided solely to implement a therapeutic home program under section 2 of chapter 326, Laws of 1991 (Engrossed Substitute House Bill No. 1608, children's services).

~~(\$5))~~ (5) \$500,000 of the general fund--state appropriation is provided solely to implement chapter 283, Laws of 1991 (Second Substitute Senate Bill No. 5341, foster parent liability insurance).

~~(\$6))~~ (6) \$110,000 of the general fund--state appropriation is provided solely for volunteers of America of Spokane's crosswalk project.

~~(\$7))~~ (7) \$3,300,000 of the general fund--state appropriation is provided solely for direct services provided by four existing continuum of care projects.

~~(\$8))~~ (8) \$900,000 of the drug enforcement and education account appropriation and \$300,000 of the general fund--state appropriation are provided solely to contract for the operation of one pediatric interim care facility. The facility shall provide residential care for up to twelve children through two years of age. Seventy-five percent of the children served by the facility must be in need of special care as a result of substance abuse by their mothers. The facility also shall provide on-site training to biological, adoptive, or foster parents. The facility shall provide at least three months of consultation and support to parents accepting placement of children from the facility. The facility may recruit new and current foster and adoptive parents for infants served by the facility. The department shall not require case management as a condition of the contract. The department shall solicit proposals from current pediatric interim care providers. The department shall select a provider from among the current pediatric interim care providers through an accelerated selection process by August 15, 1991. The contract shall be awarded by August 15, 1991.

~~(\$9))~~ (9) \$700,000 of the general fund--state appropriation and \$299,000 of the drug enforcement and education account appropriation are provided solely for up to three nonfacility based programs for the training, consultation, support, and recruitment of biological, foster, and adoptive parents of children through age three in need of special care as a result of substance abuse by their mothers, except that each program may serve up to three medically fragile nonsubstance-abuse-affected children. In selecting nonfacility based programs, preference shall be given to programs whose federal or private funding sources have expired or have successfully performed under the existing pediatric interim care program. The department shall select providers under this subsection using an accelerated selection process, to be completed no later than August 15, 1991.

~~(\$10))~~ (10) The amounts in subsections (7) and (8) ~~(and (9))~~ of this section may be used to continue the existing pediatric interim care programs through August 15, 1991.

~~(\$11))~~ (11) ~~(\$200,000)~~ \$100,000 of the public safety and education account is provided solely to implement sections 11 and 12, chapter 301, Laws of 1991 (Engrossed Substitute House Bill No. 1884, domestic violence programs).

~~((12))~~ (11) Up to \$25,000 of the general fund--state appropriation is provided to implement section 7 of chapter 301, Laws of 1991 (Substitute House Bill No. 1884, domestic violence programs).

~~((13))~~ (12) \$1,500,000 of the general fund--state appropriation is provided solely for increased funding for domestic violence programs.

~~((15))~~ (13) \$480,000 of the general fund--state appropriation is provided solely for purchase of service and for grants to nonprofit child placement agencies licensed under chapter 74.15 RCW to recruit potential adoptive parents for, and place for adoption, children with physical, mental, or emotional disabilities, children who are part of a sibling group, children over age 10, and minority or limited English-speaking children.

(14) \$1,200,000 of the general fund--state appropriation is provided solely for the transfer of children who are inappropriately housed in crisis residential centers to residential services designed to meet their specific needs.

Sec. 202. 1991 sp.s. c 16 s 203 is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--JUVENILE REHABILITATION PROGRAM

(1) COMMUNITY SERVICES

General Fund--State Appropriation	\$	((57,604,000))
		<u>53,586,000</u>
General Fund--Federal Appropriation	\$	135,000
Drug Enforcement and Education Account Appropriation	\$	1,762,000
TOTAL APPROPRIATION	\$	((59,501,000))
		<u>55,483,000</u>

The appropriations in this subsection are subject to the following conditions and limitations: ~~((a) \$1,117,000)~~ \$774,000 of the general fund--state appropriation is provided solely to provide vendor rate increases of ~~((five))~~ four percent on ~~((January))~~ July 1, 1992, and five percent on January 1, 1993, to juvenile rehabilitation group homes, and ~~((3.4))~~ two percent on ~~((January))~~ July 1, 1992, and 3.4 percent on January 1, 1993, for other vendors.

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation	\$	((54,370,000))
		<u>57,791,000</u>
General Fund--Federal Appropriation	\$	949,000
Drug Enforcement and Education Account Appropriation	\$	940,000
TOTAL APPROPRIATION	\$	((56,259,000))
		<u>59,680,000</u>

(3) PROGRAM SUPPORT

General Fund Appropriation	\$	((4,390,000))
		<u>2,996,000</u>
Drug Enforcement and Education Account Appropriation	\$	342,000
TOTAL APPROPRIATION	\$	((4,732,000))
		<u>3,338,000</u>

The appropriations in this subsection are subject to the following conditions and limitations: \$90,000 of the general fund--state appropriation is provided solely to implement chapter 234, Laws of 1991 (Second Substitute Senate Bill No. 5167, juvenile justice act), including section 2 of the act.

Sec. 203. 1991 sp.s. c 16 s 204 is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--MENTAL HEALTH PROGRAM

(1) COMMUNITY SERVICES/REGIONAL SUPPORT NETWORKS

General Fund--State Appropriation	\$	((235,715,000))
		<u>219,948,000</u>
General Fund--Federal Appropriation	\$	((110,751,000))
		<u>109,582,000</u>
General Fund--Local Appropriation	\$	3,360,000
TOTAL APPROPRIATION	\$	((349,826,000))
		<u>332,890,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) ~~((6,213,000))~~ \$3,642,000 of the general fund--state appropriation and ~~((2,863,000))~~ \$1,694,000 of the general fund--federal appropriation are provided solely for vendor rate increases of ~~((3.4))~~ two percent on ~~((January))~~ July 1, 1992, and 3.4 percent on January 1, 1993.

(b) ~~((33,021,000))~~ \$23,971,000 of the general fund--state appropriation and \$250,000 of the general fund--federal appropriation are provided for the continued implementation of chapter 206, Laws of 1989, as amended, and other community enhancements. Of this amount:

(i) ~~((7,200,000))~~ \$6,400,000 is provided solely to implement sections 1(16) and 2(8) of chapter 262, Laws of 1991 (Second Substitute Senate Bill No. 5667, evaluation/treatment access).

(ii) \$400,000 of the general fund--state appropriation is provided solely for Pierce county for costs related to the administration of the involuntary treatment act.

(iii) ~~(\$17,582,000)~~ \$9,582,000 is provided solely to expand mental health service capacity in a manner to be determined by the regional support networks. However, community services that will reduce the populations of the state hospitals shall have first priority for these funds.

(iv) \$1,900,000 of the general fund--state appropriation is provided solely for regional support networks for acquisition and implementation of local management information systems in compliance with RCW 71.24.035. These information systems shall assure exchange of state required core data concerning mental health programs. The department of social and health services shall contract with regional support networks for these information systems.

(v) \$1,600,000 of the general fund--state appropriation is provided solely for an integrated information system which allows for assured exchange of state required core data in compliance with RCW 71.24.035. Authority to expend these funds is conditioned on compliance with section 902 of this act.

(vi) \$589,000 of the general fund--state appropriation is provided solely to establish the Grays Harbor regional support network by January 1, 1992.

(vii) \$500,000 of the general fund--state appropriation is provided solely to implement section 14, chapter 326, Laws of 1991 (Engrossed Substitute House Bill No. 1608, services for children).

(viii) ~~(\$750,000)~~ \$500,000 of the general fund--state appropriation and \$250,000 of the general fund--federal appropriation are provided solely for up to five performance-based contracts for the delivery of children's mental health services with regional support networks that have developed interagency children's mental health services delivery plans. To be eligible for a contract, the interagency children's mental health services delivery plan shall:

(A) Involve the major child-serving systems, including education, child welfare, and juvenile justice, in the county or counties served by the regional support network, in a coordinated system for delivery of children's mental health services; and

(B) Include mechanisms for interagency case planning, where necessary, that do not result in duplicative case management, to meet the mental health needs of children served through the plan.

(c) \$1,500,000 of the general fund--state appropriation is provided solely for transportation services.

(d) \$2,000,000 of the general fund--state appropriation is provided solely to enroll an additional four counties in the regional support network program by January 1993.

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation	\$	((237,703,000))
		<u>192,645,000</u>
General Fund--Federal Appropriation	\$	((13,604,000))
		<u>62,735,000</u>
TOTAL APPROPRIATION	\$	((251,307,000))
		<u>255,380,000</u>

(3) CIVIL COMMITMENT

General Fund--State Appropriation	\$	((4,908,000))
		<u>4,781,000</u>

(4) SPECIAL PROJECTS

General Fund--State Appropriation	\$	((1,917,000))
		<u>1,891,000</u>
General Fund--Federal Appropriation	\$	<u>2,966,000</u>
TOTAL APPROPRIATION	\$	((4,883,000))
		<u>4,857,000</u>

The appropriations in this subsection are subject to the following conditions and limitations: ~~(\$59,000)~~ \$33,000 of the general fund--state appropriation is provided solely for vendor rate increases of ~~((3.4))~~ two percent on ~~((January))~~ July 1, 1992, and 3.4 percent on January 1, 1993.

(5) PROGRAM SUPPORT

General Fund--State Appropriation	\$	((6,197,000))
		<u>5,959,000</u>
General Fund--Federal Appropriation	\$	((1,887,000))
		<u>1,867,000</u>
TOTAL APPROPRIATION	\$	((8,084,000))
		<u>7,826,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$338,000 from the general fund--state appropriation is provided solely for transfer by interagency agreement to the University of Washington for an evaluation of mental health reform. The legislative budget committee shall review the evaluation work plan and deliverables. The indirect cost rate for this study shall be the same as that for the first steps evaluation.

NEW SECTION. Sec. 204. The sum of \$8,000,000, or so much thereof as may be necessary, is appropriated from the state general fund to the mental health program of the department of social and health services for a risk pool fund

to support a collaborative effort between regional support networks and state hospitals to serve patients in community settings.

Money from this fund shall be expended as payments to regional support networks for reductions in usage of bed days at Eastern and Western State Hospitals, or, to the extent such reductions are not made, to cover resulting budget deficits at the state hospitals.

Payments to regional support networks shall be specified in regional support network contracts with the department and shall be based on negotiations between regional support networks and the state hospitals. These negotiations shall identify the intended reductions in bed days, the expected reductions in costs in state hospitals, and the amount and timing of payments to regional support networks.

Sec. 205. 1991 sp.s. c 16 s 205 is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--DEVELOPMENTAL DISABILITIES PROGRAM

(1) COMMUNITY SERVICES

General Fund--State Appropriation	\$	((189,332,000)) 186,753,000
General Fund--Federal Appropriation	\$	((111,394,000)) 117,159,000
TOTAL APPROPRIATION	\$	((300,726,000)) <u>303,912,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

~~((e))~~ (a) \$500,000 of the general fund--state appropriation, or as much thereof as may be necessary, is provided solely for tenant or intensive tenant support services for clients of group homes of over fifteen clients that demonstrate difficulty in meeting departmental standards.

~~((d))~~ (b) \$706,000 of the general fund--state appropriation and \$815,000 of the general fund--federal appropriation are provided solely for community-based residential programs for twelve clients under the care of the united cerebral palsy intermediate care facility for the mentally retarded.

~~((e))~~ (c) ~~((3,150,000))~~ \$3,050,000 of the general fund--state appropriation and ~~((3,698,000))~~ \$3,581,000 of the general fund--federal appropriation are provided solely for community-based services for developmentally disabled persons who have transferred from Western State Hospital or Eastern State Hospital to the community or who in the judgment of the secretary are at risk of being committed to either hospital.

~~((f))~~ (d) \$1,500,000 of the general fund--state appropriation is provided solely for the family support services program.

~~((g))~~ (e) ~~\$7,200,000 of the general fund--state appropriation and \$7,200,000 of the general fund--federal appropriation are provided solely for additional clients in the state operated living alternative community residential program (SOLA) who previously resided in residential habilitation centers. Any of these amounts used for employment or day programs shall be used to contract with private community providers.~~

~~(h)~~ (f) ~~\$5,900,000 of the general fund--state appropriation and \$5,900,000 of the general fund--federal appropriation are provided solely for additional clients in privately operated community residential programs who previously resided in residential habilitation centers.~~

~~((i))~~ (g) ~~\$1,800,000~~ (e) \$4,400,000 of the general fund--state appropriation and \$4,400,000 of the general fund--federal appropriation are provided solely for community-based residential programs for up to seventy-three clients who during the 1991-93 biennium transfer from residential habilitation centers.

(f) \$400,000 of the general fund--state appropriation ~~((and \$600,000 of the general fund--federal appropriation are))~~ is provided solely for costs related to additional case management.

~~((j))~~ (g) \$800,000 of the general fund--state appropriation and \$800,000 of the general fund--federal appropriation are provided solely for emergency community residential placements in lieu of placement at residential habilitation centers.

~~((k))~~ (h) ~~\$1,924,000 of the general fund--state appropriation and \$1,465,000 of the general fund--federal appropriation are provided solely for community-based residential services for seventy clients transferred from Fircrest School to the community.)~~

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation	\$	((115,404,000)) 138,936,000
General Fund--Federal Appropriation	\$	((143,511,000)) 178,154,000
TOTAL APPROPRIATION	\$	((258,915,000)) <u>317,090,000</u>

The appropriations in this subsection are subject to the following conditions and limitations: The general fund--state appropriation shall be reduced by the amount that has been expended as of the effective date of this act from the appropriation under section 207, chapter 16, Laws of 1991 sp.s.

~~((b) \$400,000))~~ \$100,000 of the general fund--state appropriation is provided solely for enhanced staff training.

(3) PROGRAM SUPPORT

General Fund--State Appropriation	\$	((5,638,000)) <u>5,585,000</u>
General Fund--Federal Appropriation	\$	((1,094,000)) <u>1,001,000</u>
TOTAL APPROPRIATION	\$	((6,732,000)) <u>6,586,000</u>

The appropriations in this section are subject to the following conditions and limitations: ~~((1,040,000))~~ \$1,015,000 of the general fund--state appropriation is provided solely to establish five regional centers representing all areas of the state and to provide grants to nonprofit community-based organizations to provide services for the deaf in each region. If Substitute Senate Bill No. 5458 (regional deaf centers) is enacted by July 31, 1991, the amount provided in this subsection is provided solely to implement the bill.

NEW SECTION. Sec. 206. 1991 sp.s. c 16 s 207 is repealed.

Sec. 207. 1991 sp.s. c 16 s 208 is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--DEVELOPMENTAL DISABILITIES PROGRAM--COMMUNITY SERVICES EXPANSION

The sum of ~~((17,000,000))~~ \$13,010,000, or so much thereof as may be necessary, is appropriated from the state general fund to the developmental disabilities program of the department of social and health services for the community services program to expand community-based services during the 1991-93 fiscal biennium. Of this appropriation:

(1) ~~((6,700,000 of the general fund appropriation is provided solely for expansion of employment programs for persons who have completed a high school curriculum within the previous two years.~~

~~(2) \$5,400,000 of the general fund appropriation is provided solely for employment programs for those persons who complete a high school curriculum during the 1991-93 biennium.~~

~~(3) \$4,200,000 of the general fund appropriation))~~ \$8,110,000 is provided solely for employment programs, or to the extent that the programs will lead to employment, community access programs, for those persons who completed a high school curriculum during 1989 or 1990, or who will complete a high school curriculum during the 1991-93 biennium.

~~(2)~~ \$4,200,000 is provided solely to expand the family support services program.

~~((4))~~ (3) \$700,000 of the general fund appropriation is provided solely to add new cases to the early intervention services program.

Sec. 208. 1991 sp.s. c 16 s 209 is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--DEVELOPMENTAL DISABILITIES PROGRAM--COMMUNITY VENDOR RATES

The sums of ~~((10,834,000))~~ \$6,660,000 from the general fund--state appropriation and ~~((5,480,000))~~ \$3,666,000 from the general fund--federal appropriation, or so much thereof as may be necessary, are provided for vendor rate increases of ~~((six))~~ four percent on ~~((January))~~ July 1, 1992, and six percent on January 1, 1993, to be used only for increases to vendors currently providing services and not for program expansion, to the department of social and health services, developmental disabilities program for the biennium ending June 30, 1993. A minimum increase of three percent on July 1, 1992, and a minimum increase of 4.5 percent on January 1, 1993, shall be provided to all vendors. The remaining amounts may be used by the department or by counties contracting with the department to address inequities in the current vendor reimbursement system or the special needs of various vendors of services to the developmentally disabled.

Sec. 209. 1991 sp.s. c 16 s 210 is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--LONG-TERM CARE SERVICES

General Fund--State Appropriation	\$	((565,033,000)) <u>552,759,000</u>
General Fund--Federal Appropriation	\$	((665,949,000)) <u>661,415,000</u>
TOTAL APPROPRIATION	\$	((1,230,982,000)) <u>1,214,174,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Nursing home rates shall be adjusted for inflation under RCW 74.46.495 by 3.1 percent on July 1, 1991, and ~~((3.4))~~ under House Bill No. (H-3851/92, medicaid funding of nursing homes) by 6.9 percent on July 1, 1992.

(2) \$1,000,000 of the general fund--state appropriation is provided solely to increase the capacity of the chore services program.

(3) At least ~~((16,686,400))~~ \$16,015,400 of the general fund--state appropriation shall initially be allotted for implementation of the senior citizens services act. However, at least \$1,290,300 of this amount shall be used solely for programs that use volunteer workers for the provision of chore services to persons whose need for chore services is not being met by the chore services programs.

(4) \$714,000 of the general fund--state appropriation is provided solely to continue funding for the volunteer chore services program.

(5) ~~(\$5,276,000)~~ \$3,581,000 of the general fund--state appropriation and ~~(\$3,171,000)~~ \$1,764,000 of the general fund--federal appropriation are provided solely for vendor rate increases of ~~((3.1))~~ two percent on ~~((January))~~ July 1, 1992, and 3.4 percent on January 1, 1993.

(6) \$5,001,000 of the general fund--state appropriation and \$3,751,000 of the general fund--federal appropriation are provided solely for salary and wage increases for chore workers (both contracted and individual providers), COPEs workers (agency and individual providers), Title XIX personal care contracted workers, and respite care workers.

(7) \$1,477,000 of the general fund--state appropriation and \$1,748,000 of the general fund--federal appropriation are provided solely for increases in the assisted living program.

(8) \$100,000 of the general fund--state appropriation is provided solely for a prospective rate enhancement for nursing homes meeting all of the following conditions: (a) The nursing home entered into an arms-length agreement for a facility lease prior to January 1, 1980; (b) the lessee purchased the leased facility after January 1, 1980; (c) the lessor defaulted on its loan or mortgage for the assets of the facility; (d) the facility is located in a county with a 1989 population of less than 45,000 and an area more than 5,000 square miles. The rate increase shall be effective July 1, 1990. To the extent possible, the increase shall recognize the 1982 fair market value of the nursing home's assets as determined by an appraisal contracted by the department of general administration. If necessary, the increase shall be granted from state funds only. In no case shall the annual value of the rate increase exceed \$50,000. The rate adjustment in this subsection shall not be implemented if it jeopardizes federal matching funds for qualifying facilities or the long-term care program in general. Funds may be disbursed on a monthly basis.

(9) Within the appropriations in this section, the department shall implement chapter 271, Laws of 1991 (Engrossed Substitute House Bill No. 2100, nursing homes/ethnic minorities).

Sec. 210. 1991 sp.s. c 16 s 211 is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--INCOME ASSISTANCE PROGRAM

General Fund--State Appropriation	\$	((601,519,000))
		606,423,000
General Fund--Federal Appropriation	\$	((655,543,000))
		687,250,000
TOTAL APPROPRIATION	\$	((1,257,062,000))
		<u>1,293,673,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Payment levels in the programs for aid to families with dependent children, general assistance, and refugee assistance shall contain an energy allowance to offset the costs of energy. The allowance shall be excluded from consideration as income for the purpose of determining eligibility and benefit levels of the food stamp program to the maximum extent such exclusion is authorized under federal law and RCW 74.08.046. To this end, up to \$230,000,000 of the income assistance payments is so designated for exemptions of the following amounts:

Family size:	1	2	3	4	5	6	7	8 or more
Exemption:	\$55	71	86	102	117	133	154	170

(2) ~~(\$1,100,000)~~ \$596,000 of the general fund--state appropriation and ~~(\$1,173,000)~~ \$651,000 of the general fund--federal appropriation are provided solely for a ~~((3.1))~~ two percent vendor rate increase on ~~((January))~~ July 1, 1992, and a 3.4 percent increase on January 1, 1993.

(3) ~~(\$21,404,000)~~ \$6,034,000 of the general fund--state appropriation and ~~(\$25,887,000)~~ \$7,344,000 of the general fund--federal appropriation are provided solely for a grant standard increase for aid for families with dependent children, the family independence program, general assistance--special and supplemental security income additional requirements, consolidated emergency assistance, and refugee assistance. The increase shall equal ~~((3.1 percent on January 1, 1992, and))~~ 3.4 percent on January 1, 1993.

(4) \$1,008,000 of the general fund--state appropriation is provided solely to implement retrospective budgeting under RCW 74.04.005(6)(b)(ii).

(5) Of the general fund--state appropriation, no more shall be expended for the state supplementary payment for supplemental security income (SSI) payments than is required to comply with 20 CFR Ch. III, s 416.2096(c)(1). The department shall adjust the state supplementary payment in order to comply within this condition and limitation.

(6) \$8,000,000 of the general fund--state appropriation is provided solely for the department to implement a plan for general assistance--unemployable (GA-U) recipients not expected to qualify for supplemental security income, but who, due to their medical incapacity, are likely to remain on GA-U for 12 months or more. These recipients shall be screened at the time of initial approval (and each review as needed) and assessed. The assessment shall determine employment barriers and shall result in a plan for the removal of the barriers. Plan components may include work experience, vocational rehabilitation services, job training services, short-term training, and appropriate mental health and medical treatment services. Identified recipients are required to participate in accordance with the plan, unless good cause exists

for failure to participate. The appropriations in this section are sufficient to implement this subsection due to assumed lower expenditures on GA-U caseloads resulting from this program.

Sec. 211. 1991 sp.s. c 16 s 212 is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ALCOHOL AND SUBSTANCE ABUSE PROGRAM

General Fund--State Appropriation	\$	((45,437,000))
		<u>41,618,000</u>
General Fund--Federal Appropriation	\$	((41,691,000))
		<u>41,645,000</u>
Drug Enforcement and Education Account		
State Appropriation	\$	38,236,000
TOTAL APPROPRIATION	\$	((125,364,000))
		<u>121,499,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) (((\$3,242,000)) \$1,883,000 of the general fund--state appropriation ((is)) and \$47,000 of the general fund--federal appropriation are provided solely for vendor rate increases of ((3-1)) two percent on ((January)) July 1, 1992, and 3.4 percent on January 1, 1993.

(2) \$50,000 of the general fund--state appropriation is provided solely for a program to inform clients in substance abuse programs of the consequences of the use of drugs and alcohol during pregnancy, and to encourage those who may abuse drugs or alcohol to avoid pregnancy.

Sec. 212. 1991 sp.s. c 16 s 213 is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--MEDICAL ASSISTANCE PROGRAM

General Fund--State Appropriation	\$	((968,684,000))
		<u>1,013,168,000</u>
General Fund--Federal Appropriation	\$	((1,058,273,000))
		<u>1,192,411,000</u>
General Fund--Local Appropriation	\$	((12,000,000))
		<u>52,000,000</u>
TOTAL APPROPRIATION	\$	((2,038,957,000))
		<u>2,257,579,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) (((\$10,853,000)) \$6,339,000 of the general fund--state appropriation and (((\$11,832,000)) \$6,538,000 of the general fund--federal appropriation is provided solely for a ((3-1)) two percent vendor rate increase on ((January)) July 1, 1992, and a 3.4 percent increase on January 1, 1993.

(2) (((\$2,262,000)) \$567,000 of the general fund--state appropriation and (((\$2,763,000)) \$680,000 of the general fund--federal appropriation is provided solely for the grant standard increase authorized in section 211 of this act.

(3) The department shall adopt measures to realize savings of \$7,500,000 in general fund--state expenditures for optional medicaid services or coverages as estimated in the March 1991 forecast estimate by the office of financial management. These limits or measures shall be effective no later than September 1, 1991, and shall be reported to the appropriate committees of the legislature by that date.

(4) The department shall establish standards for the use and frequency of use of reimbursable chiropractic services. The standards shall recognize the medical or therapeutic value of such services.

(5) The department shall continue disproportionate share payments and vendor payment advances to Harborview medical center. It is the intent of the legislature that Harborview medical center continue to be an economically viable component of the health care system and that the state's financial interest in Harborview medical center be recognized. To this end, the legislature requests that the chair of Harborview medical center board of trustees convene a work group consisting of state legislators and county elected officials, with representation from the University of Washington board of regents and administration, to discuss alternative governance strategies. The legislature requests that by December 1, 1991, the work group submit to appropriate legislative committees recommendations to improve the structure and governance process of Harborview medical center. It is the intent of the legislature that Harborview medical center maintain its high standards of care through active participation in health research. Therefore, the legislature expects Harborview medical center to proceed with the renovation of Harborview hall.

(6) The department is authorized under 42 U.S.C. Sec. 1396b(a)(1) to pay third-party health insurance premiums for categorically needy medical assistance recipients upon a determination that payment of the health insurance premium is cost effective. In determining cost effectiveness, the department shall compare the amount, duration, and scope of coverage offered under the medical assistance program.

(7) The department shall continue variable ratable reductions for the medically indigent and general assistance--unemployable programs in effect November 1, 1988.

(8) \$14,473,000 of the general fund--state appropriation and \$17,566,000 of the general fund--federal appropriation are provided solely for the adult dental program for Title XIX categorically eligible and medically needy persons.

(9) \$125,000 of the general fund--state appropriation and \$150,000 of the general fund--federal appropriation are provided solely for a prenatal care project. The project shall be designed to triage low-income pregnant women according to health needs and to refer them through an equitable client distribution system to appropriate maternity care providers. The project shall be located in an urban county designated as a maternity care distressed area, with a high need for such services, as evidenced by the number of women unable otherwise to obtain care and by the rate of infant mortality and similar factors. The department shall give preference to existing programs that are at risk of termination due to lack of funding.

(10) Not more than \$261,000 from the appropriations in this section may be expended to implement chapter 233, Laws of 1991 (Substitute Senate Bill No. 5010, occupational therapy), subject to the adoption of savings measures by the department under subsection (3) of this section.

(11) \$435,000, of which \$217,500 is appropriated from the general fund--federal appropriation, is provided solely for transfer by interagency agreement to the University of Washington for the continuation of the first steps evaluation. The legislative budget committee shall review the evaluation progress and deliverables. Overhead on the research contract shall continue at the 1989-91 level.

(12) \$49,000,000 of the general fund--federal appropriation and \$40,000,000 of the general fund--private/local appropriation are provided solely to establish a hospital assistance program through the disproportionate share mechanism. The program shall assist Harborview Medical Center, University of Washington Medical Center, and rural hospital districts.

(13) \$1,100,000 of the general fund--state appropriation and \$797,000 of the general fund--federal appropriation are provided solely for the restoration of adult chiropractic care beginning July 1, 1992. The department may adopt by rule such measures as peer review, utilization review, care plans, or limitation of treatment to assure that needs are met at the least cost, as provided in House Bill No. 2605 (chiropractic services).

(14) \$335,000 of the general fund--state appropriation and \$427,000 of the general fund--federal appropriation are provided solely for the restoration of adult podiatric services beginning July 1, 1992.

Sec. 213. 1991 sp.s. c 9 s 10 is amended to read as follows:

(1) The sum of (~~one hundred twenty-eight million four hundred ten~~) one hundred twenty-five million one hundred ninety-nine thousand dollars from the state general fund, of which (~~sixty-nine million nine hundred~~) sixty-eight million one hundred fifty-two thousand dollars is from the general fund--federal, is hereby appropriated for the fiscal period beginning September 1, 1991, and ending June 30, 1993, to the medical assistance program of the department of social and health services for the purpose of the payment of the components of the disproportionate share adjustment under section 9 of this act. The appropriation in this subsection shall lapse on the date that sections 1 through 4 of this act expire. Amounts that have been paid under this subsection, but are properly attributable to a period after the expiration of sections 1 through 4 of this act, shall be repaid or credited to the state as provided in rules of the department.

(2) The sum of (~~thirty-eight million one hundred eighty-seven~~) thirty million thirty-two thousand dollars from the state general fund, of which (~~twenty~~) sixteen million (~~nine hundred ninety-five~~) seven hundred sixty thousand dollars is from the general fund--federal, is hereby appropriated for the biennium ending June 30, 1993, to the medical assistance program of the department of social and health services for the purpose of the payment of the medical indigency care components of the disproportionate share adjustment under RCW 74.09.730(1) (b) and (c).

(3) The allotments from the appropriations in this section shall be made so as to enable expenditure of the appropriations through the end of the 1991-93 biennium.

(4) The appropriations (~~is~~) in this section are supplemental to other appropriations to the medical assistance program. The department of social and health services shall not use the moneys appropriated in this section in lieu of any other appropriations for the medical assistance program.

Sec. 214. 1991 sp.s. c 16 s 214 is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--VOCATIONAL REHABILITATION PROGRAM

General Fund--State Appropriation	\$	((16,601,000)) <u>16,348,000</u>
General Fund--Federal Appropriation	\$	((56,973,000)) <u>54,383,000</u>
TOTAL APPROPRIATION	\$	((73,574,000)) <u>70,731,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) (~~(\$94,000)~~) \$51,000 of the general fund--state appropriation is provided solely for vendor rate increases of (~~(3-1)~~) two percent on (~~(January)~~) July 1, 1992, and 3.4 percent on January 1, 1993.

(2) \$1,621,000 of the general fund--state appropriation and \$3,576,000 of the general fund--federal appropriation are provided solely to enhance vocational rehabilitation services.

(3) \$700,000 of the general fund--state appropriation and \$1,000,000 of the general fund--federal appropriation are provided solely for vocational rehabilitation services for severely handicapped individuals who completed a high school curriculum in 1989 or 1990, or who will complete a high school curriculum during the 1991-93 biennium.

Sec. 215. 1991 sp.s. c 16 s 215 is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ADMINISTRATION AND SUPPORTING SERVICES PROGRAM

General Fund--State Appropriation	\$	((53,529,000)) 50,757,000
General Fund--Federal Appropriation	\$	((37,706,000)) 36,372,000
Industrial Insurance Premium Refund Account Appropriation	\$	80,000
TOTAL APPROPRIATION	\$	((91,315,000)) 87,209,000

The appropriations in this section are subject to the following conditions and limitations:
 ((2)) \$500,000 of the general fund--state appropriation is provided solely to implement section 28 of chapter 315, Laws of 1991 (Engrossed Substitute Senate Bill No. 5555, timber family support centers).

Sec. 216. 1991 sp.s. c 16 s 216 is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--COMMUNITY SERVICES ADMINISTRATION PROGRAM

General Fund--State Appropriation	\$	((221,996,000)) 194,518,000
General Fund--Federal Appropriation	\$	((267,315,000)) 205,579,000
TOTAL APPROPRIATION	\$	((489,311,000)) 400,097,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~((266,000))~~ \$72,000 of the general fund--state appropriation and ~~((50,000))~~ \$21,000 of the general fund--federal appropriation are provided solely for vendor rate increases of ~~((3-1))~~ two percent on ~~((January))~~ July 1, 1992, and 3.4 percent on January 1, 1993.

(2) \$1,748,000 of the general fund--state appropriation and \$1,748,000 of the general fund--federal appropriation are provided solely for the supplemental security income pilot project.

(3) \$500,000 of the general fund--state appropriation is provided solely to implant section 28 of Substitute Senate Bill No. 5555 (timber area assistance). If the bill is not enacted by July 31, 1991, the amount provided in this subsection shall lapse.

(4) ~~\$(266,000))~~ 249,000 of the general fund--state appropriation and ~~\$(492,000))~~ 419,000 of the general fund--federal appropriation are provided solely for development costs of the automated client eligibility system. Authority to expend these funds is conditioned on compliance with section 902 of this act.

(5) ~~((435,000 is provided solely for transfer by interagency agreement to the University of Washington for the continuation of the first steps evaluation. The legislative budget committee shall review the evaluation progress and deliverables. Overhead on the research contract shall continue at the 1989-91 level.~~

(7)) \$250,000 of the general fund--state appropriation is provided solely for the delivery of information to new immigrants and legal aliens. The program shall emphasize information needed to help these individuals become healthy, productive members of their communities.

((8)) (6) The department shall establish procedures for the timely referral of general assistance clients not meeting the criteria for supplemental security income to employment, vocational, and educational services designed to assist them in entering the work force.

((9) \$636,600) (7) \$598,600 of the general fund--state appropriation and ~~((1,181,400))~~ \$1,103,400 of the general fund--federal appropriation are provided solely for transfer by interagency agreement to the legislative budget committee for an independent evaluation of the family independence program as required by section 14, chapter 434, Laws of 1987.

((10) \$1,000,000) (8) \$962,000 of the general fund--state appropriation and ~~((1,000,000))~~ \$962,000 of the general fund--federal appropriation are provided solely for transfer by interagency agreement to the institute for public policy at The Evergreen State College to continue to conduct a longitudinal study for public assistance recipients, pursuant to section 14, chapter 434, Laws of 1987.

((11) \$800,000) (9) \$468,000 of the general fund--state appropriation is provided solely to expand refugee services.

((13)) (10) \$600,000 of the general fund--state appropriation is provided solely for transfer by interagency agreement to the office of the superintendent of public instruction for the purpose of English as a second language courses.

(11) \$80,000 of the general fund--state appropriation and \$80,000 of the general fund--federal appropriation are provided solely for a program to inform clients in community service offices of the consequences of the use of drugs and alcohol during pregnancy, and to encourage those who may abuse drugs or alcohol to avoid pregnancy.

Sec. 217. 1991 sp.s. c 16 s 217 is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--REVENUE COLLECTIONS PROGRAM

General Fund--State Appropriation	\$	((43,979,000))
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General Fund--Federal Appropriation	\$	45,809,000 ((90,407,000))
General Fund--Local Appropriation	\$	92,059,000 280,000
Public Safety and Education Account Appropriation	\$	((5,100,000))
		5,049,000
TOTAL APPROPRIATION	\$	((139,766,000)) <u>143,197,000</u>

The appropriations in this section are subject to the following conditions and limitations:
~~((5,100,000))~~ (1) \$5,049,000 from the public safety and education account appropriation is provided solely to county officials to provide child support enforcement services.

(2) The department shall increase federal support for current state programs. It is the intent of the legislature that the department increase federal support by at least \$2,000,000. If necessary, the department shall retain outside experts to assist in increasing federal support.

Sec. 218. 1991 sp.s. c 16 s 218 is amended to read as follows:
FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--PAYMENTS TO OTHER AGENCIES PROGRAM

General Fund--State Appropriation	\$	((33,062,000)) 31,342,000
General Fund--Federal Appropriation	\$	((11,516,000)) 10,961,000
TOTAL APPROPRIATION	\$	((44,578,000)) <u>42,303,000</u>

NEW SECTION. Sec. 219. The appropriations in sections 201 through 218 of this act are subject to the following conditions and limitations: The department of social and health services may shift up to \$2,000,000 of the general fund--state appropriations made to other department programs in this act, to the revenue program. Such transfers shall be from other programs where general fund--state savings are realized as the result of increased federal support for current state programs.

Sec. 220. 1991 sp.s. c 16 s 219 is amended to read as follows:
FOR THE WASHINGTON STATE HEALTH CARE AUTHORITY
 State Health Care Authority Administrative Account

Appropriation	\$	((9,357,000)) 9,727,000
General Fund Appropriation	\$	((366,000)) 357,000
TOTAL APPROPRIATION	\$	((9,723,000)) <u>10,084,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,261,000 of the state health care authority administrative account appropriation is provided solely to implement the recommendations of the health care purchasing study concerning the use of diagnostic-related groups for hospital care, the implementation of a resource-based relative value scale for physicians' fees, and new prescription drug policies. The departments of social and health services, veteran's affairs, health, corrections, and other state agencies that purchase or oversee health care services shall work cooperatively with the health care authority to implement the study's recommendations.

(2) The state employees' benefits board shall consider developing and offering to employees a health care benefit plan that minimizes the impact of deductibles, copayments, or coinsurance on lower-paid employees by using a sliding scale or a means test for out-of-pocket expenses.

(3) The entire general fund appropriation ((is)) and \$69,000 of the state health care authority administrative account appropriation are provided solely for the operations of the health care commission.

(4) \$140,000 of the state health care authority administrative account appropriation is provided solely to implement the provisions of House Bill No. (H-3742.1/92; school retirees' health insurance coverage). If the bill is not enacted by June 30, 1992, the amount provided in this subsection shall lapse.

Sec. 221. 1991 sp.s. c 16 s 220 is amended to read as follows:
FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

General Fund--State Appropriation	\$	((102,767,000)) 105,305,000
General Fund--Federal Appropriation	\$	((153,195,000)) 202,410,000
General Fund--Private/Local Appropriation		\$1,370,000
Public Safety and Education Account Appropriation	\$	((5,532,000))

	8,394,000
<u>Fire Service Trust Account</u>	\$ 164,000
Building Code Council Account Appropriation	\$ 924,000
Public Works Assistance Account Appropriation	\$ 1,022,000
Fire Service Training Account Appropriation	\$ ((803,000))
	<u>1,103,000</u>
State Toxics Control Account Appropriation	\$ ((556,000))
	<u>726,000</u>
Drug Enforcement and Education Account Appropriation	\$ 4,188,000
Low Income Weatherization Account Appropriation	\$ 2,563,000
Washington Housing Trust Fund Appropriation	\$ 13,500,000
Oil Spill Administration Account Appropriation	\$ 395,000
<u>Enhanced 911 Account Appropriation</u>	<u>\$ 1,936,000</u>
TOTAL APPROPRIATION	\$ ((286,815,000))
	<u>344,000,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$5,331,000 of the general fund--state appropriation and \$2,500,000 of the general fund--federal appropriation are provided solely for the early childhood education and assistance program.

(2) \$970,000 of the general fund--state appropriation is provided solely for the department to offer technical assistance to timber-dependent communities in economic diversification and revitalization efforts, as authorized by section 9, chapter 314, Laws of 1991 (Engrossed Substitute House Bill No. 1341, timber-dependent communities).

(3) ~~(\$750,000)~~ \$744,000 of the general fund--state appropriation is provided solely for mortgage assistance in timber-dependent communities as authorized in sections 23 through 27, chapter 315, Laws of 1991 (Engrossed Substitute Senate Bill No. 5555, timber areas assistance).

(4) ~~(\$400,000)~~ \$200,000 of the general fund--state appropriation is provided solely for a state-wide stabilization program for arts organizations that have annual budgets exceeding \$200,000. The grants authorized in this subsection shall be made to individual arts organizations. No portion of this amount may be expended for a grant without equal matching funds from nonstate sources. No organization may receive a grant without a written contract. No money may be paid under the contract unless the grantee has operated without a deficit during the contract period, which shall be for at least one year, beginning no earlier than July 1, 1991.

(5) \$50,000 of the general fund--state appropriation is provided solely as a pass-through grant to the city of Vancouver for costs associated with the Medal of Honor project.

(6) \$3,213,000 of the general fund--state appropriation is provided solely for emergency food assistance authorized under section 201, chapter 336, Laws of 1991 (Second Substitute Senate Bill No. 5568, hunger and nutrition). Of this amount, \$2,913,000 shall be allocated by the department for the purpose of supporting the operation of food banks, food distribution programs, and tribal voucher programs, for the purchase, transportation and storage of food under the emergency food assistance program. These funds may be used to purchase food for people with special nutritional needs. The remaining \$300,000 shall be allocated to food banks in timber-dependent communities, as defined in chapter 314, Laws of 1991 (Engrossed Substitute House Bill No. 1341, timber-dependent communities).

(7) \$20,000 of the general fund--state appropriation is provided solely for a grant for the Children's Museum.

(8) ~~(\$300,000)~~ \$150,000 of the general fund--state appropriation is provided solely for continuation of the Washington state games.

(9) ~~(\$300,000)~~ \$198,000 of the general fund--state appropriation is provided solely for continuation of the community economic diversification program under chapter 43.63A RCW.

(10) \$68,000 of the state building code council appropriation is provided solely to implement chapter 347, Laws of 1991 (Engrossed Substitute House Bill No. 2026, water resources management).

(11) ~~(\$14,539,000)~~ \$13,595,000 of the general fund--state appropriation is provided solely for growth management planning grants to local governments.

(12) ~~(\$7,739,000)~~ \$7,129,000 of the general fund--state appropriation is provided solely to implement chapter 32, Laws of 1991 sp. sess. (Engrossed Substitute House Bill No. 1025 ((~~6~~)), growth management). ~~((If this bill is not enacted by July 31, 1991, \$5,239,000 of the amount provided in this subsection shall lapse.))~~ Of the amount provided in this subsection:

(a) \$4,250,000 is provided solely for planning grants to local governments additional to those provided for under subsection (11) of this section;

(b) ~~(\$1,000,000)~~ \$433,000 is provided solely to conduct environmental planning pilot projects; and

(c) \$975,000 is provided solely to contract with the environmental hearings office for three growth planning hearings boards. A maximum of \$1,950,000 of the amount provided in this subsection (12) may be used for this purpose.

(13) \$7,955,000 of the general fund--federal appropriation is provided solely for the drug control and system improvement formula grant program, to be distributed in fiscal year 1992 as follows:

(a) \$4,400,000 to local units of government to continue existing local drug task forces.

(b) \$800,000 to local units of government for urban projects.

(c) \$766,000 to the department of community development to continue the state-wide drug prosecution assistance program.

(d) \$170,000 to the department of community development for a state-wide drug offense indigent defense program.

(e) \$440,000 to the department of community development for drug education programs in the common schools. The department shall give priority to programs in underserved areas. The department shall direct the funds to education programs that employ either local law enforcement officers or state troopers.

(f) \$50,000 to the Washington state patrol for data management.

(g) \$225,000 to the Washington state patrol for a technical support unit.

(h) \$375,000 to the Washington state patrol for support of law enforcement task forces.

(i) \$120,000 to the Washington state patrol for continued funding for a clandestine drug lab unit. The patrol shall coordinate activities related to the clandestine drug lab unit with the department of ecology to ensure maximum effectiveness of the program.

(j) \$150,000 to the Washington state patrol for coordination of local drug task forces.

(k) \$279,000 to the department of community development for allocation to public or private nonprofit groups or organizations with experience and expertise in the field of domestic violence, for the purpose of continuing existing domestic violence advocacy programs, providing legal and other assistance to victims and witnesses in court proceedings, and establishing new domestic violence advocacy programs.

(l) \$180,000 to the department of community development for general administration of grants.

~~(14) ((\$500,000 of the general fund state appropriation is provided solely for fire protection contracts. The department shall award contracts for cities and towns where state owned facilities constitute fifteen percent of the total valuation of property within the jurisdiction, and where the city or town does not have an existing agreement with a state agency for fire protection reimbursement.~~

(15) \$1,080,000)) \$8,087,000 of the general fund--federal appropriation is provided solely for the drug control and system improvement formula grant program, to be distributed in fiscal year 1993 as follows:

(a) \$4,180,000 to local units of government to continue existing local drug task forces.

(b) \$440,000 to local units of government for urban projects. The distribution shall be made through a competitive grant process administered by the department.

(c) \$749,000 to the department of community development to continue the state-wide drug prosecution assistance program.

(d) \$231,000 to the department of community development for a state-wide drug offense indigent defense program.

(e) \$300,000 to the department of community development for drug education programs in the common schools.

The department shall give priority to programs in underserved areas. The department shall direct the funds to education programs that employ either local law enforcement officers or state troopers.

(f) \$50,000 to the Washington state patrol for data management.

(g) \$225,000 to the Washington state patrol for a technical support unit.

(h) \$543,000 to the Washington state patrol for support of law enforcement task forces.

(i) \$150,000 to the Washington state patrol for coordination of local drug task forces.

(j) \$200,000 to the department of community development for allocation to public or private nonprofit groups or organizations with experience and expertise in the field of domestic violence, for the purpose of continuing existing domestic violence advocacy programs, providing legal and other assistance to victims and witnesses in court proceedings, and establishing new domestic violence advocacy programs.

(k) \$225,000 to the department of community development for general administration of grants.

(l) \$140,000 to the department of community development to conduct a program evaluation in accordance with federal regulations.

(m) \$404,000 to the Washington state patrol for implementing changes in managing criminal history records in accordance with new federal standards.

(n) \$100,000 to the Washington state patrol for the crime lab program.

(o) \$150,000 to the criminal justice training commission for law enforcement training.

(15) \$170,000 of the state toxics control account appropriation is provided solely for a contract with the Washington state patrol for continued funding of the clandestine drug lab unit. The patrol shall coordinate activities related to the clandestine drug lab unit with the department of ecology to ensure maximum effectiveness of the program.

(16) \$980,000 of the general fund--state appropriation is provided solely for continuation of the urban-rural links grant program established under the growth management act of 1990.

~~((16) \$300,000 of the public safety and education account appropriation is provided solely for legal advocacy services to victims of sexual assault under chapter 267, Laws of 1991 (Engrossed Substitute House Bill No. 1534, sexual assault investigation.))~~

(17) \$395,000 of the oil spill administration account appropriation is provided solely to implement chapter 200, Laws of 1991 (Engrossed Substitute House Bill No. 1027, oil and hazardous substance spill prevention and response).

(18) ((\$75,000)) \$150,000 of the general fund--state appropriation is provided solely for the Mount St. Helen's monitoring system and emergency medical services.

(19) ((\$340,000)) \$290,000 of the general fund--state appropriation is provided solely to replace lost federal funds for continued support of the community development finance program.

(20) ~~\$(200,000)~~ 50,000 of the general fund--state appropriation is provided solely to continue assistance to Okanogan county to address impacts associated with tourism developments.

(21) \$46,000 of the general fund--state appropriation is provided solely to implement chapter 297, Laws of 1991 (Substitute Senate Bill No. 5143 recycled products).

(22) ~~\$(250,000)~~ \$220,000 of the general fund--state appropriation is provided solely to provide technical assistance and managerial support to nonprofit community-based organizations by:

- (a) Acting as a clearinghouse for and providing information and referral services;
- (b) Providing management training courses designed for nonprofit managers, staff, and boards;
- (c) Providing direct assistance to individual organizations;
- (d) Assisting organizations in soliciting and managing volunteers; and
- (e) Coordinating activities with the state volunteer center, other state agencies, local service providers, and other volunteer organizations giving similar assistance.

If Substitute Senate Bill No. 5581 (community partnership program) is enacted by July 31, 1991, the amount provided in this subsection is provided solely to implement the bill.

(23) \$40,000 of the general fund--state appropriation is provided solely to continue the circuit-rider program, which provides technical and managerial assistance to cities and counties.

(24) \$50,000 of the general fund--state appropriation is provided solely to provide technical assistance to local governments to help them implement screening procedures, service delivery standards, and cost recovery, and the other requirements of RCW 10.101.020, 10.101.030, and 10.101.040. If Substitute Senate Bill No. 5072 (indigent defense task force) is enacted by July 31, 1991, the amount provided in this subsection is provided solely to implement the bill.

(25) ~~\$(50,000)~~ \$25,000 of the general fund--state appropriation is provided solely for Washington's share of costs associated with the Bi-State Policy Advisory Committee.

~~((27))~~ (26) \$25,000 of the general fund--state appropriation is provided solely for a contract with an organization representing persons with disabilities. Under the contract, the organization shall provide legal advocacy to ensure that the state, as trustee, is fully complying with the fiduciary duties owed to persons with disabilities, pursuant to trusts established under state and federal law.

(27) \$50,000 of the general fund--state appropriation is provided solely for the community development finance program to continue assistance to timber-dependent communities.

(28) \$545,000 of the general fund--state appropriation is provided solely for the local development matching fund program.

(29) \$135,000 of the general fund--state appropriation is provided solely for administration of the development loan fund.

(30) \$3,000,000 of the public safety and education account appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 1378. If the bill is not enacted by June 30, 1992, the amount provided in this subsection shall lapse.

(31) \$50,000 of the general fund--state appropriation is provided solely for an ombudsman in a county with a population over 500,000.

Sec. 222. 1991 sp.s. c 16 s 221 is amended to read as follows:

FOR THE HUMAN RIGHTS COMMISSION

General Fund--State Appropriation	\$	((4,292,000))
		<u>4,057,000</u>
General Fund--Federal Appropriation	\$	((942,000))
		<u>999,000</u>
General Fund--Private/Local Appropriation	\$	<u>520,000</u>
TOTAL APPROPRIATION	\$	((5,754,000))
		<u>5,576,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$520,000 of the general fund--local/private appropriation is provided solely for the provision of technical assistance services by the department.

Sec. 223. 1991 sp.s. c 16 s 222 is amended to read as follows:

FOR THE BOARD OF INDUSTRIAL INSURANCE APPEALS

Public Safety and Education Account Appropriation	\$	((110,000))
		<u>107,000</u>
Worker and Community Right-to-Know Account		
Appropriation	\$	20,000
Accident Fund Appropriation	\$	((8,373,000))
		<u>8,510,000</u>
Medical Aid Fund Appropriation	\$	((8,373,000))
		<u>8,510,000</u>
TOTAL APPROPRIATION	\$	((16,876,000))
		<u>17,147,000</u>

Sec. 224. 1991 sp.s. c 16 s 223 is amended to read as follows:

FOR THE CRIMINAL JUSTICE TRAINING COMMISSION

General Fund Appropriation	\$	((66,000))
		<u>62,000</u>
Death Investigations Account Appropriation	\$	36,000
Public Safety and Education Account Appropriation	\$	((12,016,000))
		<u>11,682,000</u>
Drug Enforcement and Education Account Appropriation	\$	370,000
TOTAL APPROPRIATION	\$	((12,488,000))
		<u>12,150,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$33,000 of the general fund appropriation is provided solely to implement chapter 328, Laws of 1991 (Engrossed Substitute House Bill No. 1181, private detectives licensing).

(2) \$33,000 of the general fund appropriation is provided solely to implement chapter 334, Laws of 1991 (Second Substitute Senate Bill No. 5124, security guards licensing).

Sec. 225. 1991 sp.s. c 16 s 224 is amended to read as follows:

FOR THE DEPARTMENT OF LABOR AND INDUSTRIES

General Fund Appropriation	\$	((10,708,000))
		<u>10,500,000</u>
Public Safety and Education Account State Appropriation	\$	((21,226,000))
		<u>19,776,000</u>
Public Safety and Education Account Federal Appropriation	\$	4,480,000
Accident Fund Appropriation	\$	((131,416,000))
		<u>131,489,000</u>
Electrical License Fund Appropriation	\$	15,230,000
Farm Labor Revolving Account Appropriation	\$	30,000
Medical Aid Fund Appropriation	\$	((148,883,000))
		<u>150,490,000</u>
Plumbing Certificate Fund Appropriation	\$	649,000
Pressure Systems Safety Fund Appropriation	\$	1,898,000
Worker and Community Right-to-Know Fund Appropriation	\$	2,112,000
TOTAL APPROPRIATION	\$	((336,632,000))
		<u>336,654,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$8,970,229 from the accident fund appropriation; \$7,265,063 from the medical aid fund appropriation; \$714,163 from the electrical license fund appropriation; \$41,139 from the plumbing certificate fund appropriation; \$92,956 from the pressure systems safety fund appropriation; \$317 from the public safety and education account appropriation; and \$12,448 from the worker and community right-to-know fund appropriation are provided solely for information systems projects named in this section. Authority to expend these moneys is conditioned on compliance with section 902 of this act. For the purposes of this section, "information systems projects" means the projects known by the following names or successor names: Document imaging, state fund information system, safety and health information management system, and local area network/wide area network data communications.

(2) \$50,000 of the accident fund appropriation and \$50,000 of the medical aid fund appropriation are provided solely to implement chapter 172, Laws of 1991 (Substitute Senate Bill No. 5374 ((c)), labor/management cooperative program).

(3) \$2,466,500 from the accident fund appropriation and \$2,466,500 from the medical aid fund appropriation is provided solely to increase the claims management staffing levels.

(4) \$263,500 from the accident fund appropriation and \$263,500 from the medical aid fund appropriation are provided solely to increase the staffing levels of the asbestos-related disease claims filed with the department.

(5) \$1,920,150 from the accident fund appropriation and \$338,850 from the medical aid fund appropriation are provided solely to increase staffing levels for work environment improvement safety and health package.

(6) \$70,000 from the accident fund appropriation and \$70,000 from the medical aid fund appropriation are provided solely to add one additional staff to establish a return-to-work program for all state agencies and institutions of higher education.

(7) \$42,000 of the medical aid fund appropriation and \$42,000 of the accident fund appropriation are provided solely for an additional adjudicator position to assist in monitoring complaints and compliance of self-insured employers.

Sec. 226. 1991 sp.s. c 16 s 225 is amended to read as follows:

FOR THE INDETERMINATE SENTENCE REVIEW BOARD

General Fund Appropriation	\$	((3,247,000))
		<u>3,072,000</u>

Sec. 227. 1991 sp.s. c 16 s 226 is amended to read as follows:

FOR THE DEPARTMENT OF VETERANS AFFAIRS

General Fund--State Appropriation	\$	((21,839,000))
		<u>22,093,000</u>
General Fund--Federal Appropriation	\$	6,708,000
General Fund--Local Appropriation	\$	10,429,000
TOTAL APPROPRIATION	\$	((38,976,000))
		<u>39,230,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$300,000 of the general fund--state appropriation is provided solely for the expansion of services for counseling of Vietnam veterans for post-traumatic stress disorder. This counseling shall be provided in a joint effort between existing community mental health systems and the department. The department shall place a priority on the delivery of these services to minority veterans.

(2) \$7,187,290 of the general fund--state appropriation, \$2,439,192 of the general fund--federal appropriation and \$3,132,580 of the general fund--local appropriation are provided solely for the operation of the soldiers' home and colony at Orting.

(3) \$10,182,293 of the general fund--state appropriation, \$4,268,808 of the general fund--federal appropriation and \$7,296,420 of the general fund--local appropriation are provided solely for the operation of the veterans' home at Retsil.

Sec. 228. 1991 sp.s. c 16 s 227 is amended to read as follows:

FOR THE DEPARTMENT OF HEALTH

General Fund--State Appropriation	\$	((132,613,000))
		<u>126,044,000</u>
General Fund--Federal Appropriation	\$	((109,011,000))
		<u>121,907,000</u>
General Fund--Local Appropriation	\$	((16,100,000))
		<u>17,815,000</u>
Hospital Commission Account Appropriation	\$	((2,919,000))
		<u>2,917,000</u>
Medical Disciplinary Account Appropriation	\$	1,677,000
Health Professions Account Appropriation	\$	((25,237,000))
		<u>25,328,000</u>
Public Safety and Education Account Appropriation	\$	((90,000))
		<u>82,000</u>
State Toxics Control Account Appropriation	\$	3,321,000
Drug Enforcement and Education Account Appropriation	\$	492,000
Medical Test Site Licensure Account Appropriation	\$	489,000
Safe Drinking Water Account Appropriation	\$	710,000
TOTAL APPROPRIATION	\$	((292,659,000))
		<u>300,782,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) (((\$3,312,000)) \$3,038,000 of the general fund--state appropriation is provided solely to implement the Puget Sound water quality management plan.

(2) \$3,500,000 of the general fund--state appropriation is provided solely to increase funding to regional AIDS service networks to address growth in the number of persons living with AIDS. Seventy-five percent of these funds shall be allocated on the basis of reported incidence of surviving Class IV AIDS cases and twenty-five percent shall be distributed on the basis of each region's population. Ongoing funding for each regional AIDS service network shall continue at 1989-91 levels.

((4)) (3) \$165,000 of the general fund--state appropriation is provided solely to provide inflation adjustments of 3.1 percent on January 1, 1992, and 3.4 percent on January 1, 1993 for current medical and dental services provided by community clinics.

((5)) (4) \$1,000,000 of the general fund--state appropriation is provided solely for expanding the high priority infant tracking program.

((6)) (5) \$2,410,000 of the general fund--state appropriation is provided solely to continue implementation of the trauma system plan.

((7)) (6) \$2,400,000 of the general fund--state appropriation is provided solely for expansion of migrant health clinic services.

~~((8))~~ (7) \$1,100,000 of the general fund--state appropriation is provided solely for expanding by 1000 the number of women funded through the state-only prenatal program.

~~((9))~~ (8) The entire safe drinking water account appropriation is provided solely to implement chapter 304, Laws of 1991 (Substitute House Bill No. 1709, water system operating permit).

~~((10))~~ (9) \$450,000 of the general fund--state appropriation provided solely for implementation of chapter 332, Laws of 1991 (Engrossed Substitute House Bill No. 1960, health professions practice).

~~((11))~~ (10) \$1,000,000 of the general fund--state appropriation is provided solely for a grant to a nonprofit agency whose major goal is AIDS prevention and education.

Sec. 229. 1991 sp.s. c 16 s 228 is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

(1) COMMUNITY CORRECTIONS

General Fund Appropriation	\$	((106,548,000))
		<u>103,115,000</u>
Drug Enforcement and Education Account Appropriation	\$	7,604,000
Public Safety and Education Account Appropriation	\$	((200,000))
		<u>195,000</u>
TOTAL APPROPRIATION	\$	((114,352,000))
		<u>110,914,000</u>

The appropriations in this subsection are limited to the following conditions and limitations:

(a) ~~((200,000))~~ \$195,000 from the public safety and education account appropriation is provided solely for comprehensive local criminal justice planning under the county partnership program pursuant to RCW 72.09.300.

(b) \$75,000 of the general fund--state appropriation is provided solely to implement chapter 147, Laws of 1991 (Substitute Senate Bill No. 5128, witness notification).

(2) INSTITUTIONAL SERVICES

General Fund Appropriation	\$	((358,209,000))
		<u>340,987,000</u>
<u>Industrial Insurance Premium Refund Account</u>		
<u>Appropriation</u>	<u>\$</u>	<u>136,000</u>
Drug Enforcement and Education Account Appropriation	\$	((25,837,000))
		<u>37,837,000</u>
TOTAL APPROPRIATION	\$	((384,046,000))
		<u>378,960,000</u>

The appropriations in this subsection are subject to the following conditions and limitations: \$10,560,000 of the general fund--state appropriation is provided solely for the start-up and operation of new correctional capacity. Expenditure of any portion of this amount shall be subject to the prior written authorization of the director of the office of financial management.

(3) ADMINISTRATION AND PROGRAM SUPPORT

General Fund Appropriation	\$	((37,651,000))
		<u>35,432,000</u>
Drug Enforcement and Education Account Appropriation	\$	((2,140,000))
		<u>2,133,000</u>
<u>Industrial Insurance Premium Refund Account</u>		
<u>Appropriation</u>	<u>\$</u>	<u>72,000</u>
TOTAL APPROPRIATION	\$	((39,863,000))
		<u>37,637,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(a) \$350,000 of the general fund appropriation is provided solely to mitigate the impact of state institutions on local communities in the manner provided under RCW 72.72.030(2).

(b) \$125,000 of the general fund appropriation is provided solely for an additional affirmative action officer.

(4) CORRECTIONAL INDUSTRIES

General Fund Appropriation	\$	((3,526,000))
		<u>3,348,000</u>

Sec. 230. 1991 sp.s. c 16 s 229 is amended to read as follows:

FOR THE DEPARTMENT OF SERVICES FOR THE BLIND

General Fund--State Appropriation	\$	((2,957,000))
		<u>2,796,000</u>
General Fund--Federal Appropriation	\$	((7,969,000))
		<u>7,758,000</u>
TOTAL APPROPRIATION	\$	((10,926,000))
		<u>10,554,000</u>

The appropriations in this section are subject to the following conditions and limitations: ~~(((\$47,000))~~ \$32,000 of the general fund--state appropriation is provided solely for vendor rate increases of ~~((3-1))~~ two percent on ~~((January))~~ July 1, 1992, and 3.4 percent on January 1, 1993.

Sec. 231. 1991 sp.s. c 16 s 230 is amended to read as follows:

FOR THE WASHINGTON BASIC HEALTH PLAN

General Fund Appropriation	\$	((45,768,000))
		<u>41,182,000</u>

The appropriation in this section is subject to the following conditions and limitations:

(1) The basic health plan may enroll up to 24,000 members during the 1991-93 biennium.

(2) At least 2,000 of the 4,000 members added must be from timber communities on the Olympic Peninsula and southwest Washington that were not served by the plan during 1989-91, pursuant to section 22, chapter 315, Laws of 1991 (Engrossed Substitute Senate Bill No. 5555, timber assistance).

~~(3) ((Plan enrollment may exceed 24,000 by up to 1,300, beginning January 1, 1993, if coordination of benefits with medicaid is in place and will result in savings of at least \$4,500,000 from the state general fund by June 30, 1993. Before expanding enrollment, the plan shall report to the fiscal committees of the house of representatives and senate on the anticipated savings level.~~

(4)) A maximum of ~~(((\$4,151,000))~~ \$4,067,000 of the general fund appropriation may be expended for administration of the plan.

Sec. 232. 1991 sp.s. c 16 s 231 is amended to read as follows:

FOR THE SENTENCING GUIDELINES COMMISSION

General Fund Appropriation	\$	((628,000))
		<u>687,000</u>

Sec. 233. 1991 sp.s. c 16 s 232 is amended to read as follows:

FOR THE EMPLOYMENT SECURITY DEPARTMENT

General Fund--State Appropriation	\$	((32,000))
		<u>31,000</u>
General Fund--Federal Appropriation	\$	((133,302,000))
		<u>133,258,000</u>
General Fund--Local Appropriation	\$	9,329,000
Administrative Contingency Fund--Federal Appropriation	\$	11,808,000
Unemployment Compensation Administration Fund Federal Appropriation	\$	130,803,000
Employment Service Administration Account Federal Appropriation	\$	9,837,000
<u>Industrial Insurance Premium Refund Account--</u> <u>State Appropriation</u>	<u>\$</u>	<u>79,000</u>
<u>Unemployment Compensation Administration</u> <u>Fund--State Appropriation</u>	<u>\$</u>	<u>100,000</u>
TOTAL APPROPRIATION	\$	((295,111,000))
		<u>295,245,000</u>

The appropriations in this section are subject to the following conditions and limitations:

~~((2))~~ (1) \$70,000 of the administrative contingency fund--federal appropriation is provided solely to implement section 30 of chapter 315, Laws of 1991, (Engrossed Substitute Senate Bill No. 5555, timber areas assistance) for the department to contract with the department of community development for support of existing employment centers in timber-dependent communities.

~~((3))~~ (2) \$240,000 of the administrative contingency fund--federal appropriation is provided solely for the department to contract with the department of community development for support of existing reemployment support centers.

~~((6))~~ (3) \$1,000,000 of the administrative contingency fund--federal appropriation is provided solely to implement sections 5 through 9 of chapter 315, Laws of 1991 (Engrossed Substitute Senate Bill No. 5555, countercyclical program for timber-impacted areas).

~~((7))~~ (4) \$500,000 of the administrative contingency fund--federal appropriation is provided solely to implement section 3 of chapter 315, Laws of 1991 (Engrossed Substitute Senate Bill No. 5555, self-employment enterprise development program for timber areas).

(5) \$400,000 of the administrative contingency fund--federal appropriation for fiscal year 1993 is provided solely for the corrections clearinghouse ex-offender program.

NEW SECTION. Sec. 234. FOR THE HEALTH CARE COMMISSION

General Fund Appropriation	\$	500,000
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The appropriation in this section is subject to the following conditions and limitations: The entire appropriation is provided solely for the duties required in Substitute House Bill No. 2590. If that bill is not enacted by July 1, 1992, the appropriation in this section shall be null and void.

**PART III
NATURAL RESOURCES**

Sec. 301. 1991 sp.s. c 16 s 301 is amended to read as follows:
FOR THE STATE ENERGY OFFICE

General Fund--State Appropriation	\$	((2,359,000))
		<u>2,199,000</u>
General Fund--Federal Appropriation	\$	20,433,000
General Fund--Private/Local Appropriation	\$	5,640,000
Geothermal Account--Federal Appropriation	\$	40,000
Building Code Council Account Appropriation	\$	86,000
Air Pollution Control Account Appropriation	\$	((6,830,000))
		<u>6,861,000</u>
Energy Code Training Account Appropriation	\$	121,000
Energy Efficiency Services Account Appropriation	\$	1,008,000
TOTAL APPROPRIATION	\$	((36,517,000))
		<u>36,388,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$43,000 of the general fund--state appropriation is provided solely to maintain the database for the state hydropower plan.

(2) \$292,000 of the general fund--state appropriation and all of the energy efficiency services account appropriation are provided solely to implement chapter 201, Laws of 1991 (Engrossed Substitute Senate Bill No. 5245, energy policy development).

(3) The entire air pollution control account appropriation is provided solely to implement chapter 199, Laws of 1991 (Engrossed Substitute House Bill No. 1028, air pollution control) and chapter 202, Laws of 1991 (Second Substitute House Bill No. 1671, growth strategies and transportation planning). It is the intent of the legislature that revenue generated from fees established by chapter 199, Laws of 1991 may be used for purposes of implementing chapter 202, Laws of 1991.

Sec. 302. 1991 sp.s. c 16 s 302 is amended to read as follows:
FOR THE COLUMBIA RIVER GORGE COMMISSION

General Fund--State Appropriation	\$	((537,000))
		<u>509,000</u>
General Fund--Private/Local Appropriation	\$	516,000
TOTAL APPROPRIATION	\$	((1,053,000))
		<u>1,025,000</u>

Sec. 303. 1991 sp.s. c 16 s 303 is amended to read as follows:
FOR THE DEPARTMENT OF ECOLOGY

General Fund--State Appropriation	\$	((65,589,000))
		<u>60,846,000</u>
General Fund--Federal Appropriation	\$	((38,234,000))
		<u>38,216,000</u>
General Fund--Private/Local Appropriation	\$	1,015,000
((Flood Control Assistance Account Appropriation	\$	3,999,000))
Special Grass Seed Burning Research Account Appropriation	\$	132,000
Reclamation Revolving Account Appropriation	\$	513,000
Emergency Water Project Revolving Account Appropriation: Appropriation pursuant to chapter 1, Laws of 1977 ex.s.	\$	300,000
Litter Control Account Appropriation	\$	7,674,000
State and Local Improvements Revolving Account-- Waste Disposal Facilities: Appropriation pursuant to chapter 127, Laws of 1972 ex.s. (Referendum 26)	\$	2,547,000
State and Local Improvements Revolving Account-- Waste Disposal Facilities 1980: Appropriation pursuant to chapter 159, Laws of 1980 (Referendum 39)	\$	908,000

State and Local Improvements Revolving Account-- Water Supply Facilities: Appropriation pursuant to chapter 234, Laws of 1979 ex.s. (Referendum 38)	\$	1,298,000
Stream Gaging Basic Data Fund Appropriation	\$	302,000
Vehicle Tire Recycling Account Appropriation	\$	7,820,000
Water Quality Account Appropriation	\$	3,461,000
Wood Stove Education Account Appropriation	\$	1,380,000
Worker and Community Right-to-Know Fund Appropriation	\$	393,000
State Toxics Control Account--State Appropriation	\$	((48,128,000))
		<u>50,470,000</u>
State Toxics Control Account--Federal Appropriation	\$	7,527,000
Local Toxics Control Account Appropriation	\$	3,220,000
Water Quality Permit Account Appropriation	\$	14,532,000
Solid Waste Management Account Appropriation	\$	7,918,000
Underground Storage Tank Account Appropriation	\$	3,862,000
Hazardous Waste Assistance Account Appropriation	\$	5,543,000
Air Pollution Control Account Appropriation	\$	7,955,000
Aquatic Lands Enhancement Account Appropriation	\$	50,000
Oil Spill Response Account Appropriation	\$	2,863,000
Oil Spill Administration Account Appropriation	\$	((3,104,000))
		<u>3,156,000</u>
Fresh Water Aquatic Weed Control Account Appropriation	\$	895,000
Air Operating Permit Account Appropriation	\$	2,511,000
TOTAL APPROPRIATION	\$	((243,673,000))
		<u>237,307,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~((9,462,000))~~ \$8,648,000 of the general fund--state appropriation and \$1,149,000 of the general fund--federal appropriation are provided solely for the implementation of the Puget Sound water quality management plan.

(2) ~~((5,640,000))~~ \$5,174,000 of the general fund--state appropriation is provided solely for the auto emissions inspection and maintenance program. The amount provided in this subsection is contingent upon a like amount being deposited in the general fund from auto emission inspection fees in accordance with RCW 70.120.170(4).

(3) \$1,323,000 of the general fund--state appropriation is provided solely for water resource management activities associated with the continued implementation of the growth management act (chapter 17, Laws of 1990 1st ex.s.).

(4) \$1,000,000 of the general fund--state appropriation and \$578,000 of the water quality permit account appropriation are provided solely to carry out the recommendations of the commission on efficiency and accountability in government concerning the wastewater discharge permit program.

(5) \$961,000 of the general fund--state appropriation, \$3,459,000 of the general fund--federal appropriation, and \$2,316,000 of the air pollution control account appropriation are provided solely for grants to local air pollution control authorities.

(6) The aquatic lands enhancement account appropriation is provided solely for the department to: (a) Conduct a sediment transport study of the Nooksack river to determine the amount of material that would have to be removed from the river to minimize flooding; and (b) develop an environmental assessment, of the Nooksack river and, based on this assessment, develop a sand and gravel management plan, for the river. In preparing the management plan, the department shall seek input from appropriate state and local agencies, Indian tribes, and other interested parties to the maximum extent feasible. The department shall prepare the management plan in such a manner that the plan can be used as a model for future plans that may be developed for other state rivers.

(7) ~~((491,000))~~ \$295,000 of the general fund--state appropriation is provided solely to implement chapter 347, Laws of 1991 (Engrossed Substitute House Bill No. 2026, water resources management).

(8) ~~((6,000,000))~~ \$8,000,000 of the state toxics control account appropriation is provided solely for the following purposes:

(a) To conduct remedial actions for sites for which there are no potentially liable persons or for which potentially liable persons cannot be found;

(b) To provide funding to assist potentially liable persons under RCW 70.105D.070(2)(d)(xi) to pay for the cost of the remedial actions; and

(c) To conduct remedial actions for sites for which potentially liable persons have refused to comply with the orders issued by the department under RCW 70.105D.030 requiring the persons to provide the remedial action.

(9) \$3,104,000 of the oil spill administration account appropriation and the entire oil spill response account appropriation are provided solely to implement chapter 200, Laws of 1991 (Engrossed Substitute House Bill No. 1027, oil and hazardous substance spill prevention and response).

~~((11))~~ (10) \$286,000 of the general fund--state appropriation is provided solely to implement chapter 350, Laws of 1991 (Second Substitute Senate Bill No. 5358, water system interties).

~~((12))~~ (11) \$139,000 of the solid waste management account appropriation is provided solely to implement chapter 297, Laws of 1991 (Senate Bill No. 5143, recycled products procurement).

~~((13)) \$30,000 of the general fund--state appropriation is provided solely for the department's participation in the Pacific Ocean resources management compact.~~

(14)) (12) \$200,000 of the general fund--state appropriation is provided solely to implement chapter 273, Laws of 1991 (House Bill No. 2021, joint water resource policy committee).

~~((15))~~ (13) \$100,000 of the state toxics control account appropriation is provided for a study on the need for regional hazardous materials response teams. The study shall include, but not be limited to, the following items: Review of existing services, determination of where services are needed and the risks of not providing those services, funding requirements, equipment standards, training, mutual aid between jurisdictions, liability, and cost recovery. The study shall include specific recommendations on each of these items. Furthermore, the study shall include a specific recommendation on how to implement regional teams based upon geographic location and public exposure. The study shall include a review of steps taken in Oregon to address these problems. The state emergency response commission shall act as the steering committee for the study. Representatives from adjoining states may be requested to assist the commission.

~~((16))~~ (14) The entire fresh water aquatic weed control account appropriation is provided solely to implement chapter 302, Laws of 1991 (Engrossed Substitute House Bill No. 1389, aquatic plant regulation).

(15) \$144,000 of the general fund--state appropriation is provided solely for the wastewater treatment operator certification and training program. No portion of this amount may be expended until an equal amount of revenue from wastewater treatment operator certification and training fees has been deposited into the general fund.

Sec. 304. 1991 sp.s. c 16 s 305 is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

General Fund--State Appropriation	\$	((38,450,000))
		<u>36,970,000</u>
General Fund--Federal Appropriation	\$	1,683,000
General Fund--Private/Local Appropriation	\$	1,043,000
Trust Land Purchase Account Appropriation	\$	((14,935,000))
		<u>14,934,000</u>
Winter Recreation Program Account Appropriation	\$	832,000
ORV (Off-Road Vehicle) Account Appropriation	\$	225,000
Snowmobile Account Appropriation	\$	((1,283,000))
		<u>1,548,000</u>
Millersylvania State Park--Private/Local Appropriation	\$	9,000
Public Safety and Education Account Appropriation	\$	((50,000))
		<u>45,000</u>
Motor Vehicle Fund Appropriation	\$	1,112,000
Oil Spill Administration Account Appropriation	\$	61,000
TOTAL APPROPRIATION	\$	((59,683,000))
		<u>58,462,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The commission shall conduct a review of fees charged to park users. The commission's review shall: (a) Examine current park use, including use by campers, day users, boaters, recreational vehicle operators, and other users of park facilities; (b) examine the extent to which user groups pay park fees to support their use of park facilities; and (c) propose alternatives to the current structure of park fees that equitably distribute the cost of operating state parks among the various user groups. The commission shall submit the results of the review to the office of financial management and the appropriate committees of the legislature by January 1, 1992.

(2) \$65,000 of the trust land purchase account appropriation is provided solely for preparation of a conceptual plan for future alpine skiing facilities and service levels at Mount Spokane State Park. In preparing the plan, the commission shall: (a) Reevaluate the goals and objectives of the alpine ski area; (b) examine current functions of the alpine ski area including lodge use, ski patrol operations, food and beverage services, equipment rentals, grooming of slopes, selection and maintenance of ski runs, and customer service and public relations; (c) determine how to provide reasonable opportunities for the use of the alpine ski area for all members of the skiing public; and (d) propose alternatives to the current management approach. The commission shall submit the plan to the office of financial management and the appropriate committees of the legislature by August 1, 1992.

(3) \$120,000 of the trust land purchase account appropriation is provided solely for the scenic rivers program.

(4) \$644,000 of the trust land purchase account appropriation is provided solely to repair damage to state parks facilities caused by November and December, 1990, and January, 1991, storms.

(5) ~~(\$294,000)~~ \$287,000 of the general fund state appropriation is provided solely to implement the Puget Sound water quality management plan.

(6) The entire trust land purchase account appropriation is provided solely for costs associated with the administration, maintenance, and operation of state parks and other state parks programs.

(7) \$61,000 of the oil spill administration account appropriation is provided solely to implement chapter 200, Laws of 1991 (Engrossed Substitute House Bill No. 1027, oil and hazardous substance spill prevention and response).

Sec. 305. 1991 sp.s. c 16 s 306 is amended to read as follows:

FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Outdoor Recreation Account--State Appropriation	\$	((2,172,000))
		<u>2,185,000</u>
Outdoor Recreation Account--Federal Appropriation	\$	32,000
Firearms Range Account Appropriation	\$	44,000
TOTAL APPROPRIATION	\$	((2,248,000))
		<u>2,261,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$13,000 of the outdoor recreation account--state appropriation is provided solely for a study to examine and address the stewardship needs of state-owned parks, natural areas, and recreational lands.

Sec. 306. 1991 sp.s. c 16 s 307 is amended to read as follows:

FOR THE ENVIRONMENTAL HEARINGS OFFICE

General Fund Appropriation	\$	((1,180,000))
		<u>1,140,000</u>

The appropriation in this section is subject to the following conditions and limitations: ~~(\$80,000)~~ \$67,000 is provided solely for an additional administrative law judge.

Sec. 307. 1991 sp.s. c 16 s 308 is amended to read as follows:

FOR THE DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT

General Fund Appropriation	\$	((33,708,000))
		<u>31,101,000</u>
Motor Vehicle Fund Appropriation	\$	564,000
Solid Waste Management Account Appropriation	\$	1,000,000
Litter Control Account Appropriation	\$	1,000,000
TOTAL APPROPRIATION	\$	((36,272,000))
		<u>33,665,000</u>

The appropriations in this section are subject to the following conditions and limitations:

~~(1) (\$500,000 of the general fund appropriation is provided solely for establishment of a European trade office. The amount provided in this subsection is contingent on receipt of at least \$200,000 in nonstate sources from port associations for establishment of the office.~~

~~(3))~~ \$1,000,000 of the litter control account appropriation and \$1,000,000 of the solid waste management account appropriation are provided solely for the purposes of implementing the market development center created in chapter 319, Laws of 1991 (Second Substitute Senate Bill No. 5591, comprehensive recycling program) for the ~~((fiscal year ending June 30, 1992))~~ 1991-1993 biennium. \$51,000 of the amount provided in this subsection from the litter control account shall be provided to the department of revenue to support enforcement efforts.

~~((4))~~ (2) \$2,000,000 of the general fund appropriation is provided solely to continue and expand the department's efforts to promote value-added manufacturing under the forest products program, as authorized under section 7, chapter 314, Laws of 1991 (Engrossed Substitute House Bill No. 1341, timber-dependent communities). Within this amount, the department shall maintain expenditures for the forest products program at the fiscal year 1991 level. The balance of this amount shall be provided as contracts to promote value-added manufacturing. The department shall report to the appropriate committees of the legislature on the amount and types of contracts provided by January 1, 1992.

~~((7) \$1,200,000)~~ (3) \$920,000 of the general fund appropriation is provided solely for establishment of the Pacific Northwest export assistance center, as authorized in sections 11 through 18 of chapter 314, Laws of 1991 (Engrossed Substitute House Bill No. 1341, timber-dependent communities). The center will provide export assistance to firms located in timber-dependent communities.

~~((8) \$8,195,000)~~ (4) \$7,565,000 of the general fund appropriation is provided solely for the Washington high technology center.

~~((9))~~ (5) The department of trade and economic development shall establish a schedule of fees for services performed by the department's overseas trade offices. ~~((The fee schedule shall generate revenue of at least \$1,032,000 during the 1991-93 biennium, which shall be deposited in the general fund.~~

~~(11) \$100,000~~) (6) \$90,000 of the general fund appropriation is provided solely for a contract with the Tacoma world trade center to enhance export opportunities for Washington businesses.

~~((12))~~) (7) \$150,000 of the general fund appropriation is provided solely as an enhancement to the current level of funding. In determining revisions of contract amounts for grants to associate development organizations (ADOs) the department shall seek to maintain current grant levels for ADOs that serve rural or economically distressed communities.

(8) \$1,000,000 of the general fund--state appropriation is provided solely for business network contracts to assist timber-dependent communities. The department shall report to the appropriate committees of the legislature by December 1, 1992, regarding the amount and types of contracts awarded.

(9) \$30,000 of the general fund--state appropriation is provided solely for the Taiwan office.

Sec. 308. 1991 sp.s. c 16 s 309 is amended to read as follows:

FOR THE CONSERVATION COMMISSION

General Fund Appropriation	\$	((2,189,000))
		<u>2,078,000</u>
Water Quality Account Appropriation	\$	192,000
TOTAL APPROPRIATION	\$	((2,381,000))
		<u>2,270,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Not more than eight percent of the water quality account moneys administered by the commission may be used by the commission for administration and program activities related to the grant and loan program.

(2) \$385,000 of the general fund appropriation is provided solely to implement the Puget Sound water quality management plan.

(3) ~~((650,000))~~ \$608,000 of the general fund appropriation is provided solely for increased basic operation grants to conservation districts.

Sec. 309. 1991 sp.s. c 16 s 310 is amended to read as follows:

FOR THE WINTER RECREATION COMMISSION

General Fund Appropriation	\$	((20,000))
		<u>500</u>

Sec. 310. 1991 sp.s. c 16 s 311 is amended to read as follows:

FOR THE PUGET SOUND WATER QUALITY AUTHORITY

General Fund--State Appropriation	\$	((3,679,000))
		<u>3,483,000</u>
General Fund--Federal Appropriation	\$	202,000
Water Quality Account Appropriation	\$	1,100,000
TOTAL APPROPRIATION	\$	((4,981,000))
		<u>4,785,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~((330,000))~~ \$322,000 of the general fund--state appropriation is provided solely for an interagency agreement with Washington State University cooperative extension service for field agents to provide technical assistance in implementing the Puget Sound water quality management plan.

(2) ~~((240,000))~~ \$234,000 of the general fund--state appropriation is provided solely for an interagency agreement with the University of Washington sea grant program for field agents to provide technical assistance in implementing the Puget Sound water quality management plan.

(3) In addition to the amounts provided in subsections (1) and (2) of this section, \$812,000 of the general fund--state appropriation is provided solely to implement other provisions of the Puget Sound water quality management plan.

Sec. 311. 1991 sp.s. c 16 s 312 is amended to read as follows:

FOR THE DEPARTMENT OF FISHERIES

General Fund--State Appropriation	\$	((61,034,000))
		<u>57,697,000</u>
General Fund--Federal Appropriation	\$	((17,901,000))
		<u>17,923,000</u>
General Fund--Private/Local Appropriation	\$	((8,301,000))
		<u>8,311,000</u>
Aquatic Lands Enhancement Account Appropriation	\$	((1,092,000))
		<u>1,083,000</u>
Oil Spill Administration Account Appropriation	\$	410,000
Industrial Insurance Premium Refund Account		
Appropriation	\$	<u>4,000</u>
TOTAL APPROPRIATION	\$	((88,738,000))
		<u>85,428,000</u>

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$263,000 of the general fund--state appropriation is provided solely for improvements to and monitoring of wastewater discharges from state salmon hatcheries.
 - (2) ~~(\$1,180,000)~~ \$1,153,000 of the general fund--state appropriation is provided solely to implement the Puget Sound water quality management plan.
 - (3) \$410,000 of the oil spill administration account appropriation is provided solely to implement chapter 200, Laws of 1991 (Engrossed Substitute House Bill No. 1027, oil and hazardous substance spill prevention and response).
 - ~~(((5) \$950,000))~~ (4) \$450,000 of the general fund--state appropriation is provided solely for attorney general costs, on behalf of the department of fisheries, department of natural resources, department of health, and the state parks and recreation commission, in defending the state and public interest in tribal shellfish litigation (U.S. v. Washington, subproceeding 89-3). The attorney general cost shall be paid as an interagency reimbursement.
 - ~~(((6))~~ (5) \$427,000 of the general fund--state appropriation is provided solely for increased enforcement activities.
- Sec. 312. 1991 sp.s. c 16 s 313 is amended to read as follows:

FOR THE DEPARTMENT OF WILDLIFE

General Fund Appropriation	\$	((11,497,000))
		<u>10,996,000</u>
ORV (Off-Road Vehicle) Account Appropriation	\$	275,000
Aquatic Lands Enhancement Account Appropriation	\$	1,096,000
Public Safety and Education Account Appropriation	\$	589,000
Wildlife Fund--State Appropriation	\$	((50,002,000))
		<u>49,994,000</u>
Wildlife Fund--Federal Appropriation	\$	((16,308,000))
		<u>16,306,000</u>
Wildlife Fund--Private/Local Appropriation	\$	2,120,000
Game Special Wildlife Account Appropriation	\$	((532,000))
		<u>832,000</u>
Oil Spill Administration Account Appropriation	\$	565,000
TOTAL APPROPRIATION	\$	((82,984,000))
		<u>82,773,000</u>

The appropriations in this section are subject to the following conditions and limitations:

- (1) ~~(\$514,000)~~ \$498,000 of the general fund appropriation is provided solely to implement the Puget Sound water quality management plan.
- (2) \$565,000 of the oil spill administration account appropriation is provided solely to implement chapter 200, Laws of 1991 (Engrossed Substitute House Bill No. 1027, oil and hazardous substance spill prevention and response).
- (3) \$770,000 of the wildlife fund--state appropriation is provided solely for the operation of the game farm program.
- (4) During the 1991-93 biennium the wildlife enforcement FTE staff levels shall not be reduced below the fiscal year 1991 average FTE staff level. \$1,300,000 of the general fund--state appropriation and \$3,872,000 of the wildlife fund--state appropriation are provided solely for wildlife enforcement. If House Bill No. 2235 (hunting and fishing fees) is not enacted by July 31, 1991, this subsection shall be null and void.
- (5) \$25,000 of the general fund appropriation and \$25,000 of the wildlife fund--state appropriation are provided solely for a demonstration project to develop a wildlife mitigation plan for private and public lands in the Lake Roosevelt area. The department shall create a steering committee consisting of representatives of local private landowners, local government, tribes, hunters, fishers, and other users of wildlife in the Lake Roosevelt area. The committee shall study and report to the department on issues related to the development of the Lake Roosevelt plan including, but not limited to, local government impact, wildlife species, needs of wildlife users, other recreational needs, land use regulations, and wildlife supply.
- (6) The office of financial management and legislative committees staff shall examine wildlife fees and expenditures. Issues to be examined shall include the division of agency resources in support of both game and nongame activities and the overall funding level for the agency. ~~((If House Bill No. 2235 (hunting and fishing fees) is not enacted by July 31, 1991, this subsection shall be null and void.))~~

Sec. 313. 1991 sp.s. c 16 s 314 is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

General Fund--State Appropriation	\$	((58,010,000))
		<u>60,294,000</u>
General Fund--Federal Appropriation	\$	604,000
General Fund--Private/Local Appropriation	\$	12,000
ORV (Off-Road Vehicle) Account Appropriation	\$	((4,521,000))
		<u>4,519,000</u>
Forest Development Account Appropriation	\$	((30,155,000))
		<u>30,145,000</u>
Survey and Maps Account Appropriation	\$	1,074,000

Natural Resources Conservation Area Stewardship		
Account Appropriation	\$	1,080,000
Aquatic Lands Enhancement Account Appropriation	\$	((1,491,000))
		<u>1,714,000</u>
Resource Management Cost Account Appropriation	\$	((79,780,000))
		<u>79,525,000</u>
Aquatic Land Dredged Material Disposal Site		
Account Appropriation	\$	814,000
State Toxics Control Account Appropriation	\$	764,000
Air Pollution Control Account Appropriation	\$	430,000
Oil Spill Administration Account Appropriation	\$	128,000
Litter Control Account Appropriation	\$	500,000
<u>Industrial Insurance Premium Refund Account</u>		
<u>Appropriation</u>	\$	<u>82,000</u>
TOTAL APPROPRIATION	\$	((179,363,000))
		<u>181,685,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,841,000, of which \$1,136,000 is from the resource management cost account appropriation and \$705,000 is from the forest development account appropriation, is provided solely for the development of a harvest planning system for state trust lands.

(2) ~~(\$450,000, of which \$225,000 is from the resource management cost account appropriation and \$225,000 is)~~ from the aquatic lands enhancement account appropriation is provided solely for the control and eradication of Spartina, including research, environmental impact statements, and public education. The department shall develop a Spartina eradication plan and report to the house of representatives natural resources committee and the senate environment and natural resources committee by January 15, 1992, on the plan.

(3) ~~(\$1,185,000)~~ \$9,777,000 of the general fund--state appropriation is provided solely for the emergency fire suppression subprogram.

(4) ~~(\$1,909,000)~~ \$1,862,000 of the general fund--state appropriation is provided solely to implement the Puget Sound water quality management plan.

(5) ~~(\$2,840,000)~~ \$2,698,000 of the general fund--state appropriation is provided solely for cooperative monitoring, evaluation, and research projects related to implementation of the timber-fish-wildlife agreement.

(6) ~~(\$1,683,000)~~ \$1,433,000 of the general fund--state appropriation is provided solely for the development of an electronic forest practices permit processing data management system.

(7) \$163,000 of the general fund--state appropriation is provided solely for the department to contract with the University of Washington college of forest resources for continuation of the timber supply study. The study shall identify the quantity of timber present now and the quantity of timber that may be available from forest lands in the future, use various assumptions of landowner management, and include changes in the forest land base, amount of capital invested in timber management, and expected harvest age. No portion of this appropriation may be expended for indirect costs associated with the study.

(8) The department of natural resources shall sell approximately 726 acres of undeveloped land at the Northern State multiservice center to Skagit county. The land shall be sold at fair market value, which shall not exceed \$701,000 if the sale occurs before January 1, 1992. Proceeds of the sale shall be deposited in the charitable, educational, penal and reformatory institutions account. The sale of the land shall be conditioned on the permanent dedication of the land for public recreational uses, which may include fairgrounds, and up to 50 acres of which may be used for purposes of a public educational institution.

(9) \$500,000 of the general fund--state appropriation and \$1,000,000 of the resource management cost account appropriation are provided solely to implement sections 5 through 9, chapter 315, Laws of 1991 (Engrossed Substitute Senate Bill No. 5555, countercyclical program for timber-impacted areas).

(10) ~~(\$3,400,000)~~ \$3,230,000 of the general fund--state appropriation is provided solely for forest practices activities. Of the amount provided in this subsection, ~~(\$1,500,000)~~ \$1,425,000 is provided solely for monitoring and enforcement of forest practices permit conditions, reforestation requirements, and conversion requirements. The department shall submit a plan to the appropriate committees of the legislature by October 1, 1991, showing how it will spend this amount. The balance of the amount provided in this subsection shall be expended as follows: ~~(\$760,000)~~ \$722,000 to the department of fisheries, ~~(\$660,000)~~ \$627,000 to the department of wildlife, and ~~(\$480,000)~~ \$456,000 to the department of ecology for each of these department's responsibilities related to forest practices.

(11) \$429,000 of the air pollution control account appropriation, \$60,000 of the forest development account appropriation, and \$141,000 of the resource management cost account appropriations are provided solely to implement chapter 199, Laws of 1991 (Engrossed Substitute House Bill No. 1028, air pollution control).

(12) \$150,000 of the general fund--state appropriation is provided solely for the department to contract for increased development of the Mount Tahoma cross-country ski trails system. ~~((No portion of the amount provided in this~~

~~subsection may be expended without equal matching funds from nonstate sources for the same purpose.)~~ Expenditure of this amount is contingent on receipt of a nonstate match of equal value, as determined by the department.

(13) ~~(\$1,700,000)~~ \$1,575,000 of the general fund--state appropriation is provided for fiscal year 1993 solely for the forest practices program for activities related to critical wildlife habitat, cumulative effects assessment, clear-cut size and timing, wetlands, and rate-of-harvest monitoring that are required as a result of rules adopted by the forest practices board. The department shall submit a status report on adoption of forest practices rules by February 1, 1992, to the appropriate committees of the legislature. The amount provided in this subsection shall lapse if the forest practices board does not adopt rules on these items by June 30, 1992.

(14) \$160,000 from the natural resources conservation area stewardship account appropriation is provided solely for operating expenses of the natural heritage program.

(15) \$128,000 of the oil spill administration account appropriation is provided solely to implement chapter 200, Laws of 1991 (Engrossed Substitute House Bill No. 1027, oil and hazardous substance spill prevention and response).

Sec. 314. 1991 sp.s. c 16 s 315 is amended to read as follows:

FOR THE DEPARTMENT OF AGRICULTURE

General Fund--State Appropriation	\$	((19,680,000))
		<u>18,815,000</u>
General Fund--Federal Appropriation	\$	1,226,000
State Toxics Control Account Appropriation	\$	1,109,000
<u>Agriculture Local Account--State Appropriation</u>	\$	<u>461,000</u>
<u>Weights and Measures Account--State Appropriation</u>	\$	<u>857,000</u>
TOTAL APPROPRIATION	\$	((22,015,000))
		<u>22,468,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Within the appropriations provided in this section, the department shall collect and provide information to growers on minor use crop pesticides.

(2) \$100,000 of the general fund--state appropriation is provided solely to implement the Puget Sound water quality management plan.

(3) ~~(\$872,000)~~ \$799,000 of the general fund--state appropriation is provided solely for the state noxious weed program. Of this amount ~~(\$524,000)~~ \$451,000 is provided solely for noxious weed control grants.

(4) The appropriations in this section are based on an assumption that the IMPACT program will establish fees pursuant to RCW 28B.30.541.

(5) \$97,000 of the general fund--state appropriation is provided solely to implement chapter 280, Laws of 1991 (Engrossed Second Substitute Senate Bill No. 5096, adverse impacts on agriculture).

(6) \$30,000 of the general fund--state appropriation is provided solely for the Taiwan office.

Sec. 315. 1991 sp.s. c 16 s 316 is amended to read as follows:

FOR THE STATE CONVENTION AND TRADE CENTER

State Convention/Trade Center Account Appropriation	\$	((21,490,000))
		<u>21,790,000</u>

The appropriation in this section is subject to the following conditions and limitations: \$4,786,000 is provided solely for marketing the facilities and services of the convention center, for promoting the locale as a convention and visitor destination, and for related activities. Of the amount provided in this section, the center shall not expend more than is received from revenue generated by the special excise tax deposited in the state convention and trade center operations account under RCW 67.40.090(3). Projections of such revenue shall be as determined and updated by the department of revenue.

**PART IV
TRANSPORTATION**

Sec. 401. 1991 sp.s. c 16 s 401 is amended to read as follows:

FOR THE STATE PATROL

General Fund--State Appropriation	\$	((24,089,000))
		<u>23,372,000</u>
General Fund--Federal Appropriation	\$	220,000
General Fund--Private/Local Appropriation	\$	169,000
Death Investigations Account Appropriation	\$	24,000
Drug Enforcement and Education Account Appropriation	\$	((1,960,000))
		<u>2,258,000</u>
<u>Industrial Insurance Premium Refund Account--State</u> <u>Appropriation</u>	\$	<u>19,000</u>
TOTAL APPROPRIATION	\$	((26,462,000))
		<u>26,062,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The staff of the Washington state patrol crime laboratory shall not provide tests for marijuana to cities or counties except: (a) To verify weight for criminal cases where weight is a factor, or (b) for criminal cases that the prosecuting attorney and field administrator of the crime laboratory agree are likely to go to trial.

(2) \$194,900 of the general fund--state appropriation is provided solely for security costs for the national governors' association 1991 conference.

(3) \$151,000 of the general fund--state appropriation is provided solely for reimbursement to local law enforcement agencies for the cost of registering sex offenders.

(4) \$320,000 of the general fund--state appropriation is provided for aircraft lease costs.

(5) \$271,000 of the general fund--state appropriation is provided for vehicle license fraud investigation.

(6) \$150,000 of the general fund--state appropriation is provided for special services.

(7) \$60,000 of the general fund--state appropriation is provided solely to implement chapter 274, Laws of 1991 (Substitute House Bill 1997, sex offender registration).

(8) \$300,000 of the general fund--state appropriation is provided solely to reduce the backlog of DNA identification work on sex offenders released from prison.

(9) \$66,000 of the general fund--state appropriation is provided solely to enhance the operations of the organized crime intelligence unit.

Sec. 402. 1991 sp.s. c 16 s 402 is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING

General Fund Appropriation	\$	((21,240,000))
		<u>17,758,000</u>
Architects' License Account Appropriation	\$	861,000
Cemetery Account Appropriation	\$	203,000
Health Professions Account Appropriation	\$	506,000
Professional Engineers' Account Appropriation	\$	2,096,000
Real Estate Commission Account Appropriation	\$	7,396,000
Air Pollution Control Account Appropriation	\$	106,000
Master Licensing Account Appropriation	\$	<u>3,310,000</u>
TOTAL APPROPRIATION	\$	((32,408,000))
		<u>32,236,000</u>

The appropriations in this section are subject to the following conditions and limitations: ((2))

(1) Of the general fund appropriation, the amounts specified in this subsection are provided solely for the purposes of the following legislation. The general fund shall be reimbursed by June 30, 1993, by an assessment of fees sufficient to cover all costs of implementing the specified legislation.

(a) Chapter 334, Laws of 1991 (Engrossed Second Substitute Senate Bill No. 5124, licensing private security guards)	\$	538,000
(b) Chapter 328, Laws of 1991 (Engrossed Substitute House Bill No. 1181, licensing private detectives)	\$	145,000
(c) Chapter 236, Laws of 1991 (Substitute House Bill No. 1712, athlete agent registration)	\$	42,000

The appropriation in this subsection (1)(c) shall be reduced by any amount expended as of the effective date of this act from the appropriation in section 10, chapter 236, Laws of 1991.

(d) Chapter 324, Laws of 1991 (Engrossed Substitute House Bill No. 1136, cosmetology regulations)	\$	329,000
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(2) The entire master licensing account appropriation is contingent on enactment of House Bill No. (Z-1235/92, master license fees). If the bill is not enacted by June 30, 1992, the appropriation is null and void.

NEW SECTION. Sec. 403. 1991 c 236 s 10 is repealed.

**PART V
EDUCATION**

Sec. 501. 1991 sp.s. c 16 s 501 is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR STATE ADMINISTRATION

General Fund--State Appropriation	\$	((23,813,000))
		<u>22,259,000</u>
General Fund--Federal Appropriation	\$	((13,006,000))
		<u>12,995,000</u>
Public Safety and Education Account Appropriation	\$	383,000

Drug Enforcement and Education Account Appropriation	\$	153,000
TOTAL APPROPRIATION	\$	<u>(37,355,000)</u> <u>35,790,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The entire public safety and education account appropriation is provided solely for administration of the traffic safety education program, including in-service training related to instruction in the risks of driving while under the influence of alcohol and other drugs.

(2) The entire drug enforcement and education account appropriation is provided solely for administration of the grant awards established under chapter 28A.170 RCW.

(3) ~~\$(100,000)~~ 95,000 of the general fund--state appropriation is provided solely to print and distribute an informational brochure on enrollment options.

(4) The superintendent of public instruction shall propose procedures and standards to meet demonstrable funding needs beyond the level provided in the state-funded program for handicapped children. The procedures and standards shall permit relief for a school district only if a district can at least demonstrate that:

(a) Student characteristics and costs of providing program services in the district differ significantly from the assumptions of the state handicapped funding formula;

(b) Individualized education plans are properly and efficiently prepared and formulated;

(c) The district is making a reasonable effort to provide program services for handicapped children within funds generated by the state funding formula;

(d) District programs are operated in a reasonably efficient manner;

(e) No indirect costs are charged against the handicapped program; and

(f) Any available federal funds are insufficient to address the additional needs.

The superintendent of public instruction shall submit a report describing the proposed procedures and standards to the legislature by January 10, 1992.

(5) ~~\$(650,000)~~ 400,000 of the general fund--state appropriation is provided solely to upgrade the data collection capability of the superintendent of public instruction. The office of financial management may not disburse any of this amount until the superintendent:

(a) Establishes an advisory committee on information needs with representation from the senate ways and means committee, the house of representatives appropriations committee, the office of financial management, and educational service districts;

(b) Presents a decision package to the office of financial management describing the recommended system design, including cost estimates, describing the extent to which the recommended system meets the information needs established by the advisory committee, and describing comparable information for at least two alternative systems; and

(c) Receives approval from the office of financial management for the recommended system design.

(6) ~~\$(1,000,000)~~ 900,000 of the general fund--state appropriation is provided solely for inservice training, technical assistance, and evaluation of the special services demonstration projects authorized in chapter 265, Laws of 1991 (Engrossed Substitute House Bill No. 1329, special services demonstration projects).

(7) ~~\$(853,000)~~ 810,000 of the general fund--state appropriation is provided solely for the operation and expenses of the state board of education, including basic education assistance activities.

(8) ~~\$(500,000)~~ 475,000 of the general fund--state appropriation is provided solely for certification investigation activities of the office of professional practices.

(9) ~~\$(39,000)~~ 37,000 of the general fund--state appropriation is provided to implement chapter 255, Laws of 1991 (Second Substitute Senate Bill No. 5022, teacher excellence awards).

(10) The superintendent shall adopt rules to implement the intent of RCW 28A.400.275 and 28A.400.280.

Sec. 502. 1991 sp.s. c 16 s 502 is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR GENERAL APPORTIONMENT (BASIC EDUCATION)

General Fund Appropriation	\$	<u>(5,215,683,000)</u> <u>5,194,395,000</u>
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The appropriation in this section is subject to the following conditions and limitations:

(1) \$500,537,000 of the general fund appropriation is provided solely for the remaining months of the 1990-91 school year.

(2) Allocations for certificated staff salaries for the 1991-92 and 1992-93 school years shall be determined using formula-generated staff units calculated pursuant to this subsection. Small school enrollments in kindergarten through grade six shall generate funding under (a) of this subsection, and shall not generate allocations under (d) and (e) of this subsection, if the staffing allocations generated under (a) of this subsection exceed those generated under (d) and (e) of this subsection. The certificated staffing allocations shall be as follows:

(a) On the basis of average annual full time equivalent enrollments, excluding full time equivalent enrollment otherwise recognized for certificated staff unit allocations under (c) through (f) of this subsection:

(i) Four certificated administrative staff units for each one thousand full time equivalent kindergarten through twelfth grade students excluding full time equivalent handicapped enrollment as recognized for funding purposes under section 509 of this act;

(ii) 54.3 certificated instructional staff units for each one thousand full time equivalent students in kindergarten through third grade, excluding full time equivalent handicapped students ages six through eight; and

(iii) Forty-six certificated instructional staff units for each one thousand full time equivalent students, excluding full time equivalent handicapped students ages nine and above;

(b) For school districts with a minimum enrollment of 250 full time equivalent students, whose full time equivalent student enrollment count in a given month exceeds the first of the month full time equivalent enrollment count by 5 percent, an additional state allocation of 110 percent of the share that such increased enrollment would have generated had such additional full time equivalent students been included in the normal enrollment count for that particular month;

(c) On the basis of full time equivalent enrollment in vocational education programs and skill center programs approved by the superintendent of public instruction, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units for each 16.67 full time equivalent vocational students;

(d) For districts enrolling not more than twenty-five average annual full time equivalent students in kindergarten through grade eight, and for small school plants within any school district which have been judged to be remote and necessary by the state board of education and enroll not more than twenty-five average annual full time equivalent students in kindergarten through grade eight:

(i) For those enrolling no students in grades seven and eight, 1.76 certificated instructional staff units and 0.24 certificated administrative staff units for enrollment of not more than five students, plus one-twentieth of a certificated instructional staff unit for each additional student enrolled; and

(ii) For those enrolling students in grades seven or eight, 1.68 certificated instructional staff units and 0.32 certificated administrative staff units for enrollment of not more than five students, plus one-tenth of a certificated instructional staff unit for each additional student enrolled.

(e) For specified enrollments in districts enrolling more than twenty-five but not more than one hundred average annual full time equivalent students in kindergarten through grade eight, and for small school plants within any school district which enroll more than twenty-five average annual full time equivalent kindergarten through eighth grade students and have been judged to be remote and necessary by the state board of education:

(i) For enrollment of up to sixty annual average full time equivalent students in kindergarten through grade six, 2.76 certificated instructional staff units and 0.24 certificated administrative staff units; and

(ii) For enrollment of up to twenty annual average full time equivalent students in grades seven and eight, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units.

(f) For districts operating no more than two high schools with enrollments of less than three hundred average annual full time equivalent students, for enrollment in grades nine through twelve in each such school, other than alternative schools:

(i) For remote and necessary schools enrolling students in any grades nine through twelve but no more than twenty-five average annual full time equivalent kindergarten through twelfth grade students, four and one-half certificated instructional staff units and one-quarter of a certificated administrative staff unit;

(ii) For all other small high schools under this subsection, nine certificated instructional staff units and one-half of a certificated administrative staff unit for the first sixty average annual full time equivalent students, and additional staff units based on a ratio of 0.8732 certificated instructional staff units and 0.1268 certificated administrative staff units per each additional forty-three and one-half average annual full time equivalent students.

Units calculated under (f)(ii) of this subsection shall be reduced by certificated staff units at the rate of forty-six certificated instructional staff units and four certificated administrative staff units per thousand vocational and handicapped full time equivalent students.

(g) For each nonhigh school district having an enrollment of more than seventy annual average full time equivalent students and less than one hundred eighty students, operating a grades K-8 program or a grades 1-8 program, an additional one-half of a certificated instructional staff unit;

(h) For each nonhigh school district having an enrollment of more than fifty annual average full time equivalent students and less than one hundred eighty students, operating a grades K-6 program or a grades 1-6 program, an additional one-half of a certificated instructional staff unit.

(3) Allocations for classified salaries for the 1991-92 and 1992-93 school years shall be calculated using formula-generated classified staff units determined as follows:

(a) For enrollments generating certificated staff unit allocations under subsection (2) (d) through (h) of this section, one classified staff unit for each three certificated staff units allocated under such subsections.

(b) For all other enrollment in grades kindergarten through twelve, including vocational but excluding handicapped full time equivalent enrollments, one classified staff unit for each sixty average annual full time equivalent students.

(c) For each nonhigh school district with an enrollment of more than fifty annual average full time equivalent students and less than one hundred eighty students, an additional one-half of a classified staff unit.

(4) Fringe benefit allocations shall be calculated at a rate of ~~((21.11))~~ 20.74 percent in the 1991-92 and 1992-93 school years of certificated salary allocations provided under subsection (2) of this section, and a rate of ~~((18.84))~~ 18.70

percent in the 1991-92 and 1992-93 school years of classified salary allocations provided under subsection (3) of this section.

(5) Insurance benefit allocations shall be calculated at the rates specified in section 505 of this act, based on:

(a) The number of certificated staff units determined in subsection (2) of this section; and

(b) The number of classified staff units determined in subsection (3) of this section multiplied by 1.152. This factor is intended to adjust allocations so that, for the purposes of distributing insurance benefits, full time equivalent classified employees may be calculated on the basis of 1440 hours of work per year, with no individual employee counted as more than one full time equivalent.

(6)(a) For nonemployee-related costs associated with each certificated staff unit allocated under subsection (2) (a), (b), and (d) through (h) of this section, there shall be provided a maximum of \$6,848 per certificated staff unit in the 1991-92 school year and a maximum of \$7,060 per certificated staff unit in the 1992-93 school year.

(b) For nonemployee-related costs associated with each certificated staff unit allocated under subsection (2)(c) of this section, there shall be provided a maximum of \$13,049 per certificated staff unit in the 1991-92 school year and a maximum of \$13,454 per certificated staff unit in the 1992-93 school year.

(7) Allocations for substitute costs for classroom teachers shall be distributed at a maximum rate of \$318 for the 1991-92 school year and \$318 per year for the 1992-93 school year for allocated classroom teachers. Solely for the purposes of this subsection, allocated classroom teachers shall be equal to the number of certificated instructional staff units allocated under subsection (2) of this section, multiplied by the ratio between the number of actual basic education certificated teachers and the number of actual basic education certificated instructional staff reported state-wide for the 1990-91 school year.

(8) The superintendent may distribute a maximum of \$4,633,000 outside the basic education formula during fiscal years 1992 and 1993 as follows:

(a) For fire protection for school districts located in a fire protection district as now or hereafter established pursuant to chapter 52.04 RCW, a maximum of \$386,000 may be expended in fiscal year 1992 and a maximum of \$398,000 may be expended in fiscal year 1993.

(b) For summer vocational programs at skills centers, a maximum of \$1,777,000 may be expended in fiscal year 1992 and a maximum of \$1,788,000 may be expended in fiscal year 1993.

(c) A maximum of \$284,000 may be expended for school district emergencies.

(9) For the purposes of RCW 84.52.0531, the increase per full time equivalent student in state basic education appropriations provided under this act, including appropriations for salary and benefits increases, is 5.6 percent from the 1990-91 school year to the 1991-92 school year, and ~~((5.0))~~ 3.9 percent from the 1991-92 school year to the 1992-93 school year.

(10) A maximum of \$2,450,000 may be expended in the 1991-92 fiscal year and a maximum of \$2,450,000 may be expended in the 1992-93 fiscal year for high technology vocational equipment for secondary vocational education programs and skill centers.

(11)(a) Funds provided under subsection (2)(a)(ii) of this section in excess of the amount required to maintain the statutory minimum ratio established under RCW 28A.150.260(2)(c), shall be allocated only if the district documents an actual ratio equal to or greater than 54.3 certificated instructional staff per thousand full time equivalent students in grades K-3. For any school district documenting a lower certificated instructional staff ratio, the allocation shall be based on the district's actual K-3 certificated instructional staff ratio achieved in that school year, or the statutory minimum ratio established under RCW 28A.150.260(2)(c), if greater.

(b) Districts at or above 51.0 certificated instructional staff per one thousand full time equivalent students in grades K-3 may dedicate up to 1.3 of the 54.3 funding ratio to employ additional classified instructional assistants assigned to basic education classrooms in grades K-3. For purposes of documenting a district's staff ratio under subsection (11)(a) and (c) of this section, funds used by the district to employ additional classified instructional assistants shall be converted to a certificated staff equivalent and added to the district's actual certificated instructional staff ratio. Additional classified instructional assistants, for the purposes of this subsection, shall be determined using the 1989-90 school year as the base year.

(c) Any district maintaining a ratio equal to or greater than 54.3 certificated instructional staff per thousand full time equivalent students in grades K-3 may use allocations generated under subsection (2)(a)(ii) in excess of that required to maintain the minimum ratio established under RCW 28A.150.260(2)(c) to employ additional basic education certificated instructional staff or classified instructional assistants in grades 4-6. Funds allocated under this section shall only be expended to reduce class size in grades K-6. No more than 1.3 of the certificated instructional funding ratio amount may be expended for provision of classified instructional assistants.

(12) The superintendent of public instruction shall study the rate of staff per student if current levels of certificated instructional staffing and paraprofessionals are counted together as "classroom resources." A report identifying "classroom resource" per pupil rates shall be provided to the appropriate fiscal and policy committees of the house of representatives and senate by January 10, 1992.

Sec. 503. 1991 sp.s. c 16 s 503 is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--BASIC EDUCATION EMPLOYEE COMPENSATION INCREASES

General Fund Appropriation \$ ((218,249,000))

206,975,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The following calculations determine the salaries used in the general fund allocations for certificated instructional, certificated administrative, and classified staff units under section 502 of this act:

(a) Salary allocations for certificated instructional staff units shall be determined for each district by multiplying the district's certificated instructional derived base salary shown on LEAP Document ((12)) 12A, by the district's average staff mix factor for basic education certificated instructional staff in that school year, computed using LEAP Document 1A.

(b) Salary allocations for certificated administrative staff units and classified staff units for each district shall be based on the district's certificated administrative and classified salary allocation amounts shown on LEAP Document ((12)) 12A.

(2) For the purposes of this section:

(a) "Basic education certificated instructional staff" is defined as provided in RCW 28A.150.100.

(b) "LEAP Document 1A" means the computerized tabulation establishing staff mix factors for basic education certificated instructional staff according to education and years of experience, as developed by the legislative evaluation and accountability program committee on April 8, 1991, at 13:35 hours.

(c) "LEAP Document ((12)) 12A" means the computerized tabulation of 1990-91, 1991-92, and 1992-93 school year salary allocations for basic education certificated administrative staff and basic education classified staff and derived base salaries for basic education certificated instructional staff as developed by the legislative evaluation and accountability program committee on ((June 26, 1991, at 12:01 hours)) January 15, 1992, at 12:00 hours.

(3) Incremental fringe benefits factors shall be applied to salary increases at a rate of ((1.2047)) 1.2010 for certificated salaries and ((1.1534)) 1.1520 for classified salaries for both the 1991-92 and 1992-93 school years.

(4) The increase for each certificated administrative staff unit provided under section 502 of this act shall be the 1990-91 state-wide average certificated administrative salary increased by 4.0 percent for the 1991-92 school year, and further increased by ((3.547)) 3.0 percent for the 1992-93 school year, as shown on LEAP Document ((12)) 12A.

(5) The increase for each classified staff unit provided under section 502 of this act shall be the 1990-91 state-wide average classified salary increased by 4.0 percent for the 1991-92 school year and further increased by ((3.547)) 3.0 percent for the 1992-93 school year, as shown on LEAP Document ((12)) 12A.

(6) Increases for certificated instructional staff units provided under section 502 of this act shall be the difference between the salary allocation specified in subsection (1)(a) of this section and the salary allocation specified as follows:

(a) For the 1991-92 school year, the allocation for each certificated instructional staff unit shall be the 1991-92 derived base salary, as shown on LEAP Document ((12)) 12A, multiplied by the district's average staff mix factor for actual 1991-92 full time equivalent basic education certificated instructional staff using LEAP Document 1A.

(b) For the 1992-93 school year, the allocation for each certificated instructional staff unit shall be the 1992-93 derived base salary, as shown on LEAP Document ((12)) 12A, multiplied by the district's average staff mix factor for actual 1992-93 full time equivalent basic education certificated instructional staff using LEAP Document 1A.

(7)(a) Pursuant to RCW 28A.150.410, the following state-wide salary allocation schedules for certificated instructional staff are established for basic education salary allocations for the 1991-92 and 1992-93 school years:

1991-92 STATE-WIDE SALARY ALLOCATION SCHEDULE
FOR INSTRUCTIONAL STAFF

Years of Service	BA	BA+15	BA+30	BA+45	BA+90
0	20,801	21,363	21,945	22,528	24,400
1	21,482	22,063	22,664	23,285	25,212
2	22,178	22,776	23,395	24,076	26,035
3	22,908	23,525	24,161	24,880	26,874
4	23,652	24,307	24,961	25,718	27,764
5	24,430	25,102	25,775	26,589	28,668
6	25,240	25,910	26,620	27,492	29,603
7	26,064	26,750	27,478	28,407	30,569
8	26,899	27,624	28,368	29,374	31,566
9		28,528	29,309	30,352	32,595
10			30,262	31,379	33,653
11				32,437	34,760
12				33,461	35,897
13					37,062
14					38,233
15 or more					39,227

Years of Service	BA+135	MA	MA+45	MA+90 or PHD
0	25,606	24,939	26,811	28,018
1	26,434	25,696	27,624	28,846
2	27,295	26,488	28,447	29,706
3	28,188	27,292	29,286	30,600
4	29,115	28,130	30,176	31,527
5	30,073	29,000	31,080	32,485
6	31,043	29,904	32,015	33,455
7	32,065	30,818	32,981	34,476
8	33,116	31,786	33,978	35,528
9	34,198	32,762	35,007	36,609
10	35,308	33,791	36,064	37,720
11	36,449	34,849	37,172	38,861
12	37,637	35,949	38,309	40,049
13	38,854	37,086	39,474	41,265
14	40,116	38,258	40,720	42,528
15 or more	41,159	39,252	41,779	43,634

**1992-93 STATE-WIDE SALARY ALLOCATION SCHEDULE
FOR INSTRUCTIONAL STAFF**

(Years of Service)	BA	BA+15	BA+30	BA+45	BA+90
0	21,539	22,120	22,724	23,327	25,265
1	22,244	22,845	23,468	24,111	26,106
2	22,965	23,584	24,225	24,930	26,959
3	23,721	24,359	25,018	25,763	27,827
4	24,491	25,169	25,847	26,630	28,749
5	25,296	25,992	26,689	27,532	29,685
6	26,135	26,829	27,564	28,468	30,653
7	26,988	27,699	28,453	29,414	31,653
8	27,853	28,603	29,375	30,416	32,686
9		29,540	30,349	31,428	33,751
10			31,335	32,492	34,846
11				33,587	35,993
12				34,648	37,170
13					38,376
14					39,589
15 or more					40,618

Years of Service	BA+135	MA	MA+45	MA+90 or PHD
0	26,514	25,824	27,762	29,012
1	27,372	26,608	28,603	29,869
2	28,263	27,428	29,456	30,759
3	29,188	28,260	30,324	31,685
4	30,148	29,128	31,246	32,645
5	31,139	30,029	32,182	33,637
6	32,144	30,965	33,150	34,642
7	33,202	31,912	34,151	35,699
8	34,290	32,913	35,183	36,788
9	35,411	33,924	36,248	37,908
10	36,561	34,989	37,344	39,058
11	37,742	36,085	38,490	40,239
12	38,972	37,224	39,667	41,469
13	40,232	38,401	40,874	42,729
14	41,539	39,615	42,165	44,036

~~15 or more~~ ~~42,619~~ ~~40,644~~ ~~43,261~~ ~~45,181~~))

<u>Years of Service</u>	<u>BA</u>	<u>BA+15</u>	<u>BA+30</u>	<u>BA+45</u>	<u>BA+90</u>
<u>0</u>	<u>21,425</u>	<u>22,003</u>	<u>22,603</u>	<u>23,203</u>	<u>25,131</u>
<u>1</u>	<u>22,126</u>	<u>22,724</u>	<u>23,343</u>	<u>23,983</u>	<u>25,968</u>
<u>2</u>	<u>22,843</u>	<u>23,459</u>	<u>24,096</u>	<u>24,798</u>	<u>26,816</u>
<u>3</u>	<u>23,595</u>	<u>24,230</u>	<u>24,886</u>	<u>25,626</u>	<u>27,679</u>
<u>4</u>	<u>24,361</u>	<u>25,036</u>	<u>25,709</u>	<u>26,489</u>	<u>28,596</u>
<u>5</u>	<u>25,162</u>	<u>25,854</u>	<u>26,547</u>	<u>27,386</u>	<u>29,527</u>
<u>6</u>	<u>25,997</u>	<u>26,686</u>	<u>27,418</u>	<u>28,317</u>	<u>30,490</u>
<u>7</u>	<u>26,845</u>	<u>27,552</u>	<u>28,302</u>	<u>29,258</u>	<u>31,485</u>
<u>8</u>	<u>27,705</u>	<u>28,452</u>	<u>29,219</u>	<u>30,255</u>	<u>32,513</u>
<u>9</u>		<u>29,384</u>	<u>30,188</u>	<u>31,261</u>	<u>33,572</u>
<u>10</u>			<u>31,169</u>	<u>32,320</u>	<u>34,661</u>
<u>11</u>				<u>33,409</u>	<u>35,802</u>
<u>12</u>				<u>34,464</u>	<u>36,973</u>
<u>13</u>					<u>38,173</u>
<u>14</u>					<u>39,379</u>
<u>15 or more</u>					<u>40,403</u>

<u>Years of Service</u>	<u>BA+135</u>	<u>MA</u>	<u>MA+45</u>	<u>MA+90 or PHD</u>
<u>0</u>	<u>26,374</u>	<u>25,687</u>	<u>27,615</u>	<u>28,858</u>
<u>1</u>	<u>27,226</u>	<u>26,467</u>	<u>28,452</u>	<u>29,710</u>
<u>2</u>	<u>28,113</u>	<u>27,282</u>	<u>29,300</u>	<u>30,596</u>
<u>3</u>	<u>29,033</u>	<u>28,110</u>	<u>30,163</u>	<u>31,517</u>
<u>4</u>	<u>29,988</u>	<u>28,973</u>	<u>31,080</u>	<u>32,472</u>
<u>5</u>	<u>30,974</u>	<u>29,870</u>	<u>32,011</u>	<u>33,458</u>
<u>6</u>	<u>31,974</u>	<u>30,801</u>	<u>32,974</u>	<u>34,458</u>
<u>7</u>	<u>33,026</u>	<u>31,742</u>	<u>33,969</u>	<u>35,510</u>
<u>8</u>	<u>34,109</u>	<u>32,739</u>	<u>34,997</u>	<u>36,593</u>
<u>9</u>	<u>35,223</u>	<u>33,744</u>	<u>36,056</u>	<u>37,707</u>
<u>10</u>	<u>36,367</u>	<u>34,804</u>	<u>37,145</u>	<u>38,851</u>
<u>11</u>	<u>37,542</u>	<u>35,893</u>	<u>38,286</u>	<u>40,026</u>
<u>12</u>	<u>38,765</u>	<u>37,027</u>	<u>39,457</u>	<u>41,249</u>
<u>13</u>	<u>40,018</u>	<u>38,197</u>	<u>40,657</u>	<u>42,502</u>
<u>14</u>	<u>41,319</u>	<u>39,404</u>	<u>41,941</u>	<u>43,803</u>
<u>15 or more</u>	<u>42,393</u>	<u>40,429</u>	<u>43,032</u>	<u>44,942</u>

(b) As used in this subsection, the column headings "BA+(N)" refer to the number of credits earned since receiving the baccalaureate degree.

(c) For credits earned after the baccalaureate degree but before the masters degree, any credits in excess of forty-five credits may be counted after the masters degree. Thus, as used in this subsection, the column headings "MA+(N)" refer to the total of:

- (i) Credits earned since receiving the masters degree; and
- (ii) Any credits in excess of forty-five credits that were earned after the baccalaureate degree but before the masters degree.

(8) For the purposes of this section:

- (a) "BA" means a baccalaureate degree.
- (b) "MA" means a masters degree.
- (c) "PHD" means a doctorate degree.
- (d) "Years of service" shall be calculated under the same rules used by the superintendent of public instruction for salary allocations in the 1990-91 school year.

(e) "Credits" means college quarter hour credits and equivalent inservice credits computed in accordance with RCW 28A.415.020.

(9) The salary allocation schedules established in subsection (7) of this section are for allocation purposes only except as provided in RCW 28A.400.200(2).

(10) The superintendent of public instruction, in cooperation with the legislative budget committee, shall conduct a study to verify the accuracy of education credits reported by school districts to the superintendent for purposes of calculating staff-mix ratios used in the 1991-93 biennial operating budget process. The study shall be presented to the fiscal committees of the senate and house of representatives by November 1, 1992.

Sec. 504. 1991 sp.s. c 16 s 504 is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--CATEGORICAL PROGRAM SALARY INCREASES

General Fund Appropriation	\$	((47,058,000))
		<u>42,774,000</u>

The appropriation in this section is subject to the following conditions and limitations:

(1) The incremental fringe benefits factors applied to salary increases in subsection (3) of this section shall be ~~((1,2047))~~ 1.2010 for certificated salaries and ~~((1,1534))~~ 1.1520 for classified salaries in the 1991-92 and 1992-93 school years.

(2) Salary increases for each school year for state-supported formula units in the following categorical programs include costs of incremental fringe benefits and shall be distributed by increasing allocation rates for each school year by the amounts specified below:

(a) Transitional bilingual instruction: The rates specified in section 519 of this act shall be increased by ~~\$(18.66)~~ 18.60 per pupil for the 1991-92 school year and by ~~\$(35.87)~~ 33.11 per pupil for the 1992-93 school year.

(b) Learning assistance: The rates specified in section 520 of this act shall be increased by ~~\$(14.15)~~ 14.13 per pupil for the 1991-92 school year and by ~~\$(27.20)~~ 25.16 per pupil for the 1992-93 school year.

(c) Education of highly capable students: The rates specified in section 515 of this act shall be increased by ~~\$(11.05)~~ 11.02 per pupil for the 1991-92 school year and by ~~\$(21.24)~~ 19.61 per pupil for the 1992-93 school year.

~~(d) (Vocational technical institutes: The rates for vocational programs specified in section 507 of this act shall be increased by \$80.05 per full time equivalent student for the 1991-92 school year, and by \$167.21 per full time equivalent student for the 1992-93 school year. A maximum of \$734,000 is provided for the 1991-92 fiscal year and a maximum of \$1,685,000 is provided for the 1992-93 fiscal year.~~

~~(e))~~ Pupil transportation: The rates provided under section 506 of this act shall be increased by \$.72 per weighted pupil-mile for the 1991-92 school year, and by ~~\$(1.39)~~ 1.28 per weighted pupil-mile for the 1992-93 school year.

(3) The superintendent of public instruction shall distribute salary increases and incremental fringe benefits for state-supported staff unit allocations in the handicapped program (section 509 of this act), in the educational service districts (section 511 of this act), and in the institutional education program (section 514 of this act), in the same manner as salary increases are provided for basic education staff.

Sec. 505. 1991 sp.s. c 16 s 505 is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SCHOOL EMPLOYEE INSURANCE BENEFIT INCREASES

General Fund Appropriation	\$	((88,498,000))
		<u>84,929,000</u>

The appropriation in this section is subject to the following conditions and limitations:

(1) Allocations for insurance benefits from general fund appropriations provided under section 502 of this act shall be calculated at a rate of \$246.24 per month for each certificated staff unit, and for each classified staff unit adjusted pursuant to section 502(5)(b) of this act.

(2) The appropriation in this section is provided solely to increase insurance benefit allocations for state-funded certificated and classified staff for the 1991-92 school year, effective October 1, 1991, to a rate of \$289.95 per month, and for the 1992-93 school year, effective October 1, 1992, to a rate of ~~\$(321.80))~~ 317.79 as distributed pursuant to this section.

(3) The increase in insurance benefit allocations for basic education staff units under section 502(5) of this act, for handicapped program staff units as calculated under section 509 of this act, for state-funded staff in educational service districts, and for institutional education programs is \$43.71 per month for the 1991-92 school year and an additional ~~\$(31.85))~~ 27.84 per month in the 1992-93 school year.

(4) The increases in insurance benefit allocations for the following categorical programs shall be calculated by increasing the annual state funding rates by the amounts specified in this subsection. Effective October 1 of each school year, the maximum rate adjustments provided on an annual basis under this section are:

(a) For pupil transportation, an increase of \$.40 per weighted pupil-mile for the 1991-92 school year and an additional ~~\$(.29))~~ .25 per weighted pupil-mile for the 1992-93 school year;

(b) For learning assistance, an increase of \$10.92 per pupil for the 1991-92 school year and an additional ~~\$(7.96))~~ 6.96 for the 1992-93 school year;

(c) For education of highly capable students, an increase of \$3.72 per pupil for the 1991-92 school year and an additional ~~\$(2.71))~~ 2.37 per pupil for the 1992-93 school year;

(d) For transitional bilingual education, an increase of \$7.08 per pupil for the 1991-92 school year and an additional ~~\$(5.16))~~ 4.51 per pupil for the 1992-93 school year(;

(e) For vocational technical institutes, an increase of \$29.09 per full time equivalent pupil for the 1991-92 school year and \$21.20 per full time equivalent pupil for the 1992-93 school year. A maximum of \$240,000 is provided for the 1991-92 fiscal year and \$543,000 is provided for the 1992-93 fiscal year).

Sec. 506. 1991 sp.s. c 16 s 506 is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR PUPIL TRANSPORTATION

General Fund Appropriation	\$	((292,126,000))
		<u>295,285,000</u>

The appropriation in this section is subject to the following conditions and limitations:

- (1) \$26,028,000 is provided solely for distribution to school districts for the remaining months of the 1990-91 school year.
- (2) A maximum of \$134,333,000 may be distributed for pupil transportation operating costs in the 1991-92 school year.
- (3) A maximum of \$873,000 may be expended for regional transportation coordinators.
- (4) A maximum of \$65,000 may be expended for bus driver training.
- (5) For eligible school districts, the small-fleet maintenance factor shall be funded at a rate of \$1.65 in the 1991-92 school year and \$1.70 in the 1992-93 school year per weighted pupil-mile.
- (6) The superintendent shall ensure that, by the 1992-93 school year, school districts in accordance with RCW 28A.160.160(4) are making good faith efforts to alleviate the problem of hazardous walking conditions for students.
- (7) \$755,000 of the general fund--state appropriation is provided solely to implement chapter 166, Laws of 1991 (Engrossed Substitute Senate Bill No. 5114, school bus safety crossing arms). Moneys provided in this subsection may be expended to reimburse school districts that purchased school bus safety crossing arms during the 1990-91 school year, subject to criteria and rules adopted by the superintendent.
- (8) ~~\$(100,000)~~ 90,000 is provided solely for the 1992-93 school year for transportation of students enrolled in "choice" programs. Transportation shall be limited to low-income students who are transferring to "choice" programs solely for educational reasons. The superintendent shall provide a report to the legislature concerning the use of these moneys by November 1, 1993.

Sec. 507. 1991 sp.s. c 16 s 507 is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR VOCATIONAL-TECHNICAL INSTITUTES AND ADULT EDUCATION AT VOCATIONAL-TECHNICAL INSTITUTES

General Fund Appropriation	\$	((86,545,000))
		<u>12,345,000</u>

The appropriation in this section is subject to the following conditions and limitations:

- ~~((1) Funding for vocational programs during the 1991-92 and 1992-93 school years shall be distributed at a rate of \$3,293 per student for a maximum of 12,655 full time equivalent students.~~
- ~~(2) Funding for adult basic education programs during the 1991-92 and 1992-93 school years shall be distributed at a rate of \$1.62 per hour of student service for a maximum of 288,690 hours.~~
- ~~(3) \$1,450,000 is provided solely to lease computer equipment, reprogram software and databases, and provide for other initial operating costs necessary to merge the computer systems of the vocational technical institutes into the community and technical college system created under chapter 238 Laws of 1991 (Engrossed Substitute Senate Bill No. 5184, work force training education). The apportionment of this amount among the vocational technical institutes shall be made by the director of the state board for community and technical colleges.)) Funding is provided solely for the July and August 1991 payments to the vocational technical institutes.~~

Sec. 508. 1991 sp.s. c 16 s 509 is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR HANDICAPPED EDUCATION PROGRAMS

General Fund--State Appropriation	\$	((691,346,000))
		<u>691,272,000</u>
General Fund--Federal Appropriation	\$	83,900,000
TOTAL APPROPRIATION	\$	((775,246,000))
		<u>775,172,000</u>

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$62,455,000 of the general fund--state appropriation is provided solely for the remaining months of the 1990-91 school year.
- (2) The superintendent of public instruction shall distribute state funds for the 1991-92 and 1992-93 school years in accordance with districts' actual handicapped enrollments and the allocation model established in LEAP Document 13 as developed on June 26, 1991, at 13:02 hours.
- (3) A maximum of \$614,000 may be expended from the general fund--state appropriation to fund 5.43 full time equivalent teachers and 2.1 full time equivalent aides at Children's Orthopedic Hospital and Medical Center. This amount is in lieu of money provided through the home and hospital allocation and the handicapped program.
- (4) \$192,000 of the general fund--state appropriation is provided solely for the early childhood home instruction program for hearing impaired infants and their families.

(5) \$1,000,000 of the general fund--federal appropriation is provided solely for projects to provide handicapped students with appropriate job and independent living skills, including work experience where possible, to facilitate their successful transition out of the public school system. The funds provided by this subsection shall be from federal discretionary grants.

(6) \$300,000 of the general fund--federal appropriation is provided solely for inservice training, technical assistance, and evaluation of the special services demonstration projects authorized in chapter 265, Laws of 1991 (Engrossed Substitute House Bill No. 1329, special services demonstration projects).

(7) Project funding for special services demonstration projects shall be allocated and disbursed under chapter 265, Laws of 1991 (Engrossed Substitute House Bill No. 1329, special services demonstration projects).

Sec. 509. 1991 sp.s. c 16 s 510 is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR TRAFFIC SAFETY EDUCATION PROGRAMS

Public Safety and Education Account Appropriation	\$	5,321,000
General Fund--State Appropriation	\$	5,240,000
<u>TOTAL APPROPRIATION</u>	\$	<u>10,561,000</u>

The appropriations in this section ((is)) are subject to the following conditions and limitations:

(1) Not more than \$596,000 may be expended for regional traffic safety education coordinators.

(2) A maximum of \$2,300,000 may be expended in the 1991-92 fiscal year and \$2,425,000 in the 1992-93 fiscal year to provide tuition assistance for traffic safety education for students from low-income families.

Sec. 510. 1991 sp.s. c 16 s 511 is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR EDUCATIONAL SERVICE DISTRICTS

General Fund Appropriation	\$	((11,070,000))
		<u>10,466,000</u>

The appropriation in this section is subject to the following conditions and limitations:

(1) The educational service districts shall continue to furnish financial services required by the superintendent of public instruction and RCW 28A.310.190 (3) and (4).

(2) ~~\$(500,000))~~ 475,000 is provided solely to implement chapter 285, Laws of 1991 (Engrossed Substitute House Bill No. 1813, E.S.D. teacher recruitment coordination).

Sec. 511. 1991 sp.s. c 16 s 513 is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR THE ENUMERATED PURPOSES

General Fund--Federal Appropriation	\$	((183,032,000))
		<u>178,332,000</u>
(1) Education Consolidation and Improvement Act	\$	178,000,000
(2) Education of Indian Children	\$	332,000
((3) Adult Basic Education	\$	4,700,000))

Sec. 512. 1991 sp.s. c 16 s 514 is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR INSTITUTIONAL EDUCATION PROGRAMS

General Fund--State Appropriation	\$	((24,950,000))
		<u>24,900,000</u>
General Fund--Federal Appropriation	\$	7,700,000
<u>TOTAL APPROPRIATION</u>	\$	<u>((32,650,000))</u>
		<u>32,600,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$4,065,000 of the general fund--state appropriation is provided solely for the remaining months of the 1990-91 school year.

(2) A maximum of \$950,000 of the general fund--state appropriation may be expended for juvenile parole learning centers in the 1991-92 school year and \$950,000 in the 1992-93 school year at a rate not to exceed \$2,351 per full time equivalent student.

(3) State funding provided under this section is based on salaries and other expenditures for a 220-day school year. The superintendent of public instruction shall monitor school district expenditure plans for institutional education programs to ensure that districts plan for a full-time summer program.

(4) Average staffing ratios for each category of institution, excluding juvenile parole learning centers, shall not exceed the rates specified in the legislative budget notes.

(5) The superintendent of public instruction shall:

(a) Define what constitutes a full time equivalent student;

(b) In cooperation with the secretary of social and health services, define responsibility for the variety of services offered through the common schools and the department of social and health services;

- (c) Convene meetings of the parties responsible for the well-being of children in the institutional education programs for purpose of identifying and resolving problems associated with service delivery; and
- (d) Report to the appropriate fiscal and policy committees of the legislature on (a), (b), and (c) of this subsection by January 10, 1992.

Sec. 513. 1991 sp.s. c 16 s 515 is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR PROGRAMS FOR HIGHLY CAPABLE STUDENTS

General Fund Appropriation	\$	((10,398,000))
		<u>9,859,000</u>

The appropriation in this section is subject to the following conditions and limitations:

- (1) \$945,000 is provided solely for distribution to school districts for the remaining months of the 1990-91 school year.
- (2) Allocations for school district programs for highly capable students during the 1991-92 ((and 1992-93)) school year((s)) shall be distributed at a maximum rate of \$397.16 per student and for the 1992-93 school year shall be distributed at a maximum of \$362.32 per student for up to one and one-half percent of each district's full time equivalent enrollment.
- (3) A maximum of \$((520,000)) 494,000 is provided to contract for gifted programs to be conducted at Fort Worden state park.

Sec. 514. 1991 sp.s. c 16 s 516 is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SCHOOL DISTRICT SUPPORT

General Fund--State Appropriation	\$	((6,155,000))
		<u>5,817,000</u>
General Fund--Federal Appropriation	\$	6,085,000
Drug Enforcement and Education Account Appropriation	\$	13,509,000
TOTAL APPROPRIATION	\$	((25,749,000))
		<u>25,411,000</u>

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$((282,000)) 268,000 of the general fund--state appropriation is provided solely for teacher in-service training in math, science, and computer technology.
- (2) \$((651,000)) 618,000 of the general fund--state appropriation is provided solely for teacher training workshops conducted by the Pacific science center. \$((496,000)) 472,000 of this amount is for in-service training in science to be provided to approximately ten percent of the kindergarten through eighth grade teachers each year.
- (3) \$((872,000)) 828,000 of the general fund--state appropriation and \$413,000 of the general fund--federal appropriation are provided solely for teacher training in drug and alcohol abuse education and prevention in kindergarten through grade twelve. The amount provided in this subsection includes \$300,000 from license fees collected pursuant to RCW 66.24.320 and 66.24.330 which are dedicated to juvenile drug and alcohol prevention programs under RCW 66.08.180(4).
- (4) \$((3,000,000)) 2,850,000 of the general fund--state appropriation is provided solely for training of paraprofessional classroom assistants and classroom teachers to whom the assistants are assigned.
- (5) \$((150,000)) 113,000 of the general fund--state appropriation is provided solely for school district staff training and materials to implement ((the architecture and children program)) innovative curriculum with unusual potential for stimulating new instructional methods and student interest in academic subjects.
- ((7)) (6) \$3,209,000 of the drug enforcement and education account appropriation is provided solely for matching grants to enhance security in secondary schools. Not more than seventy-five percent of a district's total expenditures for school security in any school year may be paid from a grant under this subsection. The grants shall be expended solely for the costs of employing or contracting for building security monitors in secondary schools during school hours and school events. Of the amount provided in this subsection, at least \$3,000,000 shall be spent for grants to districts that, during the 1988-89 school year, employed or contracted for security monitors in schools during school hours. However, these grants may be used only for increases in school district expenditures for school security over expenditure levels for the 1988-89 school year.
- ((8)) (7) \$30,000 of the general fund--federal appropriation is provided solely for inservice training for elementary teachers on innovative methods of encouraging girls and minority students to develop and pursue an interest in math and science.
- ((9)) (8) \$((1,200,000)) 1,140,000 of the general fund--state appropriation is provided solely for support to strengthen school district management.

Sec. 515. 1991 sp.s. c 16 s 517 is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SPECIAL AND PILOT PROGRAMS

General Fund--State Appropriation	\$	((62,036,000))
		<u>41,681,000</u>

General Fund--Federal Appropriation	\$	11,500,000
TOTAL APPROPRIATION	\$	<u>(73,536,000)</u>
		<u>53,181,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~\$(2,231,000)~~ 2,119,000 of the general fund--state appropriation is provided solely for a contract with the Pacific science center for travelling van programs and other educational services for public schools.

(2) ~~\$(88,000)~~ 84,000 of the general fund--state appropriation is provided solely for a contract ~~((with the Cispus learning center))~~ for environmental education programs.

(3) \$2,000,000 of the general fund--federal appropriation is provided solely to fund innovative programs that are targeted to providing special assistance to at-risk students.

(4) ~~\$(2,312,000)~~ 2,196,000 of the general fund--state appropriation is provided solely for the beginning teachers assistance program established under RCW 28A.405.450. Moneys shall be distributed under this subsection at a maximum rate per mentor/beginning teacher team of \$1,780 per year.

(5) ~~\$(204,000)~~ 194,000 of the general fund--state appropriation is provided solely for child abuse education provisions of RCW 28A.300.150 through 28A.300.160.

(6) ~~\$(50,000)~~ 48,000 of the general fund--state appropriation is provided solely to implement chapter 252, Laws of 1991 (Substitute House Bill No. 1885, teacher recruiting).

(7) ~~\$(6,000,000)~~ 5,700,000 of the general fund--state appropriation is provided solely for a complex needs factor. \$3,333,000 of this amount shall be provided for the 1991-92 school year to districts according to LEAP Document ~~((30))~~ 30A, developed by the legislative evaluation and accountability program committee on ~~((June 27, 1991))~~ January 15, 1992, at ~~((13:40))~~ 12:00 hours. Funds remaining for the 1992-93 school year shall be allocated ~~((for the 1992-93 school year))~~ according to funding ratios established in LEAP Document ((30)) 30A unless the superintendent develops a new complex needs formula and the legislature enacts a new formula. Development of the complex needs formula shall include consideration of elements included in LEAP Document ~~((30))~~ 30A, including ratios of students qualifying for free and reduced-price meals, students participating in bilingual education, and the number of different language or dialect programs offered.

(8) ~~\$(900,000)~~ 855,000 of the general fund--state appropriation is provided solely for grants to school districts for programs to employ low-income students in grades ten through twelve as tutors for students in kindergarten through grade nine. School districts receiving these grants shall pay student tutors at least minimum wage. The tutoring shall be conducted after school hours. The school districts shall provide training and supervision of the student tutors.

(9) ~~\$(1,400,000)~~ 1,330,000 of the general fund--state appropriation is provided solely for grants for drop-out prevention and retrieval programs established under chapter 28A.175 RCW.

(10) ~~\$(126,000 of the general fund--state appropriation is provided to operate a toll free telephone number at the Lifeline Institute to assist school districts in youth suicide prevention.~~

(11) ~~\$1,519,000 of the general fund--state appropriation is provided solely for grants to public or private nonprofit organizations to assist parents of children in headstart or early childhood education and assistance programs who are enrolled in adult literacy classes or tutoring programs under RCW 28A.610.010 through 28A.610.020. Grants provided under this subsection may be used for scholarships, costs of transportation and child care, and other support services. Moneys provided under this subsection may not be used by the superintendent of public instruction for state administrative costs.~~

(12) ~~\$(9,981,000)~~ \$9,482,000 of the general fund--state appropriation is provided solely for the schools for the twenty-first century pilot programs established under RCW 28A.630.100 through 28A.630.290.

~~(((13) \$15,000,000))~~ (11) \$12,124,000 of the general fund--state appropriation is provided solely for early intervention and prevention services.

~~(((b)))~~ (a) The superintendent of public instruction shall distribute funds provided in this subsection equitably to all school districts based on the district's enrollment in kindergarten through grade six. However, the allocations for school districts enrolling fewer than 1,000 full time equivalent students shall be distributed to the educational service district in which the district is located. The educational service district shall use the allocation to provide early intervention and prevention services under a cooperative agreement between the district and the educational service district. Educational service districts shall coordinate the use of staff and resources to serve school districts under this section. School districts and educational service districts may not use the grants to supplant funding from other sources previously provided for counseling or intervention services. School districts and educational service districts accepting moneys from this subsection shall enter into written interagency agreements with community-based public or private human service providers to ensure delivery of appropriate services to students. To the greatest extent possible, the delivery of services to students shall not be duplicative of other programs, shall maximize the use of community-based service providers, shall be consistent with the applicable children's mental health delivery system developed pursuant to chapter 71.36 RCW, shall emphasize the most efficient and cost-effective use of these moneys, and shall be provided on a twelve-month basis. School districts and educational service districts are strongly encouraged to contract with public or private community-based human service providers to provide elementary students with prevention and intervention services under the local fair start program.

~~((e))~~ (b) If separate legislation establishing the Fair Start program is enacted by July 31, ~~((1991, (b)))~~ 1992, (a) of this subsection shall be null and void.

~~((14) \$4,000,000 of the general fund--state appropriation is provided solely for grants, based on enrollments, to the Seattle and Tacoma school districts for magnet school programs established to encourage racial integration of schools through voluntary student transfers))~~ (12) \$4,270,000 of the general fund--state appropriation is provided solely for magnet school program grants to encourage racial integration of schools through voluntary student transfers. A school district awarded a state magnet grant in 1991-92 shall receive no less than ninety percent of the 1991-92 state magnet grant in 1992-93. The superintendent shall consider criteria which expand the number of school districts receiving grants and make awards accordingly for the school year starting in 1992-93. The grants shall be used solely to support the development and implementation of specialized curricula and instructional programs that assist in the elimination, reduction, or prevention of minority group isolation. Placement of students in magnet programs shall not be based on test scores or grades. Grants shall be expended solely for planning and promotional activities; acquisition of books, materials, and equipment needed specifically to implement magnet programs; staff training designed specifically to assist in the development of magnet programs; and certificated staff assigned to instructional programs that are in addition to the school's core basic skills curriculum and that are an integral part of the magnet program. Grants may be used for staff development days only if these days are in addition to district-wide increases in supplemental contract days for certificated instructional staff.

~~((15))~~ (13) \$25,000 of the general fund--state appropriation is provided solely for a program acknowledging the contributions of persons awarded the United States Medal of Honor.

~~((16) \$50,000)~~ (14) \$73,000 of the general fund--state appropriation is provided solely for grants to school districts to develop model secondary school projects that combine academic and vocational education into a single instructional system. The projects shall integrate vocational and academic curriculum, emphasize increased guidance and counseling for students, and include active participation by employers, community service providers, parents, and community members.

~~((17) \$500,000)~~ (15) \$475,000 of the general fund--state appropriation is provided solely for grants for homeless children education programs. The grant applications shall be submitted jointly by school districts and at least one shelter within the district serving homeless families. The grants are not intended to fund separate instructional programs for homeless children unless the services are necessary to facilitate adjustment into a regular classroom setting. The grants may be used for staffing, for coordinating the transfer of records, for transportation, for student assessment, or for other individualized instruction or assistance.

~~((18) \$50,000 of the general fund--federal appropriation is provided solely for a pilot program for teenage suicide prevention through the Federal Way school district. None of this amount may be used by either the district or the superintendent of public instruction for indirect costs.~~

~~(19) \$50,000)~~ (16) \$168,000 of the general fund--state and ~~((50,000))~~ \$100,000 of the general fund--federal appropriation ~~((is))~~ are provided solely for ~~((a pilot program for teenage suicide prevention in the Northshore school district))~~ competitive grants for teenage suicide prevention programs. The superintendent of public instruction shall award the grants based on the effectiveness, efficiency, and quality of student contact in the programs. Suicide prevention programs awarded suicide prevention grants in 1991-92 shall receive no less than ninety percent of the 1991-92 grant in 1992-93.

~~((21) \$2,000,000)~~ (17) \$1,900,000 of the general fund--state appropriation is provided solely for grants to school districts of the second class under RCW 28A.315.230. The superintendent shall provide grants based on full time equivalent enrollment to applicant school districts meeting all of the following criteria:

- (a) The median household income of the district is at least twenty percent below the state average;
- (b) The number of families receiving aid to families with dependent children exceeds the state-wide average by twenty percent;
- (c) The number of persons unemployed exceeds the state-wide average by twenty percent;
- (d) The assessed valuation of property for excess levy purposes would require a levy rate of more than two dollars per one thousand dollars of valuation to raise a ten percent levy;
- (e) The district does not receive federal impact aid in excess of the maximum amount the district would be eligible to raise with a ten percent levy; and
- (f) The district does not receive federal forest moneys in excess of its basic education allocation.

However, if a second class school district is a joint district under RCW 28A.315.350, the criteria under this subsection shall be applied based upon the county which comes closest to meeting the criteria under this subsection.

~~((22) \$500,000)~~ (18) \$475,000 of the general fund--state appropriation is provided solely to implement chapter 258, Laws of 1991 (Substitute Senate Bill No. 5504, student teaching centers).

~~((23) \$100,000)~~ (19) \$95,000 of the general fund--state appropriation is provided solely for a cooperative alternative high school operated jointly by the Willapa Valley, Raymond, and South Bend school districts.

(20) \$68,000 of the general fund--state appropriation is provided solely for assistance to the Blaine school district in establishing a K-2 school at Point Roberts. Prior to receiving this funding, Blaine school district must to the satisfaction of the superintendent of public instruction negotiate with Canadian authorities to obtain remedies to the border crossing delays.

Sec. 516. 1991 sp.s. c 16 s 519 is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR TRANSITIONAL BILINGUAL PROGRAMS

General Fund Appropriation \$ ((23,882,000))
28,502,000

The appropriation in this section is subject to the following conditions and limitations:

- (1) \$2,395,000 is provided solely for the remaining months of the 1990-91 school year.
- (2) The superintendent shall distribute funds for the 1991-92 and 1992-93 school years at ~~((a))~~ the rates ~~((for each year))~~ of \$508.82 and \$507.39, respectively, per eligible student.
- (3) For a student served more than twenty-five percent of the school day in a transitional bilingual program, the superintendent of public instruction shall ensure that state basic education funds generated by the student are expended, to the greatest extent practical, in the instruction of that student.
- (4) Project funding for special services demonstration projects shall be allocated and disbursed under chapter 265, Laws of 1991 (Engrossed Substitute House Bill No. 1329, special services demonstration projects).

Sec. 517. 1991 sp.s. c 16 s 520 is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR THE LEARNING ASSISTANCE PROGRAM

General Fund Appropriation \$ ((91,732,000))
91,352,000

The appropriation in this section is subject to the following conditions and limitations:

- (1) \$8,850,000 is provided solely for the remaining months of the 1990-91 school year.
- (2) Funding for school district learning assistance programs serving kindergarten through grade nine shall be distributed during the 1991-92 and 1992-93 school years at a maximum rate of \$426 per unit as calculated pursuant to this subsection. The number of units for each school district in each school year shall be the sum of: (a) The number of full time equivalent students enrolled in kindergarten through grade six in the district multiplied by the percentage of the district's students taking the fourth grade basic skills test who scored in the lowest quartile as compared to national norms, and then reduced by the number of students ages eleven and below in the district who are identified as specific learning disabled and are served through programs established pursuant to chapter 28A.155 RCW; and (b) the number of full time equivalent students enrolled in grades seven through nine in the district multiplied by the percentage of the district's students taking the eighth grade basic skills test who scored in the lowest quartile as compared to national norms, and then reduced by the number of students ages twelve through fourteen in the district who are identified as specific learning disabled and are served through programs established pursuant to chapter 28A.155 RCW. In determining these allocations, the superintendent shall use the most recent prior five-year average scores on the fourth grade and eighth grade state-wide basic skills tests.
- (3) Project funding for special services demonstration projects shall be allocated and disbursed under chapter 265, Laws of 1991 (Engrossed Substitute House Bill No. 1329, special services demonstration projects).

Sec. 518. 1991 sp.s. c 16 s 521 is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR EDUCATIONAL CLINICS

General Fund Appropriation \$ ((3,584,000))
3,405,000

The appropriation in this section is subject to the following conditions and limitations: Not more than \$1,792,000 of the general fund appropriation may be expended during fiscal year 1992.

Sec. 519. 1991 sp.s. c 16 s 522 is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--LOCAL EDUCATION PROGRAM ENHANCEMENT FUNDS

General Fund Appropriation \$ ((58,724,000))
53,180,000

The appropriation in this section is subject to the following conditions and limitations:

- (1) \$5,605,000 of the general fund appropriation is provided solely for the remaining months of the 1990-91 school year.
- (2) School districts receiving moneys pursuant to this section shall expend such moneys to meet educational needs identified by the district within the following program areas:
 - (a) Prevention and intervention services in the elementary grades;
 - (b) Reduction of class size;
 - (c) Early childhood education;
 - (d) Student-at-risk programs, including dropout prevention and retrieval, and substance abuse awareness and prevention;
 - (e) Staff development and in-service programs;
 - (f) Student logical reasoning and analytical skill development;
 - (g) Programs for highly capable students;
 - (h) Programs involving students in community services;

- (i) Senior citizen volunteer programs; and
- (j) Other purposes that enhance a school district's basic education program including purchase of instructional materials and supplies and other nonemployee-related costs.

Program enhancements funded pursuant to this section do not fall within the definition of basic education for purposes of Article IX of the state Constitution and the state's funding duty thereunder, nor shall such funding as now or hereafter appropriated and allocated constitute levy reduction funds for purposes of RCW 84.52.0531.

(3)(a) Allocation to eligible school districts for the 1991-92 and 1992-93 school years shall be calculated on the basis of average annual full time equivalent enrollment, at an annual rate of up to \$35.26 per pupil. For school districts enrolling not more than one hundred average annual full time equivalent students, and for small school plants within any school district designated as remote and necessary schools, the allocations shall be determined as follows:

- (i) Enrollment of not more than sixty average annual full time equivalent students in grades kindergarten through six shall generate funding based on sixty full time equivalent students;
- (ii) Enrollment of not more than twenty average annual full time equivalent students in grades seven and eight shall generate funding based on twenty full time equivalent students; and
- (ii) Enrollment of sixty or fewer average annual full time equivalent students in grades nine through twelve shall generate funding based on sixty full time equivalent students.

(b) Allocations shall be distributed on a school-year basis pursuant to RCW 28A.510.250.

Sec. 520. 1991 sp.s. c 16 s 523 is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR CERTIFICATED INSTRUCTIONAL STAFF--LONGEVITY SALARY INCREMENTS

General Fund Appropriation \$ 48,611,000

The appropriation in this section is subject to the following conditions and limitations:

- (1) This appropriation is intended to provide eligible certificated instructional staff an average 3.2 percent increment for an additional year of experience in each school year, based on LEAP Document 1R as developed on March 29, 1990, at 11:00 hours.
- (2) The superintendent shall transfer the following amounts to the specified programs:
 - (a) \$((42,144,000)) 42,096,000 to General Apportionment, section 502 of this act;
 - (b) \$((6,252,000)) 6,300,000 to the Handicapped Education Program, section 509 of this act; and
 - (c) \$215,000 to the Institutional Education Program, section 514 of this act.
- (3) Certificated instructional staff salary allocations in the specified programs shall be allocated in accordance with sections 502 and 503 of this act.

**PART VI
HIGHER EDUCATION**

Sec. 601. 1991 sp.s. c 16 s 601 is amended to read as follows:
HIGHER EDUCATION. The appropriations in sections 602 through 610 of this act are subject to the following conditions and limitations:

(1) "Institutions of higher education" means the institutions receiving appropriations pursuant to sections 602 through 610 of this act.

~~((3)(a) Student Quality Standard: Each institution and branch campus shall adhere to biennial budgeted enrollment levels. For the 1991-93 fiscal biennium, each institution of higher education shall spend not less than the average biennial amount listed in this subsection per full time equivalent student, plus or minus two percent. The amount includes total appropriated general fund state operating expenditures, less expenditures for plant maintenance and operation, with the exception of Washington State University, where cooperative extension and agriculture research expenditures are also excluded.~~

University of Washington	\$	9,996
Washington State University	\$	8,084
Eastern Washington University	\$	5,906
Central Washington University	\$	5,932
The Evergreen State College	\$	7,463
Western Washington University	\$	5,694
State Board for Community College Education	\$	3,551))

(2)(a) "Student Quality Standard" means for each four year institution and the community and technical colleges as a whole, the following amount divided by the budgeted enrollment levels specified in (b) of this subsection: Its general fund--state operating appropriation, less expenditures for plant maintenance and operation, with the exception of Washington State University, where cooperative extension and agriculture research expenditures are excluded, and with the exception of the state board for community and technical colleges, where timber enrollments, technical college operations, and the Seattle Vocational Institute are excluded.

(b) Budgeted Enrollments: Each institution shall enroll to its budgeted biennial average full time equivalent enrollments, plus six percent or minus two percent, except each branch campus shall enroll within plus or minus twelve percent. If the estimated 1991-93 average biennial full time equivalent student enrollment of an institution or branch campus (as estimated on April 30, 1993, by the office of financial management using spring enrollment reports submitted by the institutions) varies from the biennial budgeted amount by more than ~~((two))~~ six percent above or two percent below the budgeted amount, or twelve percent above or below the budgeted amount for each branch campus, then an amount equal to the student quality standard ~~((as included in (3)(a) of this subsection per))~~ multiplied by the number of full time equivalent students above or below the ~~((two percent or twelve percent branch campus))~~ applicable variances shall revert to the state general fund. The variance allowance for the state board for community and technical colleges applies only to the community colleges as a whole.

	Average 1991-93 Budgeted FTEs
University of Washington	
Main campus	((29,981))
	<u>29,800</u>
Tacoma branch	345
Bothell branch	348
Washington State University	
Main campus	((15,862))
	<u>15,743</u>
Tri-Cities branch	467
Vancouver branch	343
Spokane branch	((104))
	<u>160</u>
Eastern Washington University	7,281
Central Washington University	6,361
The Evergreen State College	3,159
Western Washington University	8,913
State Board for Community and Technical Colleges ((Education))	((88,350))
	<u>85,922</u>

(c) Facilities Quality Standard: During the 1991-93 biennium, no institution of higher education may allow its expenditures for plant operation and maintenance to fall more than five percent below the amounts allotted for this purpose.

~~((4))~~ (3)(a) The amounts specified in (b), (c), and (d) of this subsection are maximum amounts that each institution may spend from the appropriations in sections 602 through 610 of this act for staff salary increases on January 1, 1992, and January 1, 1993, excluding classified staff salary increases, and subject to all the limitations contained in this section.

(b) The following amounts shall be used to provide instruction and research faculty at each four-year institution an average salary increase of 3.9 percent on January 1, 1992, and ~~((3.9))~~ 3.0 percent on January 1, 1993.

	1991-92	1992-93
University of Washington	\$ 2,888,000	((8,086,000))
		<u>7,391,000</u>
Washington State University	\$ 1,157,000	((3,544,000))
		<u>3,264,000</u>
Eastern Washington University	\$ 435,000	((1,190,000))
		<u>1,084,000</u>
Central Washington University	\$ 393,000	((1,053,000))
		<u>958,000</u>
The Evergreen State College	\$ 185,000	((502,000))
		<u>459,000</u>
Western Washington University	\$ 540,000	((1,446,000))
		<u>1,317,000</u>

(c) The following amounts shall be used to provide exempt professional staff, academic administrators, academic librarians, counselors, and teaching and research assistants as classified by the office of financial management, at each four-year institution, and the higher education coordinating board an average salary increase of 3.9 percent on January 1, 1992, and ~~((3.9))~~ 3.0 percent on January 1, 1993. In providing these increases, institutions shall ensure that each

person employed in these classifications is granted a salary increase of 3.1 percent on January 1, 1992, and ~~((3.4))~~ 2.5 percent on January 1, 1993. The remaining amounts shall be used by each institution to grant salary increases on January 1, 1992, and on January 1, 1993 that address its most serious salary inequities among exempt staff within these classifications.

	1991-92	1992-93
University of Washington \$	918,000	((2,720,000)) <u>2,500,000</u>
Washington State University \$	625,000	((1,898,000)) <u>1,748,000</u>
Eastern Washington University \$	118,000	((348,000)) <u>320,000</u>
Central Washington University \$	93,000	((275,000)) <u>253,000</u>
The Evergreen State College \$	79,000	((232,000)) <u>212,000</u>
Western Washington University \$	138,000	((407,000)) <u>374,000</u>
Higher Education Coordinating Board \$	25,000	((75,000)) <u>69,000</u>

(d) \$4,342,000 for fiscal year 1992 and ~~((11,701,000))~~ \$10,657,000 for fiscal year 1993 are provided solely for the state board for community and technical colleges ~~((education))~~ to provide faculty and exempt staff for the community and technical college system as a whole but not including technical colleges, average salary increases of 3.9 percent on January 1, 1992, and ~~((3.9))~~ 3.0 percent on January 1, 1993.

(e) The salary increases authorized under this subsection may be granted to state employees at Washington State University who are supported in full or in part by federal land grant formula funds.

~~((6))~~ (4)(a) The following amounts from the appropriations in sections 602 and 610 of this act, or as much thereof as may be necessary, shall be spent to provide employees classified by the higher education personnel board a 3.6 percent across-the-board increase effective January 1, 1992, and an additional ~~((3.6))~~ 3.0 percent across-the-board increase effective January 1, 1993. The amount identified for the state board for community and technical colleges is for employees of the community colleges only.

	1991-92	1992-93
University of Washington \$	1,422,000	((4,316,000)) <u>4,068,000</u>
Washington State University \$	868,000	((2,647,000)) <u>2,496,000</u>
Eastern Washington University \$	214,000	((651,000)) <u>613,000</u>
Central Washington University \$	172,000	((525,000)) <u>494,000</u>
The Evergreen State College \$	131,000	((396,000)) <u>374,000</u>
Western Washington University \$	232,000	((724,000)) <u>683,000</u>
State Board for Community and Technical Colleges ((Education)) \$	1,323,000	((4,031,000)) <u>3,800,000</u>
Higher Education Coordinating Board \$	12,000	((36,000)) <u>34,000</u>

(b) The salary increases granted in this subsection (6) of this section shall be implemented in compliance and conformity with all requirements of the comparable worth agreement ratified by the 1986 Senate Concurrent Resolution No. 126, where applicable.

(c) No salary increases may be paid under this subsection (6) of this section to any person whose salary has been Y-rated pursuant to rules adopted by the higher education personnel board.

~~((7))~~ (5) The following amounts are provided to fund as much as may be required for salary increases resulting from the higher education personnel board's job classification revision of clerical support staff, as adopted by the board on

January 3, 1991, and revised by the board on February 14, 1991. The amount identified for the state board for community and technical colleges is for such employees of the community colleges only.

University of Washington	\$	2,386,000
Washington State University	\$	1,057,000
Eastern Washington University	\$	239,000
Central Washington University	\$	198,000
The Evergreen State College	\$	265,000
Western Washington University	\$	289,000
State Board for Community College Education	\$	1,634,000
Higher Education Coordinating Board	\$	26,000

Sec. 602. 1991 sp.s. c 16 s 602 is amended to read as follows:

FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES ((EDUCATION))

General Fund--State Appropriation	\$	((718,695,000))
		<u>787,236,000</u>
General Fund--Federal Appropriation	\$	4,700,000
<u>TOTAL APPROPRIATION</u>	<u>\$</u>	<u>791,936,000</u>

The appropriations in this section ((is)) are subject to the following conditions and limitations:

- (1) ((At least \$3,640,000 shall be spent on)) \$3,549,000 is provided solely for assessment of student outcomes.
- (2) ((At least \$1,500,000 shall be spent)) \$1,463,000 is provided solely to recruit and retain minorities.
- (3) The 1991-93 enrollment increases funded by this appropriation shall be distributed among the community college districts based on the weighted prorated percentage enrollment plan developed by the state board for community and technical colleges ((education)), and contained in the legislative budget notes.
- (4) \$((2,204,000)) 2,149,000 is provided solely for ((500)) 487 supplemental FTE enrollment slots to implement section 17, chapter 315, Laws of 1991 (Engrossed Substitute Senate Bill No. 5555, timber dependent communities). For the second year of the biennium, the state board for community and technical colleges shall allocate funding for the second year increase of 237 FTE students to community and technical colleges attended by eligible participants only after participants have chosen to enroll at those colleges.
- (5) ((At least \$1,500,000 shall be spent as)) \$1,000,000 is provided solely for grants to the community college districts to fund unusually high start-up costs for training programs.
- (6) ((At least \$75,000 shall be used as payment to the state board for vocational education for the Lower Columbia College job skills program.
- (7) In addition to any other compensation adjustments provided in this act, salary increments may be funded by community college districts to the extent that funds are available from staff turnover. A maximum of \$1,000,000 for fiscal year 1992 and \$1,240,000 for fiscal year 1993 of the appropriation in this section may be expended to supplement savings from staff turnover for the payment of faculty salary increments. The state board for community and technical colleges ((education)) shall issue system-wide guidelines for the payment of salary increments for full time faculty by community college districts and monitor compliance with those guidelines.
- (8) \$77,536,000 is provided solely for vocational programs and adult basic education at technical colleges. Of this amount, \$7,800,000 of expenditures may be accrued but not disbursed.
- (9) \$2,315,000 may be used for technical college employee salary increases of 4.0 percent in fiscal year 1991-92 and 3.0 percent in fiscal year 1992-93.
- (10) \$783,000 is provided solely for technical college employees' insurance benefit increases. A maximum of \$307,325 is provided for the 1991-92 fiscal year and \$475,675 is provided for the 1992-93 fiscal year.
- (11) \$1,414,000 is provided solely to lease computer equipment, reprogram software and databases, and to provide for other initial operating costs necessary to merge the computer systems of the technical colleges into the community and technical college system created under chapter 238, Laws of 1991 (Engrossed Substitute Senate Bill No. 5184, work force training education). The apportionment of this amount among the technical colleges shall be made by the director of the state board for community and technical colleges.
- (12) \$1,481,000 is provided solely for grants to public or private nonprofit organizations to assist parents of children in headstart or early childhood education and assistance programs who are enrolled in adult literacy classes or tutoring programs under RCW 28A.610.010 through 28A.610.020. Grants provided under this subsection may be used for scholarships, transportation, child care, and other support services.
- (13) The entire general fund--federal appropriation is provided solely for adult basic education and such other related purposes as may be defined by federal regulations.
- (14) \$3,064,000 is provided solely for the Seattle Vocational Institute.
- (15) \$585,000 of the general fund--state appropriation is provided solely to provide English instruction to non-English speaking immigrants.

Sec. 603. 1991 sp.s. c 16 s 603 is amended to read as follows:

FOR THE UNIVERSITY OF WASHINGTON

General Fund Appropriation	\$	((689,120,000))
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	670,380,000
Medical Aid Fund Appropriation	\$ ((3,625,000))
	3,818,000
Accident Fund Appropriation	\$ ((3,625,000))
	3,818,000
Death Investigations Account Appropriation	\$ ((1,033,000))
	1,145,000
Oil Spill Administration Account Appropriation	\$ 229,000
TOTAL APPROPRIATION	\$ ((697,632,000))
	<u>679,390,000</u>

The appropriations in this section are subject to the following conditions and limitations:

- (1) ~~((At least \$9,007,000 shall be spent))~~ \$8,782,000 is provided solely to operate upper-division and graduate level courses offered at the Bothell branch campus. The amount referenced in this subsection does not include amounts authorized for 1991-93 salary increases.
- (2) ~~((At least \$7,664,000 shall be spent))~~ \$7,472,000 is provided solely to operate upper-division and graduate level courses offered at the Tacoma branch campus. The amount referenced in this subsection does not include amounts authorized for 1991-93 salary increases.
- (3) ~~((At least \$400,000 shall be spent on))~~ \$390,000 is provided solely for assessment of student outcomes.
- (4) ~~((At least \$696,000 shall be spent))~~ \$679,000 is provided solely to recruit and retain minorities.
- (5) ~~\$((\$75,000))~~ 561,000 is provided solely to operate the Olympic natural resources center.
- (6) \$229,000 of the oil spill administration account appropriation is provided solely to implement section 10, chapter 200, Laws of 1991 (Engrossed Substitute House Bill No. 1027, hazardous substance spills).
- (7) \$669,000 is provided solely to add 75 student FTEs to the evening degree program.

Sec. 604. 1991 sp.s. c 16 s 604 is amended to read as follows:

FOR WASHINGTON STATE UNIVERSITY

General Fund Appropriation	\$ ((381,720,000))
	<u>372,182,000</u>

The appropriation in this section is subject to the following conditions and limitations:

- (1) ~~((At least \$7,917,000 shall be spent))~~ \$7,719,000 is provided solely to operate upper-division and graduate level courses offered at the Tri-Cities branch campus. ~~((At least \$500,000))~~ \$488,000 of this amount is provided solely to implement sections 6, 7, and 8, chapter 341, Laws of 1991 (Engrossed Substitute House Bill No. 1426, research and extension programs). The amount referenced in this subsection does not include amounts authorized for 1991-93 salary increases.
- (2) ~~((At least \$7,125,000 shall be spent))~~ \$6,947,000 is provided solely to operate upper-division and graduate level courses offered at the Vancouver branch campus. The amount referenced in this subsection does not include amounts authorized for 1991-93 salary increases.
- (3) ~~((At least \$7,107,000 shall be spent))~~ \$6,929,000 is provided solely to operate graduate level courses offered at the Spokane branch campus. The amount referenced in this subsection does not include amounts authorized for 1991-93 salary increases.
- (4) ~~((At least \$400,000 shall be spent on))~~ \$390,000 is provided solely for assessment of student outcomes.
- (5) ~~((At least \$300,000 shall be spent))~~ \$293,000 is provided solely to recruit and retain minorities.
- (6) \$60,000 is provided solely for the aquatic animal health program.
- (7) \$760,000 is provided solely to operate the international marketing program for agricultural commodities and trade.

If House Bill No. 2316 (IMPACT sunset termination) is not enacted by June 30, 1992, this amount shall lapse.

Sec. 605. 1991 sp.s. c 16 s 605 is amended to read as follows:

FOR EASTERN WASHINGTON UNIVERSITY

General Fund Appropriation	\$ ((103,396,000))
	<u>100,589,000</u>

The appropriation in this section is subject to the following conditions and limitations:

- (1) ~~((At least \$400,000 shall be spent on))~~ \$390,000 is provided solely for assessment of student outcomes.
- (2) ~~((At least \$200,000 shall be spent))~~ \$195,000 is provided solely to recruit and retain minorities.

Sec. 606. 1991 sp.s. c 16 s 606 is amended to read as follows:

FOR CENTRAL WASHINGTON UNIVERSITY

General Fund Appropriation	\$ ((88,061,000))
	<u>85,871,000</u>

The appropriation in this section is subject to the following conditions and limitations:

- (1) ~~((At least \$400,000 shall be spent on))~~ \$390,000 is provided solely for assessment of student outcomes.
- (2) ~~((At least \$151,000 shall be spent))~~ \$147,000 is provided solely to recruit and retain minorities.

(3) \$200,000 is provided solely for the operation of the chimpanzee and human communication institute.

Sec. 607. 1991 sp.s. c 16 s 607 is amended to read as follows:

FOR THE EVERGREEN STATE COLLEGE

General Fund Appropriation	\$	((55,374,000))
		<u>54,201,000</u>

The appropriation in this section is subject to the following conditions and limitations:

- (1) ~~((At least \$400,000 shall be spent on))~~ \$390,000 is provided solely for assessment of student outcomes.
- (2) ~~((At least \$100,000 shall be spent))~~ \$98,000 is provided solely to recruit and retain minorities.

Sec. 608. 1991 sp.s. c 16 s 608 is amended to read as follows:

FOR WESTERN WASHINGTON UNIVERSITY

General Fund Appropriation	\$	((115,445,000))
		<u>112,299,000</u>

The appropriation in this section is subject to the following conditions and limitations:

- (1) ~~((At least \$400,000 shall be spent on))~~ \$390,000 is provided solely for assessment of student outcomes.
- (2) ~~((At least \$200,000 shall be spent))~~ \$195,000 is provided solely to recruit and retain minorities.

Sec. 609. 1991 sp.s. c 16 s 609 is amended to read as follows:

FOR THE HIGHER EDUCATION COORDINATING BOARD--POLICY COORDINATION AND ADMINISTRATION

General Fund--State Appropriation	\$	((4,633,000))
		<u>4,532,000</u>
General Fund--Federal Appropriation	\$	<u>230,000</u>
TOTAL APPROPRIATION	\$	((4,863,000))
		<u>4,762,000</u>

The appropriations in this section are provided to carry out the policy coordination, planning, studies, and administrative functions of the board and are subject to the following conditions and limitations:

(1) \$100,000 of the general fund--state appropriation is provided solely to continue the Washington state writing demonstration project to be administered by the board or its designee. Under the project, proposals shall be competitively selected that enhance the skills of writing teachers in grades kindergarten through twelve in Washington public schools. The board shall evaluate the project by September 1, 1992, and recommend to the governor and legislature whether or not it should be continued.

(2) The higher education coordinating board shall implement the following measures regarding tuition and fee waivers, reduced fees, and residency exemptions:

(a) Each state university, regional university, state college, and the community college system shall include a special report on tuition and fee waivers in its biennial budget request.

(b) By December 1, 1991, in cooperation with the house of representatives and senate higher education and fiscal committees, the board shall develop and recommend evaluation criteria. The criteria shall include, but not be limited to, consideration of a financial needs test and a reauthorization requirement. The criteria for space-available waiver programs shall include, but not be limited to, consideration of overall access, demand, and effectiveness in achieving program goals.

(c) Using the criteria, the board shall review and evaluate at least half of the existing programs by June 30, 1993, and recommend the continuation, modification, or termination of evaluated programs to the governor, the legislature, and the institutions of higher education.

(3) ~~(((\$52,000))~~ \$42,000 of the general fund--state appropriation is provided solely to implement sections 7 and 8, chapter 228, Laws of 1991 (Engrossed Substitute Senate Bill No. 5475, higher education services for students with disabilities).

(4) ~~(((\$70,000))~~ \$63,000 of the general fund--state appropriation is provided solely for a higher education faculty compensation study. By June 1, 1992, the higher education coordinating board, in consultation with the state board for community college education and with the cooperation of the institutions of higher education, shall report to the appropriate committees of the legislature on higher education faculty compensation. The report shall include historical and current information as well as recommendations regarding: (a) Salary increments; (b) salary disparity among institutions and within departments of institutions; and (c) performance-based compensation plans.

(5) ~~(((\$230,000))~~ \$190,000 of the general fund--state appropriation is provided solely for the purposes of section 5, chapter 322, Laws of 1991 (Engrossed Substitute House Bill No. 1960, health personnel resources plan).

(6) ~~(((\$546,000))~~ \$538,000 of the general fund--state appropriation is provided solely to implement sections 18 through 21, chapter 315, Laws of 1991 (Engrossed Substitute Senate Bill No. 5555, timber dependent communities).

Sec. 610. 1991 sp.s. c 16 s 610 is amended to read as follows:

FOR THE HIGHER EDUCATION COORDINATING BOARD--FINANCIAL AID AND GRANT PROGRAMS

General Fund--State Appropriation	\$	((74,898,000))
		<u>73,567,000</u>
General Fund--Federal Appropriation	\$	<u>3,326,000</u>

State Education Grant Account Appropriation	\$	40,000
TOTAL APPROPRIATION	\$	<u>(78,264,000)</u>
		<u>76,933,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~(\$1,012,000)~~ \$987,000 of the general fund--state appropriation is provided solely for the displaced homemakers program.

(2) ~~(\$467,000)~~ \$444,000 of the general fund--state appropriation is provided solely for the western interstate commission for higher education.

(3) ~~(\$73,419,000)~~ \$72,136,000 of the general fund--state appropriation is provided solely for student financial aid, including all administrative costs. Of this amount:

(a) ~~(\$66,639,000)~~ \$65,404,000 is provided solely for the state need grant and state work study programs. Not less than \$24,200,000 shall be expended for state work study grants. Any state need grant moneys not awarded by April 1 of each year may be transferred to the state work study program for distribution. The need grant award to any individual shall not exceed the amount received by a student attending a state research university.

(b) \$2,000,000 is provided solely for educational opportunity grants.

(c) \$150,000 is provided solely for the health professional loan repayment program.

(d) \$234,000 of the general fund--state appropriation is provided solely to implement chapter 255, Laws of 1991 (Second Substitute Senate Bill No. 5022, teacher excellence awards).

(e) A maximum of ~~\$(350,000)~~ 181,000 may be expended to increase the financial aid administrative budget, excluding the four percent state work study program administrative allowance provision.

Sec. 611. 1991 sp.s. c 16 s 611 is amended to read as follows:

FOR THE JOINT CENTER FOR HIGHER EDUCATION

General Fund Appropriation	\$	<u>(613,000)</u>
		<u>598,000</u>

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely to carry out the administrative and fiscal responsibilities of the joint center for higher education pursuant to chapter 205, Laws of 1991 (House Bill No. 2198, joint center for higher education).

Sec. 612. 1991 sp.s. c 16 s 612 is amended to read as follows:

FOR THE COMPACT FOR EDUCATION

General Fund Appropriation	\$	<u>(101,000)</u>
		<u>98,000</u>

Sec. 613. 1991 sp.s. c 16 s 613 is amended to read as follows:

FOR THE ~~(STATE BOARD FOR VOCATIONAL EDUCATION)~~ WORK FORCE TRAINING AND EDUCATION COORDINATING BOARD

General Fund--State Appropriation	\$	<u>(4,043,000)</u>
		<u>3,922,000</u>
General Fund--Federal Appropriation	\$	33,067,000
TOTAL APPROPRIATION	\$	<u>(37,110,000)</u>
		<u>36,989,000</u>

Sec. 614. 1991 sp.s. c 16 s 614 is repealed.

Sec. 615. 1991 sp.s. c 16 s 615 is amended to read as follows:

FOR THE HIGHER EDUCATION PERSONNEL BOARD

Higher Education Personnel Board Service Fund		
Appropriation	\$	<u>(2,405,000)</u>
		<u>2,283,000</u>

The appropriation in this section is subject to the following conditions and limitations:

(1) \$2,000 is provided solely for salary increases for staff of the higher education personnel board resulting from the higher education personnel board's job classification revision of clerical support staff.

(2) ~~(\$60,000)~~ \$58,000 is provided solely for a 3.6 percent across-the-board salary increase effective January 1, 1992, and an additional ~~(3.6)~~ 3.0 percent across-the-board salary increase effective January 1, 1993, for classified and exempt staff of the higher education personnel board.

Sec. 616. 1991 sp.s. c 16 s 616 is amended to read as follows:

FOR WASHINGTON STATE LIBRARY

General Fund--State Appropriation	\$	<u>(14,495,000)</u>
		<u>14,332,588</u>
General Fund--Federal Appropriation	\$	4,671,000
General Fund--Private/Local Appropriation	\$	46,000
TOTAL APPROPRIATION	\$	<u>(19,212,000)</u>
		<u>19,049,588</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~(\$2,463,516)~~ \$2,713,516 of the general fund appropriation, of which \$54,000 is from federal funds, are provided solely for a contract with the Seattle public library for library services for the blind and physically handicapped.

(2) ~~(\$100,000)~~ \$97,500 of the general fund--state appropriation is provided solely to contract for provision of compiled business data regarding the Pacific rim region. Contracts shall be limited to Washington state libraries that comprise the Pacific rim business information service.

Sec. 617. 1991 sp.s. c 16 s 617 is amended to read as follows:

FOR THE WASHINGTON STATE ARTS COMMISSION

General Fund--State Appropriation	\$	((4,706,000))
		<u>4,422,000</u>
General Fund--Federal Appropriation	\$	900,000
TOTAL APPROPRIATION	\$	((5,606,000))
		<u>5,322,000</u>

Sec. 618. 1991 sp.s. c 16 s 618 is amended to read as follows:

FOR THE WASHINGTON STATE HISTORICAL SOCIETY

General Fund Appropriation	\$	((1,278,000))
		<u>1,309,000</u>

Sec. 619. 1991 sp.s. c 16 s 619 is amended to read as follows:

FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY

General Fund Appropriation	\$	((922,000))
		<u>875,000</u>

Sec. 620. 1991 sp.s. c 16 s 620 is amended to read as follows:

FOR THE STATE CAPITOL HISTORICAL ASSOCIATION

General Fund Appropriation	\$	((1,117,000))
		<u>1,059,000</u>
State Capitol Historical Association Museum		
Account Appropriation	\$	135,000
TOTAL APPROPRIATION	\$	((1,252,000))
		<u>1,194,000</u>

Sec. 621. 1991 sp.s. c 16 s 621 is amended to read as follows:

FOR THE STATE SCHOOL FOR THE DEAF

General Fund Appropriation--State	\$	((12,450,000))
		<u>12,074,000</u>
General Fund Appropriation--Federal	\$	235,000
TOTAL APPROPRIATION	\$	((12,685,000))
		<u>12,309,000</u>

Sec. 622. 1991 sp.s. c 16 s 622 is amended to read as follows:

FOR THE STATE SCHOOL FOR THE BLIND

General Fund Appropriation--State	\$	((6,657,000))
		<u>6,420,000</u>
General Fund Appropriation--Federal	\$	68,000
TOTAL APPROPRIATION	\$	((6,725,000))
		<u>6,488,000</u>

**PART VII
SPECIAL APPROPRIATIONS**

Sec. 701. 1991 sp.s. c 16 s 701 is amended to read as follows:

FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL FUND BOND DEBT

General Fund Appropriation	\$	((600,303,000))
		<u>590,703,000</u>

This appropriation is for deposit into the accounts listed in section 801 of this act.

Sec. 702. 1991 sp.s. c 16 s 706 is amended to read as follows:

FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES

State Convention and Trade Center Appropriation	\$	8,926
Excess Earnings Account Appropriation	\$	750,000
State/Local Improvements Revolving Account		
Appropriation	\$	3,574
State/Local Improvements Revolving Account Waste		
Disposal Facilities Appropriation	\$	13,388
State Building Construction Account		

Appropriation	\$	44,715,566
State/Local Improvements Revolving Account Water		
Supply Facilities Appropriation	\$	2,680
Motor Vehicle Fund Appropriation	\$	1,542,000
Urban Arterial Trust Account Appropriation	\$	552,496
Labor and Industries Construction Appropriation	\$	583,115
TOTAL APPROPRIATION	\$	48,171,745

Total Bond Retirement and Interest

Appropriations contained in sections 701 through 706, chapter 16, Laws of 1991 sp. sess., as amended by this act	\$	<u>((1,009,464,782))</u>
		<u>999,865,814</u>

Sec. 703. 1991 sp.s. c 16 s 707 is amended to read as follows:

FOR THE GOVERNOR--FOR TRANSFER TO THE TORT CLAIMS REVOLVING FUND

General Fund Appropriation	\$	<u>((9,532,000))</u>
		<u>9,294,000</u>
Motor Vehicle Fund Appropriation	\$	8,942,000
Wildlife Fund Appropriation	\$	106,000
Accident Fund Appropriation	\$	4,000
((Ferry System Revolving)) <u>Marine Operating</u>		
Account Appropriation	\$	4,744,000
Liquor Revolving Fund Appropriation	\$	378,000
Lottery Administrative Account	\$	50,000
Resource Management Cost Account Appropriation	\$	980,000
Public Service Revolving Account Appropriation	\$	48,000
TOTAL APPROPRIATION	\$	<u>((24,784,000))</u>
		<u>24,546,000</u>

Sec. 704. 1991 sp.s. c 16 s 708 is amended to read as follows:

FOR THE GOVERNOR--EMERGENCY FUND

General Fund Appropriation	\$	<u>((1,500,000))</u>
		<u>1,462,000</u>

The appropriation in this section is for the governor's emergency fund, for the critically necessary work of any agency.

NEW SECTION. Sec. 705. FOR THE GOVERNOR--EMERGENCY FTE FUND

General Fund--State Appropriation	\$	1,521,000
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The appropriation in this section is subject to the following conditions and limitations: The appropriation shall be used solely for providing the cost of salaries and benefits for agencies that, in order to protect public safety, to protect against the loss of federal certification or loss of critical federal funds, or to carry out essential and critical functions of state government, demonstrate a critical need to restore FTEs that are lost as a consequence of this act.

NEW SECTION. Sec. 706. EFFICIENCY RESERVE. In submitting proposed expenditures for allotment revisions pursuant to the appropriations in this act, each agency shall propose to place in reserve from general fund--state appropriations an amount equal to ten percent of its fiscal year 1993 general fund--state allotments (as of January 1992) for each of the following objects: Travel, personal service contracts, and capital outlay. No allotment shall be approved unless it complies with this section. Amounts placed in reserve pursuant to this section shall not be expended during the 1991-93 biennium. Total general fund--state reserves under this section are expected to be \$5,980,000. This section shall not apply to appropriations for: Legislative and judicial branch agencies; the department of revenue; the divisions of juvenile rehabilitation, mental health, developmentally disabled, revenue collections, and information systems within the department of social and health services; the department of veterans affairs; the department of corrections; the state patrol; institutions of higher education; and the superintendent of public instruction.

Sec. 707. 1991 sp.s. c 16 s 709 is amended to read as follows:

FOR THE GOVERNOR--TORT DEFENSE SERVICES

General Fund Appropriation	\$	<u>((1,542,000))</u>
		<u>1,503,000</u>
Special Fund Agency Tort Defense Services		
Revolving Fund Appropriation	\$	850,000
TOTAL APPROPRIATION	\$	<u>((2,392,000))</u>
		<u>2,353,000</u>

The appropriations in this section are subject to the following conditions and limitations: To facilitate payment of tort defense services from special funds, the state treasurer is directed to transfer sufficient moneys from each special fund to the special fund tort defense services revolving fund, in accordance with schedules provided by the office of financial management. The governor shall distribute the moneys appropriated in this section to agencies to pay for tort defense services.

Sec. 708. 1991 sp.s. c 16 s 710 is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT--BELATED CLAIMS

(1)	There is appropriated to the office of financial management for payment of supplies and services furnished in previous biennia, from the General Fund	\$	((800,000))
			<u>762,000</u>
(2)	The following sums, or so much thereof as shall severally be found necessary, are hereby appropriated and authorized to be expended out of the several funds indicated, for the period from the effective date of this act to June 30, 1993, in order to reimburse the general fund for expenditures from belated claims, to be disbursed on vouchers approved by the office of financial management:		
	Archives and Records Management Account	\$	((562))
			<u>871</u>
	Winter Recreational Program Account	\$	75
	Snowmobile Account	\$	226
	Flood Control Assistance Account	\$	1,354
	Aquatic Lands Enhancement	\$	((6))
			<u>110</u>
	State Investment Board Expense Account	\$	1,995
	State Toxics Control Account	\$	671
	State Emergency Water Projects Revolving Account	\$	16
	<u>Charitable, Educational Penal (CEP), and Reformatory Institutions (RI) Account</u>	\$	<u>19,384</u>
	State and Local Improvement Revolving Account--		
	Waste Disposal Facilities	\$	384
	Local Toxics Control Account	\$	((3,626))
			<u>51,879</u>
	Litter Control Account	\$	((173))
			<u>299</u>
	State Patrol Highway Account	\$	((29,500))
			<u>120,300</u>
	State Wildlife Fund	\$	((31,700))
			<u>31,900</u>
	<u>Highway Safety Account</u>	\$	<u>597</u>
	Motor Vehicle Fund	\$	((42,708))
			<u>46,932</u>
	High Capacity Transportation Account	\$	7,110
	Public Service Revolving Account	\$	3,038
	Insurance Commissioner's Regulatory Account	\$	2,079
	<u>Water Quality Account</u>	\$	<u>88,565</u>
	State Treasurer's Service Fund	\$	((37))
			<u>546</u>
	<u>Drug Enforcement and Education Account</u>	\$	<u>400</u>
	Legal Services Revolving Fund	\$	24,362
	Municipal Revolving Account	\$	6,249
	Department of Personnel Service Fund	\$	1,238
	State Auditing Services Revolving Account	\$	2,878
	Liquor Revolving Fund	\$	((21,372))
			<u>22,597</u>
	<u>Convention and Trade Center Operations Account</u>	\$	<u>4,037</u>
	Department of Retirement Systems Expense Fund	\$	((1,234))
			<u>2,415</u>
	Accident Fund	\$	3,034
	Medical Aid Fund	\$	3,034

Sec. 709. 1991 sp.s. c 16 s 711 is amended to read as follows:

FOR SUNDRY CLAIMS

The following sums, or so much thereof as may be necessary, are appropriated from the general fund, unless otherwise indicated, for relief of various individuals, firms, and corporations for sundry claims. These appropriations are to be disbursed on vouchers approved by the director of general administration, except as otherwise provided, as follows:

(1)	Pay'n Save Drug Stores, Inc., in settlement of medical assistance pharmacy billings during the 1989-91 biennium: PROVIDED, That the department of social and health services shall seek reimbursement from federal funds to the maximum extent permitted by federal law	\$	8,111.92
(2)	State Auditor, for payment of weed district assessments against state lands pursuant to RCW 17.04.180	\$	1,715.72
(3)	City of Tacoma, in settlement of all claims per Pierce County Superior Court, Cause No. <u>86-2-09014-8</u>	\$	<u>758,052.07</u>
(4)	<u>Charles Bauleke, for payment of claim number SCJ-91-13</u>	\$	<u>3,347</u>
(5)	<u>Carol Berg, for payment of claim number SCJ-91-18</u>	\$	<u>5,120.22</u>
(6)	<u>Denny Flatz, for payment of claim number SCJ-91-21</u>	\$	<u>6,603.87</u>
(7)	<u>Cynthia A. Fonken, for payment of claim numbers SCJ-91-17 and SCJ-91-15</u>	\$	<u>6,815.93</u>
(8)	<u>Wesley A. Grow, for payment of claim number SCJ-90-16</u>	\$	<u>2,143</u>
(9)	<u>Larry Harris, for payment of claim number SCJ-91-20</u>	\$	<u>2,379</u>
(10)	<u>Steve Allen Rice, for payment of claim number SCJ-91-25</u>	\$	<u>4,031.11</u>

Sec. 710. 1991 sp.s. c 16 s 712 is amended to read as follows:

FOR THE GOVERNOR--COMPENSATION--SALARY AND INSURANCE BENEFITS			
General Fund--State Appropriation	\$	((115,019,000))	
			<u>105,981,000</u>
General Fund--Federal Appropriation	\$	((17,626,000))	
			<u>16,278,000</u>
Special Fund Salary and Insurance Contribution			
Increase Revolving Fund Appropriation	\$	((109,009,000))	
			<u>109,008,000</u>
TOTAL APPROPRIATION	\$	((241,654,000))	<u>231,267,000</u>

The appropriations in this section, or so much thereof as may be necessary, shall be expended solely for the purposes designated in this section and are subject to the conditions and limitations specified in this section.

(1) ((~~\$62,500,000~~)) \$58,679,000 of the general fund--state appropriation, ((~~\$16,500,000~~)) 15,700,000 of the general fund--federal appropriation, and ((~~\$41,800,000~~)) 39,700,000 of the special fund salary and insurance contribution increase revolving fund appropriation are provided solely for a 3.6 percent across-the-board salary increase effective January 1, 1992, and an additional ((~~3.6~~)) 3.0 percent across-the-board salary increase effective January 1, 1993, for all classified and exempt employees under the state personnel board and commissioned officers of the Washington state patrol.

(2) \$3,100,000 of the general fund--state appropriation, \$735,000 of the general fund--federal appropriation, and \$107,000 of the special fund salary and insurance contribution are provided solely to:

(a) Grant a 3.1 percent salary increase effective January 1, 1992, and an additional 3.6 percent salary increase effective January 1, 1993, to registered nurses and related job classes requiring licensure as a registered nurse; and

(b) Increase shift differential pay for registered nurses and related job classes requiring licensure as a registered nurse from \$1.00 per hour to \$1.50 per hour for evening shift and from \$1.50 per hour to \$2.50 per hour for night shift.

The salary increases granted in this subsection shall be in addition to any increase granted under subsection (1) of this section, and shall be granted only to employees classified under the state personnel board.

(3) ((~~\$860,000~~)) \$779,000 of the general fund--state appropriation and \$235,000 of the general fund--federal appropriation are provided solely to grant a five-range, or approximately 12.5 percent, salary increase effective July 1, 1991, to the psychologist 5 and psychologist 6 job classes (classes 6816 and 6820) to address problems with recruitment and retention.

(4) ((~~\$121,000~~)) \$75,000 of the general fund--state appropriation, \$8,000 of the general fund--federal appropriation, and \$4,030,000 of the special fund salary and insurance contribution increase revolving fund appropriation are provided for a four range, or approximately ten percent, salary increase effective July 1, 1991, for the transportation technician 2, transportation engineer 2, transportation engineer 5, and right-of-way agent 2 job classes, and all job classes directly indexed to one of those four benchmark job classes.

(5) (~~(\$759,000)~~) \$719,000 of the general fund--state appropriation, \$147,000 of the general fund--federal appropriation, and \$873,000 of the special fund salary and insurance contribution increase revolving fund appropriation are provided for a two-range, or approximately 5 percent, salary increase effective January 1, 1992, for the environmental engineer 2, architect 1, and civil engineer 2 job classes, and all job classes directly indexed to one of those three benchmark job classes.

The salary increase granted in this subsection shall be in addition to any increase granted under subsection (1) of this section.

(6) The governor shall allocate to state agencies (~~(\$15,000,000)~~) \$14,910,000 from the general fund--state appropriation, and \$15,000,000 from the special fund salary and insurance contribution increase revolving fund appropriation to fulfill the 1991-93 obligations of the comparable worth agreement ratified by 1986 Senate Concurrent Resolution No. 126. The amounts allocated under this subsection are for employees classified under both the state personnel board and the higher education personnel board systems.

(7) The salary increases granted in this section shall be implemented in compliance and conformity with all requirements of the comparable worth agreement ratified by the 1986 Senate Concurrent Resolution No. 126, where applicable.

(8)(a) The monthly contributions for insurance benefit premiums shall not exceed \$289.95 per eligible employee for fiscal year 1992, and ~~\$(321.80)~~ 317.79 for fiscal year 1993.

(b) The monthly contributions for the margin in the self-insured medical and dental plans and for the operating costs of the health care authority shall not exceed \$8.36 per eligible employee for fiscal year 1992, and ~~\$(6.31)~~ 6.41 for fiscal year 1993.

(c) Any returns of funds to the health care authority resulting from favorable claims experienced during the 1991-93 biennium shall be held in reserve within the state employees insurance account until appropriated by the legislature.

(d) Funds provided under this section, including funds resulting from dividends or refunds, shall not be used to increase employee insurance benefits over the level of services provided on the effective date of this act. Contributions by any county, municipal, or other political subdivision to which coverage is extended after the effective date of this act shall not receive the benefit of any surplus funds attributable to premiums paid prior to the date on which coverage is extended.

(9) To facilitate the transfer of moneys from dedicated funds and accounts, the state treasurer is directed to transfer sufficient moneys from each dedicated fund or account to the special fund salary and insurance contribution increase revolving fund in accordance with schedules provided by the office of financial management.

(10) In calculating individual agency allocations for this section, the office of financial management shall calculate the allocation of each subsection separately. The separate allocations for each agency may be combined under a single appropriation code for improved efficiency. The office of financial management shall transmit a list of agency allocations by subsection to the senate committee on ways and means and the house of representatives committee on appropriations.

(11) No salary increase may be paid under this section to any person whose salary has been Y-rated pursuant to rules adopted by the state personnel board.

(12) A maximum of ~~\$(7,342,000)~~ 7,079,000 of the special fund salary and insurance contribution increase revolving fund appropriation in this section may be expended for salary and benefit increases for ferry workers consistent with the 1991-93 transportation appropriations act.

(13) The general fund--state appropriation has been reduced by \$3,835,000, the general fund--federal appropriation has been reduced by \$548,000, and the special fund salary and insurance contribution increase revolving fund appropriation has been reduced by \$1,401,000 as a result of the revised public employees' and teachers' retirement system contribution rates provided in House Bill No. 2693 or Senate Bill No. 6286 (adjusting pension contribution rates). The office of financial management shall reduce allocations for individual state agencies and institutions of higher education accordingly.

Sec. 711. 1991 sp.s. c 16 s 714 is amended to read as follows:

FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--CONTRIBUTIONS TO RETIREMENT SYSTEMS

The appropriations in this section are subject to the following conditions and limitations: The appropriations shall be made on a quarterly basis.

(1) There is appropriated for state contributions to the law enforcement officers' and fire fighters' retirement system:

	FY 1992	FY 1993
General Fund Appropriation	\$ 76,000,000	((81,500,000))
		<u>58,125,000</u>
TOTAL APPROPRIATION		((157,500,000))
		<u>134,125,000</u>

(2) There is appropriated for contributions to the judicial retirement system:

	FY 1992	FY 1993
General Fund Appropriation	\$ 3,371,000	3,371,000
TOTAL APPROPRIATION		6,742,000

The appropriation in this subsection is subject to the following conditions and limitations: \$92,000 is provided solely to implement chapter 159, Laws of 1991 (Substitute House Bill No. 1721, judicial retirement system).

(3) There is appropriated for contributions to the judges retirement system:

	FY 1992	FY 1993
General Fund Appropriation \$	506,000	506,000
TOTAL APPROPRIATION \$		1,012,000

The appropriation in this subsection is subject to the following conditions and limitations: \$2,000 is provided solely to implement chapter 159, Laws of 1991 (Substitute House Bill No. 1721 judicial retirement system).

Sec. 712. 1991 sp.s. c 16 s 715 is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT--CONTRIBUTIONS TO RETIREMENT SYSTEMS

	FY 1992	FY 1993
General Fund--State Appropriation \$	1,295,000	((3,255,000))
		<u>1,014,000</u>
Special Retirement Contribution Increase		
Revolving Fund Appropriation \$	900,000	((2,100,000))
		<u>570,000</u>
TOTAL APPROPRIATION \$	((7,550,000))	<u>3,779,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) In addition to any cost of living adjustments provided under RCW 41.32.575, 41.32.487, 41.40.325, or 41.40.1981, on February 1, 1992, the department of retirement systems shall also pay an additional adjustment to any retiree of plan I of the public employees retirement system or plan I of the teachers retirement system whose state retirement benefit has a purchasing power of less than 60 percent of the purchasing power of the benefit the retiree received at age 65. Each such retiree shall be given a one-time increase sufficient, when combined with any other adjustment received on July 1, 1991, to restore the purchasing power of the retiree's state retirement benefit to 60 percent of the purchasing power of the benefit received by the retiree at age 65. This increase shall be calculated using the formulas contained in RCW 41.32.575 and 41.40.325 but without regard to RCW 41.32.575(2)(b) and RCW 41.40.325(2)(b), and shall be effective for the remainder of the 1991-93 biennium.

(2) ~~\$(4,450,000)~~ 2,209,000 of the general fund--state appropriation and ~~\$(3,000,000)~~ 1,470,000 of the special retirement contribution increase revolving fund appropriation, or as much thereof as may be necessary, shall be distributed to state agencies to increase state contributions to the public employees retirement system to implement subsection (1) of this section.

(3) \$100,000 of the general fund--state appropriation, or as much thereof as may be necessary, shall be distributed to state agencies to increase state contributions to the teachers retirement system to implement subsection (1) of this section.

Sec. 713. 1991 sp.s. c 16 s 716 is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--RETIREMENT CONTRIBUTIONS

General Fund Appropriation \$	((7,450,000))
	<u>8,200,000</u>

The appropriation in this section is subject to the following conditions and limitations:

(1) In addition to any cost-of-living adjustments provided under RCW 41.32.575, 41.32.487, 41.40.325, or 41.40.1981, on February 1, 1992, the department of retirement systems shall also pay an additional adjustment to any retiree of plan I of the public employees' retirement system or plan I of the teachers' retirement system whose state retirement benefit has a purchasing power of less than 60 percent of the purchasing power of the benefit the retiree received at age 65. Each such retiree shall be given a one-time increase sufficient, when combined with any other adjustment received on July 1, 1991, to restore the purchasing power of the retiree's state retirement benefit to 60 percent of the purchasing power of the benefit received by the retiree at age 65. This increase shall be calculated using the formulas contained in RCW 41.32.575 and 41.40.325 but without regard to RCW 41.32.575(2)(b) and RCW 41.40.325(2)(b), and shall be effective for the remainder of the 1991-93 biennium.

(2) \$5,550,000 for the teachers' retirement system and ~~\$(1,900,000)~~ 1,050,000 for the public employees' retirement system shall be distributed to local school districts and educational service districts to increase state retirement system contributions to implement subsection (1) of this section.

(3) \$1,300,000 for the teachers' retirement system and \$300,000 for the public employees' retirement system shall be distributed to local school districts and educational service districts to increase state retirement system contributions to implement House Bill No. 2947 (early retirement). If the bill is not enacted by June 30, 1992, the amount provided in this subsection shall lapse.

Sec. 714. 1991 sp.s. c 16 s 717 is amended to read as follows:

FOR THE STATE TREASURER--LOANS

General Fund Appropriation--For transfer to the

Convention and Trade Center Operating Account	\$	8,766,000
General Fund Appropriation--For transfer to the		
Community College Capital Projects Account	\$	4,500,000
TOTAL APPROPRIATION	\$	13,266,000

The appropriations in this section are intended as loans to the accounts indicated.

Sec. 715. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--RETIREMENT ALLOWANCES		
General Fund--State Appropriation	\$	5,000,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely to implement Engrossed Substitute Senate Bill No. 5380 (retirement allowances).

**PART VIII
OTHER TRANSFERS AND APPROPRIATIONS**

Sec. 801. 1991 sp.s. c 16 s 801 is amended to read as follows:

FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT SUBJECT TO THE STATUTORY DEBT LIMIT

Fisheries Bond Redemption Fund 1977 Appropriation	\$	1,370,000
Water Pollution Control Facilities Bond Redemption		
Fund 1967 Appropriation	\$	1,844,000
State Building and Higher Education Construction		
Bond Redemption Fund 1967 Appropriation	\$	1,902,000
State Building (Expo 74) Bond Redemption Fund 1973A		
Appropriation	\$	376,000
State Building Bond Redemption Fund 1973		
Appropriation	\$	3,796,000
State Higher Education Bond Redemption Fund 1973		
Appropriation	\$	4,387,000
State Building Authority Bond Redemption Fund		
Appropriation	\$	9,408,000
Community College Capital Improvement Bond		
Redemption Fund 1972 Appropriation	\$	7,528,000
State Higher Education Bond Redemption Fund 1974		
Appropriation	\$	1,189,000
Waste Disposal Facilities Bond Redemption Fund		
Appropriation	\$	57,907,000
Water Supply Facilities Bond Redemption Fund		
Appropriation	\$	11,105,058
Recreation Improvements Bond Redemption Fund		
Appropriation	\$	6,021,890
Social and Health Services Facilities 1972 Bond		
Redemption Fund Appropriation	\$	3,712,694
Outdoor Recreation Bond Redemption Fund 1967		
Appropriation	\$	3,967,392
Indian Cultural Center Construction Bond		
Redemption Fund 1976 Appropriation	\$	124,027
Fisheries Bond Redemption Fund 1976 Appropriation	\$	761,536
Higher Education Bond Redemption Fund 1975		
Appropriation	\$	2,164,887
State Building Bond Retirement Fund 1975		
Appropriation	\$	426,060
Social and Health Services Bond Redemption Fund		
1976 Appropriation	\$	9,467,557
Emergency Water Projects Bond Retirement Fund 1977		
Appropriation	\$	2,624,875
Higher Education Bond Redemption Fund 1977		
Appropriation	\$	16,559,408
Salmon Enhancement Bond Redemption Fund 1977		
Appropriation	\$	3,883,552
Fire Service Training Center Bond Retirement Fund		
1977 Appropriation	\$	739,795

State General Obligation Bond Retirement Bond 1979

Appropriation	\$	491,009,053
TOTAL APPROPRIATION	\$	((642,277,149))
		<u>642,274,784</u>

The total expenditures from the state treasury under the appropriations in this section and in section 701 of this act shall not exceed the total appropriation in this section.

Sec. 802. 1991 sp.s. c 16 s 804 is amended to read as follows:

FOR THE STATE TREASURER--TRANSFERS

General Government Special Revenue Fund--State Treasurer's Service Account: For transfer to the general fund on or before ((July 20)) <u>June 30</u> , 1993, an amount up to ((<u>\$11,000,000</u>)) <u>\$15,000,000</u> in excess of the cash requirements in the State Treasurer's Service Account for fiscal year 1994, for credit to the fiscal year in which earned		
	\$	((11,000,000))
		<u>15,000,000</u>
General Fund--State: For transfer to the		
Natural Resources Fund--Water Quality Account	\$	((12,753,000))
		<u>3,202,022</u>
General Fund--State: For transfer to the Flood		
Control Assistance Account	\$	3,700,000
Public Facilities Construction Loan and Grant		
Revolving Fund: For transfer to the General Fund	\$	631,400
Water Quality Account: For transfer to the water pollution revolving fund. Transfers shall be made at intervals coinciding with deposits of federal capitalization grant money into the revolving fund. The amounts transferred shall not exceed the match required for each federal deposit		
	\$	14,500,000
Disability Accommodation Revolving Account:		
For transfer to the General Fund	\$	190,000
Local Toxics Control Account: For transfer to the general fund for reimbursement of expenses paid by the general fund in support of grants to local governments for water quality, remedial actions, and solid and hazardous waste planning purposes		
	\$	2,003,000
<u>State Employees' Insurance Account: For transfer to the general fund (Northwestern National Life Insurance Refund)</u>		
	\$	<u>8,310,000</u>
<u>Department of Personnel Service Fund: For transfer to the general fund</u>		
	\$	<u>820,000</u>
<u>Flood Control Assistance Account: For transfer to the general fund</u>		
	\$	<u>4,000,000</u>
<u>Natural Resources Fund--Water Quality Account: For transfer to the general fund</u>		
	\$	<u>3,202,022</u>

Sec. 803. 1991 sp.s. c 16 s 805 is amended to read as follows:

FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--TRANSFERS

General Fund Appropriation: For transfer to the		
Department of Retirement Systems Expense Fund	\$	18,000
Motor Vehicle Fund--State Patrol Highway Account		
Appropriation: For transfer to the Department of Retirement Systems Expense Fund	\$	118,000

**PART IX
MISCELLANEOUS**

NEW SECTION. Sec. 901. APPLICABILITY OF OTHER PROVISIONS. This act is subject to the provisions, definitions, conditions, and limitations of chapter 16, Laws of 1991 sp. sess., as amended by this act.

NEW SECTION. Sec. 902. SUPERSESSION OF GOVERNOR'S ORDER. The allotment reductions ordered by the Governor in Executive Order 91-09 issued November 22, 1991 are superseded by this act and shall have no effect inconsistent with this act.

NEW SECTION. Sec. 903. MINIMIZATION OF ESSENTIAL REQUIREMENT LEVELS FOR THE 1993-95 BIENNIUM. It is the intent of the legislature that in making FTE reductions in response to appropriations amended by this act, and in order to minimize the impact on essential requirement level estimates for the 1993-95 biennium, agencies shall not achieve FTE reductions by delaying hiring or temporarily reducing employment, but instead shall make permanent employment reductions. It is the intent of the legislature to use this principle in calculating essential requirement levels for the 1993-95 biennium. The office of financial management shall enclose a copy of this section as part of its instructions to agencies on revising allotments to conform with this act.

NEW SECTION. Sec. 904. WORKLOAD AND EXPENDITURE REPORTING REQUIREMENTS. The director of the office of financial management shall report to the chairs of the house committee on appropriations and the senate committee on ways and means no later than December 1, 1992, on the following items:

(1) The number of teachers and state employees retiring under the provisions of House Bill No. 2947 (early retirement), the related 1991-93 biennial savings for salaries and benefits, and the related 1991-93 biennial cost to the pension systems.

(2) The actual and estimated increased 1991-93 federal earnings realized as a result of section 217(2) of this act.

NEW SECTION. Sec. 905. FTE ALLOTMENT VARIANCE. The office of financial management shall notify the chairs of the house committee on appropriations and the senate committee on ways and means no later than July 1, 1992, of any variance between the revised fiscal year 1993 FTE allotments and the legislative FTE assumptions as detailed in the published budget notes for the 1992 supplemental legislative session. The notification shall include an explanation for each of the variances. The office of financial management shall comply with RCW 43.88.110(7).

Sec. 906. 1991 sp.s. c 16 s 907 is amended to read as follows:

EXPENDITURES FOR PERSONAL SERVICE CONTRACTS. No moneys appropriated in this act may be expended for personal service contracts, as defined under chapter 39.29 RCW, entered into after June 30, 1991, except in compliance with the requirements of this section.

(1) Personal service contracts, and modifications thereto, that provide services relating to management consulting, organizational development, marketing, communications, employee training, or employee recruiting shall be filed with the office of financial management and made available for public inspection at least ten working days prior to the proposed starting date of the contract. The office of financial management shall approve personal service contracts, and modifications thereto, filed under this subsection by agencies of the executive branch before such contracts, and modifications thereto, become binding and before any services may be performed under such contracts. The office of financial management shall adopt rules to implement this subsection.

(2) Documentation of the approval required under RCW 39.29.018(2) for sole source contracts of ten thousand dollars or more shall be filed with the legislative fiscal committees within ten days after the contract is approved by the office of financial management.

(3) Any amendment or extension to an existing contract, if the value of the amendment or extension exceeds fifty percent of the value of the original contract, or if the amendment substantially changes the scope of the contract, must receive written approval by the office of financial management at least ten working days prior to the proposed starting date of the contract. A copy of the approval shall be transmitted to the legislative fiscal committees.

(4) An agency of the executive branch shall not enter into any contract or combination of contracts with a single firm or individual having a value exceeding one hundred thousand dollars without the written approval of the office of financial management. A copy of the approval shall be transmitted to the legislative budget committee and the legislative fiscal committees.

(5) In order to ensure that the state derives the expected benefits from the early retirement provisions of House Bill No. 2947 (early retirement), no moneys appropriated in this act may be expended by any state agency, institution, school district, or educational service district for personal service contracts engaging persons who retire from state service under the provisions of House Bill No. 2947 (early retirement). Exceptions to this subsection may be granted to state agencies and institutions by written approval from the director of the office of financial management, and to school districts and educational service districts by written approval from the superintendent of public instruction, if the director or the superintendent find that the proposed contract is necessary to carry out essential and critical functions of the agency or district, with a copy of the approval forwarded to the fiscal committees of the legislature.

Sec. 907. 1991 sp.s. c 16 s 909 is amended to read as follows:

SAVINGS RECOVERY ACCOUNT. (1) The savings recovery account is hereby established in the state treasury.

(2) The director of the office of financial management shall identify savings realized by affected state agencies as a result of:

(a) The implementation of the recommendations of the motor pool review team of the governor's commission on efficiency and accountability in government;

(b) The implementation of the furniture acquisition study by the governor's commission on efficiency and accountability in government;

(c) The state employees' suggestion award and incentive pay program under chapter 41.60 RCW;

(d) Reduced rates charged by the department of information services and the department of personnel resulting from efficiencies in the delivery of services; and

(e) Other specifically identified management efficiencies.

(3) Periodically during the 1991-93 fiscal biennium, and by June 30, 1993, the director of financial management shall withhold from agency appropriations and deposit into the savings recovery account at least ~~(((\$3,572,000))~~ **\$6,323,000** as a result of implementation of the recommendations, suggestions, and efficiencies listed in subsection (2) of this section. The office of financial management shall report to the fiscal committees of the legislature by January 1, 1992, and January 1, 1993, on the amounts and sources of moneys deposited into the savings recovery account.

Sec. 908. RCW 15.04.100 and 1987 c 393 s 2 are each amended to read as follows:

The director shall establish a horticulture inspection trust fund to be derived from horticulture inspection district funds. The director shall adjust district payments so that the balance in the trust fund shall not exceed three hundred thousand dollars. The director is authorized to make payments from the trust fund to:

(1) Pay fees and expenses provided in the inspection agreement between the state department of agriculture and the agricultural marketing service of the United States department of agriculture;

(2) Assist horticulture inspection districts in temporary financial distress as result of less than normal production of horticultural commodities: PROVIDED, That districts receiving such assistance shall make repayment to the trust fund as district funds shall permit;

(3) Pay necessary administrative expenses and, during the 1991-93 biennium, departmental administrative expenses, for the commodity inspection division attributable to the supervision of the horticulture inspection services.

Sec. 909. RCW 15.13.470 and 1990 c 261 s 13 are each amended to read as follows:

All moneys collected under this chapter shall be paid to the director, deposited in an account within the agricultural local fund, and used solely for carrying out this chapter and rules adopted under this chapter and during the 1991-93 biennium for departmental administrative expenses. No appropriation is required for the disbursement of moneys from the account by the director except that during the 1991-93 biennium, an appropriation may be provided for departmental administrative expenses. Any residual balance of funds remaining in the nursery inspection fund on July 26, 1987, shall be transferred to that account within the agricultural local fund: PROVIDED, That all fees collected for fruit tree, fruit tree related ornamental tree, and fruit tree rootstock assessments as set forth in this chapter shall be deposited in the northwest nursery fund to be used only for the Washington fruit tree and fruit tree related ornamental tree certification and nursery improvement programs as set forth in this chapter and chapter 15.14 RCW. For the purpose of testing and improvement of fruit trees, fruit tree related ornamental trees, fruit tree rootstock, or other plant material used for the propagation of such stock, the director may, with advice from the advisory committee under RCW 15.13.320, expend up to fifty percent of the money collected from assessments during each fiscal year ending June 30. At no time may such contribution allow the balance of the northwest nursery fund to fall below the combined program cost of the two previous fiscal years. The amount of this minimum balance shall be determined by the director on June 30 of each year.

Sec. 910. RCW 15.49.470 and 1988 c 254 s 2 are each amended to read as follows:

All moneys collected under the provisions of this chapter shall be paid to the director and deposited in an account within the agricultural local fund. Such deposits shall be used only in the administration and enforcement of this chapter except that during the 1991-93 biennium the deposits may be used for departmental administrative expenses. ~~((Any residual balance remaining in the seed fund on June 9, 1988, shall be transferred to that account within the agricultural local fund.))~~ All fees, fines, forfeitures and penalties collected or assessed by a district court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW as now exists or is later amended.

Sec. 911. RCW 15.53.9044 and 1988 c 254 s 5 are each amended to read as follows:

All moneys collected under this chapter shall be paid to the director and deposited in an account within the agricultural local fund. Such deposits shall be used only in the administration and enforcement of this chapter and during the 1991-93 biennium for departmental administrative expenses. Any residual balance remaining in the commercial feed fund on June 9, 1988, shall be transferred to the account within the agricultural local fund.

Sec. 912. RCW 15.54.480 and 1988 c 254 s 3 are each amended to read as follows:

All moneys collected under the provisions of this chapter shall be paid to the director and deposited in an account within the agricultural local fund. Such deposits shall be used only in the administration and enforcement of this chapter and during the 1991-93 biennium for departmental administrative expenses. Any residual balance remaining in the fertilizer, agricultural mineral and lime fund on June 9, 1988, shall be transferred to that account within the agricultural local fund.

Sec. 913. RCW 15.76.150 and 1965 ex.s. c 32 s 2 are each amended to read as follows:

The director shall have the authority to make allocations from the state fair fund as follows: Eighty-five percent to participating agricultural fairs, distributed according to the merit of such fairs measured by a merit rating to be set up by the director. This merit rating shall take into account such factors as area and population served, open and/or youth participation, attendance, gate receipts, number and type of exhibits, premiums and prizes paid, community support, evidence of successful achievement of the aims and purposes of the fair, extent of improvements made to grounds and facilities from year to year, and overall condition and appearance of grounds and facilities. The remaining fifteen percent of money in the state fair fund may be used for special assistance to any participating fair or fairs and for administrative expenses incurred in the administration of this chapter, including expenses incurred by the commission as may be approved by the director and, during the 1991-93 biennium, departmental administration expenses: PROVIDED, That not more than five percent of the state fair fund may be used for such expenses.

The division and payment of funds authorized in this section shall occur at such times as the director may prescribe.

Sec. 914. RCW 17.21.280 and 1989 c 380 s 59 are each amended to read as follows:

All moneys collected under the provisions of this chapter shall be paid to the director for use exclusively in the enforcement of this chapter and, during the 1991-93 biennium, for departmental administration: PROVIDED, That all fees, fines, forfeitures and penalties collected or assessed by a district court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW as now exists or is later amended.

Sec. 915. RCW 20.01.130 and 1986 c 178 s 8 are each amended to read as follows:

All fees and other moneys received by the department under the provisions of this chapter shall be paid to the director and shall be used solely for the purpose of carrying out the provisions of this chapter and rules adopted hereunder or for departmental administrative expenses during the 1991-93 biennium. All civil fines received by the courts as the result of notices of infractions issued by the director shall be paid to the director, less any mandatory court costs and assessments.

Sec. 916. RCW 22.09.830 and 1989 c 354 s 52 are each amended to read as follows:

(1) All moneys collected as warehouse license fees, fees for weighing, grading, and inspecting commodities and all other fees collected under the provisions of this chapter, except as provided in subsection (2) of this section, shall be deposited in the grain inspection revolving fund, which is hereby established. The state treasurer is the custodian of the revolving fund. Disbursements from the revolving fund shall be on authorization of the director of the department of agriculture. The revolving fund is subject to the allotment procedure provided in chapter 43.88 RCW ~~((, but))~~. Except during the 1991-93 biennium, when an appropriation may be provided for departmental administrative expenses, no appropriation is required for disbursements from the fund. The fund shall be used for all expenses directly incurred by the commodity inspection division in carrying out the provisions of this chapter and, during the 1991-93 biennium, for departmental administrative expenses. The department may use so much of such fund not exceeding five percent thereof as the director of agriculture may determine necessary for research and promotional work, including rate studies, relating to wheat and wheat products.

(2) All fees collected for the inspection, grading, and testing of hops shall be deposited into the hop inspection fund, which is hereby established, and shall be retained by the department for the purpose of inspecting, grading, and testing hops. Any moneys in any fund retained by the department on July 1, 1963, and derived from hop inspection and grading shall be deposited to this hop inspection fund. For the purposes of research which would contribute to the development of superior hop varieties and to improve hop production and harvest practices, the department may expend up to twenty percent of the moneys deposited in the hop inspection fund during the fiscal year ending June 30th immediately preceding the year in which such expenditures are to be made. No expenditures shall be made under the provisions of this subsection when the hop inspection fund is, or the director may reasonably anticipate that it will be, reduced below twenty thousand dollars as the result of such expenditure or other necessary expenditures made to carry out the inspection, grading, and testing of hops.

Sec. 917. RCW 43.23.230 and 1988 c 254 s 1 are each amended to read as follows:

The agricultural local fund is hereby established in the custody of the state treasurer. The fund shall consist of such money as is directed by law for deposit in the fund, and such other money not subject to appropriation that the department authorizes to be deposited in the fund. Any money deposited in the fund, the use of which has been restricted by law, may only be expended in accordance with those restrictions. The department may make disbursements from the fund. The fund is not subject to legislative appropriation except that during the 1991-93 biennium, an appropriation may be provided for departmental administrative expenses.

Sec. 918. RCW 70.146.080 and 1991 sp.s. c 16 s 923 is amended to read as follows:

Within thirty days after June 30, 1987, and within thirty days after each succeeding fiscal year thereafter, the state treasurer shall determine the tax receipts deposited into the water quality account for the preceding fiscal year. If the tax receipts deposited into the account in each of the fiscal years 1988 and 1989 are less than forty million dollars, the state treasurer shall transfer sufficient moneys from general state revenues into the water quality account to bring the total receipts in each fiscal year up to forty million dollars.

For the biennium ending June 30, 1991, if the tax receipts deposited into the water quality account and the earnings on investment of balances credited to the account are less than ninety million dollars, the treasurer shall transfer sufficient moneys from general state revenues into the water quality account to bring the total revenue up to ninety million dollars. The determination and transfer shall be made by July 31, 1991 but during the 1991-93 biennium the legislature may subsequently direct the treasurer to transfer up to that same amount back to the general fund.

For fiscal year ~~((1992))~~ 1993 and thereafter, if the tax receipts deposited into the water quality account for each fiscal year are less than forty-five million dollars, the treasurer shall transfer sufficient moneys from general state revenues into the water quality account to bring the total revenue up to forty-five million dollars. Determinations and transfers shall be made by July 31 for the preceding fiscal year.

Sec. 919. RCW 86.26.007 and 1991 sp.s. c 13 s 24 are each amended to read as follows:

The flood control assistance account is hereby established in the state treasury. At the beginning of each biennium the state treasurer shall transfer from the general fund to the flood control assistance account an amount of money which, when combined with money remaining in the account from the previous biennium, will equal four million dollars. During the 1991-93 biennium the legislature may direct the transfer of amounts from the account to the general fund. Moneys in the flood control assistance account may be spent only after appropriation for purposes specified under this chapter.

NEW SECTION. Sec. 920. SEVERABILITY. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 921. EMERGENCY CLAUSE. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator McDonald, when we passed the biennium budget, we included in that budget a promise to the state employees and the school teachers, on our word of honor--by our vote--that we would have the raise available for them. Is that in your budget at the present time?"

Senator McDonald: "Senator Rasmussen, that is not in our budget at the present time. We went with the Governor in his approach."

Senator Rasmussen: "How do we go back on our word of honor, regardless of how much the Governor has failed? We are going to be here and he won't."

Senator McDonald: "Senator Rasmussen, I think that economic events in this state have had us rescind many of the things that we did in the previous budget. Nine hundred and fifty million dollars, as you know, is not an easy thing to restore. The Governor has made a proposal that made many of those promises that we made--he simply has eliminated many of them. The House has done the same thing. The budget makes tough choices and mitigates the losses, but I am not telling you that the budget doesn't make choices. It is one that makes choices and some of them are very tough ones and the one that you just brought up is one of those."

Senator Rasmussen: "Well, Senator McDonald, we applaud your efforts to cut out the waste, but when social security said that there was a cost of living of three point seven, it doesn't seem right that we should not recognize that and at least give what we promised--three point six. Otherwise, we would have been in session for ever if we hadn't made that promise. I think you made the promise and the fact that the Governor has reneged on us, I can't justify holding two hundred and nine million dollars in the rainy day fund. Could you tell me what it would cost to give that raise that we promised?"

Senator McDonald: "The cost of the raise for all employee classes is one hundred and eleven million dollars."

Senator Rasmussen: "And that could be available out of our rainy day fund?"

Senator McDonald: "As it stands now, that is true."

Senator Rasmussen: "And we would improve the morale of our employees. I am not going to support your budget until that is in there. I like to keep the promises that I make. Thank you, Senator McDonald."

Further debate ensued.

Senator Gaspard demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the adoption of the striking amendment by Senator Niemi to the Committee on Ways and Means striking amendment to Engrossed Substitute House Bill No. 2470.

ROLL CALL

The Secretary called the roll and the striking amendment to the Committee on Ways and Means amendment, having failed to receive a constitutional majority, was not adopted by the following vote: Yeas, 24; Nays, 24; Absent, 0; Excused, 1.

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

Voting nay: Senators Amondson, Anderson, Bailey, Barr, Bluechel, Cantu, Craswell, Erwin, Hayner, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Oke, Patterson, Roach, Sellar, L. Smith, Sumner, Thorsness, von Reichbauer, West - 24.

Excused: Senator Madsen - 1.

The President declared the question before the Senate to be the adoption of the striking Committee on Ways and Means amendment, as amended, to Engrossed Substitute House Bill No. 2470.

Debate ensued.

Senator Snyder demanded a roll call and the demand was sustained.

POINT OF INQUIRY

Senator Rasmussen: "Senator Anderson, you are familiar with the cutbacks in logging and so forth. We are saving the spotted owl and letting thousands of people go down the drain. But, many of these people that you spoke of, either the man or the woman is working as a state employee or a teacher and that's all they are surviving on. Are you telling us that we shouldn't give them a raise when they are the sole support for the family? We know what the spotted owl has done to the logging industry and I sympathize with you and with them also, but the breadwinner is probably the state employee that is left down in the Grays Harbor area and up in Clallam and that's why we are insisting that we give the raise that we promised. Somebody in the family needs a raise. Are you aware of that? You were talking about all the unemployed that didn't get anything and I was wondering if you were aware of that? You are? Do you want to say, 'yes,' or just want to nod your head? Thank you."

Senator Anderson: "Senator Rasmussen, what I will say is that I know what is in this budget is a half million dollars for those timber dependent communities that was cut out in the House budget and so that is one way that we are helping those communities and not all of the communities that we are talking about with unemployed loggers have state employees."

Senator Rasmussen: "I know you sympathize and my family and yours, if our children need shoes, we don't say, 'we've got to leave that money in the bank.' We take it out and buy the shoes. That is like leaving this two hundred million in the bank when they need the salary increase that we promised them--both the teachers and the employees. That's why we are going to have to vote against the budget. We are supporting the Democrat budget that kept their promises. Thank you."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the adoption of the striking Committee on Ways and Means amendment, as amended, to Engrossed Substitute House Bill No. 2470.

ROLL CALL

The Secretary called the roll and the striking Committee on Ways and Means amendment, as amended, was adopted, the President voting 'aye', by the following vote: Yeas, 24; Nays, 24; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bluechel, Cantu, Craswell, Erwin, Hayner, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Oke, Patterson, Roach, Sellar, L. Smith, Sumner, Thorsness, von Reichbauer, West - 24.

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

Excused: Senator Madsen - 1.

MOTIONS

On motion of Senator McDonald, the following title amendment was adopted:

On page 1, line 1 of the title, after "matters;" strike the remainder of the title and insert "amending RCW 70.47.030, 70.146.080, 74.04.005, and 86.26.007; amending 1991 sp.s. c 16 ss 101, 102, 103, 104, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 131, 133, 134, 135, 136, 138, 139, 140, 141, 144, 146, 148, 149, 151, 152, 201, 202, 203, 204, 205, 208, 210, 211, 212, 213, 214, 215, 216,

217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 301, 302, 303, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 401, 402, 501, 502, 503, 504, 505, 506, 507, 509, 510, 511, 513, 514, 515, 516, 517, 519, 520, 521, 522, 523, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 615, 616, 617, 618, 619, 620, 621, 622, 701, 706, 707, 708, 709, 710, 711, 712, 714, 715, 716, 717, 801, 804, 805, 907, and 909; amending 1991 sp.s. c 9 s 10; creating new sections; repealing 1991 sp.s. c 16 s 207, 1991 sp.s. c 16 s 209, 1991 c 236 s 10, and 1991 sp.s. c 16 s 614; making appropriations; and declaring an emergency."

On motion of Senator McDonald, the rules were suspended, Engrossed Substitute House Bill No. 2470, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2470, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2470, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 25; Nays, 23; Absent, 0; Excused, 1.

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

Voting nay: Senators Bauer, Conner, Gaspard, Hansen, Jesernig, Kreidler, McMullen, Moore, Murray, Niemi, Owen, Pelz, Rasmussen, Rinehart, Skratek, A. Smith, Snyder, Stratton, Sutherland, Talmadge, Vognild, Williams, Wojahn - 23.

Excused: Senator Madsen -

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2470, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 3:07 p.m., on motion of Senator Newhouse, the Senate adjourned until 8:30 a.m., Monday, February 17, 1992.

JOEL PRITCHARD, President of the Senate.

GORDON A. GOLOB, Secretary of the Senate.

THIRTY-SIXTH DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, February 17, 1992

The Senate was called to order at 8:30 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Conner, Matson, McDonald, Niemi, Oke, Patterson, Pelz, Linda Smith, Snyder and Vognild. On motion of Senator Anderson, Senators Matson, McDonald, Oke, Patterson and Linda Smith were excused. On motion of Senator Murray, Senators Conner, Niemi, Pelz, Snyder and Vognild were excused.

The Sergeant at Arms Color Guard, consisting of Pages Kandace Detwiler and Adriana Erickson, presented the Colors. Reverend Reinhold Miller, pastor of the South Union Church of God of Olympia, offered the prayer.

MOTION

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

SECOND READING

SENATE BILL NO. 6169, by Senators Rasmussen, Bluechel, Newhouse, Johnson, Snyder, Moore, Bauer, Nelson and McCaslin

Changing the definition of "disposable income" for the purposes of the senior citizen property tax exemption.

The bill was read the second time.

MOTION

On motion of Senator Nelson, the rules were suspended, Senate Bill No. 6169 was advanced to third reading, the second reading considered the third and the bill was placed on final passage. Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6169.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6169 and the bill passed the Senate by the following vote: Yeas, 38; Nays, 1; Absent, 0; Excused, 10.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, McCaslin, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Owen, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, Stratton, Sumner, Sutherland, Thorsness, von Reichbauer, West, Williams, Wojahn - 38.

Voting nay: Senator Talmadge - 1.

Excused: Senators Conner, Matson, McDonald, Niemi, Oke, Patterson, Pelz, L. Smith, Snyder, Vognild - 10.

SENATE BILL NO. 6169, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Anderson: "Thank you, Mr. President, a point of personal privilege. Ladies and gentlemen of the Senate, I think we all noted that yesterday Senator Hansen was duly welcomed to the Senate and Senator Hansen gave her first floor speech yesterday--something that we have all gone through. Now, Senator Hansen, as it customary in the Senate Chamber, you are to thank the rest of the Senators for allowing you to give your maiden floor speech and it is customary to pass out gifts to the rest of the Senators on the floor for that very important privilege of your first floor speech. You did a marvelous job in speaking yesterday and we are anxiously awaiting to see what will be passed out on the floor."

SECOND READING

SENATE BILL NO. 6199, by Senators Sutherland and Snyder

Adopting the Boating Offense Compact.

The bill was read the second time.

MOTION

On motion of Senator Metcalf, the rules were suspended, Senate Bill No. 6199 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6199.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6199 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 0; Absent, 0; Excused, 8.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Owen, Patterson, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, Stratton, Sumner, Sutherland, Talmadge, Thorsness, von Reichbauer, West, Williams, Wojahn - 41.

Excused: Senators Conner, Matson, Niemi, Oke, Pelz, L. Smith, Snyder, Vognild - 8.

SENATE BILL NO. 6199, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6339, by Senator Hayner

Eliminating the county size requirement for class F wine retailer's licenses.

The bill was read the second time.

MOTION

On motion of Senator Anderson, the rules were suspended, Senate Bill No. 6339 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6339.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6339 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 1; Absent, 0; Excused, 5.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, Stratton, Sumner, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 43.

Voting nay: Senator Sutherland - 1.

Excused: Senators Conner, Oke, Pelz, L. Smith, Snyder - 5.

SENATE BILL NO. 6339, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

THIRD READING

SUBSTITUTE SENATE BILL NO. 5329, by Senate Committee on Commerce and Labor (originally sponsored by Senators Anderson, Owen, Matson and McCaslin)

Revising provisions for self-insured employers' claims reopenings.

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

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5329.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5329 and the bill passed the Senate by the following vote: Yeas, 26; Nays, 20; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bluechel, Cantu, Craswell, Erwin, Hayner, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Oke, Owen, Patterson, Pelz, Roach, Saling, Sellar, Sumner, Thorsness, von Reichbauer, West - 26.

Voting nay: Senators Bauer, Gaspard, Hansen, Jesernig, Kreidler, Madsen, McMullen, Moore, Murray, Niemi, Rasmussen, Rinehart, Skratek, A. Smith, Stratton, Sutherland, Talmadge, Vognild, Williams, Wojahn - 20.

Excused: Senators Conner, L. Smith, Snyder - 3.

SUBSTITUTE SENATE BILL NO. 5329, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

SENATE BILL NO. 5345, by Senators Matson, Owen, Anderson, Gaspard, McCaslin, Stratton, Newhouse, Moore, Oke and Murray

Allowing self-insured employers to close disability claims after July 1990.

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

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5345.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5345 and the bill passed the Senate by the following vote: Yeas, 26; Nays, 21; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bluechel, Cantu, Craswell, Erwin, Hayner, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Oke, Owen, Patterson, Roach, Saling, Sellar, Stratton, Sumner, Thorsness, von Reichbauer, West - 26.

Voting nay: Senators Bauer, Conner, Gaspard, Hansen, Jesemig, Kreidler, Madsen, McMullen, Moore, Murray, Niemi, Pelz, Rasmussen, Rinehart, Skratek, A. Smith, Sutherland, Talmadge, Vognild, Williams, Wojahn - 21.

Excused: Senators L. Smith, Snyder - 2.

SENATE BILL NO. 5345, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 9:04 a.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 10:22 a.m. by President Pritchard.

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

SECOND READING

SENATE BILL NO. 6442, by Senators Anderson and Murray

Setting restrictions on child labor.

MOTIONS

On motion of Senator Anderson, Substitute Senate Bill No. 6442 was substituted for Senate Bill No. 6442 and the substitute bill was placed on second reading and read the second time.

Senator Sutherland moved that the following amendment by Senators Sutherland and Murray be adopted:

On page 3, line 4, after "(4)" insert "No minor shall be employed more than twelve hours total combined Monday through Thursday during a school week.

(5)"

Renumber the subsections consecutively and correct any internal references accordingly

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Sutherland and Murray on page 3, line 4, to Substitute Senate Bill No. 6442.

The motion by Senator Sutherland failed and the amendment was not adopted.

MOTION

Senator Sutherland moved that the following amendment by Senators Sutherland and Murray be adopted:

On page 3, line 11, after "than" strike "10:00 p.m. or ten hours prior to his or her first scheduled school class, whichever is later." and insert "9:00 p.m."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Sutherland and Murray on page 3, line 11, to Substitute Senate Bill No. 6442.

The motion by Senator Sutherland failed and the amendment was not adopted.

MOTION

Senator Murray moved that the following amendment by Senators Murray and Anderson be adopted:

On page 3, line 17, after "(9)" strike all material through "conveyors." on page 6, line 4 and insert "No minor shall be employed in any occupation or doing any type of work that the industrial safety and health division of the department of labor and industries determines by rule to be unreasonably hazardous to minors. In making this determination, the division shall (a) include only types of work and occupations which evidence indicates present an unreasonable threat to the health or safety of minors and (b) be guided by the hazardous occupations orders in nonagricultural occupations of the child labor provisions of the fair labor standards act (29 C.F.R. Part 570, Subpart E).

(10) It is the belief of the legislature that many occupations and types of work are less hazardous for minors age sixteen and older than for those under age sixteen. The occupations and types of work of minors under age sixteen shall therefore be subject to additional restrictions as determined by rule by the industrial safety and health division of the department of labor and industries. In making this determination, the division shall (a) include only types of work and occupations which evidence indicates present an unreasonable threat to the health or safety of minors under age sixteen and (b) be guided by the occupation standards for fourteen and fifteen year olds of the child labor provisions of the fair labor standards act (29.C.F.R. Part 570, Subpart C)."

Renumber the remaining subsections and correct any internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Murray and Anderson on page 3, line 17, to Substitute Senate Bill No. 6442.

The motion by Senator Murray carried and the amendment was adopted.

MOTIONS

On motion of Senator Murray, the following amendment was adopted:

On page 7, after line 5, insert "(15) The department may adopt rules necessary to implement this section."

Renumber the remaining subsections and correct any internal references accordingly.

On motion of Senator Anderson, the rules were suspended, Engrossed Substitute Senate Bill No. 6442 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6442.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6442 and the bill passed the Senate by the following vote: Yeas, 35; Nays, 14; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Craswell, Erwin, Hansen, Hayner, Matson, McCaslin, McDonald, McMullen, Metcalf, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Roach, Saling, Sellar, Skratek, L. Smith, Snyder, Stratton, Sumner, Thorsness, Vognild, von Reichbauer, West, Williams - 35.

Voting nay: Senators Conner, Gaspard, Jesernig, Kreidler, Madsen, Moore, Murray, Pelz, Rasmussen, Rinehart, A. Smith, Sutherland, Talmadge, Wojahn - 14.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6442, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6255, by Senators Anderson, Snyder, Sutherland, Vognild, Amondson, Barr, Gaspard, Owen, Conner, Oke, Matson, Bailey, Bauer, Newhouse, Rasmussen, Sellar, Hayner, McCaslin, West, Jesernig, von Reichbauer and Erwin

Requiring counties or cities considering wetlands protection ordinances to create an inventory and map of wetlands.

MOTIONS

On motion of Senator Barr, Second Substitute Senate Bill No. 6255 was substituted for Senate Bill No. 6255 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Barr, the rules were suspended, Second Substitute Senate Bill No. 6255 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 6255.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6255 and the bill passed the Senate by the following vote: Yeas, 36; Nays, 13; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Craswell, Erwin, Hansen, Hayner, Jesernig, Madsen, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Oke, Owen, Patterson, Rasmussen, Roach, Saling, Sellar, L. Smith, Snyder, Stratton, Sumner, Sutherland, Thorsness, Vognild, von Reichbauer, West, Williams - 36.

Voting nay: Senators Conner, Gaspard, Kreidler, McMullen, Moore, Murray, Niemi, Pelz, Rinehart, Skratek, A. Smith, Talmadge, Wojahn - 13.

SECOND SUBSTITUTE SENATE BILL NO. 6255, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION TO LIMIT DEBATE

Senator Newhouse: "Mr. President, I move that the members of the Senate be allowed to speak only once and be limited to three minutes on each motion or amendment, except that the mover of the motion shall be allowed to open and close debate, and also that members be prohibited from yielding their time. This motion shall be in effect through the end of the session, March 12, 1992."

The President declared the question before the Senate to be the motion by Senator Newhouse to limit debate.

The motion by Senator Newhouse carried and debate was limited to three minutes through March 12, 1992.

SECOND READING

SENATE BILL NO. 6254, by Senators Snyder, Matson, Vognild, Amondson, Barr, Gaspard, Owen, Conner, Oke, Bailey, Bauer, Newhouse, Rasmussen, Sellar, McCaslin, West, Jesernig and Erwin

Requiring local jurisdictions to delineate wetlands consistent with the federal wetlands regulatory program.

The bill was read the second time.

MOTION

On motion of Senator Barr, the rules were suspended, Senate Bill No. 6254 was advanced to third reading, the second reading considered the third and the bill was placed on final passage. Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6254.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6254 and the bill passed the Senate by the following vote: Yeas, 35; Nays, 14; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Jesernig, Madsen, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Oke, Owen, Patterson, Rasmussen, Roach, Saling, Sellar, L. Smith, Snyder, Stratton, Sumner, Thorsness, Vognild, von Reichbauer, West - 35.

Voting nay: Senators Erwin, Kreidler, McMullen, Moore, Murray, Niemi, Pelz, Rinehart, Skratek, A. Smith, Sutherland, Talmadge, Williams, Wojahn - 14.

SENATE BILL NO. 6254, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6096, by Senators Bailey, Anderson, L. Smith and Barr

Regulating wetlands.

The bill was read the second time.

MOTIONS

On motion of Senator Newhouse, the following amendment by Senators Newhouse and Jesernig was adopted:

On page 7, after line 3 insert the following:

Sec. 10. RCW 36.70A.040 and 1990 1st ex.s. c 17 s 4 are each amended to read as follows:

(1) Each county that has both a population of fifty thousand or more and has had its population increase by more than ten percent in the previous ten years, and the cities located within such county, and any other county regardless of its population that has had its population increase by more than twenty percent in the previous ten years, and the cities located within such county, shall adopt comprehensive land use plans and development regulations under this chapter. However, ~~((the county legislative authority of such))~~ a county with a population of less than ~~((fifty))~~ two hundred thousand ((population)) may ~~((adopt a resolution removing the county, and the cities located within the county,))~~ remove itself from the requirements of ((adopting comprehensive land use plans and development regulations under)) this chapter ((if this resolution is adopted and filed with the department by December 31, 1990)) pursuant to subsection (5) of this section. Once a county meets either of these criteria, the requirement to conform with RCW 36.70A.040 through 36.70A.160 remains in effect, even if the county no longer meets one of these criteria.

(2) The county legislative authority of any county that does not meet the requirements of subsection (1) of this section may adopt a resolution indicating its intention to have subsection (1) of this section apply to the county. Each city, located in a county that chooses to plan under this subsection, shall adopt a comprehensive land use plan in accordance with this chapter. Once such a resolution has been adopted, the county cannot remove itself from the requirements of this chapter except pursuant to subsection (5) of this section.

(3) Any county or city that is required to adopt a comprehensive land use plan under subsection (1) of this section shall adopt the plan on or before July 1, 1993. Any county or city that is required to adopt a comprehensive land use plan under subsection (2) of this section shall adopt the plan not later than three years from the date the county legislative body takes action as required by subsection (2) of this section.

(4) If the office of financial management certifies that the population of a county has changed sufficiently to meet the requirements of subsection (1) of this section, and the county legislative authority has not adopted a resolution removing the county from these requirements as provided in subsection (1) of this section, the county and each city within such county shall adopt: (a) Development regulations under RCW 36.70A.060 within one year of the certification by the office of financial management; (b) a comprehensive land use plan under this chapter within three years of the

certification by the office of financial management; and (c) development regulations pursuant to this chapter within one year of having adopted its comprehensive land use plan.

(5) A county with a population of less than two hundred thousand on the effective date of this act that is required to or that has adopted a resolution indicating an intent to adopt a comprehensive land use plan under this chapter may remove itself from the requirements to adopt a comprehensive land use plan under this chapter by adoption prior to June 1, 1993, of a resolution indicating intent to remove the county and cities within the county from the requirements of subsection (1) of this section. Once a resolution has been adopted under this subsection, a county that subsequently exceeds two hundred thousand in population shall not be required to adopt a comprehensive land use plan under this chapter.

On motion of Senator Barr, the following title amendment was adopted:

On page 1, on line 1 after "regulation;" strike the remainder of the title and insert the following; "amending RCW 36.70A.040, 36.70A.050, 36.70A.060, and 36.70A.170; and adding a new chapter to Title 90 RCW."

MOTION

On motion of Senator Barr, the rules were suspended, Engrossed Senate Bill No. 6096 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6096.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6096 and the bill passed the Senate by the following vote: Yeas, 33; Nays, 16; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Hansen, Hayner, Jesernig, Madsen, Matson, McCaslin, McDonald, Nelson, Newhouse, Oke, Owen, Patterson, Rasmussen, Roach, Saling, Sellar, L. Smith, Snyder, Stratton, Sumner, Thorsness, Vognild, von Reichbauer, West - 33.

Voting nay: Senators Erwin, Gaspard, Kreidler, McMullen, Metcalf, Moore, Murray, Niemi, Pelz, Rinehart, Skratek, A. Smith, Sutherland, Talmadge, Williams, Wojahn - 16.

ENGROSSED SENATE BILL NO. 6096, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6201, by Senators Amondson, L. Smith, Snyder, Hayner, Owen, Oke, McCaslin, Sutherland, Metcalf, Rasmussen, Barr, Nelson, Newhouse, Thorsness, Saling, Conner, Patterson, Stratton, Erwin, Bailey, Anderson, Johnson, Craswell, Roach, von Reichbauer, McDonald, West, Cantu and Bauer

Controlling the regulatory taking of private property.

The bill was read the second time.

MOTION

Senator Amondson moved that the following amendment by Senators Amondson, Madsen and Sutherland be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. (1)(a) Whenever implementation by the state or any of its political subdivisions of a scheme regulating the use of land operates to reduce the fair market value of a parcel of real property to less than fifty percent of the greater of either the assessed valuation or the fair market value, immediately prior to such implementation, the parcel is deemed to be taken for public use.

(b) The following definitions apply throughout this chapter:

(i) "Parcel" means all, or a discrete portion not less than twenty percent of a contiguous land of an owner or an operating unit, though comprising separate legal descriptions, whichever is less.

(ii) "Owner" includes one or more natural or legal persons who own the parcel, whether as sole owner, marital community, cotenants, or tenants in partnership.

(iii) "Scheme regulating the use of land" means one regulation or government action affecting the use of land; or more than one such regulation or action, though occurring at different times or by different governmental entities, with the same policy objectives, such as development moratoria, zoning, health regulations, safety regulations, aesthetic regulations, sensitive-area regulations, and environmental regulations, whether such regulation or action is interim or permanent. A scheme regulating the use of land does not include any regulation or government action of the federal government or regulation or government action of the state or any local governmental entity taken to comply with the minimum requirements of federal law or regulation.

(2)(a) When a parcel of real property has been taken for public use as provided in this chapter, the governmental unit or units that implement the scheme regulating the use of land shall be liable to the owner for compensation under this chapter, and the owner shall have an action at law to recover such compensation. When more than one governmental unit is involved, the court shall determine the proportion each unit is required to contribute to the compensation.

(b) The compensation shall be for the full amount of the decrease in fair market value and shall not be limited to the amount by which the decrease in fair market value exceeds fifty percent. In addition, an owner who prevails in an action for the recovery of such compensation shall be entitled to costs, including reasonable sums for attorneys' fees and for fees of experts, such as engineers and appraisers, whose services are reasonably required to establish the taking and the diminution of value.

(3) Governmental units subject to this chapter shall not make waiver of the provisions of this chapter a condition for approval of the use of real property or the issuance of any permit or other entitlement. Plaintiffs may accept an approval of use, permit, or other entitlement granted by the governmental unit without compromising their rights under this chapter if:

(a) A written reservation of their rights is made at the time of acceptance of the authorization, permit, or other entitlement; or

(b) An oral statement reserving their rights is made before the governmental unit granting the authorization, permit, or other entitlement at a public meeting at which the governmental unit renders its decision.

NEW SECTION. Sec. 2. Compensation is not required by this chapter if the scheme regulating the use of land is an exercise of the police power to prevent or abate a public nuisance as defined at common law.

NEW SECTION. Sec. 3. (1) The statute of limitations for actions brought under this chapter is the statute of limitations for actions for recovery of real property. The statute of limitations begins to run upon the enactment of the scheme regulating the use of land; or the final administrative decision implementing the scheme regulating the use of land affecting plaintiffs' property or by a showing by the plaintiff that application for administrative decision is futile.

(2) A scheme regulating the use of land is implemented with respect to an owner's or user's property when actually applied to that property unless the enactment of the scheme by itself operates to reduce the fair market value of real property, or any legally recognized interest therein, to less than fifty percent of its fair market value for the uses permitted at the time the owner acquired title, without further governmental action and the scheme contains no provision allowing for relief from the scheme's operation.

(3) This chapter applies to schemes regulating the use of land, all or some part of which is implemented after the effective date of this act. No part of a scheme shall be considered for purposes of this chapter if the part was implemented more than ten years before the effective date of this act.

NEW SECTION. Sec. 4. If a natural event or condition, not the fault of the owner, threatens to deprive an owner of land of the land's use or to cause serious damage to the land, and immediate corrective action is required to prevent this deprivation or damage, but this action will violate a state or local law or regulation unless official waiver or permission is obtained, the owner may either:

(1) Apply to the governmental unit charged with enforcing such regulation to take, or to permit the owner to take, the required corrective action. If the governmental unit wrongfully denies waiver or permission or fails to take reasonably timely action upon the application, so that such deprivation or damage occurs, the governmental unit shall be liable to the owner for the diminution in value of the land which occurs; or

(2) Without notifying the governmental unit under subsection (1) of this section, take such corrective action as is reasonably necessary to prevent the threatened deprivation or damage. However, the owner shall notify the governmental unit that he or she has undertaken the corrective action within five days after commencing such action and shall give a general description of the action undertaken. Thereafter, in a legal action brought by the governmental unit, the owner shall be liable for violation of the regulation if a court determines that there was a violation and that an owner would not have qualified for any available waiver or exemption.

NEW SECTION. Sec. 5. If a governmental unit is found by a court to have committed a regulatory taking under section 1 of this act, such unit shall be liable for compensation, measured by the owner's diminution in fair market rental value caused by such taking from the time the scheme that regulated the use of the owner's land became effective until the unit may choose to repeal such scheme. However, if the governmental unit does not choose to repeal the regulatory scheme within a reasonable period of time, to be fixed by the court, then the unit shall be liable for permanent compensation, measured by the diminution of fair market sale value caused by the taking, valued as of the date of trial. This section shall not affect any further remedy that is constitutionally required.

(2) Any permit, authorization, or other entitlement granted under a scheme repealed under subsection (1) of this section shall continue to be valid.

NEW SECTION. Sec. 6. This chapter does not preclude any action at law or equity that an owner would have had if this chapter had not been enacted.

NEW SECTION. Sec. 7. If the state or any of its political subdivisions imposes, changes, or implements any scheme regulating the use of land in such a way as to reduce the previous fair market value of a taxpayer's property, the county assessor shall, on or before the ensuing April 1, adjust the property's assessed value downward by an amount equal to the difference between the fair market value of the property under the new scheme, and the previous fair market value.

NEW SECTION. Sec. 8. It is the policy of the state of Washington that:

(1) If it is in the public interest, safety, health, or welfare that wetlands subject to this chapter are to be purchased for public use and enjoyment or purchased in the public interest, the wetlands shall be appraised at their highest and best economic use, regulatory and administrative rules notwithstanding, to encourage more willing sellers.

(2) If wetlands subject to this chapter are to remain private, they shall be taxed at open space rates.

(3) There shall be no condemnation in the public acquisition of wetlands subject to this chapter.

(4)(a) Historical private hunting areas owned by private property owners in wetlands subject to this chapter be preserved for their use in the future.

(b) If hunting areas in wetlands subject to this chapter are to be taken for public use, they shall be valued according to their highest and best economic use, ordinances, rules, and regulations notwithstanding.

NEW SECTION. Sec. 9. Whenever any compensation is paid to a property owner by the state or by any local governmental entity to compensate for a regulatory taking pursuant to the terms of this chapter, the payor shall cause to be recorded with the county auditor for the county in which the real property is located a notice of compensation for regulatory taking. This notice shall contain a legal description of the affected parcel of real estate, a statement of the reason for compensation, the name of the payor, the name of the owner, and the amount paid. This notice shall perfect a lien against the property as of the time of filing, for the benefit of the payor in the event: (1) The regulatory scheme for which compensation was paid is repealed in whole or in part; (2) the compensated owner subsequently sells all or a portion of the property; and (3) the sales price reflects an enhanced fair market value resulting directly from the repeal of all or part of the regulator scheme. This lien shall be limited to either the amount of compensation originally paid or the amount of enhancement in fair market value at the time of the sale resulting from the repeal of all or part of the regulatory scheme, whichever is smaller.

NEW SECTION. Sec. 10. This chapter shall be known and may be cited as the private property protection act.

NEW SECTION. Sec. 11. A new section is added to chapter 35.21 RCW to read as follows:
Any city or town subject to the provisions of this title is also subject to sections 1 through 10 of this act.

NEW SECTION. Sec. 12. A new section is added to chapter 35A.21 RCW to read as follows:
Any code city subject to the provisions of this title is also subject to sections 1 through 10 of this act.

NEW SECTION. Sec. 13. A new section is added to chapter 36.01 RCW to read as follows:
Any county subject to the provisions of this title is also subject to sections 1 through 10 of this act.

NEW SECTION. Sec. 14. Sections 1 through 10 of this act shall constitute a new chapter in Title 8 RCW.

NEW SECTION. Sec. 15. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

Debate ensued.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Amondson, Madsen and Sutherland to Senate Bill No. 6201.

The motion by Senator Amondson carried and the amendment was adopted.

MOTIONS

On motion of Senator Amondson, the following title amendment was adopted:

On page 1, line 1 of the title, after "property;" strike the remainder of the title and insert "adding a new chapter to Title 8 RCW; adding a new section to chapter 35.21 RCW; adding a new section to chapter 35A.21 RCW; and adding a new section to chapter 36.01 RCW."

On motion of Senator Amondson, the rules were suspended, Engrossed Senate Bill No. 6201 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6201.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6201 and the bill passed the Senate by the following vote: Yeas, 38; Nays, 11; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Madsen, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Oke, Owen, Patterson, Rasmussen, Roach, Saling, Sellar, L. Smith, Snyder, Stratton, Sumner, Sutherland, Thorsness, Vognild, von Reichbauer, West, Wojahn - 38.

Voting nay: Senators Kreidler, McMullen, Moore, Murray, Niemi, Pelz, Rinehart, Skratek, A. Smith, Talmadge, Williams - 11.

ENGROSSED SENATE BILL NO. 6201, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 12:00 noon, on motion of Senator Newhouse, the Senate recessed until 1:00 p.m.

The Senate was called to order at 1:04 p.m. by President Pritchard.

STATEMENT FOR THE JOURNAL

Because of a conflicting meeting, I missed the vote on Senate Bill No. 6270. I would have voted 'aye.'

SENATOR PHIL TALMADGE, 34th District

MOTION

On motion of Senator Anderson, Senators Matson, McCaslin and Patterson were excused.

SECOND READING

SENATE BILL NO. 6270, by Senators Newhouse, Niemi, Anderson, McMullen and Thorsness (by request of Task Force on City/County Finances)

Modifying municipal criminal justice account distribution.

The bill was read the second time.

MOTION

On motion of Senator Newhouse, the rules were suspended, Senate Bill No. 6270 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6270.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6270 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 4; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Craswell, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Pelz,

Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sumner, Sutherland, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 42.

Absent: Senators Conner, Erwin, Moore, Talmadge - 4.

Excused: Senators Matson, McCaslin, Patterson - 3.

SENATE BILL NO. 6270, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Murray, Senator Conner was excused.

SECOND READING

SENATE BILL NO. 6393, by Senator Bailey (by request of Department of Agriculture)

Instituting fees on dairy producers and handlers and food processors to support WSDA food safety inspection program.

MOTIONS

On motion of Senator Barr, Substitute Senate Bill No. 6393 was substituted for Senate Bill No. 6393 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Barr, the rules were suspended, Substitute Senate Bill No. 6393 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6393.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6393 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 3; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, Snyder, Stratton, Sumner, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 43.

Voting nay: Senators Amondson, L. Smith, Sutherland - 3.

Excused: Senators Conner, Matson, McCaslin - 3.

SUBSTITUTE SENATE BILL NO. 6393, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6416, by Senators Barr, Newhouse and Gaspard

Regulating producer liens for agricultural products.

MOTIONS

On motion of Senator Barr, Substitute Senate Bill No. 6416 was substituted for Senate Bill No. 6416 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Barr, the following amendment by Senators Barr, Hansen, Newhouse, Gaspard, Bauer and Bailey was adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 60.13 RCW to read as follows:

A consignment of agricultural products by a producer to a handler for sale for the benefit of the producer does not vest in the handler any other title or right to the products except to sell and deliver them to a bona fide purchaser for valuable consideration.

If, without the express consent of the producer a handler mortgages, pledges, or otherwise disposes of agricultural products consigned only for sale for the benefit of the producer, the disposition is void and title to the products does not pass but remains in the producer as if no disposition were made until such time as the products are sold by the final handler. Legal title to and interest of the producer in the consigned agricultural products and proceeds thereof shall be considered prior in right to any interest of a third party in such goods or proceeds acquired after the delivery of the products to the handler. Such products and/or proceeds shall not be subject to the claims of the handler's creditors.

Nothing in this section impairs any right of any lien provided to a handler under the provisions of RCW 60.11.020(3), or of any lien that a handler acquires or is entitled to for bona fide advances made in money, services, or goods to the producer on the faith and the security of the consignment.

Sec. 2. RCW 60.13.010 and 1991 c 174 s 2 are each amended to read as follows:

As used in this chapter, the terms defined in this section have the meanings indicated unless the context clearly requires otherwise.

(1) "Agricultural product" means any unprocessed horticultural, vermicultural and its byproducts, viticultural, berry, poultry, poultry product, grain, bee, or other agricultural products, and includes mint or mint oil processed by or for the producer thereof and hay and straw baled or prepared for market in any manner or form and livestock. When used in RCW 60.13.020, "agricultural product" means horticultural, viticultural, aquacultural, or berry products, hay and straw, milk and milk products, or turf and forage seed and applies only when such products are delivered to a processor or conditioner in an unprocessed form.

(2) "Conditioner," "consignor," "person," and "producer" have the meanings defined in RCW 20.01.010.

(3) "Delivers" means that a producer completes the performance of all contractual obligations with reference to the transfer of actual or constructive possession or control of an agricultural product to a processor or conditioner or preparer, regardless of whether the processor or conditioner or preparer takes physical possession.

(4) "Preparer" means a person engaged in the business of feeding livestock or preparing livestock products for market.

(5) "Processor" means any person, firm, company, or other organization that purchases agricultural products except milk and milk products from a consignor and that cans, freezes, dries, dehydrates, cooks, presses, powders, or otherwise processes those crops in any manner whatsoever for eventual resale, or that purchases or markets milk from a dairy producer and is obligated to remit payment to such dairy producer directly.

(6) "Commercial fisherman" means a person licensed to fish commercially for or to take food fish or shellfish or steelhead legally caught pursuant to executive order, treaty right, or federal statute.

(7) "Fish" means food fish or shellfish or steelhead legally caught pursuant to executive order, treaty right, or federal statute.

(8) "Handler" means a person, firm, company, or other organization that prepares an agricultural product for market for the account of, or as agent for, the producer of the agricultural product, the preparation including, but not limited to, receiving, storing, packing, marketing, selling, or delivering the agricultural product, and includes a person, firm, company, or other organization who takes delivery of the agricultural product from the producer of the agricultural product or from another handler. "Handler" does not include a person who solely transports the agricultural product from the producer to another person.

Sec. 3. RCW 62A.9-310 and 1991 c 286 s 7 are each amended to read as follows:

(1) When a person in the ordinary course of his business furnishes services or materials with respect to goods subject to a security interest, a lien upon goods in the possession of such person given by statute or rule of law for such materials or services takes priority over a perfected security interest only if the lien is statutory and the statute expressly provides for such priority.

(2) A preparer lien or processor lien properly created pursuant to chapter 60.13 RCW, a producer's interest recognized pursuant to section 1 of this act, or a depositor's lien created pursuant to chapter 22.09 RCW takes priority over any perfected or unperfected security interest.

(3) Conflicting priorities between crop liens created under chapter 60.11 RCW and security interests shall be governed by chapter 60.11 RCW.

Sec. 4. RCW 60.11.010 and 1991 c 286 s 1 are each amended to read as follows:

As used in this chapter, the following terms have the meanings indicated unless the context clearly requires otherwise.

(1) "Crop" means all products of the soil either growing or cropped, cut, or gathered which require annual planting, harvesting, or cultivating. A crop does not include vegetation produced by the powers of nature alone, nursery stock, or vegetation intended as a permanent enhancement of the land itself.

(2) "Handler" means a person: Who prepares ((an orchard)) a crop for market for the account of, or as agent for, the producer of the crop, which preparation includes, but is not limited to, receiving, storing, packing, marketing,

selling, or delivering (~~the orchard~~) a crop; and who takes delivery of the crop from the producer of the crop or from another handler. "Handler" does not include a person who solely transports the crop from the producer to another person.

(3) "Landlord" means a person who leases or subleases to a tenant real property upon which crops are growing or will be grown.

(4) (~~"Orchard crop" means cherries, peaches, nectarines, plums or prunes, pears, apricots, and apples.~~

~~(5))~~ "Secured party" and "security interest" have the same meaning as used in the Uniform Commercial Code, Title 62A RCW.

~~((6))~~ (5) "Supplier" includes, but is not limited to, a person who furnishes seed, furnishes and/or applies commercial fertilizer, pesticide, fungicide, weed killer, or herbicide, including spraying and dusting, upon the land of the grower or landowner, or furnishes any work or labor upon the land of the grower or landowner including tilling, preparing for the growing of crops, sowing, planting, cultivating, cutting, digging, picking, pulling, or otherwise harvesting any crop grown thereon, or in gathering, securing, or housing any crop grown thereon, or in threshing any grain or hauling to any warehouse any crop or grain grown thereon.

~~((7))~~ (6) "Lien debtor" means the person who is obligated or owes payment or other performance. If the lien debtor and the owner of the collateral are not the same person, "lien debtor" means the owner of the collateral.

~~((8))~~ (7) "Lien holder" means a person who, by statute, has acquired a lien on the property of the lien debtor, or such person's successor in interest.

Sec. 5. RCW 60.11.020 and 1991 c 286 s 2 are each amended to read as follows:

(1) A landlord whose lease or other agreement with the tenant provides for cash rental payment shall have a lien upon all crops grown upon the demised land in which the landlord has an interest for no more than one year's rent due or to become due within six months following harvest. A landlord with a crop share agreement has an interest in the growing crop which shall not be encumbered by crop liens except as provided in subsections (2) and (3) of this section.

(2) A supplier shall have a lien upon all crops for which the supplies are used or applied to secure payment of the purchase price of the supplies and/or services performed: PROVIDED, That the landlord's interest in the crop shall only be subject to the lien for the amount obligated to be paid by the landlord if prior written consent of the landlord is obtained or if the landlord has agreed in writing with the tenant to pay or be responsible for a portion of the supplies and/or services provided by the lien holder.

(3) A handler shall have a lien on all (~~orchard~~) crops delivered by the lien debtor or another handler to the handler and on all proceeds of the (~~orchard~~) crops for: (a) All customary charges for the ordinary and necessary handling of the crop, including but not limited to charges for transporting, receiving, inspecting, materials and supplies furnished, washing, waxing, sorting, packing, storing, promoting, marketing, selling, advertising, insuring, or otherwise handling the lien debtor's crop; and (b) reasonable cooperative per unit retainages, and for all governmental or quasi-governmental assessments imposed by statute, ordinance, or government regulation. Charges shall not include direct or indirect advances or extensions of credit to [a] lien debtor.

Sec. 6. RCW 60.11.030 and 1991 c 286 s 3 are each amended to read as follows:

(1) Upon filing, the liens described in RCW 60.11.020 (1) and (2) shall attach to the crop for all sums then and thereafter due and owing the lien holder and shall continue in all identifiable cash proceeds of the crop.

(2) Upon the delivery of (~~an orchard~~) a crop by the lien debtor, without the necessity of filing, the lien for charges as set forth in RCW 60.11.020(3) shall attach to the delivered crop and shall continue in both the crop and all proceeds of the crop.

MOTIONS

On motion of Senator Barr, the following title amendment was adopted:

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "handlers; amending RCW 60.13.010, 62A.9-310, 60.11.010, 60.11.020, and 60.11.030; and adding a new section to chapter 60.13 RCW."

On motion of Senator Barr, the rules were suspended, Engrossed Substitute Senate Bill No. 6416 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6416.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6416 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sumner, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 48.

Excused: Senator Matson - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6416, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

THIRD READING

ENGROSSED SENATE BILL NO. 5063, by Senators Nelson, Hayner and Thorsness

Setting an award cap for mandatory arbitration.

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

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5063.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5063 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sumner, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 48.

Excused: Senator Matson - 1.

ENGROSSED SENATE BILL NO. 5063, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

SECOND READING

SENATE BILL NO. 6246, by Senators von Reichbauer, Rasmussen and McCaslin (by request of Attorney General)

Regulating charitable solicitations.

MOTIONS

On motion of Senator von Reichbauer, Substitute Senate Bill No. 6246 was substituted for Senate Bill No. 6246 and the substitute bill was placed on second reading and read the second time.

On motion of Senator von Reichbauer, the rules were suspended, Substitute Senate Bill No. 6246 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6246.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6246 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Jesernig, Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sumner, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 47.

Absent: Senator Hayner - 1.

Excused: Senator Matson - 1.

SUBSTITUTE SENATE BILL NO. 6246, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 1:37 p.m., on motion of Senator Newhouse, the Senate recessed until 2:00 p.m.

The Senate was called to order at 2:19 p.m. by President Pritchard.

SECOND READING

SENATE BILL NO. 6054, by Senators L. Smith, Bauer, Johnson, Murray, von Reichbauer, Snyder, Metcalf, Conner, Thorsness, Vognild, Sutherland, Jesernig, Kreidler and Pelz

Modifying the chiropractic practice act.

The bill was read the second time.

MOTIONS

Senator West moved that the following Committee on Health and Long-Term Care amendment be adopted:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 18.25.005 and 1974 ex.s. c 97 s 7 are each amended to read as follows:

~~((For the purpose of chapters 18.25 and 18.26 RCW, the term "chiropractic" shall mean and include that practice of health care which deals with the detection of subluxations, which shall be defined as any alteration of the biomechanical and physiological dynamics of contiguous spinal structures which can cause neuronal disturbances, the chiropractic procedure preparatory to, and complementary to the correction thereof, by adjustment or manipulation of the articulations of the vertebral column and its immediate articulations for the restoration and maintenance of health; it includes the normal regimen and rehabilitation of the patient, physical examination to determine the necessity for chiropractic care, the use of x ray and other analytical instruments generally used in the practice of chiropractic; PROVIDED, That no chiropractor shall prescribe or dispense any medicine or drug nor practice obstetrics or surgery nor use x rays for therapeutic purposes; PROVIDED, HOWEVER, That the term "chiropractic" as defined in this act shall not prohibit a practitioner licensed under chapter 18.71 RCW from performing accepted medical procedures, except such procedures shall not include the adjustment by hand of any articulation of the spine; AND PROVIDED FURTHER, That nothing herein shall be construed to prohibit the rendering of dietary advice.))~~

(1) Chiropractic is the practice of health care that deals with the diagnosis or analysis and care or treatment of the vertebral subluxation complex and its effects, articular dysfunction, and musculoskeletal disorders, all for the restoration and maintenance of health and recognizing the recuperative powers of the body.

(2) Chiropractic treatment or care includes the use of procedures involving spinal adjustments, and extremity manipulation insofar as any such procedure is complementary or preparatory to a chiropractic spinal adjustment. Complementary and preparatory procedures shall not be used to treat disorders originating from the extremities. Chiropractic treatment also includes the use of heat, cold, water, exercise, massage, trigger point therapy, dietary advice and recommendation of nutritional supplementation except for medicines of herbal, animal, or botanical origin, the normal regimen and rehabilitation of the patient, first aid, and counseling on hygiene, sanitation, and preventive measures if complementary and preparatory to a spinal adjustment. Chiropractic care also includes such physiological therapeutic procedures as traction and light if complementary and preparatory to a spinal adjustment, but does not include procedures involving the application of sound, diathermy, or electricity.

(3) As part of a chiropractic differential diagnosis, a chiropractor shall perform a physical examination, which may include diagnostic x-rays, to determine the appropriateness of chiropractic care or the need for referral to other health care providers. The chiropractic disciplinary board shall provide by rule for the type and use of diagnostic and analytical devices and procedures consistent with this chapter.

(4) Chiropractic care shall not include the prescription or dispensing of any medicine or drug, the practice of obstetrics or surgery, the use of x-rays or any other form of radiation for therapeutic purposes, colonic irrigation, or any form of venipuncture. In addition, chiropractic care shall not include the diagnosis or treatment of any infectious or communicable disease, malignant or benign neoplasm, any cardiovascular, pulmonary, hematologic, lymphatic, metabolic, endocrine, immunologic, hepatic, renal, or other medical disease. Chiropractic care also does not include the treatment of fractures.

(5) Nothing in this chapter prohibits or restricts any other practitioner of a "health profession" defined in RCW 18.120.020(4) from performing any functions or procedures the practitioner is licensed or permitted to perform, and the term "chiropractic" as defined in this chapter shall not prohibit a practitioner licensed under chapter 18.71 RCW from performing medical procedures, except such procedures shall not include the adjustment by hand of any articulation of the spine.

(6) A person licensed under this chapter shall not engage in the practice of medicine as defined in RCW 18.71.011.

Sec. 2. RCW 18.25.006 and 1991 c 3 s 36 are each amended to read as follows:

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

(1) "Department" means the department of health.

(2) "Secretary" means the secretary of the department of health or the secretary's designee.

(3) "Chiropractor" means an individual licensed under this chapter.

(4) "Board" means the Washington state board of chiropractic examiners.

(5) "Vertebral subluxation complex" means a functional defect or alteration of the biomechanical and physiological dynamics in a joint that may cause neuronal disturbances, with or without displacement detectable by x-ray. The effects of the vertebral subluxation complex may include, but are not limited to, any of the following: Fixation, hypomobility, hypermobility, periarticular muscle spasm, edema, or inflammation.

(6) "Articular dysfunction" means an alteration of the biomechanical and physiological dynamics of a joint of the axial or appendicular skeleton.

(7) "Musculoskeletal disorders" means abnormalities of the muscles, bones, and connective tissue.

(8) "Chiropractic differential diagnosis" means a diagnosis to determine the existence of a vertebral subluxation complex, articular dysfunction, or musculoskeletal disorder, and the appropriateness of chiropractic care or the need for referral to other health care providers.

(9) "Chiropractic adjustment" means chiropractic care of a vertebral subluxation complex, articular dysfunction, or musculoskeletal disorder. Such care includes manual or mechanical adjustment of any vertebral articulation and contiguous articulations beyond the normal passive physiological range of motion.

(10) "Extremity manipulation" means a corrective thrust or maneuver applied to a joint of the appendicular skeleton. The use of extremity manipulation shall be complementary and preparatory to a chiropractic spinal adjustment to support correction of a vertebral subluxation complex and is considered a part of a spinal adjustment and shall not be billed separately from or in addition to a spinal adjustment.

NEW SECTION. Sec. 3. A new section is added to chapter 18.25 RCW to read as follows:

All state health care purchasers shall have the authority to set service and fee limitations on chiropractic costs. The health care authority shall establish pilot projects in defined geographic regions of the state to contract with organizations of chiropractors for a prepaid capitated amount.

NEW SECTION. Sec. 4. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

Senator Linda Smith moved that the following amendment to the Committee on Health and Long-Term Care amendment be adopted:

On page 1, after line 6 of the amendment, insert the following:

NEW SECTION. Sec. 1. This act is intended to expand the scope of practice of chiropractic only with regard to adjustment of extremities in connection with a spinal adjustment.

Renumber the sections consecutively and correct internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Linda Smith on page 1, after line 6, to the Committee on Health and Long-Term Care striking amendment to Senate Bill No. 6054.

The motion by Senator Linda Smith carried and the amendment to the committee amendment was adopted.

MOTION

Senator Linda Smith moved that the following amendments to the Committee on Health and Long-Term amendment be considered simultaneously and be adopted:

On page 2, beginning on line 9 of the amendment, after "adjustment," strike all material through "extremities." on line 10

On page 2, line 16 of the amendment, after "measures" strike all material through "adjustment" on line 16

On page 2, beginning on line 18 of the amendment, after "light" strike all material through "adjustment" on line 19

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator Linda Smith on page 2, lines 9, 16 and 18, to the Committee on Health and Long-Term Care striking amendment to Senate Bill No. 6054.

The motion by Senator Linda Smith carried and the amendments to the committee amendment were adopted on a rising vote.

MOTION

Senator Linda Smith moved that the following amendments to the Committee on Health and Long-Term Care amendment be considered simultaneously and be adopted:

On page 3, beginning on line 2 of the amendment, strike all material through "fractures." on line 7

On page 3, beginning on line 15 of the amendment, strike all material through "18.71.011." on line 16

MOTION

On motion of Senator West, the question was divided.

The President declared the question before the Senate to be the adoption of the amendment by Senator Linda Smith on page 3, beginning line 2, to the Committee on Health and Long-Term Care striking amendment to Senate Bill No. 6054.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Linda Smith on page 3, beginning line 2, to the Committee on Health and Long-Term Care striking amendment to Senate Bill No. 6054.

The motion by Senator Linda Smith failed and the amendment to the committee amendment was not adopted on a rising vote.

The President declared the question before the Senate to be the adoption of the amendment by Senator Linda Smith on page 3, beginning on line 15, to the Committee on Health and Long-Term Care striking amendment to Senate Bill No. 6054.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Linda Smith on page 3, beginning on line 15, to the Committee on Health and Long-Term Care striking amendment to Senate Bill No. 6054.

The motion by Senator Linda Smith carried and the amendment to the committee amendment was adopted.

MOTION

Senator Wojahn moved that the following amendment to the Committee on Health and Long-Term Care amendment be adopted:

On page 3, beginning on line 15, after "(6)" strike all material through "RCW 18.71.011" on line 16, and insert "To the extent that the practice of chiropractic includes the practice of medicine as defined in chapter 18.71 RCW, chiropractors shall be held to the same standard of care as physicians"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Wojahn on page 3, beginning on line 15, to the Committee on Health and Long-Term Care striking amendment to Senate Bill No. 6054.

The motion by Senator Wojahn failed and the amendment to the committee amendment was not adopted on a rising vote, the President voting 'nay.'

The President declared the question before the Senate to be the adoption of the Committee on Health and Long-Term Care amendment, as amended, to Senate Bill No. 6054.

The Committee on Health and Long-Term Care amendment, as amended, was adopted by voice vote.

MOTIONS

On motion of Senator West, the following title amendments were considered simultaneously and were adopted:

On page 1, line 1 of the title, after "chiropractic;" strike the remainder of the title and insert "amending RCW 18.25.025 and 18.25.006; adding a new section to chapter 18.25 RCW; and declaring an emergency."

On page 5, line 13 of the title amendment, after "18.25 RCW;" insert "creating a new section;"

Senator West moved that the rules be suspended and Engrossed Senate Bill No. 6054 be advanced to third reading, the second reading considered the third and the bill be placed on final passage.

Senator Wojahn objected to the bill being advanced to third reading and requested a division of the vote.

PARLIAMENTARY INQUIRY

Senator Snyder: "A parliamentary inquiry, Mr. President. Does this motion take two-thirds or a majority?"

REPLY BY THE PRESIDENT

President Pritchard: "I've been informed that it took two-thirds. Just a minute, we will check it. It is a majority vote and the division vote was twenty-seven to seventeen, so the bill is now on third reading."

The motion to advance Engrossed Senate Bill No. 6054 carried on a rising vote.

Debate ensued.

MOTION

On motion of Senator McCaslin, Senator Anderson was excused.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6054.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6054 and the bill passed the Senate by the following vote: Yeas, 35; Nays, 12; Absent, 0; Excused, 2.

Voting yeas: Senators Amondson, Bailey, Bauer, Bluechel, Cantu, Conner, Erwin, Gaspard, Hansen, Jesernig, Kreidler, Madsen, McMullen, Metcalf, Moore, Murray, Nelson, Niemi, Oke, Owen, Patterson, Pelz, Rinehart, Roach, Saling, Skratek, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Williams - 35.

Voting nays: Senators Barr, Craswell, Hayner, McCaslin, McDonald, Newhouse, Rasmussen, Sellar, A. Smith, Sumner, West, Wojahn - 12.

Excused: Senators Anderson, Matson - 2.

ENGROSSED SENATE BILL NO. 6054, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6128, by Senators Owen and Amondson

Regarding erosion of shoreline uplands used for residential purposes.

The bill was read the second time.

MOTIONS

On motion of Senator Owen, the following amendments by Senators Owen and Metcalf were considered simultaneously and were adopted:

On page 3, line 17, delete "associated uplands sites including structures to protect against shoreline erosion" and insert "appurtenant structures"

On page 6, line 23, delete everything beginning with "construction" through "structure" on line 28, and insert "placement of bulkheads or other measures to protect single family residences and their appurtenant structures from damage or loss due to shoreline erosion. The standards shall provide a preference for permit issuance for measures to protect single family residences occupied prior to January 1, 1992, where the proposed measure"

On page 12, line 28, strike "structure to protect a single family residence and its associated upland site" and insert "measures to protect a single family residence and its appurtenant structures"

On motion of Senator Owen, the following amendment by Senators Owen and Metcalf was adopted:

On page 14, line 25, after "erosion" delete "over a substantial period of time" and insert "from the time the taxpayer acquired the property"

MOTIONS

On motion of Senator Metcalf, the rules were suspended, Engrossed Senate Bill No. 6128 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6128.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6128 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 5; Absent, 1; Excused, 2.

Voting yea: Senators Amondson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Oke, Owen, Patterson, Pelz, Rasmussen, Roach, Saling, Sellar, Snyder, Stratton, Sumner, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams - 41.

Voting nay: Senators Niemi, Rinehart, Skratek, A. Smith, Wojahn - 5.

Absent: Senator L. Smith - 1.

Excused: Senators Anderson, Matson - 2.

ENGROSSED SENATE BILL NO. 6128, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6095, by Senators Bailey, Skratek, Anderson and Barr

Facilitating the construction of flood control measures.

MOTIONS

On motion of Senator Newhouse, Substitute Senate Bill No. 6095 was substituted for Senate Bill No. 6095 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Bailey, the following amendment was adopted:

On page 27, beginning on line 26, strike all material down to and including line 29 and insert the following: NEW SECTION. Sec. 15. If specific funding for the purposes of sections 2, 3, and 4 of this act, referencing sections 2, 3, and 4 of this act by bill and section number, is not provided by June 30, 1992, in the omnibus appropriations act, sections 2, 3, and 4 of this act shall be null and void.

MOTION

On motion of Senator Barr, the rules were suspended, Engrossed Substitute Senate Bill No. 6095 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6095.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6095 and the bill passed the Senate by the following vote: Yeas, 33; Nays, 15; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bluechel, Cantu, Conner, Craswell, Erwin, Hansen, Hayner, Jesernig, Madsen, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Oke, Owen, Patterson, Rasmussen, Roach, Saling, Sellar, Skratek, L. Smith, Snyder, Sumner, Thorsness, Vognild, von Reichbauer, West - 33.

Voting nay: Senators Bauer, Gaspard, Kreidler, McMullen, Moore, Murray, Niemi, Pelz, Rinehart, A. Smith, Stratton, Sutherland, Talmadge, Williams, Wojahn - 15.

Excused: Senator Matson - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6095, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6457, by Senator Cantu

Refunding construction obligations for the state convention and trade center.

The bill was read the second time.

MOTION

On motion of Senator Cantu, the rules were suspended, Senate Bill No. 6457 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

MOTION

On motion of Senator Murray, Senator Vognild was excused.

POINT OF INQUIRY

Senator Rasmussen: "Senator Cantu, I can agree with you on refinancing, but I am curious. It says, 'Due to the high office vacancy rate of the buildings near the Center, the Center has not generated sufficient revenues to meet the agreed annual payment to the IIC.' Why has the vacancy rate at adjacent office buildings--what has that to do with the Center?"

Senator Cantu: "Senator Rasmussen, the revenue to repay industrial indemnity was going to come from the proceeds of the rental of the parking garage. The use of the garage is not what it should be because of the high vacancy rate downtown, so the revenues from the parking garage are not up to what was expected. Therefore, they are not raising the revenue from the garage--the use of the garage."

Senator Rasmussen: "What you are telling me, then, is we were going to provide parking for adjacent private buildings during the time the Center was not being used for activities?"

Senator Cantu: "It is a public garage and people pay to park."

Senator Rasmussen: "Thank you."

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6457.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6457 and the bill passed the Senate by the following vote: Yeas, 36; Nays, 11; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bluechel, Cantu, Craswell, Erwin, Gaspard, Hayner, Jesernig, Kreidler, Madsen, McDonald, McMullen, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Rasmussen, Rinehart, Roach, Sellar, Skratek, A. Smith, Snyder, Sumner, Sutherland, Talmadge, Thorsness, von Reichbauer, West, Williams - 36.

Voting nay: Senators Bauer, Conner, Hansen, McCaslin, Metcalf, Moore, Pelz, Saling, L. Smith, Stratton, Wojahn - 11.

Excused: Senators Matson, Vognild - 2.

SENATE BILL NO. 6457, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6262, by Senators Roach, Stratton, L. Smith, Murray, Cantu, Jesernig, Hayner, Thorsness, Amondson, Bailey, Metcalf, Barr, Nelson and Erwin

Protecting children from sexually explicit films, publications, and devices.

MOTIONS

On motion of Senator Roach, Substitute Senate Bill No. 6262 was substituted for Senate Bill No. 6262 and the substitute bill was placed on second reading and read the second time.

Senator Talmadge moved that the following amendment be adopted:

On page 2, line 9, strike "sexual acts, including" and insert "acts, including sexual acts,"

Debate ensued.

Senator McMullen demanded a roll call and the demand was sustained.

POINT OF ORDER

Senator Linda Smith: "Thank you, Mr. President. I would challenge this amendment on scope and object. This amendment broadens the definition section. The bill deals with sexually explicit materials, not violence, and this amendment adds violence. I think that it goes way beyond the scope and object of this bill."

Further debate ensued.

At 3:30 p.m., the President declared the Senate to be at ease.

The Senate was called to order at 3:31 p.m. by President Pritchard.

RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator Linda Smith, the President finds that the amendment by Senator Talmadge is within the scope and object of the bill and the objection is not well taken."

The amendment by Senator Talmadge on page 2, line 9, to Substitute Senate Bill No. 6262 was ruled in order.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Talmadge on page 2, line 9, to Substitute Senate Bill No. 6262.

ROLL CALL

The Secretary called the roll and the amendment was adopted by the following vote: Yeas, 44; Nays, 5; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Conner, Erwin, Gaspard, Hansen, Hayner, Jesenig, Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sumner, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 44.

Voting nay: Senators Bailey, Bluechel, Cantu, Craswell, Metcalf - 5.

MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Roach moved to reconsider the vote by which the amendment by Senator Talmadge on page 2, line 9, to Substitute Senate Bill No. 6262 was adopted.

The motion for reconsider of the vote by which the amendment was adopted failed.

MOTION

On motion of Senator Newhouse, further consideration of Substitute Senate Bill No. 6262 was deferred.

SECOND READING

SENATE BILL NO. 6401, by Senators Barr, Bauer, Hayner and Snyder

Regulating the designation of corridors.

The bill was read the second time.

MOTIONS

On motion of Senator Barr, the following Committee on Agriculture and Water Resources amendment was not adopted:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 36.70A.160 and 1990 1st ex.s. c 17 s 16 are each amended to read as follows:

Each county and city that is required or chooses to prepare a comprehensive land use plan under RCW 36.70A.040 shall identify open space corridors within and between urban growth areas. They shall include lands useful for recreation, wildlife habitat, trails, and connection of critical areas as defined in RCW 36.70A.030, but shall not include private land unless the county or city acquires a sufficient interest to prevent development or control resource management on the land.

The city or county may (~~seek to~~) acquire by donation or purchase the fee simple or lesser interests in these open space corridors using funds authorized by RCW 84.34.230 or other sources.

Senator Barr moved that the following amendment by Senators Barr and Gaspard be adopted:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 36.70A.160 and 1990 c 17 s 16 are each amended to read as follows:

Each county and city that is required or chooses to prepare a comprehensive land use plan under RCW 36.70A.040 shall identify open space corridors within and between urban growth areas. They shall include lands useful for recreation, wildlife habitat, trails, and connection of critical areas as defined in RCW 36.70A.030. Identification of a corridor by a county or city shall not restrict the development, uses, or management of private land authorized within the corridor. Any restrictions on the use or management of such lands imposed after identification solely to maintain or enhance the value of such land as a corridor may occur only if the county or city acquires a sufficient interest to prevent development or control the resource development of the land.

The city or county may (~~seek to~~) acquire by donation or purchase the fee simple or lesser interests in these open space corridors using funds authorized by RCW 84.34.230 or other sources.

Debate ensued.

POINT OF INQUIRY

Senator Metcalf: "Senator Barr, is this a further restriction on county government? Are we passing another amendment which is going to put more restrictions on county government?"

Senator Barr: "Senator Metcalf, I believe that it would be true to say that this would limit the ability of local governments when they designate a corridor, that they couldn't limit the use of that unless they had acquired it--that you couldn't limit the use in a corridor if somebody else owned the land.

Senator Metcalf: "Thank you, Senator Barr."

Further debate ensued.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Barr and Gaspard to Senate Bill No. 6401.

The motion by Senator Barr carried and the amendment was adopted.

MOTIONS

On motion of Senator Barr, the following title amendment was adopted:

On page 1, line 1 of the title, after "designations;" strike the remainder of the title and insert "and amending RCW 36.70A.160."

On motion of Senator Barr, the rules were suspended, Engrossed Senate Bill No. 6401 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

MOTION

On motion of Senator Murray, Senator Pelz was excused.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6401.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6401 and the bill passed the Senate by the following vote: Yeas, 39; Nays, 9; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Nelson, Newhouse, Oke, Owen, Patterson, Rasmussen, Roach, Saling, Sellar, L. Smith, Snyder, Stratton, Sumner, Sutherland, Thorsness, Vognild, von Reichbauer, West, Williams - 39.

Voting nay: Senators Metcalf, Moore, Murray, Niemi, Rinehart, Skratek, A. Smith, Talmadge, Wojahn - 9.

Excused: Senator Pelz - 1.

ENGROSSED SENATE BILL NO. 6401, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6113, by Senators Craswell, Owen, Oke and McCaslin

Requiring reviews of final orders on permit applications under the shoreline management act to be on the record.

MOTIONS

On motion of Senator Metcalf, Substitute Senate Bill No. 6113 was substituted for Senate Bill No. 6113 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Craswell, the following amendment by Senators Craswell, Metcalf and Owen was adopted:

On page 3, line 1, after "board shall be" strike "on the record developed by the local government and not de novo" and insert "based on the record developed by the local government and supplemented with additional evidence if the shorelines hearings board determines that such additional evidence would be necessary or of substantial assistance to the board in reaching its decision"

MOTION

On motion of Senator Metcalf, the rules were suspended, Engrossed Substitute Senate Bill No. 6113 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

MOTION

On motion of Senator Murray, Senator Hansen was excused.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6113.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6113 and the bill passed the Senate by the following vote: Yeas, 31; Nays, 17; Absent, 0; Excused, 1.

Voting yea: Senators Amundson, Anderson, Bailey, Barr, Bluechel, Cantu, Craswell, Erwin, Hayner, Jesernig, Madsen, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Oke, Owen, Patterson, Rasmussen, Roach, Saling, Sellar, L. Smith, Snyder, Sumner, Thorsness, Vognild, von Reichbauer, West - 31.

Voting nay: Senators Bauer, Conner, Gaspard, Kreidler, McMullen, Moore, Murray, Niemi, Pelz, Rinehart, Skratek, A. Smith, Stratton, Sutherland, Talmadge, Williams, Wojahn - 17.

Excused: Senator Hansen - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6113, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION FOR RECONSIDERATION

Having served prior notice, Senator Linda Smith moved to reconsider the vote by which Substitute Senate Bill No. 6244 failed to pass the Senate February 14, 1992.

POINT OF ORDER

Senator Talmadge: "A point of order, Mr. President. Did the Senate not go to the ninth order of business when it considered Senator Roach's motion for reconsideration in respect to Senate Bill No. 6262?"

REPLY BY THE PRESIDENT

President Pritchard: "We did not. That's what they tell me."

PARLIAMENTARY INQUIRY

Senator Snyder: "A parliamentary inquiry, are we now on the ninth order of business?"

REPLY BY THE PRESIDENT

President Pritchard: "We are not on the ninth order of business. Just wait a minute."

Senator Snyder: "I thought we had to be under the ninth order of business to move to reconsider a bill. We didn't get there yesterday; that's why it is still in front of us today."

President Pritchard: "Senator, I believe now you are correct."

MOTION

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

MOTION FOR RECONSIDERATION

Having served prior notice, Senator Linda Smith moved to reconsider the vote by which Substitute Senate Bill No. 6244 failed to pass the Senate February 14, 1992.

The motion for reconsideration of the vote by which Substitute Senate Bill No. 6244 failed to pass the Senate carried on a rising vote.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6244, on reconsideration.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6244, on reconsideration, and the bill passed the Senate by the following vote: Yeas, 27; Nays, 22; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Craswell, Erwin, Hayner, Matson, McCaslin, McDonald, Metcalf, Newhouse, Oke, Rasmussen, Roach, Saling, Sellar, L. Smith, Stratton, Sumner, Sutherland, Thorsness, von Reichbauer, West - 27.

Voting nay: Senators Conner, Gaspard, Hansen, Jesernig, Kreidler, Madsen, McMullen, Moore, Murray, Nelson, Niemi, Owen, Patterson, Pelz, Rinehart, Skratek, A. Smith, Snyder, Talmadge, Vognild, Williams, Wojahn - 22.

SUBSTITUTE SENATE BILL NO. 6244, on reconsideration, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Newhouse, the Senate returned to the sixth order of business and will consider Senate Bill No. 6273.

SECOND READING

SENATE BILL NO. 6273, by Senators Patterson, Snyder and Barr

Clarifying the department of agriculture's authority.

The bill was read the second time.

MOTIONS

On motion of Senator Barr, the following Committee on Agriculture and Water Resources amendment was adopted:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 15.58.020 and 1971 ex.s. c 190 s 2 are each amended to read as follows:

The formulation, distribution, storage, transportation, and disposal of any pesticide and the dissemination of accurate scientific information as to the proper use, or nonuse, of any pesticide, is important and vital to the maintenance of a high level of public health and welfare both immediate and future, and is hereby declared to be a business affected with the public interest. A system of pesticide regulation that is consistent, coordinated, and comports with both federal and state technical expertise is essential in maintaining the level of public health and welfare, and local regulation of pesticides beyond the limited regulation expressly authorized by the legislature, does not materially assist in achieving this goal. The provisions of this chapter are enacted in the exercise of the police powers of the state for the purpose of protecting the immediate and future health and welfare of the people of the state.

NEW SECTION. Sec. 2. A new section is added to chapter 15.58 RCW to read as follows:

Except as provided in RCW 17.21.305, a city, town, county, special purpose district, or any other unit of local government in this state may not adopt or continue in effect an ordinance, rule, regulation, or statute regarding pesticide sale or use, including without limitation: Registration, advertising and marketing, distribution, storage, transportation, disposal, disclosure of confidential information, or product composition. This section does not apply to the adoption or continuation in effect of a fire code adopted under chapter 19.27 RCW or to any rules or regulations adopted under such a code.

Sec. 3. RCW 17.21.010 and 1967 c 177 s 1 are each amended to read as follows:

The application and the control of the use of various pesticides is important and vital to the maintenance of a high level of public health and welfare both immediate and future, and is hereby declared to be affected with the public interest. A system of pesticide regulation that is consistent, coordinated, and comports with both federal and state technical expertise is essential in maintaining the level of public health and welfare, and local regulation of pesticides beyond the limited regulation expressly authorized by the legislature, does not materially assist in achieving this goal. The provisions of this chapter are enacted in the exercise of the police power of the state for the purpose of protecting the immediate and future health and welfare of the people of the state.

NEW SECTION. Sec. 4. A new section is added to chapter 17.21 RCW to read as follows:

Except as provided in RCW 17.21.305, a city, town, county, special purpose district, or any other unit of local government in this state may not adopt or continue in effect an ordinance, rule, regulation, or statute regarding pesticide

sale or use, including without limitation: Method and manner of application, notification of use, applicator training and certification, or storage. This section does not apply to the adoption or continuation in effect of a fire code adopted under chapter 19.27 RCW or to any rules or regulations adopted under such a code.

NEW SECTION. Sec. 5. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

On motion of Senator Barr, the following title amendment was adopted:

On page 1, line 2 of the title, after "pesticides;" strike the remainder of the title and insert "amending RCW 15.58.020 and 17.21.010; adding a new section to chapter 15.58 RCW; adding a new section to chapter 17.21 RCW; and declaring an emergency."

MOTION

On motion of Senator Barr, the rules were suspended, Engrossed Senate Bill No. 6273 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6273.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6273 and the bill passed the Senate by the following vote: Yeas, 36; Nays, 13; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Hansen, Hayner, Jesernig, Madsen, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Oke, Owen, Patterson, Rasmussen, Roach, Saling, Sellar, Skratek, L. Smith, Snyder, Stratton, Sumner, Sutherland, Thorsness, von Reichbauer, West - 36.

Voting nay: Senators Gaspard, Kreidler, McMullen, Moore, Murray, Niemi, Pelz, Rinehart, A. Smith, Talmadge, Vognild, Williams, Wojahn - 13.

ENGROSSED SENATE BILL NO. 6273, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

President Pro Tempore Craswell assumed the Chair.

SECOND READING

SENATE BILL NO. 6472, by Senators Bluechel, Gaspard, McDonald, Matson and Cantu

Providing for changes to the Washington Technology Center.

MOTIONS

On motion of Senator Bluechel, Substitute Senate Bill No. 6472 was substituted for Senate Bill No. 6472 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Bluechel, the following amendments by Senators Saling and Bluechel were considered simultaneously and were adopted:

On page 5, line 24, after "June 30," strike "1994" and insert "1996"

On page 6, line 4, after "June 30," strike "1995" and insert "1997"

MOTION

On motion of Senator Bluechel, the rules were suspended, Engrossed Substitute Senate Bill No. 6472 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6472.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6472 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 5; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Hayner, Jesernig, Kreidler, Madsen, Matson, McDonald, McMullen, Moore, Murray, Nelson, Newhouse, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sumner, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 44.

Voting nay: Senators Gaspard, Hansen, McCaslin, Metcalf, Niemi - 5.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6472, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE SENATE BILL NO. 5457, by Senate Committee on Health and Long-Term Care (originally sponsored by Senators L. Smith, Rasmussen, West, Stratton, Johnson, Owen, Saling, McCaslin, Bailey, Metcalf, Craswell, Amondson, Hayner, Thorsness and Cantu)

Prohibiting certain public contact and requiring notification of employers by persons infected with HIV.

The bill was read the second time.

MOTIONS

On motion of Senator West, the following Committee on Health and Long-Term Care amendment was adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 70.24 RCW to read as follows:

(1) If the absence of HIV infection is a bona fide occupational qualification for the job in question, any person who knows or should have known that he or she is infected with HIV shall notify his or her employer, or the principal administrator of any health care facility within which he or she may practice a health profession, of his or her HIV status.

(2) No person shall engage in any contact with the public in the course of employment that is determined by the board in rule to present a significant risk of transmitting HIV to other persons without having first obtained informed consent in writing from such persons or such persons' guardians.

(3) A violation of subsection (1) or (2) of this section is unprofessional conduct under RCW 18.130.180(15).

(4) The board shall adopt rules defining "significant risk" as used in this section and RCW 49.60.172 to include procedures involving digital palpation of a needle tip in a body cavity or the simultaneous presence of a health care worker's fingers and a needle or other sharp instrument or object in a poorly visualized or highly confined anatomic site and any contact that the federal centers for disease control have determined to result in an actual HIV transmission, including invasive medical procedures in which recommended infection control procedures may have failed.

(5) Any person who violates subsection (2) of this section shall pay for pretest counseling, HIV testing, and posttest counseling as recommended by the board in rule to determine whether persons who have been exposed have become infected with HIV.

(6) Any person who knows or should have known that he or she is infected with HIV shall notify such other persons as the board determines in rule may have been at significant risk of exposure to the infection as a result of contact with the infected person in the course of the infected person's employment.

(7) A health care provider who, within his or her scope of practice, may order blood tests for diagnostic purposes may perform an HIV test on a patient if the provider determines that the HIV test is medically appropriate and necessary to (a) protect the safety of any person who has been placed at significant risk of exposure to HIV during the course of providing health care or support services for the patient, or (b) facilitate accurate diagnosis and treatment of the patient.

(8) The board shall adopt rules as necessary to implement this section.

NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

On motion of Senator West, the following title amendment was adopted:

On page 1, line 1 of the title, after "HIV;" strike the remainder of the title and insert "adding a new section to chapter 70.24 RCW; prescribing penalties; and declaring an emergency."

MOTION

On motion of Senator West, the rules were suspended, Engrossed Substitute Senate Bill No. 5457 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5457.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5457 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 9; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesemig, Madsen, Matson, McCaslin, McDonald, Metcalf, Moore, Nelson, Newhouse, Oke, Owen, Patterson, Rasmussen, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sumner, Sutherland, Thorsness, Vognild, von Reichbauer, West - 40.

Voting nay: Senators Kreidler, McMullen, Murray, Niemi, Pelz, Rinehart, Talmadge, Williams, Wojahn - 9.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5457, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

President Pritchard assumed the Chair.

SECOND READING

SENATE BILL NO. 6345, by Senators Roach and Oke

Prohibiting denial of custody, placement, or visitation of a child based on the person's beliefs concerning the criminal activity of the child's parent.

MOTIONS

On motion of Senator Roach, Substitute Senate Bill No. 6345 was substituted for Senate Bill No. 6345 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Roach, the rules were suspended, Substitute Senate Bill No. 6345 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Talmadge, as I read the summary, it says, 'Placement and visitation may be limited or denied only if the court determines that such action is necessary to protect the child's health or safety.' The department has all kinds of lawyers with it and they go into court and say, 'We don't want to place this child with the grandmother, because we think she

is not proper and cannot raise a child or is too old or something.' My question is, do you not have confidence in the courts? The court has the final say on placement and visitation."

Senator Talmadge: "Well, Senator, I have as much confidence in the courts as you do, but I note on page 2, at line 14, the words 'or welfare,' are deleted and that's reasonable cause to believe that the safety of the child would be jeopardized as the standard that would be in place instead of reasonable cause to believe that the safety or welfare of the child is at issue. It is a broader protection to children under present law than what this bill would provide."

Senator Rasmussen: "Senator Talmadge, I read also, 'to protect a child's health or safety,' and that relates directly to the welfare of the child."

Senator Talmadge: "Senator, in that particular section, 'health' is not present."

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6345.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6345 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 20; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bluechel, Cantu, Craswell, Erwin, Hayner, Jesernig, Matson, McCaslin, McDonald, McMullen, Metcalf, Nelson, Newhouse, Oke, Owen, Patterson, Rasmussen, Roach, Saling, Sellar, L. Smith, Stratton, Sumner, Thorsness, von Reichbauer, West - 29.

Voting nay: Senators Bailey, Bauer, Conner, Gaspard, Hansen, Kreidler, Madsen, Moore, Murray, Niemi, Pelz, Rinehart, Skratek, A. Smith, Snyder, Sutherland, Talmadge, Vognild, Williams, Wojahn - 20.

SUBSTITUTE SENATE BILL NO. 6345, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6221, by Senators Oke, Snyder, Bailey, Erwin and Bauer

Regulating the harvest of western Washington pheasants.

The bill was read the second time.

MOTION

On motion of Senator Metcalf, the rules were suspended, Senate Bill No. 6221 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

MOTION

On motion of Senator Anderson, Senator Craswell was excused.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6221.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6221 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 3; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse,

Niemi, Oke, Owen, Patterson, Pelz, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sumner, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 45.

Voting nay: Senators Amondson, Rasmussen, Rinehart - 3.

Excused: Senator Craswell - 1.

SENATE BILL NO. 6221, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6146, by Senators McDonald, Gaspard, Craswell and Niemi (by request of Department of Community Development)

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

MOTIONS

On motion of Senator McDonald, Substitute Senate Bill No. 6146 was substituted for Senate Bill No. 6146 and the substitute bill was placed on second reading and read the second time.

On motion of Senator McDonald, the rules were suspended, Substitute Senate Bill No. 6146 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6146.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6146 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sumner, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 47.

Absent: Senator Matson - 1.

Excused: Senator Craswell - 1.

SUBSTITUTE SENATE BILL NO. 6146, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6132, by Senators Metcalf, Owen, Oke, Kreidler, Snyder and Conner (by request of Puget Sound Water Quality Authority)

Modifying shellfish protection.

MOTIONS

On motion of Senator Metcalf, Substitute Senate Bill No. 6132 was substituted for Senate Bill No. 6132 and the substitute bill was placed on second reading and read the second time.

Senator Anderson moved that the following amendment by Senators Anderson and Metcalf be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 90.72 RCW to read as follows:

The legislature finds that shellfish harvesting is important to our economy and way of life. Washington state is an international leader in the cultivation and production of shellfish. However, large portions of the state's productive recreational and commercial shellfish beds are closed to harvesting, and more are threatened, because of water pollution.

The legislature finds that the problem of shellfish bed closures demands a public policy solution and that the state, local governments, and individuals must each take strong and swift action or this precious resource will be lost.

It is the goal of the legislature to prevent further closures of recreational and commercial shellfish beds, to restore water quality in saltwater tidelands to allow the reopening of at least one restricted or closed shellfish bed each year, and to ensure Washington state's commanding international position in shellfish production.

The legislature finds that failing on-site sewage systems and animal waste are the two most significant causes of shellfish bed closures over the past decade. Remedial actions at the local level are required to effectively address these problems.

The legislature finds that existing entities, including conservation districts and local health departments, should be used by counties to address the water quality problems affecting the recreational and commercial shellfish harvest.

The legislature finds that local action in each watershed where shellfish are harvested is required to protect this vital resource. The legislature hereby encourages all counties having saltwater tidelands within their boundaries to establish shellfish protection districts and programs designed to prevent any further degradation and contamination and to allow for restoration and reopening of closed shellfish growing areas.

Sec. 2. RCW 90.72.030 and 1985 c 417 s 3 are each amended to read as follows:

The legislative authority of each county having shellfish tidelands within its boundaries is authorized to establish a shellfish protection district to include areas in which nonpoint pollution threatens the water quality upon which the continuation or restoration of shellfish farming or harvesting is dependent. The legislative authority shall constitute the governing body of the district and shall adopt a shellfish protection program to be effective within the district. The legislative authority may appoint a local advisory council to advise the legislative authority in preparation and implementation of shellfish protection programs. This program ~~((may))~~ shall include any elements deemed appropriate to deal with the nonpoint pollution ~~((threat))~~ threatening water quality, including, but not limited to, requiring the elimination or decrease of contaminants in storm water runoff, establishing monitoring ~~((programs)),~~ inspection, and repair elements to ~~((make sure that septic drainfield))~~ ensure that on-site sewage systems are adequately maintained and working properly ~~((and)),~~ assuring that animal grazing and manure management practices are ~~((appropriate))~~ consistent with best management practices, and establishing educational and public involvement programs to inform citizens on the causes of the threatening nonpoint pollution and what they can do to decrease the amount of such pollution. An element may be omitted where another program is effectively addressing those sources of nonpoint water pollution. Within the limits of RCW 90.72.040 and 90.72.070, the county legislative authority shall have full jurisdiction and authority to manage, regulate, and control its programs and to fix, alter, regulate, and control the fees for services provided and charges or rates as provided under those programs. Programs established under this chapter, may, but are not required to, be part of a system of sewerage as defined in RCW 36.94.010.

Sec. 3. RCW 90.72.040 and 1985 c 417 s 4 are each amended to read as follows:

(1) The county legislative authority may create a shellfish protection district on its own motion or by submitting the question to the voters of the proposed district and obtaining the approval of a majority of those voting. The boundaries of the district shall be determined by the legislative authority. The legislative authority may create more than one district. A district may include any area or areas within the county, whether incorporated or unincorporated. Counties shall coordinate and cooperate with cities, towns, and water-related special districts within their boundaries in establishing shellfish protection districts and carrying out shellfish protection programs. Where a portion of the proposed district lies within an incorporated area, the county shall develop procedures for the participation of the city or town in the determination of the boundaries of the district and the administration of the district, including funding of the district's programs. The legislative authority of more than one county may by agreement provide for the creation of a district including areas within each of those counties. County legislative authorities are encouraged to coordinate their plans and programs to protect shellfish growing areas, especially where shellfish growing areas are located within the boundaries of more than one county. The legislative authority or authorities creating a district may abolish a shellfish protection district on its or their own motion or by submitting the question to the voters of the district and obtaining the approval of a majority of those voting.

(2) If the county legislative authority creates a shellfish protection district by its own motion, any registered voter residing within the boundaries of the shellfish protection district may file a referendum petition to repeal the ordinance that created the district. Any referendum petition to repeal the ordinance creating the shellfish protection district shall be filed with the county auditor within seven days of passage of the ordinance. Within ten days of the filing of a petition, the county auditor shall confer with the petitioner concerning form and style of the petition, issue an identification number for the petition, and write a ballot title for the measure. The ballot title shall be posed as a question so that an affirmative answer to the question and an affirmative vote on the measure results in creation of the shellfish protection district and a negative answer to the question and a negative vote on the measure results in the shellfish protection district not being created. The petitioner shall be notified of the identification number and ballot title within this ten-day period.

After this notification, the petitioner shall have thirty days in which to secure on petition forms the signatures of not less than twenty-five percent of the registered voters residing within the boundaries of the shellfish protection district and file the signed petitions with the county auditor. Each petition form shall contain the ballot title and full text of the measure to be referred. The county auditor shall verify the sufficiency of the signatures on the petitions. If sufficient valid signatures are properly submitted, the county auditor shall submit the referendum measure to the registered

voters residing in the shellfish protection district in a special election no later than one hundred twenty days after the signed petition has been filed with the county auditor. The special election may be conducted by mail ballot as provided for in chapter 29.36 RCW.

(3) The county legislative authority shall not impose fees, rates, or charges for shellfish protection district programs upon properties on which fees, rates, or charges are imposed to pay for another program to eliminate or decrease contamination in storm water runoff.

NEW SECTION. Sec. 4. A new section is added to chapter 90.72 RCW to read as follows:

The county legislative authority shall create a shellfish protection district and establish a shellfish protection program to address causes of pollution within one hundred eighty days after the department of health, because of water quality degradation due to ongoing nonpoint sources of pollution, has, after the effective date of this act, closed or downgraded the classification of a recreational or commercial shellfish growing area within the boundaries of the county.

NEW SECTION. Sec. 5. A new section is added to chapter 90.72 RCW to read as follows:

Within available funding and as specified in the shellfish protection program, counties creating shellfish protection districts shall contract with conservation districts to draft plans with landowners to control pollution effects of animal waste.

Sec. 6. RCW 90.72.070 and 1985 c 417 s 7 are each amended to read as follows:

The county legislative authority establishing a shellfish protection district may finance the protection program through (1) ~~((its))~~ county tax revenues, (2) reasonable inspection fees and similar fees ~~((or))~~ for services provided, (3) reasonable charges or rates specified in its protection program, or ~~((3))~~ (4) federal, state, or private grants. Confined animal feeding operations subject to the national pollutant discharge elimination system and implementing regulations shall not be subject to fees, rates, or charges by a shellfish protection district. Facilities permitted and assessed fees for wastewater discharge under the national pollutant discharge elimination system shall not be subject to fees, rates, or charges for wastewater discharge by a shellfish protection district. Lands classified as forest land under chapter 84.33 RCW and timber land under chapter 84.34 RCW shall not be subject to fees, rates, or charges by a shellfish protection district. Counties may collect charges or rates in the manner determined by the county legislative authority.

NEW SECTION. Sec. 7. A new section is added to chapter 90.72 RCW to read as follows:

Counties that have formed shellfish protection districts shall receive high priority for state water quality financial assistance to implement shellfish protection programs, including grants and loans provided under chapters 43.99F, 70.146, and 90.50A RCW.

NEW SECTION. Sec. 8. A new section is added to chapter 88.36 RCW to read as follows:

The commission shall seek to provide the most cost efficient and accessible facilities possible for reducing the amount of boat waste entering the state's waters. The commission shall consider providing funding support for portable pumpout facilities in this effort.

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

(1) RCW 90.72.010 and 1985 c 417 s 1; and

(2) RCW 90.72.050 and 1985 c 417 s 5.

NEW SECTION. Sec. 10. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

POINT OF INQUIRY

Senator Snyder: "Senator Anderson, I thought the substitute bill had been pretty well worked and all the interest groups were pretty well agreed on the bill. Have you checked with the dairy federation and others like that? Are they all in favor of this amendment of yours?"

Senator Anderson: "Senator Snyder, the amendment that the dairy federation put in the bill is found in this one, but other groups have been working this as well. Again, because the bill was broader, this focuses back on shellfish protection and does not let the money be used elsewhere."

POINT OF INQUIRY

Senator Bailey: "Senator Anderson, under this bill, would anyone with the dairy industry have to put in water quality non-point pollution devises, if the funding wasn't available for the Centennial Clean Water Act or this authority?"

Senator Anderson: "Senator Bailey, in answering that question, I just know that the reference in this was the best management practices and there is no mandatory authority to do anything other than the best management practices."

Senator Bailey: "There is no question that this new authority will mandate, under their authority, the water control pollution devises? We have to be careful in allowing new authority and how much power we give them from the state."

Senator Anderson: "Senator Bailey, to my knowledge, this does not mandate that."

POINT OF INQUIRY

Senator Rasmussen: "Senator Metcalf, I know counties may collect charges or rates in the manner determined by the county legislative authority. It doesn't say how much they can collect, but you can be put in a shellfish district and then you are subject to whatever fees or rates that the county wishes to charge? Let me go a little bit further. In testimony before the House Committee the other day, they said they recognized there was four thousand two hundred seals down there in Grays Harbor polluting the beach. We have a thousand seals over in McNeil Island polluting the whole bay there at Gertrude. Now, some landowner or property owner that's included in a district will have to pay for that pollution?"

"You understand that they can't tell the difference between human and animal and people coliform count and they haven't been able to determine that and they have been studying that for fourteen years over at Minter Bay to locate the pollution and they haven't located it yet. I have a study in my office where they walked the whole area. They found only one septic tank failing and they say that they can't find out where the pollution is. Now, it must be coming from some other source. Why should the property owners be subject to paying for coliform count caused by seals and other animals--seal lions and so forth?"

Senator Metcalf: "To answer your question, Senator Rasmussen, the answer is 'maybe.' Seriously, no, your question is legitimate. This bill will, over time, give the counties the power to set up protection districts to work on the things that are major polluters. That is the failing septic tanks and storm water runoff. They say that the marine mammals are a source of pollution, but the statistics that I've seen do not give them as much of a position as I think they really have. I think that under this, we will and should look at the marine mammal pollution issue. What this bill does is give the local government the power to set up, not a water shed protection district, as Senator Anderson has accurately said, that was too broad. This is a shellfish protection district and deals with those problems. Now, this is not something that is going to happen tomorrow. We are still going backwards. Our pollution is increasing. This is giving us a start on forming this district to eliminate pollution from whatever source that there is."

Senator Rasmussen: "To answer my question, Senator Metcalf, how far will that shellfish protection extend? You are saying 'storm water.' That comes from Mount Rainier and all the people in the whole area are going to be included in shell fish protection districts because the water runs off of Mount Rainier into the bay and carries the pollution with it?"

Senator Metcalf: "The reason that we didn't set up a state system to regulate this is for the very thing that you mentioned. In some areas, the county would like to have a relatively small shellfish protection district because of the conditions there. Other places, the protection district might extend to up a river a certain distance where the non-point pollution comes from."

Senator Rasmussen: "This year, we already have a forty dollars storm water charge in Pierce County. It is going to go up to seventy-five dollars next year and now we are going to have an additional charge that people cannot even afford to stay in the county. They will have to go over to someplace in Nebraska and live."

POINT OF INQUIRY

Senator McMullen: "Senator Metcalf, I am trying to read the amendment and keep up with the original. In the amendment, on page 6, lines 14 and 15, through line 18, it looks like it exempts forest lands or timber lands from any fees whatsoever. Is that in the original bill or the committee amendment?"

Senator Metcalf: "That's been there a while. I think that was in the substitute bill, not in the original bill. I think it was in the substitute bill; I am not sure. I can't say for absolute certain. Perhaps Senator Anderson could jog my memory as to when exactly that that entered. It seems to me that was in the substitute bill."

POINT OF INQUIRY

Senator McMullen: "Would Senator Anderson care to answer the question? The question was on the amendment that has been passed out, on page 6, lines 14, 15, and so forth, it exempts forest land and timber land from any fees/rates."

Senator Anderson: "Senator McMullen, the language that starts on line 8, all the way through line 18, that is new language from the original bill."

Senator McMullen: "Is was not in the substitute bill, it was in the original bill?"

Further debate ensued.

POINT OF INQUIRY

Senator McCaslin: "Senator Metcalf, on page 6, it says, 'The county legislative authority establishing a shellfish protection district may finance the protection program through county tax revenue.' Now, there are no tax revenues in here, are there? There are no new taxes?"

Senator Metcalf: "No, there are no new taxes."

Senator McCaslin: "But, there are reasonable inspection fees and similar fees?"

Senator Metcalf: "Right, that was changed. We put in 'charges or rates' on line 6, because they found that there was a technical use of the word 'charges,' where rates would also be applicable, because when they formed the district, they can institute reasonable charges or rates, specified in the protection program."

Senator McCaslin: "Then, any program that they come up with will be supported by these charges and fees?"

Senator Metcalf: "And other county funds."

Senator McCaslin: "The counties don't have any extra funds as far as I know. The other question I have is, what is 'manure management?'"

Senator Metcalf: "Where is that; where are you reading?"

Senator McCaslin: "On page 2, line 28--a manure management program. Is that going to cost money too, or also?"

Senator Metcalf: "I am not an expert on manure management."

Senator McCaslin: "Is anybody here an expert on manure management? We should all be experts in the Senate here."

Further debate ensued.

MOTION

On motion of Senator Newhouse, further consideration of Substitute Senate Bill No. 6132 was deferred and the Senate will now consider Senate Bill No. 6184.

SECOND READING

SENATE BILL NO. 6184, by Senators Newhouse, Bauer, Anderson, Gaspard, Snyder, West, Johnson and L. Smith

Revising provisions for the regulation of real estate brokers and salespersons.

The bill was read the second time.

MOTIONS

On motion of Senator Newhouse, the following Committee on Commerce and Labor amendments were considered simultaneously and were adopted:

On page 3, line 27, after "industry" add "as described in section 1(4) of this act"

On page 4, line 6, after "July 1," delete "1992" and insert "1993".

On motion of Senator Newhouse, the rules were suspended, Engrossed Senate Bill No. 6184 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6184.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6184 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 1; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, Matson, McDonald, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sumner, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 47.

Voting nay: Senator McCaslin - 1.

Absent: Senator McMullen - 1.

ENGROSSED SENATE BILL NO. 6184, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

THIRD READING

SUBSTITUTE SENATE BILL NO. 5807, by Senate Committee on Agriculture and Water Resources (originally sponsored by Senators Newhouse, Bauer, Barr and Gaspard)

Modifying provisions for transfer or change of a right related to public water.

MOTION

Senator Barr moved that the rules be suspended and Substitute Senate Bill No. 5807 be returned to second reading.

Senator Hayner objected to suspending the rules and returning Substitute Senate Bill No. 5807 to second reading.

The President declared the question before the Senate to be the motion by Senator Barr to suspend the rules and return Substitute Senate Bill No. 5807 to second reading.

The motion by Senator Barr failed and the rules were not suspended to return Substitute Senate Bill No. 5807 to second reading.

Substitute Senate Bill No. 5807 was read the third time and placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5807.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5807 and the bill passed the Senate by the following vote: Yeas, 36; Nays, 13; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Bailey, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hayner, Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Oke, Rasmussen, Roach, Saling, A. Smith, L. Smith, Snyder, Stratton, Sumner, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Wojahn - 36.

Voting nay: Senators Anderson, Barr, Hansen, Jesernig, Murray, Niemi, Owen, Patterson, Pelz, Rinehart, Sellar, Skratek, Williams - 13.

SUBSTITUTE SENATE BILL NO. 5807, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 5:30 p.m., on motion of Senator Newhouse, the Senate adjourned until 8:30 a.m., Tuesday, February 18, 1992.

JOEL PRITCHARD, President of the Senate.

GORDON A. GOLOB, Secretary of the Senate.

THIRTY-SEVENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, February 18, 1992

The Senate was called to order at 8:30 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Bluechel, Erwin, Matson, Owen, Patterson and Wojahn. On motion of Senator Anderson, Senators Bluechel, Erwin, Matson and Patterson were excused. On motion of Senator Murray, Senators Owen and Wojahn were excused.

The Sergeant at Arms Color Guard, consisting of Pages Mandy Kent and David Michalson, presented the Colors. Reverend Reinhold Miller, pastor of the South Union Church of God of Olympia, offered the prayer.

MOTION

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

MESSAGES FROM THE HOUSE

February 14, 1992

MR. PRESIDENT:

The House has passed:
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1090,
 REENGROSSED SUBSTITUTE HOUSE BILL NO. 1378,
 HOUSE BILL NO. 1985,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2248,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2300,
 SUBSTITUTE HOUSE BILL NO. 2330,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2333,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2363,
 HOUSE BILL NO. 2374,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2389,
 HOUSE BILL NO. 2426,
 SUBSTITUTE HOUSE BILL NO. 2434,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2459,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2471,
 SUBSTITUTE HOUSE BILL NO. 2472,
 HOUSE BILL NO. 2487,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2528,
 SUBSTITUTE HOUSE BILL NO. 2537,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2547,
 ENGROSSED HOUSE BILL NO. 2559,
 ENGROSSED HOUSE BILL NO. 2580,
 SUBSTITUTE HOUSE BILL NO. 2589,
 SUBSTITUTE HOUSE BILL NO. 2594,
 HOUSE BILL NO. 2598,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2603,

SUBSTITUTE HOUSE BILL NO. 2660,
HOUSE BILL NO. 2662,
SUBSTITUTE HOUSE BILL NO. 2673,
SUBSTITUTE HOUSE BILL NO. 2675,
SUBSTITUTE HOUSE BILL NO. 2695,
SUBSTITUTE HOUSE BILL NO. 2722,
SUBSTITUTE HOUSE BILL NO. 2734,
SUBSTITUTE HOUSE BILL NO. 2750,
SUBSTITUTE HOUSE BILL NO. 2764,
HOUSE BILL NO. 2765,
SUBSTITUTE HOUSE BILL NO. 2766,
SUBSTITUTE HOUSE BILL NO. 2768,
HOUSE BILL NO. 2774,
HOUSE BILL NO. 2780,
SUBSTITUTE HOUSE BILL NO. 2784,
HOUSE BILL NO. 2810,
SUBSTITUTE HOUSE BILL NO. 2819,
SUBSTITUTE HOUSE BILL NO. 2833,
HOUSE BILL NO. 2841,
SUBSTITUTE HOUSE BILL NO. 2843,
SUBSTITUTE HOUSE BILL NO. 2845,
SUBSTITUTE HOUSE BILL NO. 2846,
SUBSTITUTE HOUSE BILL NO. 2857,
SUBSTITUTE HOUSE BILL NO. 2860,
SUBSTITUTE HOUSE BILL NO. 2865,
SUBSTITUTE HOUSE BILL NO. 2874,
HOUSE BILL NO. 2892,
SUBSTITUTE HOUSE BILL NO. 2904,
HOUSE BILL NO. 2926,
HOUSE BILL NO. 2930,
SUBSTITUTE HOUSE BILL NO. 2939,
SUBSTITUTE HOUSE BILL NO. 2945,
SUBSTITUTE HOUSE BILL NO. 2954,
SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4033,
HOUSE JOINT MEMORIAL NO. 4034,
HOUSE CONCURRENT RESOLUTION NO. 4428, and the same are herewith transmitted.
ALAN THOMPSON, Chief Clerk

February 14, 1992

MR. PRESIDENT:

The House has passed ENGROSSED HOUSE BILL NO. 2792, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

February 15, 1992

MR. PRESIDENT:

The House has passed:
SUBSTITUTE HOUSE BILL NO. 1797,
SUBSTITUTE HOUSE BILL NO. 1816,
SUBSTITUTE HOUSE BILL NO. 2055,

HOUSE BILL NO. 2257,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2268,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2274,
SUBSTITUTE HOUSE BILL NO. 2301,
SUBSTITUTE HOUSE BILL NO. 2319,
SUBSTITUTE HOUSE BILL NO. 2329,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2338,
SUBSTITUTE HOUSE BILL NO. 2354,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2409,
SUBSTITUTE HOUSE BILL NO. 2418,
HOUSE BILL NO. 2419,
SUBSTITUTE HOUSE BILL NO. 2420,
SUBSTITUTE HOUSE BILL NO. 2442,
SUBSTITUTE HOUSE BILL NO. 2481,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2526,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2533,
SUBSTITUTE HOUSE BILL NO. 2551,
SUBSTITUTE HOUSE BILL NO. 2560,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2561,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2626,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2628,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2629,
SUBSTITUTE HOUSE BILL NO. 2639,
SUBSTITUTE HOUSE BILL NO. 2671,
SUBSTITUTE HOUSE BILL NO. 2694,
SUBSTITUTE HOUSE BILL NO. 2733,
SUBSTITUTE HOUSE BILL NO. 2745,
ENGROSSED HOUSE BILL NO. 2813,
SUBSTITUTE HOUSE BILL NO. 2814,
ENGROSSED HOUSE BILL NO. 2830,
HOUSE BILL NO. 2905,
HOUSE BILL NO. 2961, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

February 17, 1992

MR. PRESIDENT:

The House has passed:
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1150,
SUBSTITUTE HOUSE BILL NO. 2110,
HOUSE BILL NO. 2255,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2262,
HOUSE BILL NO. 2264,
SUBSTITUTE HOUSE BILL NO. 2344,
HOUSE BILL NO. 2417,
HOUSE BILL NO. 2435,
SUBSTITUTE HOUSE BILL NO. 2498,
SUBSTITUTE HOUSE BILL NO. 2548,
HOUSE BILL NO. 2554,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2630,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2640,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2643,

SUBSTITUTE HOUSE BILL NO. 2714,
SUBSTITUTE HOUSE BILL NO. 2763,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2928,
HOUSE BILL NO. 2938,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2940,
HOUSE BILL NO. 2944, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

February 17, 1992

MR. PRESIDENT:

The House has passed:
SUBSTITUTE HOUSE BILL NO. 2690,
HOUSE BILL NO. 2746,
SUBSTITUTE HOUSE BILL NO. 2747,
SUBSTITUTE HOUSE BILL NO. 2771, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

February 17, 1992

MR. PRESIDENT:

The House has passed:
HOUSE BILL NO. 2572,
HOUSE BILL NO. 2583,
HOUSE BILL NO. 2591,
HOUSE BILL NO. 2595,
SUBSTITUTE HOUSE BILL NO. 2672, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

INTRODUCTION AND FIRST READING

SB 6507 by Senators West, Wojahn, Kreidler, L. Smith, Sumner and Amondson

AN ACT Relating to providing incentives to participate as a provider in the medicaid program; amending RCW 41.04.250; and creating a new section.

Referred to Committee on Health and Long-Term Care.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

ESHB 1090 by House Committee on Human Services (originally sponsored by Representatives Leonard, Ferguson, Pruitt, Holland, Rayburn, Prentice, Brekke, Appelwick, Anderson, Silver, Scott, R. Johnson, Wineberry, Inslee, Hargrove, Sprenkle, Dorn, Spanel, Dellwo, R. King, Winsley, Phillips, Riley, Haugen, Vance, Kremen, Rasmussen, Franklin, Basich, Jacobsen, Fraser, Broback, Edmondson, D. Sommers, Roland, Jones, Chandler, Ludwig, Mielke, Nelson, Miller, Wood, Cooper, Bray, Ogden and Morris)

Creating a state wide system of early intervention services for infants and toddlers with disabilities or special needs.

Referred to Committee on Children and Family Services.

ESHB 1150 by House Committee on Local Government (originally sponsored by Representatives Spanel, Ferguson, Haugen, Wood, Nelson, Belcher, G. Fisher, Brough, Locke, H. Sommers, Wilson and Mitchell)

Clarifying port commissioner elections.

Referred to Committee on Governmental Operations.

2ESHB 1378 by House Committee on Appropriations (originally sponsored by Representatives Appelwick, Miller, Belcher, Locke, H. Myers, Prentice, Fraser, Leonard, Anderson and Scott)

Changing provisions relating to superior court fees.

Referred to Committee on Ways and Means.

SHB 1797 by House Committee on Financial Institutions and Insurance (originally sponsored by Representative Appelwick)

Adopting the Uniform Commercial Code article on leases.

Referred to Committee on Financial Institutions and Insurance.

SHB 1816 by House Committee on Transportation (originally sponsored by Representatives Nelson, R. Fisher, Cantwell, Betrozoff, Heavey, Phillips and Prentice)

Providing for transportation planning.

Referred to Committee on Transportation.

HB 1985 by Representatives Brumsickle, Dom, Peery, Winsley, Miller and Rasmussen (by request of Superintendent of Public Instruction and Board of Education)

Requiring teachers to have professional preparation in child abuse issues.

Referred to Committee on Education.

SHB 2055 by House Committee on Health Care (originally sponsored by Representative Braddock)

Providing for criminal history background checks.

Referred to Committee on Health and Long-Term Care.

SHB 2110 by House Committee on Revenue (originally sponsored by Representative Braddock)

Providing for ad valorem property taxes on watercraft.

Referred to Committee on Ways and Means.

ESHB 2248 by House Committee on Financial Institutions and Insurance (originally sponsored by Representatives Broback, Dellwo, Mielke, Former, Tate, Zellinsky, Winsley, D. Sommers, Casada, Paris, May and Silver)

Requiring disclosure of certain interests during real estate transactions.

Referred to Committee on Financial Institutions and Insurance.

HB 2255 by Representatives Ballard, Locke, Wynne, Wineberry, Wang, Ludwig, Ferguson, Roland, Winsley, D. Sommers, Brough, Former, Paris, H. Myers, May, Bowman, Mitchell and Tate

Providing for counseling of family members of homicide victims.

Referred to Committee on Law and Justice.

HB 2257 by Representatives Ogden, Chandler, H. Sommers, Locke, Fuhrman, Brekke, Ludwig, Jones, Winsley, McLean, H. Myers, Rasmussen, Nealey and R. King (by request of Legislative Budget Committee)

Modifying the duties and delaying the sunset termination of the center for international trade in forest products.

Referred to Committee on Commerce and Labor.

ESHB 2262 by House Committee on Judiciary (originally sponsored by Representatives Appelwick, Padden, Wineberry, Riley, Tate, Wang, Roland, Winsley, Paris, May, Bowman, Orr and Van Luven) (by request of Department of Corrections, Department of Social and Health Services and Indeterminate Sentence Review Board)

Refining the community protection act of 1990.

Referred to Committee on Law and Justice.

HB 2264 by Representatives Inslee, Wineberry, Prentice, Locke, Cantwell, Winsley, Franklin, Rust, G. Cole, Belcher, Leonard, Ogden, Dellwo, Appelwick, Morris and Anderson

Lowering employer size for employer discrimination statute.

Referred to Committee on Commerce and Labor.

ESHB 2268 by House Committee on Human Services (originally sponsored by Representatives Hargrove, Winsley, Prentice, Leonard, Hochstatter, H. Myers, Riley, Roland, May, Bowman, Van Luven, Chandler and Inslee) (by request of Department of Corrections)

Affecting inmate work programs.

Referred to Committee on Law and Justice.

ESHB 2274 by House Committee on Commerce and Labor (originally sponsored by Representatives Appelwick, Heavey, Prince, Day, Schmidt, Wineberry, R. Meyers, Riley, Winsley and Wilson)

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

Referred to Committee on Commerce and Labor.

ESHB 2300 by House Committee on Local Government (originally sponsored by Representative Peery)

Revising the procedures for death certificates.

Referred to Committee on Governmental Operations.

SHB 2301 by House Committee on Higher Education (originally sponsored by Representatives Ogden, Wood, Jacobsen, Spanel, Peery, H. Myers and Bray)

Creating a task force to explore issues relating to job-sharing in the community and technical college system.

Referred to Committee on Higher Education.

SHB 2319 by House Committee on State Government (originally sponsored by Representatives McLean, Anderson, R. Fisher, Chandler, Winsley, J. Kohl, Bowman and Pruitt)

Improving election administration.

Referred to Committee on Governmental Operations.

SHB 2329 by House Committee on Health Care (originally sponsored by Representatives Ebersole, Miller, Morris, McLean, Prentice, Nelson, Dorn, Wilson, Chandler, H. Myers, Scott, Fuhrman, Cantwell, Day, Cooper, Franklin, Jacobsen, Nealey, Jones, Edmondson, Heavey, Paris, Wineberry, G. Cole, Ludwig, Bray, Mitchell, Brekke, Spanel, Sheldon, Leonard, Pruitt, P. Johnson and Appelwick)

Modifying the chiropractic practice act.

Referred to Committee on Health and Long-Term Care.

SHB 2330 by House Committee on Natural Resources and Parks (originally sponsored by Representatives Sheldon, Brumsickle, Belcher, Riley, Beck, Rasmussen, Morton, Scott, Hargrove, Bowman, Nealey, Jones, Kremen, Chandler, Fuhrman, Wynne, Haugen, P. Johnson and Sprengle)

Introducing incentives to maintain the forest land base.

Referred to Committee on Environment and Natural Resources.

ESHB 2333 by House Committee on Human Services (originally sponsored by Representatives Vance, Winsley, Roland, Tate, Leonard, Hochstatter, Hargrove, Nealey, Former, Paris and Carlson)

Redefining guide and service dogs.

Referred to Committee on Health and Long-Term Care.

ESHB 2338 by House Committee on Local Government (originally sponsored by Representatives Haugen, Wood, Hine, Chandler, Cantwell, Brough, Rayburn, Horn, Rasmussen, Ferguson, Dorn, Riley, Former, Mitchell, Spanel, Basich, Fuhrman, Jacobsen and Bray)

Authorizing a county research service.

Referred to Committee on Governmental Operations.

SHB 2344 by House Committee on Judiciary (originally sponsored by Representatives Ludwig, Vance, Riley, Paris, Neher, Broback, Mielke, Scott, Tate, H. Myers, Rayburn, Roland, Orr, Lisk, Zellinsky, Dellwo, Dorn, Jacobsen, Winsley, Van Luven, Nealey, Former, G. Fisher, Kremen, Heavey, Chandler, Fuhrman, Bray, Mitchell, Bowman, Horn, Carlson, Sprenkle and Hochstatter)

Prescribing penalties for criminal street gang activities.

Referred to Committee on Law and Justice.

SHB 2354 by House Committee on Judiciary (originally sponsored by Representatives Riley, Ludwig, Fraser, H. Myers, Morton, Paris, Hochstatter, Wineberry, Inslee, Morris, Cooper, Belcher, Roland, Haugen, Scott, Tate, Vance, Winsley, Broback, Chandler, D. Sommers, Mitchell, Bowman, Wynne, McLean, Rasmussen and Sprenkle)

Authorizing additional community placement of violent offenders.

Referred to Committee on Law and Justice.

ESHB 2363 by House Committee on Natural Resources and Parks (originally sponsored by Representatives Sheldon, Brumsickle, Belcher, P. Johnson, Hine, Rasmussen, Ebersole, Fraser, R. Johnson, Dorn, Jones, Heavey, Paris, J. Kohl, Spanel, May, Leonard and Pruitt) (by request of Puget Sound Water Quality Authority)

Modifying shellfish protection.

Referred to Committee on Environment and Natural Resources.

HB 2374 by Representatives Kremen, Chandler, McLean, Winsley, Basich, Wood, Rayburn, Vance, Mitchell, Betzoff, Dellwo, Grant, Pruitt, Ebersole, Spanel, Zellinsky, Ballard, Tate, R. King, Peery, Jacobsen, Leonard, Cantwell, Jones, G. Fisher, R. Johnson, Riley, Wang, Moyer, Franklin, Morton, Edmondson, Paris, Roland, J. Kohl, Fuhrman, Ludwig, Bray, Brekke, May, H. Myers, Rasmussen, O'Brien and Sheldon

Providing funding for senior volunteer programs.

Referred to Committee on Children and Family Services.

ESHB 2389 by House Committee on Environmental Affairs (originally sponsored by Representatives Rust, Horn, Valle, Pruitt, Bray, J. Kohl, Brekke, D. Sommers and Jones)

Changing oil spill prevention and clean-up provisions.

Referred to Committee on Environment and Natural Resources.

ESHB 2409 by House Committee on Commerce and Labor (originally sponsored by Representatives Franklin, Heavey, Winsley, R. King, Jones, Orr, Jacobsen, Prentice, G. Cole, Day and Valle)

Changing requirements for public works contracts bid awards.

Referred to Committee on Governmental Operations.

HB 2417 by Representatives R. Fisher, Prentice, Bowman and Carlson

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

Referred to Committee on Transportation.

SHB 2418 by House Committee on Appropriations (originally sponsored by Representatives Spanel, McLean, Hine, Pruitt and May) (by request of Joint Committee on Pension Policy)

Authorizing service credit for periods of unpaid leaves of absence for elected officials of a Washington education association.

Referred to Committee on Ways and Means.

HB 2419 by Representatives Spanel, Silver and Hine

Regarding the retroactive application of RCW 41.32.555.

Referred to Committee on Ways and Means.

SHB 2420 by House Committee on Health Care (originally sponsored by Representatives Moyer, Braddock, Sprenkle, Day, Prentice, Casada, Rayburn, Bowman, Orr and Rasmussen) (by request of Department of Health)

Modifying rural health facility certificate of need provisions.

Referred to Committee on Health and Long-Term Care.

HB 2426 by Representatives Rayburn, Nealey and Fraser

Extending the maturity date for general obligation bonds issued by fire protection districts.

Referred to Committee on Governmental Operations.

SHB 2434 by House Committee on Commerce and Labor (originally sponsored by Representatives Franklin, Heavey, Prentice, R. King, Jones and G. Cole)

Making technical changes to the statute governing compensation during industrial insurance appeals.

Referred to Committee on Commerce and Labor.

HB 2435 by Representatives G. Cole, Heavey, Prentice, Jones, Franklin and R. King

Making technical changes to the statute governing reconsideration of industrial insurance orders.

Referred to Committee on Commerce and Labor.

SHB 2442 by House Committee on Transportation (originally sponsored by Representative Van Luven)

Protecting pedestrians in crosswalks.

Referred to Committee on Transportation.

ESHB 2459 by House Committee on Judiciary (originally sponsored by Representatives Appelwick, Sheldon, Scott, Locke, Leonard, Cantwell, R. Johnson, Jacobsen, Paris, Jones, Haugen, Spanel, Sprenkle, J. Kohl, O'Brien, May, Basich and Anderson)

Authorizing additional superior court judges.

Referred to Committee on Law and Justice.

ESHB 2471 by House Committee on Human Services (originally sponsored by Representatives Rasmussen, Leonard, Winsley, Heavey, Moyer, Ballard, Wang, Beck, Belcher, Brumsickle, Fraser, Riley, Ebersole, Roland, Anderson, G. Cole, Prentice, Wood, Ludwig, R. Johnson, Cantwell, Spanel, Valle, Forner, Brekke, Ferguson, Hine, Morris, Ogden, May, Orr, Braddock, Appelwick, Prince, G. Fisher, Sheldon, Basich, R. Fisher, Day, Broback, O'Brien, J. Kohl, Morton, Franklin, Dorn, Kremen, Rayburn, Bowman, Hargrove, Chandler, Pruitt, Dellwo, Paris, Brough, R. King, Jones, Mitchell, Sprenkle and H. Myers)

Enacting the children's investment trust act.

Referred to Committee on Children and Family Services.

SHB 2472 by House Committee on Human Services (originally sponsored by Representatives Ebersole, Winsley, Leonard, P. Johnson, Braddock, Anderson, Ludwig, J. Kohl and H. Myers)

Providing family preservation services.

Referred to Committee on Children and Family Services.

SHB 2481 by House Committee on Local Government (originally sponsored by Representatives Wang and J. Kohl)

Revising requirements for the solicitation and employment of women and minority businesses by contractors with first class cities.

Referred to Committee on Governmental Operations.

HB 2487 by Representatives Winsley, Nelson, Wineberry, Franklin, Mitchell, Leonard, Ogden, Ballard and Paris

Extending the manufactured housing task force reporting date.

Referred to Committee on Commerce and Labor.

SHB 2498 by House Committee on Appropriations (originally sponsored by Representatives Ludwig, Forner, Cantwell, Sheldon, Dellwo, Bray, Roland, Rasmussen, Moyer, Rayburn, Grant, H. Myers, Paris, Riley, Edmondson, Kremen, Ferguson, Winsley, Wineberry, Jones, Dorn, Franklin, Ebersole, Bowman, May, Heavey, Ogden, Cooper, Pruitt, O'Brien, Hine, Nelson and P. Johnson)

Regarding regulatory fairness.

Referred to Committee on Commerce and Labor.

ESHB 2526 by House Committee on Agriculture and Rural Development (originally sponsored by Representatives Ludwig, Inslee, Bray, Chandler, Hochstatter, Valle, Rayburn, Moyer, Roland, Jacobsen, Haugen, Jones, McLean, Sprenkle and Rasmussen)

Formally recognizing the Washington state rural development council.

Referred to Committee on Agriculture and Water Resources.

ESHB 2528 by House Committee on Human Services (originally sponsored by Representatives H. Myers, Winsley, Riley, Leonard, R. King, Hargrove, Beck, Anderson, H. Sommers, Heavey, Miller, Wineberry, Jones, Paris, Franklin, Orr, Wang, Scott, J. Kohl, Roland, Bray, Ogden, Cooper, Pruitt, O'Brien, Hine, Rasmussen and Brekke)

Supporting the establishment of before-and-after-school child care programs.

Referred to Committee on Children and Family Services.

ESHB 2533 by House Committee on Natural Resources and Parks (originally sponsored by Representatives Riley, Rasmussen, Wynne and Morton) (by request of Department of Natural Resources)

Allowing the nonpermanent disposition of public lands.

Referred to Committee on Environment and Natural Resources.

SHB 2537 by House Committee on Judiciary (originally sponsored by Representatives Pruitt, Brough, Peery, Betrozoff, D. Sommers, Jacobsen, Wineberry, Paris, Franklin, Ebersole, Van Luven, Bowman, Orr, May, Scott, Broback, J. Kohl, Wood, Wynne, Roland, Mitchell, O'Brien, Hine, Rasmussen, P. Johnson and Anderson)

Prohibiting dangerous weapons on elementary and secondary school premises.

Referred to Committee on Law and Justice.

ESHB 2547 by House Committee on Education (originally sponsored by Representatives Peery, Leonard, Brough, G. Cole, Silver, Pruitt, J. Kohl, Orr, Valle, O'Brien and Brekke)

Providing additional medical assistance reimbursement for health-related services provided in schools.

Referred to Committee on Education.

SHB 2548 by House Committee on Appropriations (originally sponsored by Representatives Peery, H. Myers, Brough, Ogden, Orr, J. Kohl and Roland)

Clarifying the determination of "years of service" for certain educational employees.

Referred to Committee on Education.

SHB 2551 by House Committee on Education (originally sponsored by Representatives H. Sommers, Peery, Brough and Valle)

Changing provisions relating to special educational services demonstration projects.

Referred to Committee on Education.

HB 2554 by Representatives R. King, Padden, Scott, Casada, Paris, Pruitt, Brough, Belcher, Rasmussen and Nealey

Regarding sale of erotic sound recordings to minors.

Referred to Committee on Law and Justice.

EHB 2559 by Representatives Chandler, Peery, Neher, McLean, Hochstatter, Betrozoff and Paris

Changing provisions relating to the permissibility of contracts between municipal officers and their spouses in cases where the spouse is a certificated or classified school district employee or a substitute teacher.

Referred to Committee on Education.

SHB 2560 by House Committee on Environmental Affairs (originally sponsored by Representatives J. Kohl, Horn, Rust, Basich, Rayburn, Ogden, Kremen, Valle, Paris,

Pruitt, Jacobsen, Haugen, Belcher, Rasmussen, Fraser and Anderson) (by request of Department of Community Development)

Establishing the senior environmental corps.

Referred to Committee on Environment and Natural Resources.

ESHB 2561 by House Committee on Local Government (originally sponsored by Representatives Fraser, Miller, Valle, Edmondson, Rayburn, McLean, Belcher, Basich, Haugen, Chandler, Wynne and Nealey) (by request of Joint Select Committee on Water Resource Policy)

Authorizing cities and towns to issue revenue bonds for financing water conservation programs.

Referred to Committee on Agriculture and Water Resources.

HB 2572 by Representatives R. Fisher and Betrozoff

Updating the Model Traffic Ordinance.

Referred to Committee on Transportation.

EHB 2580 by Representatives G. Fisher, Peery, Miller, Brough, Ebersole, Ballard, Jones, Kremen, Paris, Spanel, J. Kohl and Winsley

Regarding cost-of-living increases in supplemental contracts for certificated school employees.

Referred to Committee on Ways and Means.

HB 2583 by Representatives Wood, Kremen, Schmidt, Paris, R. Fisher, Beck, Heavey, Orr, Chandler and Winsley

Concerning the use of fuel that is not subject to the vehicle fuel excise tax.

Referred to Committee on Transportation.

SHB 2589 by House Committee on Transportation (originally sponsored by Representatives Fraser, R. Fisher, Betrozoff, Basich and Jacobsen)

Adjusting routes and methodology of scenic and recreational highways.

Referred to Committee on Transportation.

HB 2591 by Representatives Leonard, Winsley, Riley, Franklin, Paris, Mitchell, Jacobsen, Dellwo, Rasmussen, J. Kohl and Brekke (by request of Department of Community Development)

Providing for protection and advocacy for persons with developmental disability or mental illness.

Referred to Committee on Health and Long-Term Care.

SHB 2594 by House Committee on Natural Resources and Parks (originally sponsored by Representatives Fraser, Beck, Belcher, Brumsickle, Basich, Wynne and J. Kohl) (by request of Interagency for Outdoor Recreation)

Applying the state wildlife and recreation lands management act.

Referred to Committee on Environment and Natural Resources.

HB 2595 by Representatives Sheldon, Bowman, Rasmussen, Former, Silver, H. Sommers, Paris, Brough, Hochstatter, Chandler, D. Sommers, Wynne, P. Johnson and Winsley (by request of Department of Trade and Economic Development)

Concerning access to public records.

Referred to Committee on Commerce and Labor.

HB 2598 by Representatives Nelson, Winsley, Anderson, Wineberry, Leonard, Franklin, Ogden, Paris, Brough, Mitchell and Brekke

Clarifying remedies for discriminatory housing practices.

Referred to Committee on Commerce and Labor.

ESHB 2603 by House Committee on Trade and Economic Development (originally sponsored by Representatives Ebersole, Winsley, Sheldon, Jacobsen, Moyer, Ferguson, Dorn, Cantwell, Rasmussen, Jones, Franklin, Rayburn, Roland, Paris, Wang and J. Kohl)

Providing for a state job training trust fund.

Referred to Committee on Commerce and Labor.

ESHB 2626 by House Committee on Fisheries and Wildlife (originally sponsored by Representatives R. King, May, Orr, Rust, Belcher, Fraser, Hochstatter, Horn, Morris, R. Meyers, Basich, Jones, Sheldon, Leonard, Franklin, Zellinsky, Valle, Pruitt, O'Brien, Nelson, Bowman, Brough, Jacobsen, Haugen, Rasmussen and J. Kohl)

Conserving and enhancing wild stocks of salmonids.

Referred to Committee on Environment and Natural Resources.

ESHB 2628 by House Committee on Fisheries and Wildlife (originally sponsored by Representatives R. King, Orr, G. Cole, Rust, Belcher, Fraser, Horn, Morris, R. Meyers, Basich, Leonard, Valle and Jacobsen)

Protecting riparian-associated wildlife from agricultural and grazing land practices.

Referred to Committee on Agriculture and Water Resources.

ESHB 2629 by House Committee on Fisheries and Wildlife (originally sponsored by Representatives R. King, Orr, G. Cole, Belcher, May, Rust, Fraser, Morris, R. Meyers, Basich, Leonard, Zellinsky, Nelson and Jacobsen)

Conserving water to halt the decline in wild stocks of salmonids.

Referred to Committee on Agriculture and Water Resources.

ESHB 2630 by House Committee on Fisheries and Wildlife (originally sponsored by Representatives R. King, Orr, G. Cole, Rust, Horn, Fraser, Morris, R. Meyers, Basich, Leonard, Ogden, Valle, Dellwo, O'Brien, Nelson, Jacobsen, Haugen and J. Kohl)

Appointing a fish and wildlife council to raise funds and develop a species conservation curriculum.

Referred to Committee on Environment and Natural Resources.

SHB 2639 by House Committee on Revenue (originally sponsored by Representatives Wang, Hine, Brumsickle, Horn, Heavey, Van Luven, Appelwick, Silver, Day, Padden, Sheldon, Franklin, Ogden, G. Fisher, Pruitt, Dellwo, Nelson, Haugen, Rasmussen, Spanel and Winsley)

Modifying the nonprofit homes for the aging property tax exemption.

Referred to Committee on Health and Long-Term Care.

ESHB 2640 by House Committee on Environmental Affairs (originally sponsored by Representatives R. Johnson, Rust, Kremen, Roland, Heavey, Rasmussen and Spanel)

Requiring the department of ecology to establish a comprehensive sludge management program.

Referred to Committee on Environment and Natural Resources.

ESHB 2643 by House Committee on Transportation (originally sponsored by Representatives Cooper and R. Fisher)

Restructuring reimbursement of vehicle licensing and registration activities.

Referred to Committee on Transportation.

SHB 2660 by House Committee on Transportation (originally sponsored by Representatives Cooper, Prince, Zellinsky and Mielke) (by request of Department of Licensing)

Affecting vehicle license registration.

Referred to Committee on Transportation.

HB 2662 by Representatives D. Sommers, Dellwo, Moyer, Day, Mielke, Silver and Padden

Removing disqualified candidates from the ballot.

Referred to Committee on Governmental Operations.

SHB 2671 by House Committee on Higher Education (originally sponsored by Representatives Silver, Jacobsen, Van Luven, Ludwig, Wood, Ogden, Prince, Ferguson, Padden and Carlson)

Notifying students at public institutions of higher education of the amount their education is supported by the state.

Referred to Committee on Higher Education.

SHB 2672 by House Committee on Revenue (originally sponsored by Representatives Wang, Ebersole, Ballard, Brumsickle and Wynne)

Initiating a study of the tax status of cellular communications.

Referred to Committee on Energy and Utilities.

SHB 2673 by House Committee on Housing (originally sponsored by Representatives Hargrove and Nelson)

Concerning residential buildings moved into a city or county.

Referred to Committee on Governmental Operations.

SHB 2675 by House Committee on Judiciary (originally sponsored by Representatives Jones, Mitchell, Wineberry, Wood, Prentice, Brough, Brekke, R. Fisher, Nelson, Winsley, Lisk, Horn, Jacobsen, Franklin and G. Cole)

Authorizing court-ordered attendance at a DUII victims' panel.

Referred to Committee on Law and Justice.

SHB 2690 by House Committee on Energy and Utilities (originally sponsored by Representatives Grant, May, H. Myers, Hochstatter, Rayburn, Cooper, Pruitt and Orr)

Providing for radon testing in residences.

Referred to Committee on Energy and Utilities.

SHB 2694 by House Committee on Financial Institutions and Insurance (originally sponsored by Representatives Van Luven, Anderson, Mielke, Broback, Schmidt, Ferguson, Dorn, Zellinsky, Winsley, May, Wynne and Mitchell)

Restricting the cancellation of certain health insurance policies.

Referred to Committee on Financial Institutions and Insurance.

SHB 2695 by House Committee on Education (originally sponsored by Representatives G. Fisher, Peery, Brough, Vance, Belcher, G. Cole, Roland, Basich, Riley, Sheldon, Ludwig, Paris, Wineberry, Winsley, Nelson, Franklin, Jones, Pruitt, Wynne, Brekke, J. Kohl, Orr, Leonard, O'Brien and Rasmussen)

Establishing the fair start program.

Referred to Committee on Education.

SHB 2714 by House Committee on Transportation (originally sponsored by Representatives R. Fisher, Cantwell, Paris and Wood)

Regulating addition of territory to public transportation benefit areas.

Referred to Committee on Transportation.

SHB 2722 by House Committee on Trade and Economic Development (originally sponsored by Representatives Jacobsen, Cantwell, Basich, Casada, G. Fisher, Ferguson, Wineberry, Neher, Appelwick, Paris, Heavey, Beck, Nelson, Brumsickle, Bray and J. Kohl)

Authorizing cities, code cities, and counties to own an interest in a professional sports franchise.

Referred to Committee on Commerce and Labor.

SHB 2733 by House Committee on Judiciary (originally sponsored by Representatives Brough, Appelwick, Padden, Ludwig, Forner, Vance, Wineberry, P. Johnson and Mitchell)

Imposing liability for furnishing liquor to minors.

Referred to Committee on Law and Justice.

SHB 2734 by House Committee on State Government (originally sponsored by Representatives Appelwick, Padden, H. Myers, Brough, Basich, R. King, Jacobsen, Riley, Ludwig, Paris, Wineberry, Nelson, Franklin, Wang, Horn, Cooper, Jones, Pruitt, May, Wynne, Mitchell, Ogden, Roland, J. Kohl, Haugen, O'Brien, Spanel, Rasmussen and Anderson) (by request of Department of Community Development and Department of Social and Health Services)

Establishing the office of crime victims' advocacy.

Referred to Committee on Law and Justice.

SHB 2745 by House Committee on Judiciary (originally sponsored by Representatives H. Myers, Belcher, Forner, Brough, Mitchell, Ogden, Appelwick, Morris, Riley, Ludwig, Paris, Wineberry, Winsley, Scott, Wood, Ferguson, Hochstatter, Sheldon, J. Kohl and Brekke)

Changing provisions relating to orders for protection and antiharassment orders.

Referred to Committee on Law and Justice.

HB 2746 by Representatives Zellinsky, R. Fisher, Ballard, Van Luven and Ferguson

Authorizing contracts between tow truck operators and landowners for payment of impound charges.

Referred to Committee on Transportation.

SHB 2747 by House Committee on Agriculture and Rural Development (originally sponsored by Representatives Fraser, McLean, Valle, Miller, Rayburn, Edmondson, Winsley, Scott, Basich and Jacobsen)

Regulating bottled water.

Referred to Committee on Agriculture and Water Resources.

SHB 2750 by House Committee on Local Government (originally sponsored by Representatives Haugen, Ferguson and Brekke)

Allowing a public utility district to fluoridate its water supply system.

Referred to Committee on Energy and Utilities.

SHB 2763 by House Committee on Transportation (originally sponsored by Representatives R. Fisher, Betrozoff, Zellinsky, Paris, Ferguson and Nelson) (by request of Department of Transportation)

Demonstrating the effectiveness of commuter ridesharing.

Referred to Committee on Transportation.

SHB 2764 by House Committee on Housing (originally sponsored by Representatives Cooper, Winsley, Mitchell, Kremen, Ogden, Leonard, Nelson, Chandler, Ferguson and Paris)

Regulating manufactured housing regulation.

Referred to Committee on Commerce and Labor.

HB 2765 by Representatives R. King and Prentice

Providing for vocational rehabilitation costs.

Referred to Committee on Commerce and Labor.

SHB 2766 by House Committee on Local Government (originally sponsored by Representatives Rayburn, Nealey, Riley, Edmondson, Paris and Basich)

Increasing official fees for a sheriff's services.

Referred to Committee on Governmental Operations.

SHB 2768 by House Committee on Environmental Affairs (originally sponsored by Representatives Horn, Rust, Bowman, D. Sommers, Van Luven, Neher, Bray, Edmondson, Brough, Wynne, Brekke and Tate)

Allowing technical assistance officers for the department of ecology.

Referred to Committee on Environment and Natural Resources.

SHB 2771 by House Committee on Appropriations (originally sponsored by Representatives Locke, Ferguson, Anderson, Wineberry, O'Brien and Leonard)

Modifying regulations pertaining to county hospital boards.

Referred to Committee on Health and Long-Term Care.

HB 2774 by Representatives R. Meyers, Day, Wynne, Anderson and Ludwig

Registering chiropractors who review medical claims.

Referred to Committee on Health and Long-Term Care.

HB 2780 by Representatives G. Cole, Peery, Vance, Paris, Jones, Scott and J. Kohl

Creating the school pathway and bus stop improvement program.

Referred to Committee on Education.

SHB 2784 by House Committee on Judiciary (originally sponsored by Representative Appelwick)

Changing provisions relating to child support.

Referred to Committee on Law and Justice.

EHB 2792 by Representatives Orr, Spanel, R. King, Wilson, Haugen, Kremen and Basich

Establishing fishing guide license fees for Oregon residents.

Referred to Committee on Environment and Natural Resources.

HB 2810 by Representatives Cantwell, Moyer, Braddock, Sprenkle, Paris and D. Sommers

Repealing the termination provisions for the nursing home advisory council.

Referred to Committee on Health and Long-Term Care.

EHB 2813 by Representatives Bowman, Prentice, Riley, Braddock, Cantwell, Van Luven and Brumsickle

Allowing the transfer of the state law enforcement officers and fire fighters retirement system to the state health care authority.

Referred to Committee on Health and Long-Term Care.

SHB 2814 by House Committee on Appropriations (originally sponsored by Representatives H. Sommers, Silver, Anderson, Locke and Winsley) (by request of Department of Information Services and Office of Financial Management)

Regarding state information technology.

Referred to Committee on Ways and Means.

SHB 2819 by House Committee on Agriculture and Rural Development (originally sponsored by Representative R. Johnson)

Modifying provisions relating to adulteration and misbranding of meat products.

Referred to Committee on Agriculture and Water Resources.

EHB 2830 by Representatives Nelson, Miller, Heavey, Wilson, Appelwick, Jacobsen, R. Fisher, Van Luven, H. Sommers, Paris, Jones, Zellinsky, Anderson, Leonard, Former, D. Sommers, Schmidt, Sprenkle, G. Fisher, Brumsickle, Lisk, O'Brien, Chandler, Edmondson, Morton, Bowman, Tate, Valle, Rust, Brough and Wineberry

Authorizing certain counties to assume functions of metropolitan municipal corporations by ordinance or resolution.

Referred to Committee on Governmental Operations.

SHB 2833 by House Committee on Natural Resources and Parks (originally sponsored by Representatives Fraser, McLean, Rayburn, Edmondson, Valle, Miller, Belcher, Brekke and Haugen)

Regulating the usage of reclaimed water.

Referred to Committee on Agriculture and Water Resources.

HB 2841 by Representatives Mitchell, Appelwick, Wood, Winsley, Broback, Paris, Miller, Brough, Former and Haugen

Exempting donated or worthless property from the uniform unclaimed property act.

Referred to Committee on Governmental Operations.

SHB 2843 by House Committee on Commerce and Labor (originally sponsored by Representatives G. Cole, Heavey and Fuhrman) (by request of Liquor Control Board)

Modifying provisions concerning liquor licenses.

Referred to Committee on Commerce and Labor.

SHB 2845 by House Committee on Commerce and Labor (originally sponsored by Representatives Heavey, Lisk and Ludwig)

Modifying overtime compensation for automobile salespersons.

Referred to Committee on Commerce and Labor.

SHB 2846 by House Committee on Human Services (originally sponsored by Representatives Leonard, Beck, Riley, Ludwig, Winsley, Wineberry, Paris, Brough, Pruitt, Franklin, Basich, Ogden, Roland, Nelson, Wood, Valle, Belcher, Brekke, Hine, Bray, H. Myers, Rasmussen, J. Kohl and Anderson) (by request of Dept. of Social and Health Services, Department of Health, Superintendent of Public Instruction, Department of Community Development and Employment Security Department)

Improving the responsiveness of services for at-risk children and families.

Referred to Committee on Children and Family Services.

SHB 2857 by House Committee on Appropriations (originally sponsored by Representatives Hine, Locke, Spanel, Ferguson, Jones, Dorn, Paris, Kremen, G. Fisher, Brough, Pruitt, Rayburn, Prentice, Franklin, Ogden, Roland, Sheldon, Nelson, Bowman, Leonard, Belcher, Orr, Brekke, Bray, H. Myers, Rasmussen, Fraser, G. Cole, O'Brien, J. Kohl and Anderson)

Providing for continued health care benefit coverage of retired and disabled school district employees and their dependents.

Referred to Committee on Ways and Means.

SHB 2860 by House Committee on Financial Institutions and Insurance (originally sponsored by Representative R. Meyers)

Regulating the mandatory offering of personal injury protection insurance.

Referred to Committee on Financial Institutions and Insurance.

SHB 2865 by House Committee on Natural Resources and Parks (originally sponsored by Representatives Sheldon, Belcher, P. Johnson, Jacobsen, Fraser, Nelson, Scott, Winsley, Bowman and Anderson)

Regulating the harvest of wild mushrooms.

Referred to Committee on Environment and Natural Resources.

SHB 2874 by House Committee on Human Services (originally sponsored by Representatives Winsley, Grant, Tate, Ogden, Neher, Leonard, Padden, Paris, Brough, Basich and Mitchell)

Modifying the department of social and health services financial responsibility for funeral expenses of eligible persons.

Referred to Committee on Ways and Means.

HB 2892 by Representatives Wang, Brumsickle, Leonard, Wynne, Day, Fraser, J. Kohl, Paris, Dellwo, D. Sommers, Kremen, Brough, Bowman, Ludwig, Ferguson, Winsley,

Forner, Wood, Carlson, Silver, Hochstatter, Horn, May, Mitchell, P. Johnson and Miller

Providing property tax exemptions for charitable fund-raising organizations.

Referred to Committee on Ways and Means.

SHB 2904 by House Committee on Housing (originally sponsored by Representatives Leonard, Winsley, Mitchell, Cantwell, Paris, Nelson and Wineberry)

Studying mobile home park health and sanitation concerns.

Referred to Committee on Commerce and Labor.

HB 2905 by Representatives Beck, H. Myers, Leonard, Winsley, Jones and Wood

Studying whether preschools should be regulated like agencies that care for children, expectant mothers, and developmentally disabled people.

Referred to Committee on Children and Family Services.

HB 2926 by Representatives Wang, Brumsickle, Leonard, Wynne, Rust, Van Luven, Fraser, Winsley, Mitchell, Rasmussen, Ludwig, Locke, Brough, Carlson, Bowman, Casada, Nelson, Franklin, O'Brien, Ferguson, Forner, Silver and May

Modifying application requirements for senior citizen exemptions.

Referred to Committee on Ways and Means.

ESHB 2928 by House Committee on Revenue (originally sponsored by Representatives Fraser, Wynne, Belcher, Morris, Wang, Dellwo, Scott and Jones)

Modifying open space laws.

Referred to Committee on Ways and Means.

HB 2930 by Representatives Locke, Prince and Ferguson

Refunding construction obligations for the state convention and trade center.

Referred to Committee on Ways and Means.

HB 2938 by Representatives Prentice, R. Fisher, Wood and Day

Revising governance of PTBAs.

Referred to Committee on Transportation.

SHB 2939 by House Committee on Transportation (originally sponsored by Representatives R. Fisher, Prentice, Wood, Day, Paris, Basich, Nelson and Haugen)

Developing a public transportation policy plan.

Referred to Committee on Transportation.

ESHB 2940 by House Committee on Transportation (originally sponsored by Representatives R. Fisher, Wood, Prentice, Day, Paris and Nelson)

Articulating desirable land use patterns in transit plans.

Referred to Committee on Transportation.

HB 2944 by Representatives Dellwo, Broback, Zellinsky, R. Johnson, Winsley, Mielke, Paris, Anderson, Dorn and Schmidt

Regulating consumer credit transactions.

Referred to Committee on Financial Institutions and Insurance.

SHB 2945 by House Committee on Appropriations (originally sponsored by Representatives Wineberry, Padden, Appelwick, Inslee, Paris, Wang and Anderson) (by request of Administrator for the Courts)

Providing for jury source lists.

Referred to Committee on Law and Justice.

SHB 2954 by House Committee on Commerce and Labor (originally sponsored by Representative Heavey)

Prohibiting discrimination in franchise relations and other commerce.

Referred to Committee on Commerce and Labor.

HB 2961 by Representatives Fraser, Bowman, Belcher, Brumsickle and Sheldon

Providing for the disposition of proceeds of the Thurston county special excise tax.

Referred to Committee on Ways and Means.

SHJM 4033 by House Committee on Natural Resources and Parks (originally sponsored by Representatives Hargrove, Basich, Riley, Beck, Sheldon, Jones, Bowman, Morton, Morris, Brumsickle, P. Johnson, Dorn, Rasmussen, J. Kohl, Kremen, Fuhrman, Wynne, Ogden, O'Brien, H. Myers and Paris)

Requesting Congress and the President to enact the Forests and Families Protection Act.

Referred to Committee on Environment and Natural Resources.

HJM 4034 by Representatives R. King, Basich and Orr

Seeking federal funds for operations and improvements for Mitchell act hatchery facilities.

Referred to Committee on Environment and Natural Resources.

HCR 4428 by Representatives Heavey, Jacobsen, Fuhrman, Brekke and Sprenkle

Encouraging brewers to adopt voluntary advertising standards and creating a joint select committee on alcohol advertising.

Referred to Committee on Commerce and Labor.

SECOND READING

SENATE BILL NO. 6120, by Senators A. Smith and von Reichbauer

Regulating the relationship between a sales representative and the representative's principal.

MOTIONS

On motion of Senator von Reichbauer Substitute Senate Bill No. 6120 was substituted for Senate Bill No. 6120 and the substitute bill was placed on second reading and read the second time.

On motion of Senator von Reichbauer, the rules were suspended, Substitute Senate Bill No. 6120 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6120.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6120 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Jesemig, Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sumner, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams - 43.

Excused: Senators Bluechel, Erwin, Matson, Owen, Patterson, Wojahn - 6.

SUBSTITUTE SENATE BILL NO. 6120, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6386, by Senators Roach, McMullen, Anderson and Bauer

Providing for radon testing in residences.

MOTIONS

On motion of Senator Roach, Substitute Senate Bill No. 6386 was substituted for Senate Bill No. 6386 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Roach, the rules were suspended, Substitute Senate Bill No. 6386 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Talmadge: "Senator Roach, in looking at this bill, I guess I had a couple of questions about it. I think the goal of the bill is certainly worthwhile, but the first question that leaps to mind is since the local building inspector is going to be providing these radon measuring devises, does that mean that local government--the cities and counties--are going to be obligated to pay for these things to provide them to the residence through the local building inspector?"

Senator Roach: "What it does, Senator Talmadge is allow that the local government will be placing them, however it has been my experience that costs such as these are usually passed on to the builder and therefore passed on to the consumer. We have dictated that we have radon testing devises and this is a way of having the State Building Code Council be involved in establishing regulations on placement and it certainly is supported by a number of people."

Senator Talmadge: "But, there is no provision, Senator, made in the bill, either for the fees to be charged by the building personnel of the local governments to the appropriate builder or anyone else. Is that the intention that this be a fee that is passed on to the developer?"

Senator Roach: "I think every fee is passed on, Senator Talmadge, and usually they are passed on to the buyer and just every tax, every fee ends up going down to the person doing the purchasing. The fact is that the State Building Code Council will be in charge of developing instructions for the use of these measurement devises and I believe they will do a fair job in establishing these rules."

Further debate ensued.

POINT OF INQUIRY

Senator Niemi: "Senator Roach, obviously those of us who aren't on the committee didn't hear the testimony, but it is my memory when we first began to discover that there may be some radon in the state, that was pretty well limited to the northeastern section of the state. Was there testimony that this is a statewide problem?"

Senator Roach: "To my knowledge and remembrance, there was not testimony that it was a statewide problem. I also understand that it is something that is basically eastern Washington oriented. That is true."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6386.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6386 and the bill passed the Senate by the following vote: Yeas, 32; Nays, 14; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Oke, Patterson, Roach, Saling, Sellar, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Thorsness, von Reichbauer, Williams - 32.

Voting nay: Senators Amondson, Madsen, Murray, Newhouse, Niemi, Pelz, Rasmussen, Rinehart, Skratek, Sumner, Talmadge, Vognild, West, Wojahn - 14.

Excused: Senators Bluechel, Matson, Owen - 3.

SUBSTITUTE SENATE BILL NO. 6386, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 8:58 a.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 9:55 a.m. by President Pritchard.

SECOND READING

SENATE BILL NO. 6475, by Senators Saling, Snyder, Stratton, Thorsness, Patterson, Nelson, McDonald and Amondson

Declaring that the state has no regulatory authority over federally owned or licensed hydro projects.

MOTIONS

On motion of Senator Saling, Substitute Senate Bill No. 6475 was substituted for Senate Bill No. 6475 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Saling, the rules were suspended, Substitute Senate Bill No. 6475 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

MOTION

On motion of Senator Murray, Senator Adam Smith was excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6475.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6475 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 4; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Oke, Owen, Patterson, Pelz, Rasmussen, Roach, Saling, Sellar, L. Smith, Snyder, Stratton, Sumner, Sutherland, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 43.

Voting nay: Senators Niemi, Rinehart, Skratek, Talmadge - 4.

Excused: Senators Matson, A. Smith - 2.

SUBSTITUTE SENATE BILL NO. 6475, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5318, by Senate Committee on Financial Institutions and Insurance (originally sponsored by Senators von Reichbauer, Pelz, Owen, Johnson, Vognild, Moore, Rasmussen, McCaslin, Matson, Sellar and West)

Prescribing penalties for money laundering.

MOTIONS

On motion of Senator von Reichbauer, Second Substitute Senate Bill No. 5318 was substituted for Engrossed Substitute Senate Bill No. 5318 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator von Reichbauer, the rules were suspended, Second Substitute Senate Bill No. 5318 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 5318.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5318 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sumner, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 48.

Excused: Senator Matson - 1.

SECOND SUBSTITUTE SENATE BILL NO. 5318, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6396, by Senators von Reichbauer, Pelz, Erwin, Moore, Vognild and Conner

Making certain unauthorized insurance brokers personally liable for contracts of insurance.

The bill was read the second time.

MOTION

On motion of Senator von Reichbauer, the rules were suspended, Senate Bill No. 6396 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6396.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6396 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sumner, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Williams, Wojahn - 47.

Absent: Senator West - 1.

Excused: Senator Matson - 1.

SENATE BILL NO. 6396, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6466, by Senators von Reichbauer, Owen, Erwin, West and Pelz

Establishing penalties for breaking food product delivery guarantees.

MOTIONS

On motion of Senator von Reichbauer, Substitute Senate Bill No. 6466 was substituted for Senate Bill No. 6466 and the substitute bill was placed on second reading and read the second time.

On motion of Senator von Reichbauer, the rules were suspended, Substitute Senate Bill No. 6466 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6466.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6466 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 8; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Bailey, Bauer, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sumner, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Wojahn - 41.

Voting nay: Senators Anderson, Barr, Bluechel, Matson, McCaslin, Newhouse, Saling, Thorsness - 8.

SUBSTITUTE SENATE BILL NO. 6466, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6193, by Senators von Reichbauer and Pelz

Providing for stop loss insurance.

MOTIONS

On motion of Senator von Reichbauer, Substitute Senate Bill No. 6193 was substituted for Senate Bill No. 6193 and the substitute bill was placed on second reading and read the second time.

On motion of Senator von Reichbauer, the rules were suspended, Substitute Senate Bill No. 6193 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6193.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6193 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SUBSTITUTE SENATE BILL NO. 6193, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6305, by Senators Sellar, Vognild and McCaslin

Removing service charge and rate limits on retail installment contracts.

MOTIONS

On motion of Senator von Reichbauer, Substitute Senate Bill No. 6305 was substituted for Senate Bill No. 6305 and the substitute bill was placed on second reading and read the second time.

On motion of Senator von Reichbauer, the rules were suspended, Substitute Senate Bill No. 6305 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6305.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6305 and the bill passed the Senate by the following vote: Yeas, 33; Nays, 15; Absent, 1; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Conner, Craswell, Erwin, Hansen, Hayner, Jesernig, Kreidler, Madsen, Matson, McCaslin, McDonald, Nelson, Newhouse, Oke, Owen, Patterson, Rasmussen, Roach, Saling, Sellar, L. Smith, Snyder, Sumner, Sutherland, Thorsness, Vognild, von Reichbauer, West - 33.

Voting nay: Senators Bluechel, Cantu, Gaspard, McMullen, Moore, Murray, Niemi, Pelz, Rinehart, Skratek, A. Smith, Stratton, Talmadge, Williams, Wojahn - 15.

Absent: Senator Metcalf - 1.

SUBSTITUTE SENATE BILL NO. 6305, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6395, by Senators von Reichbauer, Moore, Erwin, Vognild and Conner

Concerning the business and occupation taxation of stock brokers, broker-dealers, and security houses.

MOTIONS

On motion of Senator von Reichbauer, Substitute Senate Bill No. 6395 was substituted for Senate Bill No. 6395 and the substitute bill was placed on second reading and read the second time.

On motion of Senator von Reichbauer, the rules were suspended, Substitute Senate Bill No. 6395 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6395.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6395 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 1; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Rasmussen, Rinehart, Roach, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sumner, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 46.

Voting nay: Senators Pelz, Saling - 2.

Absent: Senator Bauer - 1.

SUBSTITUTE SENATE BILL NO. 6395, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Murray, Senator Vognild was excused.

SECOND READING

SENATE BILL NO. 6405, by Senators Nelson and Skratek

Clarifying civil commitment standards for sexually violent predators.

The bill was read the second time.

MOTION

On motion of Senator Newhouse, the rules were suspended, Senate Bill No. 6405 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Adam Smith: "Senator Nelson, I completely agree with the intent of this bill and the effort to make the proper standards. I am just concerned that in the standard that we chose, we are actually making it easier for the sex predators to get out of the treatment, but if you could explain the language to me where it says, 'likely to engage in predatory acts of sexual violence.' It used to say, 'will not engage,' so in other words, it would have to be clear that the person could not engage in those acts in order to be let out. Now, it says that they would not be likely to engage. That strikes me as a lesser standard and I have been talking to some people--I just have had a hard time coming to grips with that and I am wondering if you have further explanation on it."

Senator Nelson: "It is a lesser standard. The existing language is that the law enforcement and the prosecutors had to prove that if a person was released they would engage in an act of sexual violence. That's pretty tough to make a determination and we have had too many people running around in our state who you would not be able to make that clear distinction. That was never the intention of the sexual predator act and especially the civil commitment provision. The change is bringing it more into a realistic position where we now are going to show by psychological evaluation that if the person is released, they are likely to engage in a sexual offense. I think that is fair. I think it is by far a better insurance policy with this change than what we've seen happen in Bremerton, Spokane and Pasco in the last year, where we had to let somebody go where we couldn't use a civil commitment standard."

POINT OF INQUIRY

Senator Talmadge: "Senator Nelson, as you know there is a case pending in the Washington Supreme Court about civil commitment. I just want to make sure that we are doing nothing to prejudice, in any fashion whatsoever, the case that has been brought by the various prosecuting attorneys on the civil commitment standards. Can you reassure me that this doesn't affect those pending cases in the Washington Supreme Court?"

Senator Nelson: "Senator Talmadge, this bill will not impede the cases that are in the Supreme Court right now."

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6405.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6405 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sumner, Sutherland, Talmadge, Thorsness, von Reichbauer, West, Williams, Wojahn - 48.

Excused: Senator Vognild - 1.

SENATE BILL NO. 6405, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6030, by Senators West, Johnson and Bailey

Requiring bicyclists to wear helmets.

The bill was read the second time.

MOTION

Senator West moved that the following Committee on Health and Long-Term Care amendment be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature recognizes that bicycling is popular for all ages. Almost all families now have bicycles. Bicycling is increasing in our state. What used to be simply a children's activity is now a common form of transportation and recreation for children, adults, and families. Increased bicycling has many benefits: It is healthy, nonpolluting, energy-efficient, and does not cause wear to the road system. Bicycling is an enjoyable activity that people with a wide range of physical abilities can share. The nature of the activity creates conditions whereby a rider or passenger may fall or collide with the road surface or other objects and possibly sustain serious or fatal head injury. Therefore, it is beneficial for all bicyclists or passengers on bicycles within the state of Washington to wear protective helmets while riding.

In order to provide an effective means of implementing a requirement for all bicyclists and their passengers to wear helmets, the legislature recognizes that programs of helmet awareness designed to promote use of helmets by all ages, undertaken by public and private agencies with existing resources, and with notification of the requirement must precede the date of total enforcement. Therefore, section 2 of this act shall take effect as provided.

NEW SECTION. Sec. 2. A new section is added to chapter 46.61 RCW to read as follows:

(1) Beginning July 1, 1993, it is unlawful:

(a) For a person to operate or ride upon a bicycle not powered by motor on a state highway, county road, city street, public trail or pathway, or a public sidewalk adjacent to the foregoing unless wearing a protective helmet of a type certified to meet the requirements of standard Z-90.4 of the American National Standards Institute or such subsequent nationally recognized standard for bicycle helmet performance as the state patrol may adopt by rule. The helmet must be equipped with either a neck or chin strap that shall be fastened securely while the cycle is in motion;

(b) For a person to transport a person upon a bicycle or any other cycle not powered by motor on a state highway, county road, city street, public trail or pathway, or a public sidewalk adjacent to the foregoing unless the person transported is wearing a helmet that meets the requirements in (a) of this subsection;

(c) For the guardian of a person under the age of eighteen years to knowingly allow, and fail to take reasonable steps to prevent, that person from operating or riding upon a bicycle or any other cycle not powered by motor on a state highway, county road, city street, public trail or pathway, or a public sidewalk adjacent to the foregoing unless that person is wearing a helmet that meets the requirements in (a) of this subsection. For the purpose of this subsection, "guardian" means a parent, legal guardian, temporary guardian including a babysitter, or any other person who maintains responsibility, whether voluntary or otherwise, for the safety and welfare of a person under the age of eighteen years;

(d) For a person to sell or offer for sale a bicycle helmet that does not meet the requirements established by (a) of this subsection;

(e) For a person to rent a bicycle or cycle not powered by motor for use by a person unless the person possesses a helmet that meets the requirements of (a) of this subsection, and the one renting is reasonably satisfied that the person will operate or ride upon the cycle while wearing such a helmet in the manner described in (a) of this subsection.

(2) Failure to comply with the requirements of this section does not constitute negligence. Neither failure to wear a bicycle helmet nor the permission of such failure to occur is admissible as evidence of negligence in any civil action.

(3) The state patrol shall adopt rules to implement this section.

Sec. 3. RCW 46.61.750 and 1982 c 55 s 6 are each amended to read as follows:

(1) It is a traffic infraction for any person to do any act forbidden or fail to perform any act required in RCW 46.61.750 through 46.61.780 or section 2 of this act.

(2) During the period from July 1, 1993, to January 1, 1994, a person violating section 2 of this act shall be issued a written warning of the violation. After January 1, 1994, a violator may be issued a regular notice of traffic infraction.

(3) These regulations applicable to bicycles apply whenever a bicycle is operated upon any highway or upon any bicycle path, subject to those exceptions stated herein.

POINT OF INQUIRY

Senator Roach: "Senator West, the question is, what is the penalty involved should a child or adult be riding a bicycle without a helmet?"

Senator West: "This would be a traffic infraction and traffic infractions, the penalties are determined by the courts, actually. They set the different penalty levels, so it would be whatever they determined."

Senator Roach: "Well, would there be, if this is a traffic infraction, then be a ticket issued and therefore a sum of money required?"

Senator West: "Possibly."

Senator Roach: "If you accrued too many, would you therefore have your bicycle taken away? I'd like to comment that I think that we will end up here ticketing people--young children--for instance riding on a cul de sac without a helmet and that perhaps parents will be liable for those times when a child happens to be riding a bicycle without a helmet. It strikes me that the consequences might be a little better thought out, whether or not we want to impose on every parent in the state of Washington the consequences of a ticket because their child forgets to put a helmet on. I would urge you to vote 'no' on this bill."

The President declared the question before the Senate to be the adoption of the Committee on Health and Long-Term Care striking amendment to Senate Bill No. 6030.

The motion by Senator West failed and the striking committee amendment was not adopted.

MOTION

Senator West moved to defer further consideration of Senate Bill No. 6030.

POINT OF INQUIRY

Senator Rasmussen: "Senator West, would you consider this a harrassment of the parents for their child's sins because they did go out and ride their bicycle without a helmet?"

Senator West: "Senator Rasmussen, there is nothing in this bill that applies to the parents or even talks to the parents. I believe that is an issue that was raised that is not in this bill."

MOTION

On motion of Senator Newhouse, further consideration of Senate Bill No. 6030 was deferred.

SECOND READING

SENATE BILL NO. 6158, by Senators L. Smith, Snyder and Conner

Making under-aged persons in a public place under the influence of alcohol guilty of a misdemeanor.

The bill was read the second time.

MOTION

Senator Linda Smith moved that the following amendments be considered simultaneously and be adopted:

On page 1, line 10, after "control." insert "For the purposes of this subsection, "premises" includes real property, houses, buildings, and other structures, and motor vehicles and watercraft."

On page 1, line 11, after "(2)" insert "(a)"

On page 1, line 12, after "liquor" strike all material through "section" on page 2, line 2, and insert "

(b) It is unlawful for a person under the age of twenty-one years to be in a public place, or to be in a motor vehicle in a public place, while exhibiting the effects of having consumed liquor. For purposes of this subsection, exhibiting the effects of having consumed liquor means that a person has the odor of liquor on his or her breath and either (i) is in possession of or close proximity to a container that has or recently had liquor in it, or (ii) by speech, manner, appearance, behavior, lack of coordination, or otherwise, exhibits that he or she is under the influence of liquor. This subsection (2)(b) does not apply if the person is in the presence of a parent or guardian or has consumed or is consuming liquor under circumstances described in subsection (4) or (5) of this section"

On page 2, line 3, after "(3)" strike "This section does" and insert "~~((This section does))~~ Subsections (1) and (2)(a) of this section do

MOTION

On motion of Senator Niemi, the question was divided.

The President declared the question before the Senate to be the adoption of the amendment by Senator Linda Smith on page 1, line 10, to Senate Bill No. 6158.

The motion by Senator Linda Smith failed and the amendment was not adopted on a rising vote, the President voting 'nay.'

The President declared the question before the Senate to be the adoption of the amendment by Senator Linda Smith on page 1, line 11, to Senate Bill No. 6158.

MOTION

On motion of Senator Linda Smith, and there being no objection, the three remaining amendments to Senate Bill No. 6158 were withdrawn.

MOTION

On motion of Senator Nelson, the rules were suspended, Senate Bill No. 6158 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage. Debate ensued.

POINT OF INQUIRY

Senator Stratton: "Senator Nelson, I appreciate your statement that juveniles should not drink, period. Several days ago, we passed a bill through here that allowed point zero four reading on juveniles. Is this not a contradiction?"

Senator Nelson: "No."

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6158.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6158 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 8; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, Matson, McCaslin, McDonald, Metcalf, Murray, Nelson, Newhouse, Oke, Owen, Patterson, Rasmussen, Roach, Saling, Sellar, Skratek, L. Smith, Snyder, Stratton, Sumner, Sutherland, Talmadge, Thorsness, von Reichbauer, West, Wojahn - 41.

Voting nay: Senators McMullen, Moore, Niemi, Pelz, Rinehart, A. Smith, Vognild, Williams - 8.

SENATE BILL NO. 6158, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6364, by Senators Hayner, Owen, McDonald, Rasmussen, West, Vognild, Newhouse, Nelson, Bailey, McMullen, Saling, Metcalf, Thorsness, Cantu, Amondson, L. Smith, Craswell, Patterson, Oke, Erwin, McCaslin and Sellar

Enacting provisions to curtail the use of fraudulent documents.

MOTIONS

On motion of Senator Hayner, Second Substitute Senate Bill No. 6364 was substituted for Senate Bill No. 6364 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Hayner, the rules were suspended, Second Substitute Senate Bill No. 6364 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

MOTIONS

On motion of Senator Hayner, the rules were suspended, Second Substitute Senate Bill No. 6364 was returned to second reading and read the second time.

On motion of Senator Hayner, the following amendment by Senators Hayner, Madsen, Newhouse and Adam Smith was adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that identification document fraud is pervasive in Washington state and undermines immigration and anticrime policies of this state. Identification document fraud often involves checks, credit cards, licensing, voter registration cards, insurance, welfare, immigration, money laundering, and the importation of illegal drugs. This abuse has significant legal, economic, and political consequences, and undermines the public confidence in governmental and commercial institutions.

The state driver's license and identification card are the most commonly used documents for identification in private and public transactions. The legislature finds that the driver's license is not used merely to certify driver qualification, nor is the identification card a document that should be issued without adequate proof of identity.

Therefore, the legislature directs the Washington state patrol organized crime advisory board to report on all aspects of the impact of identification document fraud in the state of Washington. The report shall include the efficacy of a state policy that the driver's license and identification card issued by the department of licensing become the basic identification documents of this state, and methods of protecting the accuracy and integrity of an identification system. The task force shall also report on the use and abuse of the voter registration card for identification and other purposes.

The task force shall report its findings to the legislature by January 1, 1993.

Sec. 2. RCW 29.07.092 and 1975 1st ex.s. c 184 s 1 are each amended to read as follows:

The county auditor shall acknowledge each new voter registration or transfer by providing or sending the voter a card identifying his or her current precinct, plainly stating "not valid for identification purposes" and containing such other information as may be prescribed by the secretary of state.

Sec. 3. RCW 46.20.116 and 1969 ex.s. c 155 s 3 are each amended to read as follows:

(1) The department shall not issue an identicard or Washington state driver's license unless the applicant has satisfied the department regarding his or her identity. In any event, to satisfy the identity requirements of this section, an applicant must display or provide the department with at least two of the following:

- (a) An expired or expiring driver's license that contains the signature and a photograph of the applicant;
- (b) A valid Washington state identicard;
- (c) A nationally or regionally known credit card containing the signature or photograph of the applicant;
- (d) An identification card issued by the United States, a state, or an agency or either, of a kind commonly used to identify the members of employees of such government agencies, including military identification cards, and that contains the signature and the photograph of the applicant;

(e) A certificate or other document issued by a government agency commonly used for the purpose of establishing identities;

(f) An affidavit, or in the case the applicant is a minor, an affidavit of his or her parent or guardian.

(2) The department shall plainly label each license "not valid for identification purposes" where the applicant is unable to prove his or her identity commensurate ((to the regulations)) with this section and rules adopted by the director.

NEW SECTION. Sec. 4. The department of licensing and the department of social and health services shall each develop procedures to inform screening personnel about the identification of fraudulent documents.

NEW SECTION. Sec. 5. The department shall forward the following information to the appropriate law enforcement agency or agencies within a reasonable time of receipt of suspected fraudulent documentation relating to the application for driver's licenses or identicards:

- (1) The given name and address of the person submitting suspected fraudulent documentation;
- (2) A copy of the suspected fraudulent documentation; and
- (3) The reasons why the documentation was suspected to be fraudulent.

NEW SECTION. Sec. 6. The persons informed under section 4 of this act are not liable for actions taken in pursuance of the requirements of RCW 29.07.092, 46.20.116, 46.20.117, and sections 4 and 5 of this act.

NEW SECTION. Sec. 7. For purposes of section 5 of this act, "suspected fraudulent document" means a document that the reviewing agent has reasonable cause to believe has been fraudulently produced or altered.

Sec. 8. RCW 46.20.117 and 1986 c 15 s 1 are each amended to read as follows:

(1) The department shall issue "identicards," containing a picture, to ~~((individuals))~~ nondrivers for a fee of four dollars. However, the fee shall be the actual cost of production to recipients of continuing public assistance grants under Title 74 RCW who are referred in writing to the department by the secretary of social and health services. The fee shall be deposited in the highway safety fund. To be eligible, each applicant shall produce evidence as required by the rules adopted by the director that positively proves identity. The "identicard" shall be distinctly designed so that it will not be confused with the official driver's license. The identicard shall expire on the fifth anniversary of the applicant's birthdate after issuance.

(2) The department may cancel an "identicard" upon a showing by its records or other evidence that the holder of such "identicard" has committed a violation relating to "identicards" defined in RCW 46.20.336.

NEW SECTION. Sec. 9. Sections 4 through 7 of this act are each added to chapter 43.24 RCW.

NEW SECTION. Sec. 10. This act shall take effect July 1, 1993.

MOTIONS

On motion of Senator Hayner, the following title amendment was adopted:

On page 1, line 1 of the title, after "use;" strike the remainder of the title and insert "amending RCW 29.07.092, 46.20.116, and 46.20.117; adding new sections to chapter 43.24 RCW; creating a new section; and providing an effective date."

On motion of Senator Hayner, the rules were suspended, Engrossed Second Substitute Senate Bill No. 6364 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Matson: "Senator Hayner, on page two of your striking amendment, line nineteen, one of the items which you are now putting into statute, or attempting to put into statute, that can be used for identification is a driver's license. Is that a driver's license from Washington, Japan, Germany?"

Senator Hayner: "There is no restriction on that. It can be a valid driver's license that is obtained anywhere?"

Senator Matson: "From anywhere?"

Senator Hayner: "Yes."

Senator Matson: "Thank you."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute Senate Bill No. 6364.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6364 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sumner, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 48.

Voting nay: Senator Matson - 1.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6364, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6408, by Senators Matson, Vognild, Hayner, Sutherland, Madsen, McCaslin and Roach

Financing capital projects.

The bill was read the second time.

MOTIONS

On motion of Senator McCaslin, the following amendment by Senators McCaslin and Madsen was adopted:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 82.46.010 and 1990 1st ex.s. c 17 s 36 are each amended to read as follows:

(1) Funds collected from the imposition of the tax authorized by subsection (2) of this section shall only be used to supplement and augment existing sources of revenue for capital projects and shall not be used to replace or supplant existing funding.

(2) The governing body of any county or any city may impose an excise tax on each sale of real property in the unincorporated areas of the county for the county tax and in the corporate limits of the city for the city tax at a rate not exceeding one-quarter of one percent of the selling price. The revenues from this tax shall be used by the respective jurisdictions for local capital improvements, including those listed in RCW 35.43.040.

After July 1, 1990, revenues generated from the tax imposed under this subsection in counties and cities that are required or choose to plan under RCW 36.70A.040 shall be used (~~(primarily)~~) solely for financing capital projects specified in a capital facilities plan element of a comprehensive plan adopted pursuant to chapter 36.70A RCW and housing relocation assistance under RCW 59.18.440 and 59.18.450. However, revenues (a) pledged by such counties and cities to debt retirement prior to July 1, 1990, may continue to be used for that purpose until (~~(all-outstanding)~~) the

original debt for which the revenues were pledged is retired, or (b) committed prior to July 1, 1990, by such counties or cities to a capital project may continue to be used for that purpose until the project is completed.

~~((2))~~ (3) For counties and cities that are required or choose to plan under RCW 36.70A.040 and that, prior to July 1, 1991, have not imposed the tax authorized by subsection (2) of this section, such tax may be imposed only after said city or county has enacted a comprehensive plan and development regulations pursuant to chapter 36.70A RCW.

(4) In lieu of imposing the tax authorized in RCW 82.14.030(2), the governing body of any county or any city may impose an additional excise tax on each sale of real property in the unincorporated areas of the county for the county tax and in the corporate limits of the city for the city tax at a rate not exceeding one-half of one percent of the selling price.

~~((3))~~ (5) Taxes imposed under this section shall be collected from persons who are taxable by the state under chapter 82.45 RCW upon the occurrence of any taxable event within the unincorporated areas of the county or within the corporate limits of the city, as the case may be.

~~((4))~~ (6) Taxes imposed under this section shall comply with all applicable rules, regulations, laws, and court decisions regarding real estate excise taxes as imposed by the state under chapter 82.45 RCW.

~~((5))~~ (7) As used in this section, "city" means any city or town and "capital project" means those public works projects of a local government for planning, acquisition, construction, reconstruction, repair, replacement, rehabilitation, or improvement of streets, roads, highways, sidewalks, street and road lighting systems, traffic signals, bridges, domestic water systems, storm and sanitary sewer systems, and planning, construction, reconstruction, repair, rehabilitation, or improvement of parks.

Sec. 2. RCW 82.46.035 and 1990 1st ex.s. c 17 s 38 are each amended to read as follows:

(1) Funds collected from the imposition of the tax authorized by subsection (2) of this section shall only be used to supplement and augment existing sources of revenue for capital projects and shall not be used to replace or supplant existing funding.

(2) The governing body of any county or any city that plans under RCW 36.70A.040(1) may impose an additional excise tax on each sale of real property in the unincorporated areas of the county for the county tax and in the corporate limits of the city for the city tax at a rate not exceeding one-quarter of one percent of the selling price. Any county choosing to plan under RCW 36.70A.040(2) and any city within such a county may only adopt an ordinance imposing the excise tax authorized by this section if the ordinance is first authorized by a proposition approved by a majority of the voters of the taxing district voting on the proposition at a general election held within the district or at a special election within the taxing district called by the district for the purpose of submitting such proposition to the voters.

~~((2))~~ (3) The additional excise tax authorized by subsection (2) of this section may be imposed only after adoption of a comprehensive plan and development regulations pursuant to chapter 36.70A RCW. Revenues generated from the tax imposed under subsection (1) of this section shall be used by such counties and cities solely for financing capital projects specified in a capital facilities plan element of ((a)) the comprehensive plan.

~~((3))~~ (4) Revenues generated by the tax imposed by this section shall be deposited in a separate account.

~~((4))~~ (5) As used in this section, "city" means any city or town and "capital project" means those public works projects of a local government for planning, acquisition, construction, reconstruction, repair, replacement, rehabilitation, or improvement of streets, roads, highways, sidewalks, street and road lighting systems, traffic signals, bridges, domestic water systems, storm and sanitary sewer systems, and planning, construction, reconstruction, repair, rehabilitation, or improvement of parks.

On motion of Senator McCaslin, the following title amendment was adopted:

On page 1, line 2 of the title, after "projects;" strike the remainder of the title and insert "and amending RCW 82.46.010 and 82.46.035."

MOTION

On motion of Senator McCaslin, the rules were suspended, Engrossed Senate Bill No. 6408 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6408.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6408 and the bill passed the Senate by the following vote: Yeas, 39; Nays, 10; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Hansen, Hayner, Jesernig, Madsen, Matson, McCaslin, McDonald, McMullen, Murray, Nelson, Newhouse, Oke, Owen, Patterson,

Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, A. Smith, L. Smith, Stratton, Sumner, Sutherland, Thorsness, Vognild, von Reichbauer, West, Williams - 39.

Voting nay: Senators Erwin, Gaspard, Kreidler, Metcalf, Moore, Niemi, Skratek, Snyder, Talmadge, Wojahn - 10.

ENGROSSED SENATE BILL NO. 6408, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6407, by Senators Madsen, Anderson, Matson and Vognild

Providing for awards in construction contract actions.

The bill was read the second time.

MOTIONS

On motion of Senator Matson, the following Committee on Commerce and Labor amendment was adopted:

On page 1, line 7, after "owner" insert "and where there is a monetary claim for damage by either party that does not exceed two hundred fifty thousand dollars"

On motion of Senator McCaslin, the rules were suspended, Engrossed Senate Bill No. 6407 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Talmadge: "Senator Madsen, the question that I have is that this bill provides for an award of interest as well as attorney fees and costs. That means that someone is entitled to prejudge an interest if they are the prevailing party under this legislation?"

Senator Madsen: "It appears to me that that is correct. Prejudgment interest, on either side, whoever is the prevailing party."

Senator Talmadge: "Thank you."

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6407.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6407 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sumner, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Wojahn - 47.

Voting nay: Senators Moore, Williams - 2.

ENGROSSED SENATE BILL NO. 6407, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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SECOND READING

SENATE BILL NO. 6304, by Senators Owen, Metcalf, Bauer and Craswell

Modifying the administration of the outdoor burning control program in rural areas.

MOTIONS

On motion of Senator Metcalf, Substitute Senate Bill No. 6304 was substituted for Senate Bill No. 6304 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Madsen, the following amendments by Senators Madsen and Gaspard were considered simultaneously and were adopted:

On page 3, line 7, after "permits" strike all material down to and including "RCW 36.70A.030" on line 9

On page 3, line 15, after "burning" strike all material down to and including "RCW 36.70A.030" on line 17

MOTION

On motion of Senator Metcalf, the rules were suspended, Engrossed Substitute Senate Bill No. 6304 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6304.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6304 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 6; Absent, 1; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Roach, Saling, Sellar, L. Smith, Snyder, Stratton, Sumner, Sutherland, Thorsness, Vognild, von Reichbauer, West - 42.

Voting nay: Senators Murray, Rinehart, Skratek, A. Smith, Talmadge, Wojahn - 6.

Absent: Senator Williams - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6304, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6234, by Senators West, Kreidler, Johnson and Wojahn

Granting temporary licenses to dental hygienists licensed in another state.

MOTIONS

On motion of Senator West, Substitute Senate Bill No. 6234 was substituted for Senate Bill No. 6234 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Linda Smith, the following amendment by Senators Linda Smith and Moore was adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 18.29 RCW to read as follows:

(1) A person holding a valid license and currently engaged in active practice in another state shall be granted a temporary license without examination required by this chapter. The term of the temporary license is eighteen months and is nonrenewable. The secretary shall require the applicant to: (a) File with the secretary documentation certifying

that the applicant is licensed to practice in another state; (b) file with the secretary documentation certifying that the applicant has graduated from an accredited dental hygiene school approved by the secretary; (c) provide information as the secretary deems necessary pertaining to the conditions and criteria of the uniform disciplinary act, chapter 18.130 RCW, and to demonstrate to the secretary a knowledge of Washington state law pertaining to the practice of dental hygiene; (d) pay any required fees; and (e) meet requirements for asepsis and AIDS education.

(2) A dental hygienist practicing with a temporary license granted under this section shall have the authority to perform hygiene procedures that are limited to:

- (a) Oral inspection and measuring of periodontal pockets;
- (b) Patient education in oral hygiene;
- (c) Taking intra-oral and extra-oral radiographs;
- (d) Applying topical preventive or prophylactic agents;
- (e) Polishing and smoothing restorations;
- (f) Oral prophylaxis and removal of deposits and stains from the surface of the teeth;
- (g) Recording health histories;
- (h) Taking and recording blood pressure and vital signs;
- (i) Performing subgingival and supragingival scaling; and
- (j) Root planing.

(3) A dental hygienist practicing with a temporary license shall in no event perform the following dental hygiene operations or services:

- (a) Give injections of local anesthetic;

(b) Place restorations into the cavity prepared by a licensed dentist and thereafter carve, contour, and adjust contacts and reclusion of the restoration; or

- (c) Soft tissue curettage.

(4) For the purposes of this section active practice means five hundred sixty hours of practice in the preceding thirty months.

NEW SECTION. Sec. 2. This act shall take effect on July 1, 1992.

MOTIONS

On motion of Senator West, the following title amendment was adopted:

On page 1, line 2 of the title, after "state;" strike the remainder of the title and insert "adding a new section to chapter 18.29 RCW; and providing an effective date."

On motion of Senator West, the rules were suspended, Engrossed Substitute Senate Bill No. 6234 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6234.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6234 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 3; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Moore, Murray, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sumner, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 46.

Voting nay: Senators Metcalf, Nelson, Rasmussen - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6234, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Murray, Senator Williams was excused.

JOURNAL OF THE SENATE

SECOND READING

SENATE BILL NO. 6353, by Senator McCaslin

Restricting the ringing of bells or sounding of whistles on locomotives.

MOTIONS

On motion of Senator Patterson, Substitute Senate Bill No. 6353 was substituted for Senate Bill No. 6353 and the substitute bill was placed on second reading and read the second time.

On motion of Senator McCaslin, the following amendment was adopted:

On page 1, line 3, after the enacting clause, strike everything down to and including "misdemeanor." on page 2, line 15 and insert:

Sec. 1. RCW 81.48.010 and 1961 c 14 s 81.48.010 are each amended to read as follows:

Every engineer driving a locomotive on any railway who shall fail to ring the bell or sound the whistle upon such locomotive, or cause the same to be rung or sounded at least eighty rods from any place where such railway crosses a traveled road or street on the same level (except in cities or in counties that enact ordinances applying only to gated crossings located within urban areas), or to continue the ringing of such bell or sounding of such whistle until such locomotive shall have crossed such road or street, shall be guilty of a misdemeanor.

MOTION

On motion of Senator Patterson, the rules were suspended, Engrossed Substitute Senate Bill No. 6353 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6353.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6353 and the bill passed the Senate by the following vote: Yeas, 36; Nays, 12; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Nelson, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, Snyder, Stratton, Sumner, Thorsness, Vognild, von Reichbauer, Wojahn - 36.

Voting nay: Senators Amondson, Anderson, Jesernig, Matson, Moore, Murray, Newhouse, A. Smith, L. Smith, Sutherland, Talmadge, West - 12.

Excused: Senator Williams - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6353, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 12:04 p.m., on motion of Senator Newhouse, the Senate recessed until 1:15 p.m.

The Senate was called to order at 1:31 p.m. by President Pritchard.

STATEMENT FOR THE JOURNAL

Due to an argument in the Court of Appeals in Seattle, I missed the votes on Substitute Senate Bill No. 6354, Substitute Senate Bill No. 6186, Substitute Senate Bill No. 6151, Senate Bill No. 6074, Engrossed Substitute Senate Bill No. 6153, Engrossed Second Substitute Senate Bill No. 6178; the Rinehart amendment to Engrossed Second Substitute Senate Bill No. 6178, Engrossed

Senate Bill No. 6404, Substitute Senate Bill No. 6428, Second Substitute Senate Bill No. 5335, Substitute Senate Bill No. 6383, Senate Bill No. 6402, Substitute Senate Bill No. 6067 and Substitute Senate Bill No. 6372. I would have voted 'aye' on each measure, except Engrossed Second Substitute Senate Bill No. 6178 on final passage and Senate Bill No. 6402.

SENATOR PHIL TALMADGE, 34th District

MOTION

On motion of Senator Murray, Senator Talmadge was excused.

SECOND READING

SENATE BILL NO. 6354, by Senators Craswell, Barr, Pelz, Murray, Moore, West, Hayner, Newhouse, Williams, Metcalf, A. Smith, Vognild, McDonald, Stratton, Bauer, Oke and Roach

Providing an exception to the nursing home prospective cost-related reimbursement system dual certification requirement.

MOTIONS

On motion of Senator Craswell, Substitute Senate Bill No. 6354 was substituted for Senate Bill No. 6354 and the substitute bill was placed on second reading and read the second time.

On motion of Senator West, the rules were suspended, Substitute Senate Bill No. 6354 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6354.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6354 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sumner, Sutherland, Thorsness, Vognild, von Reichbauer, West, Wojahn - 46.

Absent: Senator Moore - 1.

Excused: Senators Talmadge, Williams - 2.

SUBSTITUTE SENATE BILL NO. 6354, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6186, by Senators Nelson, Johnson, Niemi, Craswell, Rasmussen, Moore, Snyder, Oke, Bauer, Gaspard, Saling and Bailey (by request of Joint Committee on Pension Policy)

Authorizing service credit for periods of unpaid leaves of absence for elected officials of a Washington education association.

MOTIONS

On motion of Senator McDonald, Substitute Senate Bill No. 6186 was substituted for Senate Bill No. 6186 and the substitute bill was placed on second reading and read the second time.

On motion of Senator McDonald, the rules were suspended, Substitute Senate Bill No. 6186 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Bauer: "Senator Nelson, I have two questions concerning a possible situation where a TRS I member applied for retirement during the 1989-90 school year, and then was ineligible to retire due to the current law regarding education association leave.

"First, would that member be eligible under Substitute Senate Bill No. 6186 to receive service credit for his prior educational association leave; and second, would his effective date of retirement be retroactive to the date his original retirement application would have permitted?"

Senator Nelson: "Yes, to both of your questions. First, Section 1 of Substitute Senate Bill No. 6186 grants service credit to TRS I members who served as elected officials of an educational association and who made retirement contributions prior to 1992.

"Second, Section 4 specifically makes Substitute Senate Bill No. 6186 apply retroactively, so that a member who applied for retirement at the end of the 1989-90 school year, but was found ineligible under prior law regarding educational association leave, would now be eligible to have his effective date of retirement be the date the original application would have allowed. This would permit a member to receive all the pension payment he would have received if his original application had been processed."

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6186.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6186 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sumner, Sutherland, Thorsness, Vognild, von Reichbauer, West, Wojahn - 47.

Excused: Senators Talmadge, Williams - 2.

SUBSTITUTE SENATE BILL NO. 6186, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6151, by Senators Barr, Anderson, Sutherland, Owen, Snyder, Hayner, Newhouse, Rasmussen, L. Smith, Bauer, Roach and Conner

Creating a committee to study and make recommendations on increasing weak stocks of fish.

MOTIONS

On motion of Senator Barr, Substitute Senate Bill No. 6151 was substituted for Senate Bill No. 6151 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Barr, the rules were suspended, Substitute Senate Bill No. 6151 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6151.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6151 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Stratton, Sumner, Sutherland, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 47.

Voting nay: Senator Snyder - 1.

Excused: Senator Talmadge - 1.

SUBSTITUTE SENATE BILL NO. 6151, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6074, by Senators Conner, Owen, Sutherland, Snyder, Amondson, Anderson, Bauer, McMullen and Erwin

Providing additional unemployment insurance benefits.

The bill was read the second time.

MOTION

On motion of Senator Anderson, the rules were suspended, Senate Bill No. 6074 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6074.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6074 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sumner, Sutherland, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 48.

Excused: Senator Talmadge - 1.

SENATE BILL NO. 6074, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6153, by Senators Amondson, Rasmussen, A. Smith, Thorsness, Hayner, Nelson, Gaspard, Erwin, Kreidler and Jesernig

Classifying the criminal use of explosives.

MOTIONS

On motion of Senator Nelson, Substitute Senate Bill No. 6153 was substituted for Senate Bill No. 6153 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Amondson, the following amendments were considered simultaneously and were adopted:

On page 3, line 13, following "chemicals" insert "and which is"

On page 7, line 16, following "device" strike "they know to be" and insert "which is"

On page 7, line 18, following "that" strike "they know can be rapidly" and insert "are intended to be"

On page 11, line 4, following "discovery" insert "of the theft or loss"

MOTION

On motion of Senator Nelson, the rules were suspended, Engrossed Substitute Senate Bill No. 6153 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6153.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6153 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sumner, Sutherland, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 48.

Excused: Senator Talmadge - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6153, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6178, by Senators Bailey, Erwin, Oke, Barr and Nelson

Improving the common school system.

MOTIONS

On motion of Senator Bailey, Second Substitute Senate Bill No. 6178 was substituted for Senate Bill No. 6178 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Bailey, the following amendment by Senators Rinehart and Bailey was adopted:

On page 4, line 21, after "development" insert ", including differences based on gender and ethnicity"

MOTION

Senator Rinehart moved that the following amendment by Senators Rinehart and Bailey be adopted:

On page 15, line 9, after "scores" insert ", including a breakdown by gender and ethnicity,"

The President declared the question before the Senate to be the adoption of the amendment by Senators Rinehart and Bailey on page 15, line 9, to Second Substitute Senate Bill No. 6178.

The motion by Senator Rinehart carried and the amendment was adopted on a rising vote.

MOTION

Senator Rinehart moved that the following amendment by Senators Rinehart and Bailey be adopted:

On page 21, line 14, after "state" insert ", including those designed to eliminate disparities in performance based on gender or ethnicity"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Rinehart and Bailey on page 21, line 14, to Second Substitute Senate Bill No. 6178.

Senator Craswell demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senators Rinehart and Bailey on page 21, line 14, to Second Substitute Senate Bill No. 6178.

ROLL CALL

The Secretary called the roll and the amendment was adopted by the following vote: Yeas, 25; Nays, 23; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Bauer, Bluechel, Conner, Erwin, Gaspard, Hansen, Jesernig, Kreidler, Madsen, McMullen, Moore, Murray, Niemi, Owen, Pelz, Rinehart, Skratek, A. Smith, Snyder, Sutherland, Vognild, von Reichbauer, Williams, Wojahn - 25.

Voting nay: Senators Amondson, Anderson, Barr, Cantu, Craswell, Hayner, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Oke, Patterson, Rasmussen, Roach, Saling, Sellar, L. Smith, Stratton, Sumner, Thorsness, West - 23.

Excused: Senator Talmadge - 1.

MOTION

Senator Bailey moved that the following amendment by Senators Bailey and Rinehart be adopted:

On page 7, beginning on line 1, strike all material through "." on page 8, line 26 (strike Sec. 105)

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Rinehart and Bailey on page 7, beginning on line 1, to Second Substitute Senate Bill No. 6178.

The motion by Senator Bailey carried and the amendment was adopted.

MOTIONS

On motion of Senator Bailey, the following title amendment was adopted:
On page 1, line 2 of the title, after "28A.405.220," strike "28A.405.230,"

On motion of Senator Bailey, the rules were suspended, Engrossed Second Substitute Senate Bill No. 6178 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute Senate Bill No. 6178.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6178 and the bill failed to pass the Senate by the following vote: Yeas, 13; Nays, 35; Absent, 0; Excused, 1.

Voting yea: Senators Barr, Bluechel, Erwin, McDonald, Metcalf, Nelson, Newhouse, Oke, Patterson, Saling, Sellar, Thorsness, West - 13.

Voting nay: Senators Amondson, Anderson, Bailey, Bauer, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, Matson, McCaslin, McMullen, Moore, Murray, Niemi, Owen, Pelz, Rasmussen, Rinehart, Roach, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sumner, Sutherland, Vognild, von Reichbauer, Williams, Wojahn - 35.

Excused: Senator Talmadge - 1.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6178, having failed to receive the constitutional majority, was declared lost.

NOTICE FOR RECONSIDERATION

Having voted on the prevailing side, Senator Bailey served notice of reconsideration, before the day is over, of the vote by which Engrossed Second Substitute Senate Bill No. 6178 failed to pass the Senate.

SECOND READING

SENATE BILL NO. 6404, by Senators McMullen, Bluechel and McCaslin

Ensuring payment for work of improvement on real property.

The bill was read the second time.

MOTION

Senator Matson moved that the following Committee on Commerce and Labor amendment be adopted:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 39.76.010 and 1981 c 68 s 1 are each amended to read as follows:

(1) Except as provided in RCW 39.76.020, every state agency ~~((and unit of local government))~~ county, city, town, school district, board, commission, or any other public body shall pay interest at the ~~((rate of one percent per month, but at least one dollar per month))~~ highest rate allowed under RCW 19.52.025, on amounts due on written contracts for public works, personal services, goods and services, equipment, and travel, whenever the state agency or unit of local government fails to make timely payment.

(2) For purposes of this section, payment shall be timely if:

(a) Except under (b), (c), or (d) of this subsection, a check or warrant is mailed or is available on the date specified for the amount specified in the applicable contract documents ((or, if no date is specified, within)) but not later than thirty days of receipt of a properly completed invoice or receipt of goods or services, whichever is later.

(b) ~~((For any amount which is required to be withheld under state or federal law, a check or warrant is mailed or is available in the proper amount on the date the amount may be released under the applicable law))~~ On written

contracts for public works, when part or all of a payment is going to be withheld for unsatisfactory performance or if the payment request made does not comply with the requirements of the contract, the public body shall notify the prime contractor in writing within eight working days after receipt of the payment request stating specifically why part or all of the payment is being withheld and what remedial actions must be taken by the prime contractor to receive the withheld amount.

(c) If the notification by the public body required by (b) of this subsection does not comply with (b) of this subsection, the public body shall pay the interest and penalty under subsection (1) of this section from the ninth working day after receipt of the initial payment request until the contractor receives the notice that does comply with (b) of this subsection.

(d) If part or all of a payment is withheld under (b) of this subsection, the public body shall pay the withheld amount within thirty calendar days after the prime contractor satisfactorily completes the remedial actions identified in the notice. If the withheld amount is not paid within the thirty calendar days, the public body shall pay interest under subsection (1) of this section from the thirty-first calendar day until the date paid.

Sec. 2. RCW 60.28.010 and 1986 c 181 s 6 are each amended to read as follows:

(1) Contracts for public improvements or work, other than for professional services, by the state, or any county, city, town, school district, commission, district, board, or other public body, herein referred to as "public body", shall provide, and there shall be reserved by the public body from the moneys earned by the contractor on estimates during the progress of the improvement or work, a sum not to exceed five percent, ~~((said))~~ this sum to be retained by the state, county, city, town, district, board, or other public body, as a trust fund for the protection and payment of any person or persons, mechanic, subcontractor or materialman who ~~((shall))~~ performs any labor upon such a contract or the doing of ~~((said))~~ the work, and all persons who ~~((shall))~~ supply such a person or persons or subcontractors with provisions and supplies for the carrying on of ~~((such))~~ the work, and the state with respect to taxes imposed pursuant to Title 82 RCW which may be due from ~~((such))~~ the contractor. Every person performing labor or furnishing supplies toward the completion of ~~((said))~~ the improvement or work ~~((shall have))~~ has a lien upon ~~((said))~~ the moneys so reserved: PROVIDED, That ~~((such))~~ the notice of the lien of ~~((such))~~ the claimant ~~((shall be))~~ is given within forty-five days of completion of all of the contract work other than landscaping, and in the manner ~~((and within the time))~~ provided in RCW 39.08.030 ~~((as now existing and in accordance with any amendments that may hereafter be made thereto))~~: PROVIDED FURTHER, That if the board, council, commission, trustees, officer, or body acting for the state, county, or municipality or other public body~~(i)~~:

(a) ~~At~~ any time after fifty percent of the original contract work has been completed, ~~((if it))~~ finds that satisfactory progress is being made, may make any of the partial payments which would otherwise be subsequently made in full; but in no event ~~((shall))~~ may the amount to be retained be reduced to less than five percent of the amount of the moneys earned by the contractor~~((PROVIDED, That the contractor may request that retainage be reduced to one hundred percent of the value of the work remaining on the project))~~; and

~~((thirty))~~ Sixty days after completion ~~((and acceptance))~~ of all contract work other than landscaping, ~~((may))~~ the public body must release and pay in full the amounts retained during the performance of the contract (other than continuing retention of five percent of the moneys earned for landscaping) subject to the provisions of RCW 60.28.020, 60.28.050, and chapter 39.12 RCW.

(2) The moneys reserved under the provisions of subsection (1) of this section, at the option of the contractor, shall be:

(a) Retained in a fund by the public body until ~~((thirty))~~ forty-five days following ~~((the final acceptance of said improvement or work as completed))~~ completion of all contract work;

(b) Deposited by the public body in an interest bearing account in a bank, mutual savings bank, or savings and loan association, not subject to withdrawal until ~~((after the final acceptance))~~ forty-five days following completion of ~~((said))~~ the improvement or work as completed, or until agreed to by both parties~~((PROVIDED, That))~~. Interest on ~~((such))~~ the account shall be paid to the contractor; or

(c) Placed in escrow with a bank or trust company by the public body until ~~((thirty))~~ sixty days following ~~((the final acceptance))~~ completion of ~~((said))~~ the improvement ~~((or work as completed))~~. When the moneys reserved are ~~((to be))~~ placed in escrow, the public body shall issue a check representing the sum of the moneys reserved payable to the bank or trust company and the contractor jointly. ~~((Such))~~ This check shall be converted into bonds and securities chosen by the contractor and approved by the public body and ~~((such))~~ the bonds and securities shall be held in escrow. Interest on ~~((such))~~ the bonds and securities shall be paid to the contractor as the ~~((said))~~ interest accrues.

(3) The contractor or subcontractor may withhold payment of not more than five percent from the moneys earned by any subcontractor or sub-subcontractor or supplier contracted with by the contractor to provide labor, materials, or equipment to the public project. Whenever the contractor or subcontractor reserves funds earned by a subcontractor or sub-subcontractor or supplier, the contractor or subcontractor shall pay interest to the subcontractor or sub-subcontractor or supplier at a rate equal to that received by the contractor or subcontractor from reserved funds.

(4) With the consent of the public body the contractor may submit a bond for all or any portion of the amount of funds retained by the public body in a form acceptable to the public body. ~~((Such))~~ This bond and any proceeds therefrom ~~((shall be made))~~ are subject to all claims and liens and in the same manner and priority as set forth for retained percentages in this chapter. The public body shall release the bonded portion of the retained funds to the contractor within thirty days of accepting the bond from the contractor. Whenever a public body accepts a bond in lieu

of retained funds from a contractor, the contractor shall accept like bonds from any subcontractors or suppliers from which the contractor has retained funds. The contractor shall then release the funds retained from the subcontractor or supplier to the subcontractor or supplier within thirty days of accepting the bond from the subcontractor or supplier.

(5) If the public body administering a contract, after a substantial portion of the work has been completed, finds that an unreasonable delay will occur in the completion of the remaining portion of the contract for any reason not the result of a breach thereof, it may, if the contractor agrees, delete from the contract the remaining work and accept as final the improvement at the stage of completion then attained and make payment in proportion to the amount of the work accomplished and in ~~((such))~~ this case any amounts retained and accumulated under this section shall be held for a period of ~~((thirty))~~ forty-five days following ~~((such acceptance))~~ the completion. In the event that the work ~~((shall have been))~~ is terminated before final completion as provided in this section, the public body may thereafter enter into a new contract with the same contractor to perform the remaining work or improvement for an amount equal to or less than the cost of the remaining work as was provided for in the original contract without advertisement or bid. The provisions of this chapter ~~((60.28 RCW shall be deemed))~~ are exclusive and ~~((shall))~~ supersede all provisions and regulations in conflict herewith.

(6) Whenever the department of transportation has contracted for the construction of two or more ferry vessels, ~~((thirty))~~ sixty days after completion ~~((and final acceptance))~~ of all contract work on each ferry vessel, the department ~~((may))~~ must release and pay in full the amounts retained in connection with the construction of ~~((such))~~ the vessel subject to the provisions of RCW 60.28.020 and chapter 39.12 RCW: PROVIDED, That the department of transportation may at its discretion condition the release of funds retained in connection with the completed ferry upon the contractor delivering a good and sufficient bond with two or more sureties, or with a surety company, in the amount of the retained funds to be released to the contractor, conditioned that no taxes shall be certified or claims filed for work on ~~((such))~~ the ferry after a period of ~~((thirty))~~ forty-five days following ~~((final acceptance))~~ completion of ~~((such))~~ the ferry; and if ~~((such))~~ taxes are certified or claims filed, recovery may be had on ~~((such))~~ the bond by the department of revenue and the materialmen and laborers filing claims.

(7) Contracts on projects funded in whole or in part by farmers home administration and subject to farmers home administration regulations ~~((shall))~~ are not ~~((be))~~ subject to subsections (1) through (6) of this section.

Sec. 3. RCW 60.28.020 and 1975 1st ex.s. c 104 s 2 are each amended to read as follows:

After the expiration of the ~~((thirty))~~ forty-five day period, and after receipt of the department of revenue's certificate, and the public body is satisfied that the taxes certified as due or to become due by the department of revenue are discharged, and the claims of materialmen and laborers who have filed their claims, together with a sum sufficient to defray the cost of foreclosing the liens of such claims, and to pay attorneys' fees, have been paid, the public body may withhold from the remaining retained amounts for claims the public body may have against the contractor and shall pay the balance, if any, to the contractor the fund retained by it or release to the contractor the securities and bonds held in escrow.

If such taxes have not been discharged or the claims, expenses, and fees have not been paid, the public body shall either retain in its fund, or in an interest bearing account, or retain in escrow, at the option of the contractor, an amount equal to such unpaid taxes and unpaid claims together with a sum sufficient to defray the costs and attorney fees incurred in foreclosing the lien of such claims, and shall pay, or release from escrow, the remainder to the contractor.

Sec. 4. RCW 60.28.050 and 1982 c 170 s 2 are each amended to read as follows:

Upon ~~((final acceptance))~~ completion of a contract, the state, county or other municipal officer charged with the duty of disbursing or authorizing disbursement or payment of such contracts shall forthwith notify the department of revenue of the completion of contracts over twenty thousand dollars. Such officer shall not make any payment from the retained percentage fund or release any retained percentage escrow account to any person, until he has received from the department of revenue a certificate that all taxes, increases and penalties due from the contractor, and all taxes due and to become due with respect to such contract have been paid in full or that they are, in the department's opinion, readily collectible without recourse to the state's lien on the retained percentage.

NEW SECTION. Sec. 5. A new section is added to chapter 39.04 RCW to read as follows:

(1) When payment is received by a contractor or subcontractor for work performed on a public work, the contractor or subcontractor shall pay to any subcontractor not later than ten days after the receipt of the payment, amounts allowed the contractor on account of the work performed by the subcontractor, to the extent of each subcontractor's interest therein.

(2) In the event of a good faith dispute over all or any portion of the amount due on a payment from the prime contractor or subcontractor to a subcontractor, then the prime contractor or subcontractor may withhold no more than one hundred fifty percent of the disputed amount. Those not a party to a dispute are entitled to full and prompt payment of their portion of a draw, progress payment, final payment, or released retainage.

(3) In addition to all other remedies, any person from whom funds have been withheld in violation of this section shall be entitled to receive from the person wrongfully withholding the funds, for every month and portion thereof that payment including retainage is not made, interest at the highest rate allowed under RCW 19.52.025. In any action for the collection of funds wrongfully withheld, the prevailing party shall be entitled to costs of suit and reasonable attorneys' fees.

NEW SECTION. Sec. 6. (1) It is against public policy for any party to require any other party to waive any provision of this act.

(2) It is against public policy to enforce a contract provision which requires the receipt of construction funds by the owner, prime contractor, or subcontractor, as a condition that must be fulfilled before the owner, prime contractor, or subcontractor has any financial obligation to those who provided labor and/or material for the improvement of real property.

(3) This act is to be liberally construed to provide security for all parties intended to be protected by its provisions.

NEW SECTION. Sec. 7. This act shall take effect September 1, 1992, and is applicable to all contracts entered into on or after September 1, 1992, relating to the construction of any work of improvement.

Debate ensued.

The President declared the question before the Senate to be the adoption of the Committee on Commerce and Labor striking amendment to Senate Bill No. 6404.

The motion by Senator Matson carried and the committee striking amendment was adopted.

MOTIONS

On motion of Senator Matson, the following title amendment was adopted:

On page 1, line 1 of the title, after "improvement" strike the remainder of the title and insert "on public works projects; amending RCW 39.76.010, 60.28.010, 60.28.020, and 60.28.050; adding a new section to chapter 39.04 RCW; creating a new section; prescribing penalties; and providing an effective date."

On motion of Senator Matson, the rules were suspended, Engrossed Senate Bill No. 6404 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6404.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6404 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Stratton, Sumner, Sutherland, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 47.

Voting nay: Senator Snyder - 1.

Excused: Senator Talmadge - 1.

ENGROSSED SENATE BILL NO. 6404, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Senate Bill No. 6262, deferred on second reading after the amendment by Senator Talmadge on page 2, line 9, was adopted February 17, 1992.

MOTION

Senator Roach moved that the following amendment be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. As used in sections 1 through 4 of this act, the following terms have the meanings indicated unless the context clearly requires otherwise.

(1) "Minor" means any person under the age of eighteen years.

(2) "Harmful to minors" means any matter or live performance:

(a) Which the average adult person, applying contemporary community standards, would find, when considered as a whole, appeals to the prurient interest of minors; and

(b) Which explicitly depicts or describes, by prevailing standards in the adult community with respect to what is suitable for minors, patently offensive representations or descriptions of:

(i) Ultimate sexual acts, normal or perverted, actual or simulated; or

(ii) Masturbation, fellatio, cunnilingus, bestiality, excretory functions, lewd exhibition of the genitals or genital area, sexually explicit conduct, sexual excitement, or sexually explicit nudity; or

(iii) Violent or destructive sexual acts, including but not limited to human or animal mutilation, dismemberment, rape, or torture; and

(c) Which, when considered as a whole, and in the context in which it is used, lacks serious literary, artistic, political, or scientific value for minors.

(3) "Sexually explicit conduct" means physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or, if such person be a female, breast.

(4) "Sexual excitement" means the condition of human male or female genitals when in a state of sexual stimulation or arousal; or the depiction of covered male genitals in a discernibly turgid state.

(5) "Sexually explicit nudity" means the showing of the human male or female genitals, pubic area, or buttocks with less than a full opaque covering; or the showing of the female breast with less than a full opaque covering of any portion thereof below the top of the nipple.

(6) "Matter" means a motion picture film, a publication, a sexual device, or any combination thereof.

(7) "Motion picture film" means any:

(a) Film or plate negative;

(b) Film or plate positive;

(c) Film designed to be projected on a screen for exhibition;

(d) Film, glass slides, or transparencies, either in negative or positive form, designed for exhibition by projection on a screen;

(e) Video tape; or

(f) Any other medium used to electronically transmit or reproduce images on a screen.

(8) "Publication" means any book, magazine, article, pamphlet, writing, printing, illustration, picture, sound recording, or coin-operated machine.

(9) "Sexual device" means any artificial human penis, vagina, or anus, or other device primarily designed, promoted, or marketed to physically stimulate or manipulate the human genitals, pubic area, perineum, or anal area, including dildoes, penisators, vibrators, vibrillators, penis rings, and erection enlargement or prolonging creams, jellies, or other such chemicals or preparations.

(10) "Live performance" means any play, show, skit, dance, or other exhibition performed or presented to or before an audience of one or more, in person or by electronic transmission, with or without consideration.

(11) "Person" means any individual, partnership, firm, association, corporation, or other legal entity.

(12) "Knowledge of its character" means that the person knows or is aware, or has reason to know, that the matter or performance contains, depicts, or describes any of the activity or conduct which may be found to be patently offensive under subsection (2)(b) of this section, regardless of whether such person has actual or specific knowledge of its precise contents or that the matter or performance is "harmful to minors" under subsection (2) of this section. Such knowledge may be proved by direct or circumstantial evidence, or both.

NEW SECTION. Sec. 2. No person shall recklessly and with knowledge of its character:

(1) Display matter which is harmful to minors, as defined in section 1(2) of this act, in such a way that minors, as part of the invited general public, will be exposed to view such matter; however, a person shall be deemed not to have displayed matter harmful to minors if the matter is kept behind devices commonly known as blinder racks so that the lower two-thirds of the matter is not exposed to view;

(2) Sell, furnish, present, distribute, allow to view or hear, or otherwise disseminate to a minor, with or without consideration, any matter which is harmful to minors as defined in section 1(2) of this act; or

(3) Present to a minor or participate in presenting to a minor, with or without consideration, any live performance which is harmful to minors as defined in section 1(2) of this act.

NEW SECTION. Sec. 3. In any prosecution for violation of section 2 of this act, it shall be an affirmative defense that:

(1) The matter or performance involved was displayed or otherwise disseminated to a minor by the minor's parent or legal guardian, for bona fide purposes;

(2) The matter or performance involved was displayed or otherwise disseminated to a minor with the written permission of the minor's parent or legal guardian, for bona fide purposes; or

(3) The person made a reasonable bona fide attempt to ascertain the true age of the minor by requiring production of a driver's license, marriage license, birth certificate, or other governmental or educational identification card or paper and not relying solely on the oral allegations or apparent age of the minor.

NEW SECTION. Sec. 4. Any person who is convicted of violating any provision of section 2 of this act is guilty of a gross misdemeanor. Each day that any violation of section 2 of this act occurs or continues shall constitute a separate offense and shall be punishable as a separate violation. Every act, thing, or transaction prohibited by section 2 of this act shall constitute a separate offense as to each item, issue, or title involved and shall be punishable as such. For the purpose of this section, multiple copies of the same identical title, monthly issue, volume, and number issue, or other such identical material shall constitute a single offense.

NEW SECTION. Sec. 5. The provisions of sections 1 through 4 of this act shall be exclusive.

NEW SECTION. Sec. 6. The following acts or parts of acts are each repealed:

- (1) RCW 9.68.050 and 1969 ex.s. c 256 s 13;
- (2) RCW 9.68.060 and 1969 ex.s. c 256 s 14;
- (3) RCW 9.68.070 and 1969 ex.s. c 256 s 15;
- (4) RCW 9.68.080 and 1969 ex.s. c 256 s 16;
- (5) RCW 9.68.090 and 1969 ex.s. c 256 s 17;
- (6) RCW 9.68.100 and 1969 ex.s. c 256 s 18;
- (7) RCW 9.68.110 and 1969 ex.s. c 256 s 19;
- (8) RCW 9.68.130 and 1975 1st ex.s. c 156 s 1;
- (9) RCW 9.68A.140 and 1987 c 396 s 1;
- (10) RCW 9.68A.150 and 1987 c 396 s 2; and
- (11) RCW 9.68A.160 and 1987 c 396 s 3.

NEW SECTION. Sec. 7. Sections 1 through 4 of this act are each added to chapter 9.68 RCW.

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

POINT OF ORDER

Senator Vognild: "A point of order, Mr. President. The amendment by Senator Roach in itself is out of order. I cite to you Rule 136 from Reed's Rules. It says that once an amendment has been adopted by the body in the affirmative that the wording of that amendment cannot be removed by a further amendment. If you will look at Senator Roach's amendment, you will find that it makes absolutely no change in the bill as we had it before us prior to the Talmadge amendment. Mr. President, I believe that if you would look at this rule you would find, as I have found, or believe that I have found, that the amendment itself is out of order and not properly before the body."

Further debate ensued.

MOTION

On motion of Senator Newhouse, further consideration of Substitute Senate Bill No. 6262 was deferred.

Vice President Pro Tempore Bluechel assumed the Chair.

SECOND READING

SENATE BILL NO. 5386, by Senators McCaslin and Bailey

Establishing certificate of merit in professional negligence suits.

MOTIONS

On motion of Senator Nelson, Substitute Senate Bill No. 5386 was substituted for Senate Bill No. 5386 and the substitute bill was placed on second reading and read the second time.

Senator Adam Smith moved that the following amendment by Senator Talmadge be adopted:

On page 2, following line 23, add a new subsection to read as follows:

"(6) The claimant shall include within the certificate a statement that if the cause of action involves a potential public hazard the claimant shall not agree to the court entering any order or judgment which has the effect of concealing the existence of a public hazard. For purposes of this subsection a public hazard shall mean any device, instrument, procedure, or product that (i) presents a real and substantial potential for repetition of harm; or (ii) is a single incident which affected or is likely to affect many people, other than any action or procedure done in the course of a person licensed by the state who is acting within the scope of the license."

POINT OF ORDER

Senator Nelson: "Mr. President, I rise to a point of order on this amendment as being out of the scope and object of Senate Bill No. 5386. I rise to a point of order based on the measure being one that establishes a certificate of merit procedure in lawsuits and this amendment deals with an issue of appeals records that are at the discretion of a judge in the case of civil lawsuits and where we already have such an action that is embodied within Rule 26 of the Superior Court. This amendment is, in no way, fitting the bill that we have before us that establishes a new procedure whereby in a litigation a plaintiff is required to obtain a certification from a person in a discipline that is now subject as a defendant in a case."

Further debate ensued.

POINT OF ORDER

Senator Newhouse: "A point of order, Mr. President. Turn off his microphone. We are debating the issue now. There should be one speech only on each side."

REPLY BY THE VICE PRESIDENT PRO TEMPORE

Vice President Pro Tempore Bluechel: "Senator Newhouse, I believe you are correct. Senator Rasmussen, the issue has been debated from either side."

MOTION

On motion of Senator Newhouse, further consideration of Substitute Senate Bill No. 5386 was deferred.

President Pritchard assumed the Chair.

SECOND READING

SENATE BILL NO. 6428, by Senators Roach, Stratton and Oke (by request of Department of Social and Health Services, Department of Health, Superintendent of Public Instruction, Department of Community Development and Employment Security Department)

Improving the responsiveness of services for at-risk children and families.

MOTIONS

On motion of Senator Linda Smith, Substitute Senate Bill No. 6428 was substituted for Senate Bill No. 6428 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Linda Smith, the rules were suspended, Substitute Senate Bill No. 6428 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6428.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6428 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 3; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Bluechel, Cantu, Conner, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, Matson, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sumner, Sutherland, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 45.

Voting nay: Senators Barr, Craswell, McCaslin - 3.

Excused: Senator Talmadge - 1.

SUBSTITUTE SENATE BILL NO. 6428, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5335, by Senators Rasmussen and Barr

Allowing benefits for emergency medical service district volunteers.

MOTIONS

On motion of Senator Rasmussen, Second Substitute Senate Bill No. 5335 was substituted for Senate Bill No. 5335 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Rasmussen, the rules were suspended, Second Substitute Senate Bill No. 5335 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 5335.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5335 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sumner, Sutherland, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 48.

Excused: Senator Talmadge - 1.

SECOND SUBSTITUTE SENATE BILL NO. 5335, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6383, by Senator Thorsness

Requiring financial assurance for the disposal of radioactive waste.

MOTIONS

On motion of Senator Thorsness, Substitute Senate Bill No. 6383 was substituted for Senate Bill No. 6383 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Thorsness, the rules were suspended, Substitute Senate Bill No. 6383 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6383.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6383 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sumner, Sutherland, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 47.

Absent: Senator Conner - 1.

Excused: Senator Talmadge - 1.

SUBSTITUTE SENATE BILL NO. 6383, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6402, by Senators Newhouse, Bauer, Amondson, McCaslin, McMullen and von Reichbauer

Revising procedures for approval of amendments to the state building code.

The bill was read the second time.

MOTION

On motion of Senator McCaslin, the rules were suspended, Senate Bill No. 6402 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6402.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6402 and the bill passed the Senate by the following vote: Yeas, 33; Nays, 14; Absent, 1; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Bluechel, Cantu, Craswell, Erwin, Hayner, Jesernig, Matson, McCaslin, McDonald, McMullen, Metcalf, Nelson, Newhouse, Oke, Owen, Patterson, Rasmussen, Roach, Saling, Skratek, L. Smith, Snyder, Stratton, Sumner, Sutherland, Thorsness, von Reichbauer, West, Wojahn - 33.

Voting nay: Senators Barr, Gaspard, Hansen, Kreidler, Madsen, Moore, Murray, Niemi, Pelz, Rinehart, Sellar, A. Smith, Vognild, Williams - 14.

Absent: Senator Conner - 1.

Excused: Senator Talmadge - 1.

SENATE BILL NO. 6402, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6067, by Senator McCaslin

Creating uniform residency requirements for elected officials.

MOTIONS

On motion of Senator McCaslin, Substitute Senate Bill No. 6067 was substituted for Senate Bill No. 6067 and the substitute bill was placed on second reading and read the second time.

On motion of Senator McCaslin, the rules were suspended, Substitute Senate Bill No. 6067 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6067.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6067 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 1; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sumner, Sutherland, Thorsness, Vognil, von Reichbauer, West, Williams, Wojahn - 46.

Voting nay: Senator Roach - 1.

Absent: Senator Rinehart - 1.

Excused: Senator Talmadge - 1.

SUBSTITUTE SENATE BILL NO. 6067, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Vice President Pro Tempore Bluechel assumed the Chair.

MOTION

On motion of Senator Cantu, Senator McDonald was excused.

SECOND READING

SENATE BILL NO. 6372, by Senator Erwin

Studying pedestrian and bicycle fatalities along state route 520.

MOTIONS

On motion of Senator Erwin, Substitute Senate Bill No. 6372 was substituted for Senate Bill No. 6372 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Erwin, the rules were suspended, Substitute Senate Bill No. 6372 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6372.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6372 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, Matson, McCaslin, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sumner, Sutherland, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 47.

Excused: Senators McDonald, Talmadge - 2.

SUBSTITUTE SENATE BILL NO. 6372, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 6132 and the pending striking amendment by Senators Anderson and Metcalf, deferred February 17, 1992.

Debate ensued.

POINT OF INQUIRY

Senator Niemi: "Senator Anderson, I have read the amendment and it doesn't say anything about net pens raising salmon, but it looks to me, if you read between the lines, that that would exclude net pen raised salmon. Is that true? For example, what is the definition of animal waste?"

Senator Anderson: "Senator Niemi, that discussion has never been had along with this bill, so I cannot answer that."

Senator Niemi: "Well, Senator Anderson, are you prepared to say that this bill would not exclude the raising of net pen salmon in shellfish protection areas? Maybe Senator Metcalf can answer that."

REMARKS BY SENATOR METCALF

Senator Metcalf: "This bill is a shellfish pollution control bill and has nothing to do, nor have I any idea, nor was it ever discussed. Senator Kreidler is shaking his head, also, and part of this bill has some elements from his bill, so he has been working this bill, too. The answer is 'no.'"

Senator Niemi: "The intent is not to exclude?"

Senator Metcalf: "Absolutely, the intent is to not exclude."

Senator Niemi: "Thank you."

POINT OF INQUIRY

Senator Rasmussen: "Senator Anderson, are you talking about the striking amendment, number 006911?"

Senator Anderson: "Senator Rasmussen, I believe the amendment is number 006011."

Senator Rasmussen: "6011, well that's the same old thing that we had yesterday."

Senator Anderson: "Yes, Senator Rasmussen, we did not vote on this yesterday. The Democratic side asked that this bill be held and we are now voting on it for the first time."

Further debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the adoption of the striking amendment by Senators Anderson and Metcalf to Substitute Senate Bill No. 6132.

The motion by Senator Anderson carried and the striking amendment was adopted.

MOTIONS

On motion of Senator Metcalf, the following title amendment was adopted:

On page 1, line 2 of the title, after "tidelands;" strike the remainder of the title and insert "amending RCW 90.72.030, 90.72.040, and 90.72.070; adding new sections to chapter 90.72 RCW; adding a new section to chapter 88.36 RCW; and repealing RCW 90.72.010 and 90.72.050."

On motion of Senator Metcalf, the rules were suspended, Engrossed Substitute Senate Bill No. 6132 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6132.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6132 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 6; Absent, 1; Excused, 0.

Voting yea: Senators Amondson, Anderson, Barr, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Niemi, Oke, Owen, Pelz, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sumner, Sutherland, Talmadge, Thorsness, von Reichbauer, West, Williams, Wojahn - 42.

Voting nay: Senators Bailey, Bauer, Madsen, Newhouse, Patterson, Rasmussen - 6.

Absent: Senator Vognild - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6132, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SPECIAL ORDER OF BUSINESS

On motion of Senator Newhouse, Senate Bill No. 6470 will be made a special order of business at 4:55 p.m. today.

President Pritchard assumed the Chair.

SECOND READING

SENATE BILL NO. 6078, by Senators Skratek, Patterson and Vognild

Removing SR 901 from the state highway system.

The bill was read the second time.

MOTION

On motion of Senator Patterson, the rules were suspended, Senate Bill No. 6078 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6078.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6078 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SENATE BILL NO. 6078, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6322, by Senators Vognild, Owen and Moore

Providing longshoreman's insurance.

The bill was read the second time.

MOTIONS

Senator Matson moved that the following Committee on Commerce and Labor amendment be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds and declares that the continued existence of a strong and health maritime industry in this state is threatened by the unavailability and excessive cost of workers' compensation coverage required by the United States Longshoreman's and Harbor Worker's Compensation Act. The legislature, therefore, acting under its authority to protect industry and employment in this state hereby establishes a commission to devise and implement both a near and long term solution to this problem, for the purpose of maintaining employment for Washington workers and a vigorous maritime industry.

Sec. 2. RCW 48.32.020 and 1987 c 185 s 29 are each amended to read as follows:

This chapter shall apply to all kinds of direct insurance, except life, title, surety, disability, credit, mortgage guaranty, workers' compensation included in the state of Washington industrial insurance fund defined in RCW 51.08.175, and ocean marine insurance. However, this chapter applies to workers' compensation insurance only if the applicable order of liquidation is adjudicated on or after July 1, 1992.

NEW SECTION. Sec. 3. A new section is added to chapter 48.22 RCW to read as follows:

Before July 1, 1992, the commissioner shall adopt rules establishing a reasonable plan to insure that workers' compensation coverage as required by the United States Longshoreman's and Harbor Worker's Compensation Act, 33 U.S.C. Secs. 901 through 950, and maritime employer's liability coverage incidental to the workers' compensation coverage is available to those unable to purchase it through the normal insurance market. This plan shall require the participation of all authorized insurers writing primary and excess workers' compensation insurance or reinsurance and the Washington state industrial insurance fund as defined in RCW 51.08.175 in amounts proportional to the premiums written by each of these entities. The Washington state industrial insurance fund is authorized to participate in the plan and to make payments in support of the plan in accordance with rules adopted by the commissioner pursuant to this section. The rules shall require that the plan use generally accepted actuarial principles for rate making. An applicant for such insurance, a person insured under the plan, an insurer, or the Washington state industrial insurance fund affected by a ruling or decision of the manager or committee designated to operate the plan may appeal to the commissioner for resolution of a dispute.

NEW SECTION. Sec. 4. A new section is added to chapter 48.22 RCW to read as follows:

Before April 15, 1992, the commissioner shall appoint a committee to provide assistance in drafting the rules required by section 3 of this act. After July 1, 1992, the committee shall assist the commissioner in overseeing the operation of the plan. The committee shall consist of at least eight members. The commissioner and the director of the department of labor and industries shall be members. The remaining members shall be selected to insure equal representation of authorized insurers writing primary or excess workers compensation insurance, insurance producers, organized labor, and maritime employers.

NEW SECTION. Sec. 5. A new section is added to chapter 48.22 RCW to read as follows:

The committee appointed pursuant to section 4 of this act shall submit a report to the legislature no later than January 1, 1993, that examines all aspects of the United States Longshoreman's and Harbors Worker's Act (22 U.S.C. Secs. 901 through 950) coverage, and incidental maritime liability coverage, as it applies to Washington workers and

employers. This study shall include but not be limited to the ability of private insurers to provide affordable coverage to eligible employers; whether the Washington state industrial insurance fund should participate in the plan adopted pursuant to section 3 of this act; whether there are methods that will satisfy the intent of this act that will not involve the Washington state industrial insurance fund; and the feasibility of requiring that this coverage be made directly available through the Washington state industrial insurance fund.

NEW SECTION. Sec. 6. A new section is added to chapter 48.22 RCW to read as follows:

The plan adopted pursuant to section 3 of this act shall terminate on July 1, 1993.

NEW SECTION. Sec. 7. Sections 3 and 4 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

Senator Bailey moved that the following amendment by Senators Bailey, Anderson and Patterson to the Committee on Commerce and Labor amendment be adopted:

On page 3, line 15, after "employers;" insert "authorizing private insurers to provide workers compensation insurance coverage under Title 51 RCW;

POINT OF ORDER

Senator McMullen: "A point of order, Mr. President. I would challenge the scope and object of this amendment under the title of the bill--the scope and object of this particular bill. Senate Bill No. 6322 reads, 'An Act Relating to the Longshoreman's and Harbor Worker's Compensation Act Insurance' and amends RCW 48. This amendment refers to Title 51 RCW and refers to worker's compensation coverage. It is not under the scope and object of the original bill."

Further debate ensued.

MOTION

On motion of Senator Newhouse, further consideration of Senate Bill No. 6322 was deferred.

SECOND READING

SENATE BILL NO. 6348, by Senators von Reichbauer, Vognild and Sellar

Reimbursing financial institutions for producing records.

MOTIONS

On motion of Senator von Reichbauer, Substitute Senate Bill No. 6348 was substituted for Senate Bill No. 6348 and the substitute bill was placed on second reading and read the second time.

On motion of Senator von Reichbauer, the rules were suspended, Substitute Senate Bill No. 6348 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6348.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6348 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 4; Excused, 0.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Jesernig, Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson,

Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sumner, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Williams, Wojahn - 45.

Absent: Senators Amondson, Hayner, Sellar, West - 4.

SUBSTITUTE SENATE BILL NO. 6348, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Anderson, Senators Amondson, Hayner, Sellar and West were excused.

SECOND READING

SENATE BILL NO. 6349, by Senators von Reichbauer, Owen and Pelz

Defining unlawful factoring of credit card transactions.

The bill was read the second time.

MOTION

On motion of Senator von Reichbauer, the rules were suspended, Senate Bill No. 6349 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6349.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6349 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Jesernig, Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sumner, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Williams, Wojahn - 45.

Excused: Senators Amondson, Hayner, Sellar, West - 4.

SENATE BILL NO. 6349, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Senate Bill No. 6322 and the pending amendment by Senators Bailey, Anderson and Patterson on page 3, line 15, to the Committee on Commerce and Labor striking amendment, deferred earlier today.

MOTION

On motion of Senator McMullen, and there being no objection, the point of order concerning the scope and object of the amendment by Senators Bailey, Anderson and Patterson to the Committee on Commerce and Labor striking amendment, was withdrawn.

The President declared the question before the Senate to be the adoption of the amendment by Senators Bailey, Anderson and Patterson on page 3, line 15, to the Committee on Commerce and Labor striking amendment to Senate Bill No. 6322.

Debate ensued.

Senator Anderson demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senators Bailey, Anderson and Patterson on page 3, line 15, to the Committee on Commerce and Labor striking amendment to Senate Bill No. 6322.

ROLL CALL

The Secretary called the roll and the amendment to the committee amendment was not adopted by the following vote: Yeas, 22; Nays, 26; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bluechel, Cantu, Craswell, Erwin, Hayner, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Oke, Patterson, Saling, Sellar, L. Smith, Sumner, Thorsness, West - 22.

Voting nay: Senators Bauer, Conner, Gaspard, Hansen, Jesernig, Kreidler, Madsen, McMullen, Moore, Murray, Niemi, Owen, Pelz, Rasmussen, Rinehart, Roach, Skratek, A. Smith, Snyder, Stratton, Sutherland, Talmadge, Vognild, von Reichbauer, Williams, Wojahn - 26.

Excused: Senator Amondson - 1.

The President declared the question before the Senate to be the adoption of the Committee on Commerce and Labor striking amendment to Senate Bill No. 6322.

The Committee on Commerce and Labor striking amendment to Senate Bill No. 6322 was adopted by voice vote.

MOTIONS

On motion of Senator Matson, the following title amendment was adopted:

On line 2 of the title, after "insurance;" strike the remainder of the title and insert "amending RCW 48.32.020; adding new sections to chapter 48.22 RCW; creating a new section; and declaring an emergency."

On motion of Senator Matson, the rules were suspended, Engrossed Senate Bill No. 6322 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6322.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6322 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 3; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sumner, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 46.

Voting nay: Senators Anderson, Bailey, Patterson - 3.

ENGROSSED SENATE BILL NO. 6322, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 6262 and the pending striking amendment by Senator Roach, deferred earlier today.

RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator Vognild, the President finds a change in Senator Roach's striking amendment from the text of Substitute Senate Bill No. 6262, as amended by Senator Talmadge's amendment on page 2, line 9.

"The proposed amendment does strike the amendment previously adopted and it does not constitute a new proposition within the meaning of Reeds Rules, No. 136.

"The President, therefore, finds that the proposed amendment does change the scope and object of the bill and that the point of order is well taken."

The striking amendment by Senator Roach to Substitute Senate Bill No. 6262 was ruled out of order.

MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator von Reichbauer moved to reconsider the vote by which the amendment by Senator Talmadge on page 2, line 9, to Substitute Senate Bill No. 6262 was adopted February 17, 1992.

POINT OF ORDER

Senator Talmadge: "Mr. President, a point of order. I believe that is the second notice of reconsideration. A notice of reconsideration was given by Senator Roach and the motion for reconsideration immediately taken up failed and under the rules a second reconsideration is not possible."

REPLY BY THE PRESIDENT

President Pritchard: "Senator Talmadge is right and the motion is out of order."

MOTION

On motion of Senator Roach, the rules were suspended, Engrossed Substitute Senate Bill No. 6262 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6262.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6262 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 7; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Oke, Owen, Patterson, Rasmussen, Roach, Saling, Sellar, A. Smith, L. Smith, Snyder, Stratton, Sumner, Sutherland, Talmadge, Thorsness, von Reichbauer, West, Wojahn - 42.

Voting nay: Senators Moore, Niemi, Pelz, Rinehart, Skratek, Vognild, Williams - 7.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6262, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Vice President Pro Tempore Bluechel assumed the Chair.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 5386 and the pending amendment by Senator Talmadge on page 2, following line 23, deferred earlier today.

RULING BY THE VICE PRESIDENT PRO TEMPORE

Vice President Pro Tempore Bluechel: "In ruling upon the point of order raised by Senator Nelson, the President finds that Substitute Senate Bill No. 5386 is a measure which establishes a certificate of merit procedure which is required to be filed by claimant's attorneys in suits arising out of professional negligence.

"The proposed amendment would provide that the claimant must include a statement in the certificate related to disclosure of potential public hazards.

"The President, therefore, finds that the proposed amendment does change the scope and object of the bill and that the point of order is well taken."

The amendment by Senator Talmadge on page 2, following line 23, to Substitute Senate Bill No. 5386 was ruled out of order.

MOTION

Senator McMullen moved that the following amendment be adopted:

On page 2, beginning on line 24, strike all of section 2 and insert the following:

NEW SECTION. Sec. 2. A new section is added to chapter 4.24 RCW to read as follows:

(1) Each defendant's attorney shall file the certificate specified in subsection (2) of this section within thirty days of service of a summons and complaint in any action for damages arising out of the professional negligence of a person licensed, registered, or certified under Title 18 RCW.

(2) The certificate filed by each defendant's attorney shall declare:

(a) That the attorney has reviewed the facts of the case;

(b) That the attorney has consulted with at least one qualified expert who holds a license, certificate, or registration issued by this state or another state in the same profession as that of the defendant, who practices in the same specialty or subspecialty as the defendant, and who the attorney reasonably believes is knowledgeable in the relevant issues involved in the particular action;

(c) The identity of the expert and the expert's license, certification, or registration;

(d) That the expert is willing and available to testify to admissible facts or opinions; and

(e) That the attorney has concluded on the basis of such review and consultation that there is not reasonable and meritorious cause for the filing of such action.

(3) Where a certificate is required under this section, and where there are multiple claimants, the certificate or certificates must state the attorney's conclusion that on the basis of review and expert consultation, there is not reasonable and meritorious cause for the filing of such action as to each claimant.

(4) The provisions of this section shall not be applicable to a defendant who is not represented by an attorney.

(5) Violation of this section shall be grounds for either dismissal of the case or sanctions against the attorney, or both, as the court deems appropriate.

NEW SECTION. Sec. 3. Sections 1 and 2 of this act apply to all actions for damages arising out of professional negligence filed on or after August 1, 1992.

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator McMullen on page 2, beginning on line 24, to Substitute Senate Bill No. 5386.

The motion by Senator McMullen failed and the amendment was not adopted on a rising vote.

MOTION

On motion of Senator Nelson, the rules were suspended, Substitute Senate Bill No. 5386 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5386.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5386 and the bill passed the Senate by the following vote: Yeas, 27; Nays, 22; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bluechel, Cantu, Craswell, Erwin, Hayner, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Oke, Owen, Patterson, Roach, Saling, Sellar, L. Smith, Stratton, Sumner, Thorsness, von Reichbauer, West - 27.

Voting nay: Senators Bauer, Conner, Gaspard, Hansen, Jesernig, Kreidler, Madsen, McMullen, Moore, Murray, Niemi, Pelz, Rasmussen, Rinehart, Skratek, A. Smith, Snyder, Sutherland, Talmadge, Vognild, Williams, Wojahn - 22.

SUBSTITUTE SENATE BILL NO. 5386, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

President Pritchard assumed the Chair.

SECOND READING

SENATE BILL NO. 6075, by Senators Thorsness, Rasmussen, McCaslin, Owen, Metcalf, Nelson, Oke, Stratton, Cantu, L. Smith, Amondson, Barr, Anderson, Craswell and Erwin

Limiting state government employment to the same rate as the growth of population.

The bill was read the second time.

MOTION

On motion of Senator Thorsness, the rules were suspended, Senate Bill No. 6075 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6075.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6075 and the bill passed the Senate by the following vote: Yeas, 27; Nays, 22; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bluechel, Cantu, Craswell, Hayner, Jesernig, Madsen, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Oke, Owen, Patterson, Rasmussen, Saling, Sellar, L. Smith, Stratton, Sumner, Thorsness, West - 27.

Voting nay: Senators Bauer, Conner, Erwin, Gaspard, Hansen, Kreidler, McMullen, Moore, Murray, Niemi, Pelz, Rinehart, Roach, Skratek, A. Smith, Snyder, Sutherland, Talmadge, Vognild, von Reichbauer, Williams, Wojahn - 22.

SENATE BILL NO. 6075, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6299, by Senators Anderson, Moore, Murray and Bailey (by request of Department of Labor and Industries)

Regulating health care and vocational services provided under industrial insurance.

MOTIONS

On motion of Senator Matson, Substitute Senate Bill No. 6299 was substituted for Senate Bill No. 6299 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Anderson, the following amendment by Senators Anderson and Matson was adopted:

On page 6, line 24, after "under" strike "this title" and insert "RCW 51.36.110".

MOTION

On motion of Senator Matson, the rules were suspended, Engrossed Substitute Senate Bill No. 6299 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6299.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6299 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Stratton, Sumner, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 48.

Absent: Senator Snyder - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6299, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6347, by Senators Nelson, A. Smith, Erwin, Madsen, Rinehart, Thorsness and von Reichbauer

Making changes to the domestic violence statute.

MOTIONS

On motion of Senator Nelson, Second Substitute Senate Bill No. 6347 was substituted for Senate Bill No. 6347 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Talmadge, the following amendments were considered simultaneously and were adopted:

On page 11, line 16, after "relationship," strike "and"

On page 11, line 18, after "relationship" insert ", and persons who have a biological or legal parent-child relationship, including stepparents and stepchildren and grandparents and grandchildren"

MOTION

On motion of Senator Nelson, the rules were suspended, Engrossed Second Substitute Senate Bill No. 6347 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute Senate Bill No. 6347.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6347 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6347, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6174, by Senators Nelson, Rasmussen, Thorsness, Erwin, Bailey and Jesernig

Providing for counseling of family members of homicide victims.

MOTIONS

On motion of Senator Nelson, Substitute Senate Bill No. 6174 was substituted for Senate Bill No. 6174 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Adam Smith, the following amendment was adopted:
On page 7, line 8, after "51.04.030" insert ", subject to the limitations of RCW 7.68.080"

MOTION

On motion of Senator Nelson, the rules were suspended, Engrossed Substitute Senate Bill No. 6174 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6174.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6174 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 5; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Oke, Owen, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sumner, Sutherland, Talmadge, Thorsness, von Reichbauer, West, Williams, Wojahn - 44.

Voting nay: Senators Barr, Moore, Niemi, Patterson, Vognild - 5.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6174, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6261, by Senators Roach, Stratton, L. Smith, Murray, Cantu, Jesernig, Hayner, Thorsness, Amondson and Erwin

Changing defenses to prosecutions for sexual exploitation of children.

The bill was read the second time.

MOTIONS

On motion of Senator Roach, the following Committee on Children and Family Services amendment was adopted:

On page 3, beginning on line 4, strike all material in Sec. 2. down to and including "(3) RCW 9.68A.160 and 1987 c 396 s 3."

Renumber the remaining section "Sec. 2."

Senator Roach moved that the following amendment be adopted:

On page 2, line 5, after "defendant" strike all material through "~~minor~~)" on line 7 and insert "was not in possession of any facts on the basis of which he or she should reasonably have known that the person depicted was a minor or that the defendant"

PARLIAMENTARY INQUIRY

Senator Vognild: "Mr. President, a parliamentary inquiry, if I may. I'm not sure what the effect of this amendment is where she is striking language which was in the law which was then stricken by the bill. By striking that, does that put that back into the bill? I seriously don't know what's going on here or what the results are and not sure the results are exactly what Senator Roach wants."

Senator Roach: "The Democratic caucus staff attorney actually came to me earlier today with a question on this. We agreed with him that there was a slight problem and that's why we have this amendment. I would urge your adoption of the amendment agreed upon by both sides of the aisle."

REPLY BY THE PRESIDENT

President Pritchard: "It does put the stricken language back in."

Further debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Roach on page 2, line 5, to Senate Bill No. 6261.

The motion by Senator Roach carried and the amendment was adopted.

MOTIONS

On motion of Senator Roach, the following title amendment was adopted:

On page 1, line 1 of the title, after "children;" insert "and" and on line 2 after "9.68A.110" strike all material up to the period

On motion of Senator Roach, the rules were suspended, Engrossed Senate Bill No. 6261 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6261.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6261 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

ENGROSSED SENATE BILL NO. 6261, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6315, by Senators Barr, Owen and Metcalf

Creating a task force on solid fuel burning device monitoring.

The bill was read the second time.

MOTION

On motion of Senator Barr, the rules were suspended, Senate Bill No. 6315 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

POINT OF ORDER

Senator Owen: "A point of order, Mr. President. I was looking at the bill and it seems to me that there should be an amendment on the desk from somebody to fill in a blank spot in the bill on page three. I am looking, just checking, to see if there is an amendment on the desk to fill in the dollar amount that is blank in the bill."

REPLY BY THE PRESIDENT

President Pritchard: "That seems like a reasonable request."

Senator Owen: "I read the bill."

President Pritchard: "No amendments at the desk. You moved it to third reading? Senator Barr moves the bill to third reading and final passage. Hearing no objection, so ordered. Senator Barr."

Further debate ensued.

POINT OF ORDER SPECIAL ORDER OF BUSINESS

Senator Newhouse: "Mr. President, I rise to a point of order. We have now reached the time of 4:55 p.m. for the Special Order of Business on Senate Bill No. 6470. May I also request of the President a ruling that we can come back and finish Senate Bill No. 6315?"

RULING BY THE PRESIDENT

President Pritchard: "Yes, that is correct. We will come back and finish up Senate Bill No. 6315."

SECOND READING

SENATE BILL NO. 6470, by Senators McDonald, Anderson, Bailey, Nelson, Madsen, McCaslin, Owen, Matson, Oke, Rasmussen, Hayner, Cantu, Metcalf, L. Smith, Newhouse, Amondson, West, Craswell, Sellar, Patterson, Stratton, Thorsness and Barr

Creating the emergency reserve fund.

The bill was read the second time.

MOTION

Senator Gaspard moved that the following amendment be adopted:

On page 1, beginning on line 9, before "state" strike "The" and insert "After adequate appropriation has been made by the legislature for (1) children's services, (2) victims of crime, (3) senior services, (4) higher education, and (5) common schools, the"

Debate ensued.

Senator McMullen demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Gaspard on page 1, beginning on line 9, to Senate Bill No. 6470.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 20; Nays, 29; Absent, 0; Excused, 0.

Voting yea: Senators Bauer, Conner, Gaspard, Hansen, Jesernig, Kreidler, Madsen, McMullen, Moore, Murray, Niemi, Rinehart, Skratek, A. Smith, Snyder, Sutherland, Talmadge, Vognild, Williams, Wojahn - 20.

Voting nay: Senators Amondson, Anderson, Bailey, Barr, Bluechel, Cantu, Craswell, Erwin, Hayner, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Oke, Owen, Patterson, Pelz, Rasmussen, Roach, Saling, Sellar, L. Smith, Stratton, Sumner, Thorsness, von Reichbauer, West - 29.

MOTION

Senator Bauer moved that the following amendments be considered simultaneously and be adopted:

On page 1, beginning on line 10, after "collections" strike all material through "percent" on line 12 and beginning on line 13, strike "thereafter"

On page 1, line 14, after "equivalent of" strike "five" and insert "two"

On page 2, line 1, after "of" strike "five" and insert "two"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator Bauer on page 1, lines 10 and 14, and page 2, line 1, to Senate Bill No. 6470.

The motion by Senator Bauer failed and the amendments were not adopted.

MOTION

Senator Gaspard moved that the following amendment be adopted:

On page 2, beginning with "All" on line 6, strike all material through "legislature." on line 8.

Debate ensued.

Senator McMullen demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Gaspard on page 2, beginning on line 6, to Senate Bill No. 6470.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 22; Nays, 27; Absent, 0; Excused, 0.

Voting yea: Senators Bauer, Conner, Gaspard, Hansen, Jesernig, Kreidler, Madsen, McMullen, Moore, Murray, Niemi, Pelz, Rinehart, Saling, Skratek, A. Smith, Snyder, Sutherland, Talmadge, Vognild, Williams, Wojahn - 22.

Voting nay: Senators Amondson, Anderson, Bailey, Barr, Bluechel, Cantu, Craswell, Erwin, Hayner, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Oke, Owen, Patterson, Rasmussen, Roach, Sellar, L. Smith, Stratton, Sumner, Thorsness, von Reichbauer, West - 27.

MOTION

On motion of Senator Gaspard, all the remaining amendments on the desk by the Democrats were withdrawn.

MOTION

On motion of Senator McDonald, the rules were suspended, Senate Bill No. 6470 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator McDonald, I heard a glimmer of hope in your speech there. You said that we were going to keep the promises we made if we had this reserve fund. Is that correct? You would like to keep the promises that we made?"

Senator McDonald: "Certainly."

Senator Rasmussen: "We made promises. Then, I have to ask you another question. Inasmuch--what was the figure that you quoted today, a hundred and forty-four million extra that wasn't anticipated?"

Senator McDonald: "That's correct, Senator Rasmussen."

Senator Rasmussen: "That's correct, a hundred and forty-four million extra. That's our reserve right now on top of the rainy day fund. Then, I suspect we will be keeping our promises. Is that correct?"

Senator McDonald: "Well, I think we will do our best."

Senator Rasmussen: "That hundred and ten million for the teachers salary--three point six and the state employees--three point six?"

Senator McDonald: "Unfortunately, Senator Rasmussen, we still have about eight hundred million dollars worth of promises we won't be able to keep, simply because that is still the problem that we have. We got better by almost a hundred fifty million, but we were down by nine hundred and fifty million. Well, those are promises that we won't be able to--"

Senator Rasmussen: "I am going to vote for this. I am not asking you for your wish list, the actual promises that we made by putting it in the budget. It was there. We made that promise, so we could get out of here last session, but we will keep our promise, then?"

Senator McDonald: "Well, we are going to do our best."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6470.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6470 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 20; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bluechel, Cantu, Craswell, Erwin, Hansen, Hayner, Madsen, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Oke, Owen, Patterson, Rasmussen, Roach, Sellar, L. Smith, Stratton, Sumner, Thorsness, von Reichbauer, West - 29.

Voting nay: Senators Bauer, Conner, Gaspard, Jesernig, Kreidler, McMullen, Moore, Murray, Niemi, Pelz, Rinehart, Saling, Skratek, A. Smith, Snyder, Sutherland, Talmadge, Vognild, Williams, Wojahn - 20.

SENATE BILL NO. 6470, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Senate Bill No. 6315, which was being debated on third reading before the Senate went to the Special Order of Business on Senate Bill No. 6470.

MOTION

On motion of Senator Barr, the rules were suspended, Senate Bill No. 6315 was returned to second reading and read the second time.

MOTION

On motion of Senator Barr, the following amendments by Senators Barr and McMullen were considered simultaneously and were adopted:

On page 2, line 17, after ";" strike "and"

On page 2, line 18, after "utilities" insert ";

(5) One member representing solid fuel burning device manufacturers recommended by the chair of the house committee on environmental affairs and one member by the chair of the senate committee on environment and natural resources; and

(6) One member representing the environmental community recommended by the chair of the house environmental affairs committee and one member by the chair of the senate committee on environment and natural resources"

MOTIONS

On motion of Senator Barr, the following amendment by Senators Barr and McMullen was adopted:

On page 2, line 26, after "the" strike "task force" and insert "department of ecology"

Senator Barr moved that the following amendment be adopted:

On page 3, line 1, after "RCW 70.94.483" strike all material through "act" on line 2 and insert "thirty-five thousand dollars for the pilot study outlined in section 2 (3) of this act. This appropriation is contingent upon a matching amount of not less than thirty-five thousand dollars from nonstate sources"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Barr and McMullen on page 3, line 1, to Senate Bill No. 6315.

The motion by Senator Barr failed and the amendment was not adopted.

MOTION

On motion of Senator Barr, the rules were suspended, Engrossed Senate Bill No. 6315 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6315.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6315 and the bill passed the Senate by the following vote: Yeas, 28; Nays, 20; Absent, 1; Excused, 0.

Voting yea: Senators Bailey, Barr, Bluechel, Cantu, Conner, Erwin, Hayner, Jesemig, Madsen, McCaslin, McMullen, Metcalf, Newhouse, Niemi, Oke, Patterson, Rasmussen, Roach, Saling, Sellar, L. Smith, Snyder, Stratton, Sutherland, Thorsness, West, Williams, Wojahn - 28.

Voting nay: Senators Amondson, Anderson, Bauer, Craswell, Gaspard, Hansen, Kreidler, Matson, McDonald, Moore, Murray, Nelson, Owen, Pelz, Rinehart, Skratek, A. Smith, Sumner, Talmadge, von Reichbauer - 20.

Absent: Senator Vognild - 1.

ENGROSSED SENATE BILL NO. 6315, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

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

On motion of Senator Newhouse, the Committee on Governmental Operations was relieved of further consideration of Substitute House Bill No. 2561.

On motion of Senator Newhouse, Substitute House Bill No. 2561 was referred to the Committee on Agriculture and Water Resources.

On motion of Senator Newhouse, the Committee on Agriculture and Water Resources was relieved of further consideration of Substitute House Bill No. 2831.

On motion of Senator Newhouse, Substitute House Bill No. 2831 was referred to the Committee on Commerce and Labor.

MOTION

On motion of Senator Newhouse, the Senate returned to the fourth order of business. of business.

MESSAGE FROM THE HOUSE

February 17, 1992

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2470 and asks to the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representative Ebersole, Locke and Silver.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Newhouse, the Senate grants the request of the House for a conference on Engrossed Substitute House Bill No. 2470 and the Senate amendments thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute House Bill No. 2470 and the Senate amendments thereto: Senators McDonald, Niemi and West.

MOTION

On motion of Senator Newhouse, the Conference Committee appointments were confirmed.

MOTION

At 5:51 p.m., on motion of Senator Newhouse, the Senate adjourned until 11:30 a.m. Wednesday, February 19, 1992.

JOEL PRITCHARD, President of the Senate.

GORDON A. GOLOB, Secretary of the Senate.

THIRTY-EIGHTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, February 19, 1992

The Senate was called to order at 11:30 a.m. by President Pritchard. No roll call was taken.

The Sergeant at Arms Color Guard, consisting of Pages Stacey Van Wye and Paul Zimmerman, presented the Colors. Reverend Reinhold Miller, pastor of the South Union Church of God of Olympia, offered the prayer.

MOTION

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

REPORT OF SELECT COMMITTEE

STATE OF WASHINGTON
 DEPARTMENT OF SOCIAL AND HEALTH SERVICES
 Olympia, Washington 98504-0095

February 14, 1992

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

Dear Gordon:

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

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

Sincerely,
 RICHARD J. THOMPSON, Secretary

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

MESSAGES FROM THE HOUSE

February 17, 1992

MR. PRESIDENT:

The House has passed HOUSE BILL NO. 2599, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

February 17, 1992

MR. PRESIDENT:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2025,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2337,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2396,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2477,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2490,
HOUSE BILL NO. 2543,
SUBSTITUTE HOUSE BILL NO. 2602,
HOUSE BILL NO. 2727,
SUBSTITUTE HOUSE BILL NO. 2735,
SUBSTITUTE HOUSE BILL NO. 2772,
SUBSTITUTE HOUSE BILL NO. 2775,
SUBSTITUTE HOUSE BILL NO. 2791,
HOUSE BILL NO. 2811,
HOUSE BILL NO. 2835,
SUBSTITUTE HOUSE BILL NO. 2848,
SUBSTITUTE HOUSE BILL NO. 2867,
SUBSTITUTE HOUSE BILL NO. 2886,
HOUSE BILL NO. 2924,
HOUSE BILL NO. 2931,
HOUSE BILL NO. 2933,
SUBSTITUTE HOUSE BILL NO. 2937,
HOUSE BILL NO. 2941,
HOUSE BILL NO. 2942, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

February 17, 1992

MR. PRESIDENT:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1731,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1737,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2272,
ENGROSSED HOUSE BILL NO. 2287,
SUBSTITUTE HOUSE BILL NO. 2520,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2568,
SUBSTITUTE HOUSE BILL NO. 2588,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2610,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2624,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2636,
ENGROSSED HOUSE BILL NO. 2661,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2702,
SUBSTITUTE HOUSE BILL NO. 2720,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2770,
ENGROSSED HOUSE BILL NO. 2812,
SUBSTITUTE HOUSE BILL NO. 2817,
ENGROSSED HOUSE BILL NO. 2821,
HOUSE BILL NO. 2844,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2925,
ENGROSSED HOUSE BILL NO. 2977,
ENGROSSED SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4010,
HOUSE JOINT RESOLUTION NO. 4234, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

February 17, 1992

MR. PRESIDENT:

The House has passed HOUSE BILL NO. 2655, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

February 17, 1992

MR. PRESIDENT:

The House has adopted HOUSE CONCURRENT RESOLUTION NO. 4429, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

INTRODUCTION AND FIRST READING OF HOUSE BILLS

ESHB 1731 by House Committee on Commerce and Labor (originally sponsored by Representatives Heavey, R. King, Jones, Prentice and G. Cole)

Imposing requirements for businesses that receive public assistance.

Referred to Committee on Commerce and Labor.

ESHB 1737 by House Committee on Trade and Economic Development (originally sponsored by Representatives Wineberry, Franklin, Ferguson, Riley, Former, Ludwig, Miller, Winsley, Jacobsen and Anderson)

Promoting minority and women-owned business opportunities.

Referred to Committee on Commerce and Labor.

ESHB 2025 by House Committee on State Government (originally sponsored by Representatives Brumsickle, Bowman, Rasmussen, Basich, Paris and Winsley)

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

Referred to Committee on Governmental Operations.

ESHB 2272 by House Committee on Transportation (originally sponsored by Representatives R. Fisher, R. Meyers, Betrozoff, Wang, Winsley and May) (by request of Washington State Patrol)

Establishing procedures for charging and reporting high-occupancy vehicle lane violations.

Referred to Committee on Transportation.

EHB 2287 by Representatives Haugen, Wilson, Zellinsky, Ferguson, Paris and Spanel

Changing provisions relating to port districts.

Referred to Committee on Governmental Operations.

ESHB 2337 by House Committee on Health Care (originally sponsored by Representatives Morris, Moyer, Paris, Casada, Franklin, Braddock, Ebersole, H. Myers, Schmidt, Appelwick, Ogden, Locke, Hargrove, Edmondson, D. Sommers, Cantwell,

Hochstatter, Rasmussen, Forner, R. Johnson, Zellinsky, Rayburn, Nealey, Heavey, Wineberry, Chandler, Roland, J. Kohl, Ludwig, Mitchell, Orr, Spanel, May, Leonard, Haugen, Ferguson, Sprenkle, Miller, O'Brien and Anderson)

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

Referred to Committee on Health and Long-Term Care.

ESHB 2396 by House Committee on Commerce and Labor (originally sponsored by Representatives Scott, R. King, Heavey, G. Cole, Wilson and Orr)

Revising provisions regulating electrical contractors.

Referred to Committee on Commerce and Labor.

ESHB 2477 by House Committee on Human Services (originally sponsored by Representatives Bray, Forner, Ebersole, Ludwig, Appelwick, H. Myers, Riley, Leonard, R. King, Anderson, Hargrove, Wynne, Sprenkle, J. Kohl, Pruitt and Rasmussen)

Providing chemical dependency services for sexual assault and domestic violence victims.

Referred to Committee on Children and Family Services.

ESHB 2490 by House Committee on Judiciary (originally sponsored by Representatives Padden, Morris, D. Sommers, Hochstatter, Forner, Brough, Broback, Silver, Fuhrman, Horn, P. Johnson, Bowman, Wynne, Morton, Carlson, Chandler, Mitchell and Tate)

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

Referred to Committee on Law and Justice.

SHB 2520 by House Committee on Revenue (originally sponsored by Representatives Morris, R. King, Fraser and Appelwick)

Abolishing the department of wildlife in-lieu tax and creating a new distribution under the county sales and use tax equalization account.

Referred to Committee on Ways and Means.

HB 2543 by Representative Beck

Reorganizing the recreational boating code.

Referred to Committee on Environment and Natural Resources.

ESHB 2568 by House Committee on Health Care (originally sponsored by Representatives Appelwick, Morris, Moyer and Paris)

Concerning health care information disclosure.

Referred to Committee on Health and Long-Term Care.

SHB 2588 by House Committee on Health Care (originally sponsored by Representatives Braddock, Moyer, Prentice, Franklin, Edmondson, Paris, Morris, Sprenkle, Ballard, Casada, Chandler, Winsley and Cantwell)

Changing certain drug regulations.

Referred to Committee on Health and Long-Term Care.

HB 2599 by Representatives Roland, Peery, Ogden, Orr, Riley, Pruitt, J. Kohl and Winsley

Requiring the superintendent of public instruction to develop violence-prevention materials for schools.

Referred to Committee on Education.

SHB 2602 by House Committee on Appropriations (originally sponsored by Representatives Dorn, Ebersole, Broback, Rasmussen, Tate, R. Meyers, Grant, Winsley, Riley, Basich, Franklin, Paris and Jacobsen)

Changing funding allocations for high school students attending technical colleges.

Referred to Committee on Education.

ESHB 2610 by House Committee on Transportation (originally sponsored by Representatives R. Fisher, Haugen, Hine, Zellinsky, Winsley, Nelson, Mitchell, Wang, Prentice, R. Meyers, R. King, Schmidt, Locke, Heavey, Pruitt, J. Kohl, Jacobsen, Dorn, Fraser, Appelwick, Franklin, Roland, Wineberry, Betrozoff, Cantwell, G. Cole, Belcher, Braddock, May, Valle, Ebersole, Morris, Leonard, Scott, Horn, Anderson, Vance, Basich, Kremen, Paris, G. Fisher, Ferguson and Spanel)

Authorizing regional transit authorities and creating a regional transportation council.

Referred to Committee on Transportation.

ESHB 2624 by House Committee on Appropriations (originally sponsored by Representatives Orr, Mitchell, Wood, Belcher, R. Meyers, Anderson, Prince, Chandler, Wineberry, Bray, Paris and R. King)

Mobilizing fire fighting resources.

Referred to Committee on Environment and Natural Resources.

ESHB 2636 by House Committee on Environmental Affairs (originally sponsored by Representatives Rust, Horn, Valle, Heavey and Brekke)

Requiring solid waste reports and landfill fee reciprocity on waste received from outside the state.

Referred to Committee on Environment and Natural Resources.

HB 2655 by Representatives Haugen, Horn and Wang; by request of Task Force on City/County Finances

Modifying municipal criminal justice account distribution.

Referred to Committee on Ways and Means.

EHB 2661 by Representative Beck

Increasing the charges for insurance premium financing.

Referred to Committee on Financial Institutions and Insurance.

ESHB 2702 by House Committee on Judiciary (originally sponsored by Representatives R. Johnson, Belcher, Paris, Schmidt, Anderson, Roland, Bray, Jacobsen, Spanel, Scott, Leonard, Sheldon, Wynne, Lisk, Ebersole, Brough, Basich, R. King, Valle, Zellinsky, Kremen, Hochstatter, Wineberry, Winsley, Van Luven, Forner, P. Johnson, Bowman, Pruitt, Fraser, Tate, Ogden, J. Kohl, McLean, Wood and Rasmussen)

Making it a crime to stalk another person.

Referred to Committee on Law and Justice.

SHB 2720 by House Committee on Financial Institutions and Insurance (originally sponsored by Representatives R. Meyers, Paris, Anderson, Hargrove, Miller, H. Sommers, Winsley, Jones, Basich, J. Kohl, Belcher and Orr)

Studying longshore and harbor workers' insurance needs.

Referred to Committee on Commerce and Labor.

HB 2727 by Representatives Fraser and Brumsickle (by request of Department of Revenue)

Modifying provisions for the taxation of aircraft, watercraft, and travel trailer and camper excise taxes.

Referred to Committee on Ways and Means.

SHB 2735 by House Committee on State Government (originally sponsored by Representatives Ogden, Wood, Pruitt, Dellwo, Paris, Winsley, R. King, O'Brien, Ludwig, Jacobsen, Ferguson, Sheldon, Brekke and Anderson) (by request of Department of Community Development)

Enhancing the duties of the center for voluntary action, which is renamed the center for volunteerism and citizen service act.

Referred to Committee on Governmental Operations.

ESHB 2770 by House Committee on Human Services (originally sponsored by Representatives H. Myers, Paris, Jones, Winsley and Peery)

Providing for health care coverage of corrections employees who are retired early due to permanent disability from an on the job injury.

Referred to Committee on Health and Long-Term Care.

SHB 2772 by House Committee on Financial Institutions and Insurance (originally sponsored by Representatives Zellinsky, Dellwo, Haugen, Broback, R. Johnson, Anderson, Paris, Dorn, Winsley, Schmidt, R. Meyers, Brough, Wood, Ludwig, Hochstatter, Mitchell, J. Kohl and Nelson)

Prohibiting individual exclusions from health coverage based solely on medical condition or health status.

Referred to Committee on Health and Long-Term Care.

SHB 2775 by House Committee on Financial Institutions and Insurance (originally sponsored by Representatives Dellwo, Broback and Paris)

Regulating interest paid on death benefits by insurers.

Referred to Committee on Financial Institutions and Insurance.

SHB 2791 by House Committee on Energy and Utilities (originally sponsored by Representatives Jacobsen, Nelson, May, Fraser, Bray, Valle, Paris, Winsley and Pruitt)

Improving the state's earthquake readiness.

Referred to Committee on Energy and Utilities.

HB 2811 by Representatives Braddock, Locke, H. Sommers, Wang, Prentice, Moyer, Schmidt, Paris, Wineberry and Anderson

Exempting excess nursing supplies cost from the reimbursement of the pilot facility for persons living with AIDS.

Referred to Committee on Health and Long-Term Care.

EHB 2812 by Representatives Cantwell, Mielke, Locke, Forner, Wineberry, Padden, D. Sommers, Orr, Roland, Silver, Moyer, Day, Brough, Paris, Miller, Winsley, Dellwo, McLean, Hochstatter, Haugen, Wood and Rasmussen

Providing for aircraft maintenance vocational training.

Referred to Committee on Commerce and Labor.

SHB 2817 by House Committee on Financial Institutions and Insurance (originally sponsored by Representatives Zellinsky, Bowman, Dellwo, Broback, R. Johnson, Paris, Dorn, Schmidt, R. Meyers, Winsley, Ballard, Beck, Ludwig, Brough, Vance, Wynne, Carlson, Miller, Forner, Tate, Hochstatter, Van Luven, Wood, May, Fuhrman, Mitchell, Brumsickle and Ferguson)

Enacting the small employer health insurer availability act.

Referred to Committee on Financial Institutions and Insurance.

EHB 2821 by Representatives Jones, Bowman, Kremen, Wynne, Rayburn, Hargrove, Basich, Scott, Ogden, Morris, Riley, Haugen, Sheldon, Rasmussen, J. Kohl, Franklin, Brekke and Brumsickle

Allowing communities closely associated with timber impact areas to be included in programs for dislocated forest products workers.

Referred to Committee on Commerce and Labor.

HB 2835 by Representatives Cooper, H. Myers, Peery, Hine and G. Fisher

Modifying the membership of the radioactive waste management advisory council.

Referred to Committee on Energy and Utilities.

HB 2844 by Representatives Zellinsky and R. Fisher

Removing the limitation on deficiency claims against owners of vehicles subjected to a law enforcement impound.

Referred to Committee on Transportation.

SHB 2848 by House Committee on Transportation (originally sponsored by Representatives Prentice, Cooper, Wood, R. Fisher, Paris, Orr, Heavey, R. Johnson, Nelson, Rust, Day, Fraser, Leonard, Basich, Jacobsen and J. Kohl)

Directing a pilot program to define environmental considerations in transportation planning.

Referred to Committee on Transportation.

SHB 2867 by House Committee on Appropriations (originally sponsored by Representatives H. Sommers, Edmondson, Horn, Orr, Winsley, Jones, Paris, Wood, Bray and J. Kohl)

Authorizing reimbursement of certain medical insurance premiums to retired police officers and fire fighters.

Referred to Committee on Ways and Means.

SHB 2886 by House Committee on Financial Institutions and Insurance (originally sponsored by Representatives Dellwo, Broback, Scott, R. Johnson, Paris, Jacobsen and Winsley)

Creating the insurance fraud advisory board.

Referred to Committee on Financial Institutions and Insurance.

HB 2924 by Representatives Wang, Brumsickle, Leonard, Wynne, Rust, Van Luven, Fraser, Winsley, Paris, Locke, Beck, Brough, Carlson, Nelson, Franklin and May

Requiring annual revaluations of real property.

Referred to Committee on Ways and Means.

ESHB 2925 by House Committee on Revenue (originally sponsored by Representatives Wang, Brumsickle, Leonard, Wynne, Rust, Van Luven, Fraser, Winsley, Mitchell, Rasmussen, Ludwig, Brough, Carlson, Nelson, Forner and May)

Modifying provisions regarding the county board of equalization.

Referred to Committee on Ways and Means.

HB 2931 by Representatives Hine and G. Fisher

Exempting nursing facilities that make good faith efforts from obtaining and maintaining medicare certification.

Referred to Committee on Health and Long-Term Care.

HB 2933 by Representatives Peery and Nelson (by request of Superintendent of Public Instruction)

Authorizing the superintendent of public instruction to establish and operate a national migrant student record transfer system.

Referred to Committee on Education.

SHB 2937 by House Committee on Appropriations (originally sponsored by Representatives Belcher and Bowman) (by request of Department of Community Development)

Modifying requirements for fire protection contracts.

Referred to Committee on Ways and Means.

HB 2941 by Representatives R. Fisher, Prentice, Day, Wood, Paris and Nelson

Revising financing of public transit.

Referred to Committee on Transportation.

HB 2942 by Representatives R. Fisher, Wood, Day, Prentice, Paris, Winsley, Nelson and Haugen

Allowing transit fare revenue to be used as a match for motor vehicle excise tax revenues.

Referred to Committee on Transportation.

EHB 2977 by Representatives Appelwick, Padden, Hargrove, Van Luven, Riley, Schmidt, Jacobsen, Paris, Heavey, Brough, Rasmussen, R. King, Leonard, G. Fisher, May, Ludwig, Anderson, Peery, H. Myers, Neher, Horn, Fuhrman, Betrozoff, Tate, Vance, Ballard, P. Johnson, Wang, Ferguson and J. Kohl

Creating a cause of action for wrongful removal of a professional sports franchise.

Referred to Committee on Ways and Means.

ESHJM 4010 by House Committee on Energy and Utilities (originally sponsored by Representatives R. Fisher, Schmidt, Cooper, Wilson, R. Meyers, Prentice, Wood, Heavey, Chandler, R. Johnson, Former, P. Johnson, Mitchell, Brough, Haugen, Zellinsky, Jones, Kremen, Cantwell, Phillips, Nealey, Paris, Bray, Rayburn, Nelson and Anderson)

Asking Congress to develop a national energy policy.

Referred to Committee on Energy and Utilities.

HJR 4234 by Representatives G. Cole, Brough, Peery, Jacobsen, Brumsickle, Winsley, Dorn, Franklin, Orr, J. Kohl, Pruitt, Sheldon, Spanel, O'Brien, Brekke, Nelson and Anderson

Changing the number of electors necessary to approve school levy measures.

Referred to Committee on Education.

HCR 4429 by Representatives Peery, Ballard, Betrozoff, Brumsickle, Paris, Jones, H. Myers and Rayburn

Endorsing the Council on Education Reform and Funding's goals and mission.

Referred to Committee on Education.

MOTION

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

MOTION

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

SENATE RESOLUTION 1992-8724

By Senators Gaspard, Hayner, von Reichbauer, Rasmussen, Roach, McCaslin, McMullen, Bauer, Craswell, Bluechel, Pelz, McDonald, West, Sumner, Sellar, Williams, Murray, Thorsness, Talmadge, Hansen, Conner, Bailey, Snyder, Amondson, Anderson, Erwin, Madsen, Moore, Nelson, Niemi, Oke, Patterson, Rinehart, A. Smith, Stratton, Wojahn and Jesernig

WHEREAS, February 19, 1992, marks the fiftieth anniversary of the signing of federal Executive Order 9066 by President Franklin D. Roosevelt; and

WHEREAS, The promulgation of Executive Order 9066 and Public Law 77-503 resulted in the exclusion and forced detention of more than one hundred ten thousand Japanese Americans, most of whom were American citizens, in ten relocation centers; and

WHEREAS, This Legislature has previously recognized in Chapter 15, Laws of 1983 1st ex. sess. and Chapter 41.68 RCW that the promulgation of federal Executive Order 9066 was based mainly on fear and suspicion rather than factual justification; and

WHEREAS, The United States Government recognized that the World War II exclusion and detention of Japanese Americans was based on war hysteria when it enacted legislation providing monetary redress to excluded and detained Japanese Americans in 1988; and

WHEREAS, It is proper to commemorate this fiftieth anniversary of the signing of federal Executive Order 9066 to ensure that the mistakes of the past are never again repeated;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the state of Washington, that February 19, 1992, is declared to be a Day of Remembrance, so that the people of the state of Washington will remember the exclusion and detention of Japanese Americans during World War II, and be ever vigilant in protecting against the loss of our hard-earned constitutional rights; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the Japanese American Citizens League.

Senators Gaspard, Hayner, Hansen, McDonald and Talmadge spoke to Senate Resolution 1992-8724.

MOTION

Senator Talmadge moved that all Senator's names be added as sponsors of the resolution. The President announced that all Senators wishing to be sponsors of Senate Resolution 1992-8724 should sign at the desk.

MOTION

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

SENATE RESOLUTION 1992-8725

By Senators Matson, Newhouse, Rasmussen, McCaslin, Hansen, Conner, Sellar, Bauer and Anderson

WHEREAS, A State Fair is a time honored tradition that is enjoyed by all Americans; and
WHEREAS, Each year, farm families and city kin excitedly await a State Fair's displays proudly set in late summer and early autumn days; and

WHEREAS, In 1892, one hundred years ago this month, the Legislature awarded the city of Yakima the honor and responsibility of hosting Washington's first, and for many years only, State Fair; and

WHEREAS, The first State Fair of Washington was held in Yakima two years later. This gala milestone in state history boasted a two thousand seat grandstand, a racetrack, an exhibit hall, one hundred horse stalls, and a judging stand three stories high; and

WHEREAS, The last State Fair of Washington was held in Yakima in 1936, and the first Central Washington State Fair was held in Yakima three years later; and

WHEREAS, Today, men and women from the livestock and agriculture industries, Grange organizations, and other concerns are working with boys and girls from the Future Farmers of America and 4-H groups to make the Central Washington State Fair a grand celebration beyond even the dreams of a century past; and

WHEREAS, Later this year, September 25 through October 3, thousands of proud exhibitors from all over the state, the Pacific Northwest, and Canada will again fill the halls and stalls of the Central Washington State Fairgrounds; and

WHEREAS, It is proper and fitting to recognize the designation of the city of Yakima as the location for the original State Fair of Washington;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the state of Washington salute the Central Washington State Fair Association as the esteemed and steadfast keeper of our one hundred year State Fair tradition; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the members of the Central Washington State Fair Association's Board of Directors and to the management and staff of the Central Washington State Fair Association.

Senators Newhouse and Anderson spoke to Senate Resolution 1992-8725.

POINT OF INQUIRY

Senator Rasmussen: "Senator Newhouse, is this all of the introductions or do we have more coming from the House?"

Senator Newhouse: "Thank you for the question, Senator Rasmussen. I wanted to announce that there will be a short session of the Senate at noon tomorrow, because there are, I think, quite a few more bills--the book work was not completed in the work room over in the House and we will introduce them tomorrow in a short session at noon, with no formal votes taken to my knowledge."

MOTION

At 11:48 a.m., on motion of Senator Newhouse, the Senate adjourned until 12:00 noon, Thursday, February 20, 1992.

JOEL PRITCHARD, President of the Senate.

GORDON A. GOLOB, Secretary of the Senate.

THIRTY-NINTH DAY

NOON SESSION

Senate Chamber, Olympia, Thursday, February 20, 1992
The Senate was called to order at 12:00 noon by President Pritchard. No roll call was taken.

MOTION

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

REPORTS OF STANDING COMMITTEES

February 19, 1992

HB 1073 Prime Sponsor, Representative O'Brien: Dealing with voter registration for high school students. Reported by Committee on Governmental Operations

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators McCaslin, Chairman; Madsen and Sutherland.

Referred to Committee on Ways and Means.

February 19, 1992

HB 1193 Prime Sponsor, Representative Zellinsky: Modifying compensation conditions for fire commissioners who serve as volunteer fire fighters. Reported by Committee on Governmental Operations

MAJORITY Recommendation: Do pass. Signed by Senators McCaslin, Chairman; Roach, Vice Chairman; Madsen and Sutherland.

Passed to Committee on Rules for second reading.

February 19, 1992

HB 1217 Prime Sponsor, Representative Wineberry: Extending the voter registration period. Reported by Committee on Governmental Operations

MAJORITY Recommendation: Do pass. Signed by Senators McCaslin, Chairman; Madsen and Sutherland.

Passed to Committee on Rules for second reading.

February 19, 1992

ESHB 1495 Prime Sponsor, House Committee on Commerce and Labor: Changing land development regulations. Reported by Committee on Governmental Operations

MAJORITY Recommendation: Do pass as amended. Signed by Senators McCaslin, Chairman; Roach, Vice Chairman; Madsen and Sutherland.

Passed to Committee on Rules for second reading.

February 19, 1992

SHB 1715 Prime Sponsor, House Committee on State Government: Making the office of sheriff nonpartisan. Reported by Committee on Governmental Operations

MAJORITY Recommendation: Do pass. Signed by Senators McCaslin, Chairman; Madsen and Sutherland.

Passed to Committee on Rules for second reading.

February 19, 1992

HB 1732 Prime Sponsor, Representative Appelwick: Allowing cities over 400,000 population to assign warrant servers to the police department. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass as amended. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Kreidler, Madsen, Newhouse, Rasmussen and A. Smith.

Passed to Committee on Rules for second reading.

February 19, 1992

HB 2090 Prime Sponsor, Representative Anderson: Defining the "short term" for elective offices. Reported by Committee on Governmental Operations

MAJORITY Recommendation: Do pass. Signed by Senators McCaslin, Chairman; Roach, Vice Chairman; Madsen and Sutherland.

Passed to Committee on Rules for second reading.

MESSAGES FROM THE HOUSE

February 18, 1992

MR. PRESIDENT:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1455,
REENGROSSED SUBSTITUTE HOUSE BILL NO. 1932,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2016,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2293,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2438,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2462,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2486,
ENGROSSED HOUSE BILL NO. 2494,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2518,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2519,
ENGROSSED HOUSE BILL NO. 2549,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2609,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2769,
ENGROSSED HOUSE BILL NO. 2779,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2834,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2842,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2876,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2985, and the same are herewith
transmitted.

ALAN THOMPSON, Chief Clerk

February 18, 1992

MR. PRESIDENT:

The House has passed:
HOUSE BILL NO. 2013,
SUBSTITUTE HOUSE BILL NO. 2284,
HOUSE BILL NO. 2387,
SUBSTITUTE HOUSE BILL NO. 2527,
SUBSTITUTE HOUSE BILL NO. 2529,
HOUSE BILL NO. 2541,
HOUSE BILL NO. 2633,
SUBSTITUTE HOUSE BILL NO. 2635,
SUBSTITUTE HOUSE BILL NO. 2676,
SUBSTITUTE HOUSE BILL NO. 2703,
SUBSTITUTE HOUSE BILL NO. 2726,
SUBSTITUTE HOUSE BILL NO. 2796,
SUBSTITUTE HOUSE BILL NO. 2823,
SUBSTITUTE HOUSE BILL NO. 2847,
SUBSTITUTE HOUSE BILL NO. 2861,
HOUSE BILL NO. 2862,
SUBSTITUTE HOUSE BILL NO. 2873,
SUBSTITUTE HOUSE BILL NO. 2887,
HOUSE BILL NO. 2894,
HOUSE BILL NO. 2932,
HOUSE JOINT MEMORIAL NO. 4029, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

February 18, 1992

MR. PRESIDENT:

The House has passed:
SUBSTITUTE HOUSE BILL NO. 2356,
HOUSE BILL NO. 2405,
SUBSTITUTE HOUSE BILL NO. 2453,
SUBSTITUTE HOUSE BILL NO. 2479,
SUBSTITUTE HOUSE BILL NO. 2480, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

February 18, 1992

MR. PRESIDENT:

The House has passed:
HOUSE BILL NO. 1218,
HOUSE BILL NO. 2269,
SUBSTITUTE HOUSE BILL NO. 2296,
SUBSTITUTE HOUSE BILL NO. 2307,
SUBSTITUTE HOUSE BILL NO. 2346,
SUBSTITUTE HOUSE BILL NO. 2348, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

INTRODUCTION AND FIRST READING

SB 6508 by Senators McDonald, Niemi and Craswell

AN ACT Relating to excise tax penalties; adding a new section to chapter 82.32 RCW; adding a new chapter to Title 82 RCW; and providing an expiration date.

Referred to Committee on Ways and Means.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

HB 1218 by Representatives Jacobsen, Wood, Ogden, Miller, Nelson, Basich, Anderson, Winsley and Dellwo

Adding student members to the governing boards of higher education institutions.

Referred to Committee on Higher Education.

ESHB 1455 by House Committee on Fisheries and Wildlife (originally sponsored by Representatives Haugen, Wilson, Zellinsky, R. King, Spanel, R. Meyers, Leonard and Orr)

Regulating seaweed harvesting.

Referred to Committee on Environment and Natural Resources.

RESHB 1932 by House Committee on Education (originally sponsored by Representatives Locke, Appelwick, H. Sommers, Wineberry, Anderson, Ferguson, Brough, May, Paris, Mitchell, Phillips, O'Brien, Nelson, Forner and Jacobsen)

Raising school levy limits.

Referred to Committee on Education.

HB 2013 by Representatives Scott, Appelwick, May, Leonard, Ballard, Ferguson, Ludwig, Moyer, Morris, Jacobsen, Wang, Van Luven, Tate, Nealey, Brough, Rasmussen, Chandler and Holland

Authorizing sobriety checkpoint programs.

Referred to Committee on Law and Justice.

ESHB 2016 by House Committee on Health Care (originally sponsored by Representatives G. Cole, Ballard, Scott, Leonard, Mielke, May, Moyer, Morris, Sprenkle, Paris, Winsley, Mitchell, P. Johnson and Miller)

Modifying poison information center authority.

Referred to Committee on Health and Long-Term Care.

HB 2269 by Representatives Haugen, Edmondson and Bray

Allowing nonprofit corporations incorporated by the state of Washington to join interlocal cooperation agreements.

Referred to Committee on Governmental Operations.

SHB 2284 by House Committee on Local Government (originally sponsored by Representatives Haugen, Horn, Paris and May)

Revising provisions relating to county law libraries.

Referred to Committee on Ways and Means.

ESHB 2293 by House Committee on State Government (originally sponsored by Representatives Anderson, Bowman, Sheldon, McLean, D. Sommers, Forner, Ogden and Chandler)

Changing CPA licensing requirements.

Referred to Committee on Commerce and Labor.

SHB 2296 by House Committee on Judiciary (originally sponsored by Representatives Rasmussen, Padden, Wineberry, Mielke, Locke, Forner, Haugen, Ebersole, Scott, Nelson, Kremen, Chandler, Ludwig, Paris, Broback, Riley, Tate, Dorn, Vance, Lisk, Van Luven, Sheldon, Hochstatter, Silver and P. Johnson)

Making under-aged persons in a public place under the influence of alcohol guilty of a misdemeanor.

Referred to Committee on Law and Justice.

SHB 2307 by House Committee on Natural Resources and Parks (originally sponsored by Representatives Fraser and Brumsickle)

Altering the Washington state board on geographic names.

Referred to Committee on Governmental Operations.

SHB 2346 by House Committee on Revenue (originally sponsored by Representatives Haugen, Ballard, Wang, Chandler, Peery, Rayburn, Rasmussen, Riley, Forner, Basich, Spanel, Morris, Grant, Lisk, Kremen, Fuhrman, Paris and Zellinsky)

Allowing use of real or personal property owned by nonprofit organizations for pecuniary gain or to promote business activities for periods of three days in any month.

Referred to Committee on Ways and Means.

SHB 2348 by House Committee on Judiciary (originally sponsored by Representatives Sheldon, Belcher, Brough, Riley, Broback, Ludwig, Vance, Wineberry, Beck, Forner, Locke, Fraser, P. Johnson, Inslee, Ebersole, Scott, Bowman, H. Myers, D. Sommers, Paris, Rasmussen, Prentice, Mielke, R. Johnson, Neher, Dorn, Cooper, Franklin, Rayburn, G. Fisher, Heavey, Roland, G. Cole, J. Kohl, Mitchell, Brekke, Orr, Spanel, May, Ogden, Leonard, Silver, Sprengle, O'Brien and Appelwick)

Protecting the privacy of child victims of sexual abuse.

Referred to Committee on Law and Justice.

SHB 2356 by House Committee on Revenue (originally sponsored by Representatives Heavey, Moyer, Franklin, Dorn, Sheldon, Leonard and Sprenkle)

Providing funding for alcohol awareness programming.

Referred to Committee on Commerce and Labor.

HB 2387 by Representatives Chandler, R. Meyers, Nealey, Rasmussen, McLean, R. Fisher, Hochstatter, Ferguson, Prince and Moyer

Extending tax exemptions for alcohol fuel production.

Referred to Committee on Transportation.

HB 2405 by Representative Appelwick

Specifying the amount of wages exempt from garnishment.

Referred to Committee on Law and Justice.

ESHB 2438 by House Committee on Commerce and Labor (originally sponsored by Representatives Heavey, Prentice, Franklin, R. King, Jones, G. Cole, Basich and J. Kohl)

Providing unemployment insurance for persons reentering the work force.

Referred to Committee on Commerce and Labor.

SHB 2453 by House Committee on Transportation (originally sponsored by Representatives R. Fisher, Jones, Betrozoff, Zellinsky, Dorn, P. Johnson, G. Cole, Schmidt, Braddock, Forner, Hargrove, R. Johnson and Wood)

Establishing minimum curriculum for recreational vehicle drivers' training.

Referred to Committee on Transportation.

ESHB 2462 by House Committee on State Government (originally sponsored by Representatives Pruitt, Bowman, Anderson, Franklin, Sprenkle, R. Meyers, Moyer, R. Fisher, Chandler, G. Fisher, Riley, Sheldon, Bray, Kremen, Ludwig, Spanel, J. Kohl, Cooper, H. Myers, Prentice, Valle, Basich, Morris, Rayburn, Dorn, Inslee, Horn, Orr, Rasmussen, Dellwo, Jacobsen, Ferguson, Paris, Winsley, Edmondson, Jones, Leonard, Ogden and Roland)

Enhancing accountability in state government.

Referred to Committee on Governmental Operations.

SHB 2479 by House Committee on Financial Institutions and Insurance (originally sponsored by Representatives R. Johnson, Broback, Dellwo, Paris, Ferguson, Winsley and Franklin) (by request of Insurance Commissioner)

Making medicare supplemental insurance conform to federal law.

Referred to Committee on Financial Institutions and Insurance.

SHB 2480 by House Committee on Financial Institutions and Insurance (originally sponsored by Representatives Dellwo, Broback, R. Johnson, Paris, Inslee, Winsley and Jones) (by request of Insurance Commissioner)

Affecting insurance regulation.

Referred to Committee on Financial Institutions and Insurance.

ESHB 2486 by House Committee on Housing (originally sponsored by Representatives Leonard, Mitchell, Nelson, Ogden, Franklin, Winsley and Wineberry)

Defining further nonprofit facilities eligible for financing by the Washington state housing commission.

Referred to Committee on Commerce and Labor.

EHB 2494 by Representatives Peery and H. Myers

Monitoring the issuance of building permits.

Referred to Committee on Governmental Operations.

ESHB 2518 by House Committee on Education (originally sponsored by Representatives Peery, Vance, Brumsickle, D. Sommers, Winsley, Van Luven, Bowman, Broback, Wood, Wynne, Mitchell and H. Myers) (by request of Superintendent of Public Instruction and State Board of Education)

Changing provisions for educational employees.

Referred to Committee on Education.

ESHB 2519 by House Committee on Natural Resources and Parks (originally sponsored by Representatives Dellwo, Wynne, Fraser, D. Sommers and Paris) (by request of Department of Natural Resources)

Enacting the rural homeowners fire protection act.

Referred to Committee on Environment and Natural Resources.

SHB 2527 by House Committee on Human Services (originally sponsored by Representatives Grant, Moyer, G. Fisher, Neher, Dellwo, R. King, Wineberry, Dorn, Paris, Franklin, Van Luven, Scott, Haugen, Morris, Ludwig, Ogden, Cooper, Pruitt, Hine, Rasmussen and Brekke)

Allowing certain earnings to be retained by recipients of public assistance.

Referred to Committee on Children and Family Services.

SHB 2529 by House Committee on Judiciary (originally sponsored by Representatives Belcher, Fomer, Paris, H. Myers, Riley, Anderson, Leonard, R. King, Ebersole, Bowman, Orr, Scott, J. Kohl, Morris, Fraser, Rasmussen and Brekke)

Restricting residential time and visitation rights of parents who sexually abuse their children.

Referred to Committee on Children and Family Services.

HB 2541 by Representatives Dellwo, Jacobsen, Zellinsky, Wineberry, R. Fisher, Wood, Fuhrman, Schmidt, Wilson, Winsley, Paris, J. Kohl, O'Brien and Anderson

Regarding the study of American Indian languages and cultures.

Referred to Committee on Higher Education.

EHB 2549 by Representatives Peery, D. Sommers, Jacobsen, Scott and Rayburn

Prohibiting school districts from establishing transfer fees for transfer students.

Referred to Committee on Education.

ESHB 2609 by House Committee on Transportation (originally sponsored by Representatives Hine, G. Fisher, R. Fisher, Brough, Heavey, Locke, Chandler, Leonard, Valle, Wood, Prentice, Hochstatter, Mitchell, Horn, Rasmussen, Paris, R. King, Beck, Spanel, Nelson, Appelwick, Wilson, Franklin, Wang, Jacobsen and Belcher)

Making airport expansions consistent with the state air transportation policy plan.

Referred to Committee on Transportation.

HB 2633 by Representatives Rust, Horn, Valle, Heavey and J. Kohl

Requiring local governments to encourage use of privately owned moderate-risk waste facilities.

Referred to Committee on Environment and Natural Resources.

SHB 2635 by House Committee on Revenue (originally sponsored by Representatives Rust, Horn, Valle, Heavey, Winsley and Brekke)

Revising the model litter control and recycling act.

Referred to Committee on Environment and Natural Resources.

SHB 2676 by House Committee on Trade and Economic Development (originally sponsored by Representatives Sheldon, Fomer, Cantwell, Rasmussen, Ferguson, Wynne, Jacobsen and Carlson)

Concerning economic development related projects.

Referred to Committee on Governmental Operations.

SHB 2703 by House Committee on Judiciary (originally sponsored by Representatives Morris, Winsley, Leonard, Prentice, Ebersole, Schmidt, Miller, Belcher, G. Cole, Rust, Inslee, Ogden, Wang, Pruitt, Appelwick, Spanel, Wineberry, J. Kohl, Brough, Basich, Valle, Paris, Van Luvan, Bowman, Jones, Fraser, Mitchell, Brekke, Roland, Orr and Anderson)

Allowing the reduction in sentences of battered women convicted of murder prior to July 23, 1989.

Referred to Committee on Law and Justice.

SHB 2726 by House Committee on Human Services (originally sponsored by Representatives Brekke, Paris and Rasmussen)

Extending the involuntary treatment act to cover the commitment of chemically dependent adults.

Referred to Committee on Health and Long-Term Care.

ESHB 2769 by House Committee on Energy and Utilities (originally sponsored by Representatives Cooper, H. Myers, Grant, Miller, Dellwo, Belcher and Jacobsen)

Changing provisions regarding telecommunications relay service.

Referred to Committee on Energy and Utilities.

EHB 2779 by Representatives Cooper, H. Myers, Riley and Jacobsen

Requiring that the state request a NEPA EIS if actions pursuant to federal legislation are likely to result in radioactive waste entering the state at other than an approved port of entry.

Referred to Committee on Energy and Utilities.

SHB 2796 by House Committee on Environmental Affairs (originally sponsored by Representatives Bray, Horn, Rust, Ludwig, Valle, D. Sommers and Fraser)

Authorizing local governmental entities to administer and enforce portions of the water well construction program.

Referred to Committee on Agriculture and Water Resources.

SHB 2823 by House Committee on Environmental Affairs (originally sponsored by Representatives Bray, Chandler, Ludwig, Neher, Grant, Dorn, Hochstatter, D. Sommers, May, Valle, Rust, R. Meyers, Pruitt and Nealey)

Creating fees for hazardous substances incineration facilities.

Referred to Committee on Energy and Utilities.

ESHB 2834 by House Committee on Human Services (originally sponsored by Representatives Hargrove, Riley, Leonard, Dellwo, Appelwick and Basich)

Providing sentencing alternatives for offenders.

Referred to Committee on Law and Justice.

ESHB 2842 by House Committee on Local Government (originally sponsored by Representatives Haugen, Ferguson, Cantwell, Wilson, Morris, Forner, R. Meyers, Wood, Peery, Paris, Miller, Carlson, Wynne, Mitchell and Hochstatter)

Requiring consideration of previously imposed impact fees during environmental review.

Referred to Committee on Governmental Operations.

SHB 2847 by House Committee on Human Services (originally sponsored by Representatives Leonard, Hargrove, Prentice, Winsley, H. Myers, Beck, Riley, Anderson, Brekke, Wineberry and Basich)

Studying sentencing options for offenders with mental disorders.

Referred to Committee on Health and Long-Term Care.

SHB 2861 by House Committee on Health Care (originally sponsored by Representatives Kremen, R. Johnson, Paris and Spanel)

Creating the adult family home advisory council.

Referred to Committee on Health and Long-Term Care.

HB 2862 by Representatives Riley, Hargrove, Belcher, Winsley, Appelwick, R. Meyers, Cooper, Basich, Morris, Brumsickle, Wynne, Beck, Scott and Paris

Concerning judicial proceedings for involuntary commitment or detention.

Referred to Committee on Health and Long-Term Care.

SHB 2873 by House Committee on Energy and Utilities (originally sponsored by Representatives Grant, May and Rayburn)

Requiring financial assurance for the disposal of radioactive waste.

Referred to Committee on Energy and Utilities.

ESHB 2876 by House Committee on State Government (originally sponsored by Representatives Anderson, McLean, R. Fisher, Pruitt, Bowman and Basich)

Making changes in public disclosure laws.

Referred to Committee on Governmental Operations.

SHB 2887 by House Committee on Appropriations (originally sponsored by Representative Appelwick)

Raising appellate court filing fees.

Referred to Committee on Ways and Means.

HB 2894 by Representatives Leonard, Winsley, Nelson, Mitchell, J. Kohl, Franklin and Wood

Providing relocation assistance in mobile home parks.

Referred to Committee on Commerce and Labor.

ESHB 2985 by House Committee on Appropriations (originally sponsored by Representatives Basich, Jones, Hargrove, Sheldon, Riley and Paris)

Allowing certain law enforcement officers and fire fighters pension credit for past service.

Referred to Committee on Ways and Means.

HJM 4029 by Representatives R. Fisher, Day and Orr

Requesting the United States secretary of transportation adopt rules requiring a rear of train emergency braking telemetry system.

Referred to Committee on Transportation.

MOTION

At 12:04 p.m., on motion of Senator Newhouse, the Senate adjourned until 10:00 a.m. Friday, February 21, 1992.

GORDON A. GOLOB, Secretary of the Senate.

JOEL PRITCHARD, President of the Senate.

FORTIETH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, February 21, 1992

The Senate was called to order at 10:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Erwin, Roach, Saling, Linda Smith and Vognild.

The Sergeant at Arms Color Guard, consisting of Pages Jessa Krick and Collin Hastings, presented the Colors. Reverend Reinhold Miller, pastor of the South Union Church of God of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

February 20, 1992

SHB 2152 Prime Sponsor, House Committee on Housing: Appointing a direct landlord pay task force. Reported by Committee on Children and Family Services

MAJORITY Recommendation: Do pass as amended. Signed by Senators Roach, Chairman; L. Smith, Vice Chairman; and Stratton.

Passed to Committee on Rules for second reading.

February 20, 1992

EHB 2287 Prime Sponsor, Representative Haugen: Changing provisions relating to port districts. Reported by Committee on Governmental Operations

MAJORITY Recommendation: Do pass as amended. Signed by Senators McCaslin, Chairman; Roach, Vice Chairman; Madsen and Sutherland.

Passed to Committee on Rules for second reading.

February 20, 1992

ESHB 2338 Prime Sponsor, House Committee on Local Government/Revenue: Authorizing a county research service. Reported by Committee on Governmental Operations

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators McCaslin, Chairman; Madsen and Sutherland.

Referred to Committee on Ways and Means.

February 20, 1992

HB 2350 Prime Sponsor, Representative Leonard: Making changes regarding the coordination of general assistance programs. Reported by Committee on Children and Family Services

MAJORITY Recommendation: Do pass. Signed by Senators Roach, Chairman; L. Smith, Vice Chairman; and Stratton.

Passed to Committee on Rules for second reading.

February 20, 1992

HB 2426 Prime Sponsor, Representative Rayburn: Extending the maturity date for general obligation bonds issued by fire protection districts. Reported by Committee on Governmental Operations

MAJORITY Recommendation: Do pass. Signed by Senators McCaslin, Chairman; Roach, Vice Chairman; Madsen and Sutherland.

Passed to Committee on Rules for second reading.

February 20, 1992

HB 2457 Prime Sponsor, Representative Chandler: Changing restrictions on agricultural nuisances. Reported by Committee on Agriculture and Water Resources

MAJORITY Recommendation: Do pass as amended. Signed by Senators Barr, Chairman; Bailey, Conner, Gaspard, Hansen and Newhouse.

Passed to Committee on Rules for second reading.

February 20, 1992

HB 2841 Prime Sponsor, Representative Mitchell: Exempting donated or worthless property from the uniform unclaimed property act. Reported by Committee on Governmental Operations

MAJORITY Recommendation: Do pass. Signed by Senators McCaslin, Chairman; Roach, Vice Chairman; Madsen and Sutherland.

Passed to Committee on Rules for second reading.

MESSAGE FROM THE HOUSE

February 19, 1992

MR. PRESIDENT:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2553,

HOUSE BILL NO. 2896, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

INTRODUCTION AND FIRST READING

SB 6509 by Senators Conner, Sellar, Bluechel, Snyder and Owen

AN ACT Relating to purchase of certain state trust lands for park and outdoor recreation purposes; amending RCW 43.51.270; and declaring an emergency.

Referred to Committee on Environment and Natural Resources.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

ESHB 2553 by House Committee on Transportation (originally sponsored by Representatives R. Fisher, Betrozoff, R. Meyers and Dellwo) (by request of Governor Gardner)

Adopting the 1992 supplemental transportation budget.

Referred to Committee on Transportation.

HB 2896 by Representatives Zellinsky, Schmidt, Wilson, R. Meyers, P. Johnson, R. Johnson, Brough, R. Fisher, Wood, Heavey, Mitchell, Pruitt and Sheldon

Authorizing state ferry bonds.

Referred to Committee on Transportation.

HB 2932 by Representatives Cantwell, Forner, Rasmussen, Ludwig and Paris

Revising the Washington technology center.

Referred to Committee on Commerce and Labor.

MOTION

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

SENATE RESOLUTION 1992-8708

By Senators Vognild, Metcalf and Rasmussen

WHEREAS, It is the policy of the Legislature to recognize excellence in all fields of endeavor; and

WHEREAS, The state football championships traditionally showcase the exceptionally talented high school teams from throughout the state in the Kingbowl; and

WHEREAS, The Cascade Bruins football team from Everett won its first-ever title as 1991 Class AAA state champions; and

WHEREAS, The Bruins capped an outstanding 1991 season record of twelve wins with only one loss in Wesco Conference football play and the playoff games; and

WHEREAS, The Bruins staged a very impressive 14-7 victory over the Puyallup Vikings in Kingbowl XV; and

WHEREAS, Cascade Principal Gary Axtell praised Coach Terry Ennis' hard work and his ability to help young people "reach above where they would normally plateau;" and

WHEREAS, The Bruins football team benefitted from its hard work and smart leadership from its own captains, Dan Gilday and Travis Cruse, both of whom are excellent students; and

WHEREAS, The Bruins displayed outstanding team spirit, athletic skill, intensity and determination in winning the state championship;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognizes winning varsity team members Mark Walters, Chad Staley, Joe Gallagher, Brandon Anderson, Kevin Swaney, Mike McFarland, Sean McGowan, Jordan LePiane, Dan Gilday, Pat Allen, Paul Oxwang, Ty Curley, Mark Lehner, Brannon Bonner, Mike Butler, Chris Pitzer, Weikko Jaross, Travis Cruse, David Gilbert, Ryan Sommers, Paul Haltom, Sean Degon, James Cheney, Doug Reeves, Jason Stone, Jerry Jensen, Scott Blankenburg, Quinn Renfro-Wilson, Doug Early, Jeremy Campbell, Ed Wheeler, Tony Franklin, Matt Pewitt, Darold Phinney, Roger Brodniack, Dan Duffy, Jason Dobbs, Aaron Bibe, Vuthy Tan, Jake Thomas, Frank Bower, Paul Mickelbart, Jeremy Erickson, C. J. Lyons, Tony Coleman, Josh Stevens, John Reynolds, Brian Cordova, Fred Collins, Blake Burpee, Marcus Dill, and Ray Meyers and congratulates them on their victory; and

BE IT FURTHER RESOLVED, That the Washington State Senate also recognizes and applauds the leadership of four-year Coach Terry Ennis in taking his team to the championship; and

BE IT FURTHER RESOLVED, That assistant coaches Dick Abrams, Paul Lawrence, Craig Dekins, Mike Therrell, Rollin Wilson, Kirk Nicholson, Jake Huizinga, Marv Mathews, Mike Doph, Bill Lucas and Larry King are recognized for their continuing support; and

BE IT FURTHER RESOLVED, That the Bruins want to thank everyone for their contribution and support to the team, including: Athletic Director Ernie Dire, Band Director Jim Johnson, Cheer Leader Advisor Mary Ellin Stark, band members, cheerleaders, and most of all their loyal fans; and

BE IT FURTHER RESOLVED, That the Bruins wish to show their gratitude to those that played a key role in the team's successful season, including: Trainer Paul Eckard, Student Trainer James Drechsler, Filmer Al Frasch, Managers Spring Atkinson, Jamie Oxwang, Chet Whitman, Barbara Martindale, Statistician John Barhanovich, Ball Boys Tim Odell, Brett Jensen, Todd Fankhauser, John Stevens, and Ryan Bekins; and

BE IT FURTHER RESOLVED, That senior Jordan LePaine, who anchored both the offensive and defensive lines for the Bruins, was honored as the 1991 Lineman of the Year by the Washington State Sportswriters Association; and

BE IT FURTHER RESOLVED, That running back/defensive end Ty Curley is congratulated and so recognized by the Washington State Senate for being named most valuable player of the boys' Class AAA football game, and that he, his teammates, their coaches and their school are commended for their spirit and for their accomplishments; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the captains of the football team, Coach Terry Ennis, Principal Gary Axtell and the Cascade Bruins.

Senators Metcalf, Amondson and Gaspard spoke to Senate Resolution 1992-8708.

INTRODUCTION OF SPECIAL GUESTS

The President introduced the Cascade Bruins, Coach Ennis, and the other football coaches, seated in the gallery.

MOTIONS

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

On motion of Senator Newhouse, the Committee on Law and Justice was relieved of further consideration of Engrossed Substitute House Bill No. 2459.

On motion of Senator Newhouse, Engrossed Substitute House Bill No. 2459 was referred to the Committee on Ways and Means.

On motion of Senator Newhouse, the Committee on Agriculture and Water Resources was relieved of further consideration of Engrossed Substitute House Bill No. 2526.

On motion of Senator Newhouse, Engrossed Substitute House Bill No. 2526 was referred to the Committee on Commerce and Labor.

On motion of Senator Newhouse, the Committee on Education was relieved of further consideration of Substitute House Bill No. 2548.

On motion of Senator Newhouse, Substitute House Bill No. 2548 was referred to the Committee on Ways and Means.

On motion of Senator Newhouse, the Committee on Health and Long-Term Care was relieved of further consideration of Substitute House Bill No. 2639.

On motion of Senator Newhouse, Substitute House Bill No. 2639 was referred to the Committee on Ways and Means.

MOTION

On motion of Senator Newhouse, the following bills remaining on the second and third reading calendars, were referred to the Committee on Rules:

THIRD READING

SSB 5445	f	State forest land purchase
SJM 8020		Displaced timber workers

SECOND READING

SSB 5203	f	Nursing home administration
SB 5282	f	School construction wages
SB 5771		Utility service payment
SB 6030	f	Bicycle helmets required
SB 6038		Health care referrals
SB 6057	f	Crime lab analysis fee
SB 6092	f	HIV testing of juveniles
SB 6100		Prejudice of judges
SB 6106	f	Weapons in restricted areas
SB 6109	f	Forfeited firearms disposal
SB 6124	\$	Long-term care ombudsman
SB 6129	f	Vehicle registration
SB 6142		Appearance bonds
SB 6145	f	Trailer tax exemptions
SB 6157		Weapons on school premises
SB 6160	f	Forest land base maintenance
SB 6162		Shoreline management policy
SB 6177	\$f	Site-based school councils
SB 6180		Education programs
SB 6182		School activity interference
SB 6194	f	Automobile adjustment progms
SB 6195	f	Violence-preventn in schools
SB 6198		Beneficiaries of trusts
SB 6211	f	School excess levies
SB 6225	f	AIDS facility supply costs
SB 6232		Municipal solid waste facilit
SB 6248	f	Boating safety

SB 6257	f	Wildlife/recreation lands
SB 6265	f	Malt liquor keg registration
SB 6266	f	Employee privacy
SB 6277		Tacoma park dist commissnrs
SB 6278	f	Rural development council
SB 6279	f	Urban/rural econ partnershps
SB 6325		Initiative/referendum signat
SB 6335		Salmon commodity commission
SB 6337		Sheriffs services fees
SB 6350	\$f	Aircraft maintenance trainng
SB 6355		Natural resources resurvey
SB 6369		Mental illness/firearms poss
SB 6391	\$	Reclaimed water usage
SB 6422	f	Prevailing wage requirements
SB 6456	f	State information resources
SB 6459	f	Storm water pollution
SJM 8028		Balanced federal budget
SJR 8226	f	Emergency reserve fund

MOTION FOR RECONSIDERATION

Senator Bailey moved to reconsider the vote by which Engrossed Second Substitute Senate Bill No. 6178 failed to pass the Senate.

POINT OF ORDER

Senator Rasmussen: "Mr. President, I raise a point of order. We've gone beyond the hour for the consideration or reconsideration of Senate Bills in our own body."

REPLY BY THE PRESIDENT

President Pritchard: "Not those that have exemptions in the cutoff law--the cutoff rules that we adopted."

Senator Rasmussen: "Is that under the exemption resolution?"

President Pritchard: "Yes."

Senator Rasmussen: "I'd have to review that."

President Pritchard: "It applies under the area of education reform or budget implementation."

Senator Rasmussen: "It's a catch all, then?"

President Pritchard: "Well, you can use that word; I wouldn't."

Senator Rasmussen: "Thank you, Mr. President, for the explanation."

PERSONAL PRIVILEGE

Senator Hansen: "A point of personal privilege, Mr. President. On your desks, you have my payoff. When you have a new baby, you break out the cigars. I spoke for the first time on the floor and so I am giving you some of my daughter's vinegar that they bottle. There are all different kinds. Every flavor of vinegar that they bottle is represented here. Also, there is an extra virgin olive oil; also an herbed olive oil. You may mix and match, trade, whatever you want to do, but please enjoy them. We are pretty proud of their business in Kennewick."

MOTION

At 10:19 a.m., on motion of Senator Newhouse, the Senate adjourned until 10:00 a.m., Monday, February 24, 1992.

JOEL PRITCHARD, President of the Senate.

GORDON A. GOLOB, Secretary of the Senate.

FORTY-THIRD DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, February 24, 1992

The Senate was called to order at 10:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Amondson, Erwin, Hayner, Matson, McDonald, Nelson, Thorsness and West. On motion of Senator Anderson, Senators Amondson, Erwin, Hayner, Matson, McDonald, Nelson, Thorsness and West were excused.

The Sergeant at Arms Color Guard, consisting of Pages Jenni Saling and Brandi Saling, presented the Colors. Reverend David Steen, pastor of the Good Shepherd Lutheran Church of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

February 20, 1992

SHB 2246 Prime Sponsor, House Committee on Appropriations: Denying retirement system beneficiary benefits to slayers. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bauer, Bluechel, Cantu, Gaspard, Kreidler, Metcalf, Murray, Newhouse, Rinehart, Saling, West, Williams and Wojahn.

Passed to Committee on Rules for second reading.

February 20, 1992

HB 2259 Prime Sponsor, Representative Spanel: Simplifying the designation of pension funds. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bauer, Bluechel, Cantu, Gaspard, Kreidler, Murray, Newhouse, Rinehart, Saling, L. Smith, Talmadge, West, Williams and Wojahn.

Passed to Committee on Rules for second reading.

February 20, 1992

EHB 2260 Prime Sponsor, Representative Spanel: Making technical corrections to chapter 35, Laws of 1991. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bauer, Bluechel, Cantu, Gaspard, Kreidler, Metcalf, Murray, Newhouse, Rinehart, Saling, L. Smith, Talmadge, West, Williams and Wojahn.

Passed to Committee on Rules for second reading.

February 20, 1992

HB 2261 Prime Sponsor, Representative Hine: Revising provisions relating to membership of pension boards under chapter 41.18 RCW. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bauer, Bluechel, Cantu, Gaspard, Kreidler, Metcalf, Murray, Newhouse, Rinehart, Saling, L. Smith, Talmadge, West, Williams and Wojahn.

Passed to Committee on Rules for second reading.

February 20, 1992

EHB 2316 Prime Sponsor, Representative Rayburn: Removing the sunset termination process from IMPACT. Reported by Committee on Agriculture and Water Resources

MAJORITY Recommendation: Do pass. Signed by Senators Barr, Chairman; Bailey, Conner, Gaspard, Hansen and Newhouse.

Passed to Committee on Rules for second reading.

February 21, 1992

EHB 2347 Prime Sponsor, Representative Grant: Changing municipal electric utility access to high voltage transmission facilities. Reported by Committee on Energy and Utilities

MAJORITY Recommendation: Do pass. Signed by Senators Thorsness, Chairman; Jesernig, Nelson, Patterson, Stratton, Sutherland and Williams.

Passed to Committee on Rules for second reading.

February 20, 1992

HB 2398 Prime Sponsor, Representative Fraser: Revising provisions for the volunteer fire fighters' relief and pension fund. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bauer, Bluechel, Cantu, Gaspard, Kreidler, Murray, Newhouse, Rinehart, Saling, Talmadge, West, Williams and Wojahn.

Passed to Committee on Rules for second reading.

February 21, 1992

HB 2399 Prime Sponsor, Representative H. Sommers: Limiting transfers from the geothermal account. Reported by Committee on Energy and Utilities

MAJORITY Recommendation: Do pass. Signed by Senators Thorsness, Chairman; Jesernig, Nelson, Patterson, Stratton, Sutherland and Williams.

Passed to Committee on Rules for second reading.

February 21, 1992

ESHB 2466 Prime Sponsor, House Committee on Human Services: Changing provisions relating to juveniles. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass as amended. Signed by Senators Nelson, Chairman; Hayner, Kreidler, Madsen, Newhouse, Rasmussen and A. Smith.

Referred to Committee on Ways and Means.

February 20, 1992

EHB 2645 Prime Sponsor, Representative Spanel: Prohibiting the department of retirement systems from recovering certain pension overpayments. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended. Signed by Senators Craswell, Vice Chairman; Bailey, Bluechel, Cantu, Gaspard, Kreidler, Metcalf, Murray, Newhouse, Rinehart, Saling, L. Smith, Talmadge, West, Williams and Wojahn.

Passed to Committee on Rules for second reading.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Saling, Gubernatorial Appointment No. 9239, Delores I. Brown, as a member of the Board of Trustees for Lake Washington Technical College, was confirmed.

APPOINTMENT OF DELORES I. BROWN

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 41; Nays, 0; Absent, 0; Excused, 8.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Jesernig, Kreidler, Madsen, McCaslin, McMullen, Metcalf, Moore, Murray, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sumner, Sutherland, Talmadge, Vognild, von Reichbauer, Williams, Wojahn - 41.

Excused: Senators Amondson, Erwin, Hayner, Matson, McDonald, Nelson, Thorsness, West - 8.

MOTION

On motion of Senator Saling, Gubernatorial Appointment No. 9240, Fredrica Denton, as a member of the Board of Trustees for Lake Washington Technical College, was confirmed.

APPOINTMENT OF FREDRICA DENTON

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 7.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Jesernig, Kreidler, Madsen, McCaslin, McMullen, Metcalf, Moore, Murray, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sumner, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Williams, Wojahn - 42.

Excused: Senators Amondson, Erwin, Hayner, Matson, McDonald, Nelson, West - 7.

INTRODUCTION OF SPECIAL GUEST

The President introduced the 1991 Miss Washington, So Young Kwon, who was seated on the Senate Rostrum.

Miss Kwon presented a gift of appreciation to President Pritchard.

With permission of the Senate, business was suspended to permit Miss Washington to address the Senate.

INTRODUCTION OF MISS WASHINGTON SCHOLARSHIP
PAGEANT CONTESTANTS

The President introduced the Miss Washington Scholarship Pageant contestants accompanying Miss Washington, who were seated in the gallery.

INTRODUCTION OF SPECIAL GUEST

The President introduced Ronald McDonald, a special guest visiting the Legislature today, who was seated in the gallery.

MOTION

At 10:29 a.m., on motion of Senator Newhouse, the Senate adjourned until 12:00 noon, Tuesday, February 25, 1992.

JOEL PRITCHARD, President of the Senate.

GORDON A. GOLOB, Secretary of the Senate.

FORTY-FOURTH DAY

NOON SESSION

Senate Chamber, Olympia, Tuesday, February 25, 1992

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

MOTION

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

REPORTS OF STANDING COMMITTEES

February 21, 1992

SHB 1061 Prime Sponsor, House Committee on Judiciary: Making funeral expenses and cost of administration fully deductible from the decedent's estate. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Nelson, Chairman; Hayner, Kreidler, Madsen, Newhouse, Rasmussen and A. Smith.

Referred to Committee on Ways and Means.

February 24, 1992

ESHB 1090 Prime Sponsor, House Committee on Human Services: Creating a state-wide system of early intervention services for infants and toddlers with disabilities or special needs. Reported by Committee on Children and Family Services

MAJORITY Recommendation: Do pass. Signed by Senators Roach, Chairman; L. Smith, Vice Chairman; Craswell, Stratton and Talmadge.

Passed to Committee on Rules for second reading.

February 20, 1992

ESHB 1153 Prime Sponsor, House Committee on Judiciary: Prescribing monetary penalties for littering. Reported by Committee on Environment and Natural Resources

MAJORITY Recommendation: Do pass. Signed by Senators Metcalf, Chairman; Oke, Vice Chairman; Amondson, Conner, Owen, Snyder, Sumner and Sutherland.

Passed to Committee on Rules for second reading.

February 21, 1992

SHB 1186 Prime Sponsor, House Committee on Judiciary: Requiring that criminal penalties set by cities and counties be the same as those set in state law. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass as amended. Signed by Senators Nelson, Chairman; Hayner, Kreidler, Madsen, Newhouse, Rasmussen and A. Smith.

Passed to Committee on Rules for second reading.

February 24, 1992

SHB 1392 Prime Sponsor, House Committee on Health Care: Making major changes to acupuncturist licensure. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass as amended. Signed by Senators West, Chairman; L. Smith, Vice Chairman; Kreidler, Niemi, Sumner and Wojahn.

Passed to Committee on Rules for second reading.

February 21, 1992

EHB 1395 Prime Sponsor, Representative Ludwig: Maintaining the Washington state patrol crime laboratory locations. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Nelson, Chairman; Hayner, Kreidler, Madsen, Newhouse, Rasmussen and A. Smith.

Referred to Committee on Ways and Means.

February 19, 1992

ESHB 1448 Prime Sponsor, House Committee on Fisheries and Wildlife: Establishing the Union Bay wildlife habitat management area. Reported by Committee on Environment and Natural Resources

MAJORITY Recommendation: Do pass as amended. Signed by Senators Metcalf, Chairman; Oke, Vice Chairman; Amondson, Barr, Conner, Owen, Snyder, Sumner and Sutherland.

Passed to Committee on Rules for second reading.

February 24, 1992

ESHB 1457 Prime Sponsor, House Committee on Environmental Affairs: Prohibiting additives for on-site sewage disposal systems. Reported by Committee on Environment and Natural Resources

MAJORITY Recommendation: Do pass as amended. Signed by Senators Metcalf, Chairman; Oke, Vice Chairman; Amondson, Barr, Conner, Owen, Snyder, Sumner and Sutherland.

Passed to Committee on Rules for second reading.

February 19, 1992

HB 2294 Prime Sponsor, Representative Basich: Directing a study of the coastal crab fishery. Reported by Committee on Environment and Natural Resources

MAJORITY Recommendation: Do pass. Signed by Senators Metcalf, Chairman; Oke, Vice Chairman; Amondson, Barr, Conner, Owen, Snyder, Sumner and Sutherland.

Passed to Committee on Rules for second reading.

February 24, 1992

ESHB 2300 Prime Sponsor, House Committee on Local Government: Revising the procedures for death certificates. Reported by Committee on Governmental Operations

MAJORITY Recommendation: Do pass. Signed by Senators McCaslin, Chairman; Madsen and Sutherland.

Passed to Committee on Rules for second reading.

February 24, 1992

ESHB 2305 Prime Sponsor, House Committee on Local Government: Creating fire commissioner districts within merged fire protection districts. Reported by Committee on Governmental Operations

MAJORITY Recommendation: Do pass. Signed by Senators McCaslin, Chairman; Madsen and Sutherland.

Passed to Committee on Rules for second reading.

February 24, 1992

SHB 2307 Prime Sponsor, House Committee on Natural Resources and Parks: Altering the Washington state board on geographic names. Reported by Committee on Governmental Operations

MAJORITY Recommendation: Do pass. Signed by Senators McCaslin, Chairman; Madsen and Sutherland.

Passed to Committee on Rules for second reading.

February 24, 1992

ESHB 2333 Prime Sponsor, House Committee on Human Services: Redefining guide and service dogs. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass. Signed by Senators West, Chairman; L. Smith, Vice Chairman; Kreidler, Niemi, Sumner and Wojahn.

Passed to Committee on Rules for second reading.

February 24, 1992

SHB 2341 Prime Sponsor, House Committee on Health Care: Providing for disclosure of the cost of hospital health care services. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass. Signed by Senators West, Chairman; L. Smith, Vice Chairman; Kreidler, Niemi, Sumner and Wojahn.

Passed to Committee on Rules for second reading.

February 24, 1992

EHB 2360 Prime Sponsor, Representative G. Cole: Authorizing the sale of informational materials by the department of fisheries. Reported by Committee on Environment and Natural Resources

MAJORITY Recommendation: Do pass. Signed by Senators Metcalf, Chairman; Conner, Owen, Snyder and Sumner.

Passed to Committee on Rules for second reading.

February 24, 1992

ESHB 2363 Prime Sponsor, House Committee on Natural Resources and Parks: Modifying shellfish protection. Reported by Committee on Environment and Natural Resources

MAJORITY Recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Metcalf, Chairman; Oke, Vice Chairman; Amondson, Conner, Owen, Snyder, Sumner and Sutherland.

Referred to Committee on Ways and Means.

February 24, 1992

HB 2371 Prime Sponsor, Representative Kremen: Modifying special assessment authority of conservation districts. Reported by Committee on Governmental Operations

MAJORITY Recommendation: Do pass. Signed by Senators McCaslin, Chairman; Madsen and Sutherland.

Passed to Committee on Rules for second reading.

February 24, 1992

HB 2374 Prime Sponsor, Representative Kremen: Providing funding for senior volunteer programs. Reported by Committee on Children and Family Services

MAJORITY Recommendation: Do pass. Signed by Senators Roach, Chairman; L. Smith, Vice Chairman; Craswell, Stratton and Talmadge.

Passed to Committee on Rules for second reading.

February 24, 1992

HB 2375 Prime Sponsor, Representative Hine: Allowing less restrictive easements concerning aircraft noise. Reported by Committee on Governmental Operations

MAJORITY Recommendation: Do pass. Signed by Senators McCaslin, Chairman; Madsen and Sutherland.

Passed to Committee on Rules for second reading.

February 24, 1992

ESHB 2389 Prime Sponsor, House Committee on Environmental Affairs: Changing oil spill prevention and clean-up provisions. Reported by Committee on Environment and Natural Resources

MAJORITY Recommendation: Do pass. Signed by Senators Metcalf, Chairman; Amondson, Barr, Owen, Snyder, Sumner and Sutherland.

Passed to Committee on Rules for second reading.

February 24, 1992

SHB 2391 Prime Sponsor, House Committee on Environmental Affairs: Regulating biomedical waste. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass. Signed by Senators West, Chairman; L. Smith, Vice Chairman; Kreidler, Niemi, Sumner and Wojahn.

Passed to Committee on Rules for second reading.

February 24, 1992

SHB 2495 Prime Sponsor, House Committee on Local Government: Concerning rural public hospital districts. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass as amended. Signed by Senators West, Chairman; L. Smith, Vice Chairman; Kreidler, Niemi, Sumner and Wojahn.

Passed to Committee on Rules for second reading.

February 24, 1992

SHB 2499 Prime Sponsor, House Committee on Local Government: Changing requirements for claims against local governmental agencies. Reported by Committee on Governmental Operations

MAJORITY Recommendation: Do pass. Signed by Senators McCaslin, Chairman; Madsen and Sutherland.

Passed to Committee on Rules for second reading.

February 20, 1992

HB 2543 Prime Sponsor, Representative Beck: Reorganizing the recreational boating code. Reported by Committee on Environment and Natural Resources

MAJORITY Recommendation: Do pass. Signed by Senators Metcalf, Chairman; Oke, Vice Chairman; Amondson, Barr, Conner, Owen, Snyder, Sumner and Sutherland.

Passed to Committee on Rules for second reading.

February 24, 1992

HB 2633 Prime Sponsor, Representative Rust: Requiring local governments to encourage use of privately owned moderate-risk waste facilities. Reported by Committee on Environment and Natural Resources

MAJORITY Recommendation: Do pass. Signed by Senators Metcalf, Chairman; Barr, Conner, Owen, Snyder, Sumner and Sutherland.

Passed to Committee on Rules for second reading.

February 24, 1992

SHB 2635 Prime Sponsor, House Committee on Revenue: Revising the model litter control and recycling act. Reported by Committee on Environment and Natural Resources

MAJORITY Recommendation: Do pass as amended. Signed by Senators Metcalf, Chairman; Oke, Vice Chairman; Amondson, Barr, Conner, Owen, Snyder and Sumner.

Passed to Committee on Rules for second reading.

February 24, 1992

SHB 2673 Prime Sponsor, House Committee on Housing: Concerning residential buildings moved into a city or county. Reported by Committee on Governmental Operations

MAJORITY Recommendation: Do pass. Signed by Senators McCaslin, Chairman; Madsen and Sutherland.

Passed to Committee on Rules for second reading.

February 24, 1992

SHB 2720 Prime Sponsor, House Committee on Financial Institutions and Insurance: Studying longshore and harbor workers' insurance needs. Reported by Committee on Commerce and Labor

MAJORITY Recommendation: Do pass as amended. Signed by Senators Matson, Chairman; Anderson, Vice Chairman; McMullen, Moore, Murray and Skratek.

Passed to Committee on Rules for second reading.

February 21, 1992

SHB 2734 Prime Sponsor, House Committee on State Government: Establishing the office of crime victims' advocacy. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Nelson, Chairman; Hayner, Kreidler, Madsen, Newhouse, Rasmussen and A. Smith.

Referred to Committee on Ways and Means.

February 20, 1992

SHB 2768 Prime Sponsor, House Committee on Environmental Affairs: Allowing technical assistance officers for the department of ecology. Reported by Committee on Environment and Natural Resources

MAJORITY Recommendation: Do pass. Signed by Senators Metcalf, Chairman; Oke, Vice Chairman; Amondson, Barr, Conner, Owen, Snyder, Sumner and Sutherland.

Passed to Committee on Rules for second reading.

February 24, 1992

EHB 2812 Prime Sponsor, Representative Cantwell: Providing for aircraft maintenance vocational training. Reported by Committee on Commerce and Labor

MAJORITY Recommendation: Do pass as amended. Signed by Senators Matson, Chairman; Anderson, Vice Chairman; McMullen, Moore, Murray and Skratek.

Passed to Committee on Rules for second reading.

February 24, 1992

SHB 2831 Prime Sponsor, House Committee on Commerce and Labor: Revising pesticide recordkeeping and posting requirements. Reported by Committee on Commerce and Labor

MAJORITY Recommendation: Do pass as amended. Signed by Senators Matson, Chairman; Anderson, Vice Chairman; McMullen, Moore, Murray and Skratek.

Passed to Committee on Rules for second reading.

REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

February 20, 1992

GA 9157 GLENNA S. HALL, reappointed January 14, 1991, for a term ending December 31, 1996, as a member of the Parks and Recreation Commission. Reported by Committee on Environment and Natural Resources.

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Metcalf, Chairman; Oke, Vice Chairman; Amondson, Barr, Conner, Owen, Snyder, Sumner and Sutherland.

Passed to Committee on Rules.

February 20, 1992

GA 9173 JOE C. JONES, reappointed March 22, 1991, for a term ending December 31, 1993, as a member of the Interagency Committee for Outdoor Recreation.
Reported by Committee on Environment and Natural Resources.

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Metcalf, Chairman; Oke, Vice Chairman; Amondson, Barr, Conner, Owen, Snyder, Sumner and Sutherland.

Passed to Committee on Rules.

February 20, 1992

GA 9178 ROBERT C. PETERSEN, appointed May 9, 1991, for a term ending December 31, 1994, as a member of the Parks and Recreation Commission.
Reported by Committee on Environment and Natural Resources.

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Metcalf, Chairman; Oke, Vice Chairman; Amondson, Barr, Conner, Owen, Snyder, Sumner and Sutherland.

Passed to Committee on Rules.

February 20, 1992

GA 9179 BRUCE W. HILYER, appointed May 9, 1991, for a term ending December 31, 1996, as a member of the Parks and Recreation Commission.
Reported by Committee on Environment and Natural Resources.

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Metcalf, Chairman; Oke, Vice Chairman; Amondson, Barr, Conner, Owen, Snyder, Sumner and Sutherland.

Passed to Committee on Rules.

MESSAGE FROM THE HOUSE

February 24, 1992

MR. PRESIDENT:

The House has passed REENGROSSED SUBSTITUTE HOUSE BILL NO. 2590, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

INTRODUCTION AND FIRST READING OF HOUSE BILL

RESHB 2590 by House Committee on Health Care (originally sponsored by Representatives Braddock, Winsley, Wang, Brekke, G. Cole, H. Myers, Wineberry, Locke, Paris, Jones, Franklin, Ogden, R. Fisher, Pruitt, Prentice, O'Brien, Nelson, Jacobsen, Belcher, Spanel, J. Kohl and Anderson) (by request of Governor Gardner)

Enacting comprehensive health care reform.

Referred to Committee on Health and Long-Term Care.

MOTIONS

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

On motion of Senator Newhouse, the Committee on Governmental Operations was relieved of further consideration of Engrossed Substitute House Bill No. 1631.

On motion of Senator Newhouse, Engrossed Substitute House Bill No. 1631 was referred to the Committee on Ways and Means.

On motion of Senator Newhouse, the Committee on Children and Family Services was relieved of further consideration of Substitute House Bill No. 2529.

On motion of Senator Newhouse, Substitute House Bill No. 2529 was referred to the Committee on Law and Justice.

MOTION FOR RECONSIDERATION

Senator Bailey moved to reconsider the vote by which Engrossed Second Substitute Senate No. 6178 failed to pass the Senate.

MOTION

At 12:05 p.m., on motion of Senator Newhouse, the Senate adjourned until 10:00 a.m., Wednesday, February 26, 1992.

JOEL PRITCHARD, President of the Senate

GORDON GOLOB, Secretary of the Senate.

FORTY-FIFTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, February 26, 1992

The Senate was called to order at 10:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Cantu, Conner, Erwin, Hayner, Kreidler, Matson, McDonald, Nelson, Pelz, Rasmussen, Rinehart, Thorsness, Vognild and Williams. On motion of Senator Anderson, Senators Cantu, Erwin, Hayner, Matson, McDonald, Nelson and Thorsness were excused. On motion of Senator Murray, Senators Conner, Kreidler, Pelz, Rasmussen, Rinehart, Vognild and Williams were excused.

The Sergeant at Arms Color Guard, consisting of Pages Robin Rushing and Sara Nelson, presented the Colors. Reverend John Maxwell, pastor of the Mason United Methodist Church of Tacoma, and a guest of Senator Albert Bauer, offered the prayer.

MOTION

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

MESSAGE FROM THE GOVERNOR

February 15, 1992

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Bernadene Dochnahl, appointed February 15, 1992, for a term ending January 4, 1995, as a member of the Personnel Board.

Sincerely,
 BOOTH GARDNER, Governor

Referred to Committee on Governmental Operations.

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

REPORTS OF STANDING COMMITTEES

February 24, 1992

SB 5953 Prime Sponsor, Senator Bailey: Relating to education. Reported by Committee on Education

MAJORITY Recommendation: That Substitute Senate Bill No. 5953 be substituted therefor, and the substitute bill do pass. Signed by Senators Bailey, Chairman; Erwin, Vice Chairman; Anderson, Craswell, Metcalf and Oke.

MINORITY Recommendation: Do not pass. Signed by Senators Murray, Pelz, Rinehart and A. Smith.

Passed to Committee on Rules for second reading.

February 24, 1992

ESHB 1150 Prime Sponsor, House Committee on Local Government: Clarifying port commissioner elections. Reported by Committee on Governmental Operations

MAJORITY Recommendation: Do pass as amended. Signed by Senators McCaslin, Chairman; Madsen and Matson.

Passed to Committee on Rules for second reading.

February 25, 1992

SHB 1234 Prime Sponsor, House Committee on Judiciary: Prohibiting the execution of the mentally retarded. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass as amended. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Kreidler, Madsen and A. Smith.

Passed to Committee on Rules for second reading.

February 25, 1992

ESHB 2025 Prime Sponsor, House Committee on State Government: Permitting employee payroll deductions to be deposited into banks or savings banks. Reported by Committee on Governmental Operations

MAJORITY Recommendation: Do pass as amended. Signed by Senators McCaslin, Chairman; Roach, Vice Chairman; Madsen and Sutherland.

Passed to Committee on Rules for second reading.

February 24, 1992

HB 2314 Prime Sponsor, Representative Franklin: Revising provisions for providing medical services. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass. Signed by Senators West, Chairman; L. Smith, Vice Chairman; Kreidler, Niemi, Sumner and Wojahn.

Passed to Committee on Rules for second reading.

February 25, 1992

SHB 2319 Prime Sponsor, House Committee on State Government: Improving election administration. Reported by Committee on Governmental Operations

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators McCaslin, Chairman; Madsen and Sutherland.

Referred to Committee on Ways and Means.

February 24, 1992

HB 2358 Prime Sponsor, Representative Prentice: Modifying requirements for the psychologist disciplinary committee. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass. Signed by Senators West, Chairman; L. Smith, Vice Chairman; Kreidler, Niemi, Sumner and Wojahn.

Passed to Committee on Rules for second reading.

February 24, 1992

SHB 2359 Prime Sponsor, House Committee on Education: Creating the academic and vocational integration development program. Reported by Committee on Education

MAJORITY Recommendation: Do pass as amended. Signed by Senators Bailey, Chairman; Erwin, Vice Chairman; Anderson, Craswell, Metcalf, Murray, Oke, Pelz, Rinehart, A. Smith and Talmadge.

Passed to Committee on Rules for second reading.

February 25, 1992

SHB 2373 Prime Sponsor, House Committee on Judiciary: Regulating concealed weapons. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass as amended. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Hayner, Newhouse, Rasmussen and A. Smith.

Passed to Committee on Rules for second reading.

February 25, 1992

HB 2448 Prime Sponsor, Representative Rayburn: Changing pesticide licensing laws. Reported by Committee on Agriculture and Water Resources

MAJORITY Recommendation: Do pass as amended. Signed by Senators Barr, Chairman; Anderson, Vice Chairman; Bailey, Conner, Gaspard, Newhouse and Hansen.

Passed to Committee on Rules for second reading.

February 25, 1992

SHB 2465 Prime Sponsor, House Committee on Energy and Utilities: Regulating public service company tariff charge reduction or waiver. Reported by Committee on Energy and Utilities

MAJORITY Recommendation: Do pass. Signed by Senators Thorsness, Chairman; Saling, Vice Chairman; Jesernig, Nelson, Patterson, Roach, Stratton, Sutherland and Williams.

Passed to Committee on Rules for second reading.

February 25, 1992

ESHB 2471 Prime Sponsor, House Committee on Human Services: Enacting the children's investment trust act. Reported by Committee on Children and Family Services

MAJORITY Recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Roach, Chairman; L. Smith, Vice Chairman; Craswell and Stratton.

Referred to Committee on Ways and Means.

February 25, 1992

SHB 2544 Prime Sponsor, House Committee on Natural Resources and Parks: Prohibiting the operation of vessels loaded beyond their safe carrying capacity ratings. Reported by Committee on Environment and Natural Resources

MAJORITY Recommendation: Do pass as amended. Signed by Senators Metcalf, Chairman; Oke, Vice Chairman; Barr, Conner, Owen, Snyder and Sumner.

Passed to Committee on Rules for second reading.

February 25, 1992

ESHB 2547 Prime Sponsor, House Committee on Education: Providing additional medical assistance reimbursement for health-related services provided in schools. Reported by Committee on Education

MAJORITY Recommendation: Refer to Committee on Health and Long-Term Care. Signed by Senators Bailey, Chairman; Erwin, Vice Chairman; Anderson, Metcalf, Pelz and Rinehart.

Referred to Committee on Health and Long-Term Care.

February 25, 1992

SHB 2560 Prime Sponsor, House Committee on Environmental Affairs: Establishing the senior environmental corps. Reported by Committee on Environment and Natural Resources

MAJORITY Recommendation: Do pass. Signed by Senators Metcalf, Chairman; Oke, Vice Chairman; Barr, Conner, Owen, Snyder, Sumner and Sutherland.

Passed to Committee on Rules for second reading.

February 25, 1992

SHB 2594 Prime Sponsor, House Committee on Natural Resources and Parks: Applying the state wildlife and recreation lands management act. Reported by Committee on Environment and Natural Resources

MAJORITY Recommendation: Do pass as amended. Signed by Senators Metcalf, Chairman; Oke, Vice Chairman; Conner, Owen, Snyder, Sumner and Sutherland.

Passed to Committee on Rules for second reading.

February 25, 1992

ESHB 2636 Prime Sponsor, House Committee on Environmental Affairs: Requiring solid waste reports and landfill fee reciprocity on waste received from outside the state. Reported by Committee on Environment and Natural Resources

MAJORITY Recommendation: Do pass. Signed by Senators Metcalf, Chairman; Oke, Vice Chairman; Barr, Conner, Owen, Snyder, Sumner and Sutherland.

Passed to Committee on Rules for second reading.

February 25, 1992

ESHB 2640 Prime Sponsor, House Committee on Environmental Affairs: Requiring the department of ecology to establish a comprehensive sludge management program. Reported by Committee on Environment and Natural Resources

MAJORITY Recommendation: Do pass as amended. Signed by Senators Metcalf, Chairman; Oke, Vice Chairman; Barr, Conner, Owen, Snyder, Sumner and Sutherland.

Referred to Committee on Ways and Means.

February 25, 1992

SHB 2659 Prime Sponsor, House Committee on Local Government: Concerning public works contracts. Reported by Committee on Governmental Operations

MAJORITY Recommendation: Do pass as amended. Signed by Senators McCaslin, Chairman; Roach, Vice Chairman; Madsen, Matson and Sutherland.

Passed to Committee on Rules for second reading.

February 25, 1992

SHB 2735 Prime Sponsor, House Committee on State Government: Enhancing the duties of the center for voluntary action, which is renamed the center for volunteerism and citizen service act. Reported by Committee on Governmental Operations

MAJORITY Recommendation: Do pass. Signed by Senators McCaslin, Chairman; Roach, Vice Chairman; Madsen, Matson and Sutherland.

Passed to Committee on Rules for second reading.

February 25, 1992

SHB 2766 Prime Sponsor, House Committee on Local Government: Increasing official fees for a sheriff's services. Reported by Committee on Governmental Operations

MAJORITY Recommendation: Do pass as amended. Signed by Senators McCaslin, Chairman; Madsen and Matson.

Passed to Committee on Rules for second reading.

February 24, 1992

HB 2780 Prime Sponsor, Representative G. Cole: Creating the school pathway and bus stop improvement program. Reported by Committee on Education

MAJORITY Recommendation: Do pass as amended. Signed by Senators Bailey, Chairman; Erwin, Vice Chairman; Anderson, Metcalf, Murray, Oke, Pelz, Rinehart and Talmadge.

Passed to Committee on Rules for second reading.

February 25, 1992

SHB 2784 Prime Sponsor, House Committee on Judiciary: Changing provisions relating to child support. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass as amended. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Hayner, Kreidler, Madsen, Newhouse, Rasmussen and A. Smith.

Passed to Committee on Rules for second reading.

February 24, 1992

HB 2810 Prime Sponsor, Representative Cantwell: Repealing the termination provisions for the nursing home advisory council. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass. Signed by Senators West, Chairman; L. Smith, Vice Chairman; Kreidler, Niemi, Sumner and Wojahn.

Passed to Committee on Rules for second reading.

February 24, 1992

EHB 2813 Prime Sponsor, Representative Bowman: Allowing the transfer of the state law enforcement officers and fire fighters retirement system to the state health care authority. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass. Signed by Senators West, Chairman; L. Smith, Vice Chairman; Kreidler, Niemi, Sumner and Wojahn.

Passed to Committee on Rules for second reading.

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

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENT
MOTION

On motion of Senator Saling, Gubernatorial Appointment No. 9241, Dr. Robert Patterson, as a member of the Board of Trustees for Lake Washington Technical College, was confirmed.

APPOINTMENT OF DR. ROBERT PATTERSON

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 35; Nays, 0; Absent, 0; Excused, 14.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Craswell, Gaspard, Hansen, Jesernig, Madsen, McCaslin, McMullen, Metcalf, Moore, Murray, Newhouse, Niemi, Oke, Owen, Patterson, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sumner, Sutherland, Talmadge, von Reichbauer, West, Wojahn - 35.

Excused: Senators Cantu, Conner, Erwin, Hayner, Kreidler, Matson, McDonald, Nelson, Pelz, Rasmussen, Rinehart, Thorsness, Vognild, Williams - 14.

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

MOTION

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

SENATE RESOLUTION 1992-8727

By Senators Craswell and Oke

WHEREAS, The Olympic High School Winterguard is a group of twenty-six young women and eight staff members; and

WHEREAS, The Olympic High School Winterguard performs intricately choreographed programs that incorporate the twirling of flags, rifles and other pieces of equipment with dance movements; and

WHEREAS, The Olympic High School Winterguard represents Olympic High School, Central Kitsap County and Washington State in competitions on the West Coast, nationally, and internationally; and

WHEREAS, The Olympia High School Winterguard has finished first in every competition entered this year; and

WHEREAS, On February 1-2, 1992, the Olympic High School Winterguard competed in the B.C. Provincials in Surrey, B.C., placed first in their division, and earned the highest score overall; and

WHEREAS, The success of the Olympic High School Winterguard demonstrates the dedication of the student participants, their parents, and staff members; and

WHEREAS, The Olympic High School Winterguard program fosters in the young women participants responsibility, confidence, and a desire to succeed, all of which play a key role in the contributions of women to the home, to the work place and to society;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the state of Washington recognize and honor the Olympic High School Winterguard and the student participants, parents and staff members involved; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate immediately transmit copies of this resolution to the members of the Olympic High School Winterguard, the staff members involved, and to the Principal and faculty of Olympic High School.

Senators Craswell and Oke spoke to Senate Resolution 1992-8727.

INTRODUCTION OF SPECIAL GUESTS

The President introduced the Olympic High School Winterguard from Bremerton, who were seated in the gallery.

MOTION

On motion of Senator Newhouse, Rule 46 was dispensed with and the Committee on Law and Justice will continue meeting during this Senate Session.

EDITOR'S NOTE: Rule 46. No committee shall sit during the daily session of the senate unless by special leave.

APPOINTMENT OF SPECIAL COMMITTEE

The President announced the presence in the Senate Chamber of the 1992 Washington State Apple Blossom royalty and appointed Senators Sumner, Owen, Sellar, Stratton, Oke and Hansen as a committee of honor to escort the honored guests to the Senate Rostrum.

The President introduced the Apple Blossom Queen, Marcia Turner, and Princesses, April Reid, Kirsten Ehlis, Kaley O'Kelley, Kristen Picard and Nicole Farrell.

With permission of the Senate, business was suspended to permit Queen Marcia to address the Senate.

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

MOTION

On motion of Senator McDonald, the following resolution by Senator Cantu was adopted:

SENATE RESOLUTION 1992-8728

By Senator Cantu

WHEREAS, The retail baking industry is vital to the state of Washington, greatly contributing to local economic prosperity and the health and well-being of our citizens; and

WHEREAS, The retail baking industry, across the nation, includes more than 46,000 independent retail and in-store units generating over fifteen billion dollars in annual sales; and

WHEREAS, Retail bakers play active business and community service roles in communities throughout this state, providing delicious fresh baked foods and serving as a valuable community resource on baking, food preparation, and food presentation; and

WHEREAS, Retail bakers are excellent role models as successful entrepreneurs and provide quality training for our young people considering careers in the baking profession; and

WHEREAS, February 23-29, 1992, has been designated "National Retail Bakers Week" by the Retail Bakers of America;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate, to express appreciation to the retail bakers of Washington, hereby designates the week of February 23-29, 1992, as "Retail Bakers Week."

Senator McDonald and President Pritchard spoke to Senate Resolution 1992-8728.

MARRIAGE ANNOUNCEMENT

The President introduced staff members Marianne Conner, Agriculture and Water Resources Assistant, and Dannie Ledgerwood, a member of the Billroom Staff, seated in the gallery. The President offered congratulations on their planned wedding on Saturday, February 29, 1992.

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

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Saling, Gubernatorial Appointment No. 9238, Carol Bender, as a member of the Board of Trustees for Lake Washington Technical College, was confirmed.

APPOINTMENT OF CAROL BENDER

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 37; Nays, 0; Absent, 2; Excused, 10.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bluechel, Conner, Craswell, Gaspard, Hansen, Jesernig, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Newhouse, Niemi, Oke, Owen, Pelz, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sumner, Sutherland, Talmadge, von Reichbauer, West, Williams, Wojahn - 37.

Absent: Senators Bauer, Patterson - 2.

Excused: Senators Cantu, Erwin, Hayner, Kreidler, Matson, Nelson, Rasmussen, Rinehart, Thorsness, Vognild

MOTION

At 10:34 a.m., on motion of Senator Newhouse, the Senate adjourned until 12:00 noon, Thursday, February 27, 1992.

JOEL PRITCHARD, President of the Senate.

GORDON A. GOLOB, Secretary of the Senate.

FORTY-SIXTH DAY

NOON SESSION

Senate Chamber, Olympia, Thursday, February 27, 1992

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

MOTION

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

**MESSAGE FROM THE GOVERNOR
 GUBERNATORIAL APPOINTMENT**

December 29, 1991

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Dr. William T. Trulove, reappointed December 29, 1991, for a term beginning January 16, 1992, and ending January 15, 1995, as a member of the Pacific Northwest Electric Power and Conservation Planning Council.

Sincerely,
 BOOTH GARDNER, Governor

Referred to Committee on Energy and Utilities.

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

REPORTS OF STANDING COMMITTEES

February 26, 1992

SB 6507 Prime Sponsor, Senator West: Allowing deferred compensation for medicaid providers. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 6507 be substituted therefor, and the substitute bill do pass. Signed by Senators West, Chairman; Kreidler, Niemi, Sumner and Wojahn.

Passed to Committee on Rules for second reading.

February 27, 1992

SB 6509 Prime Sponsor, Senator Conner: Modifying limitations and restrictions relating to purchase of state trust lands for park and outdoor recreation purposes. Reported by Committee on Environment and Natural Resources

MAJORITY Recommendation: That Substitute Senate Bill No. 6509 be substituted therefor, and the substitute bill do pass. Signed by Senators Oke, Vice Chairman; Amondson, Barr, Conner, Owen, Snyder, Sumner and Sutherland.

Passed to Committee on Rules for second reading.

February 24, 1992

HB 1102 Prime Sponsor, Representative Kremen: Requiring certification of electric spa equipment. Reported by Committee on Commerce and Labor

MAJORITY Recommendation: Do pass. Signed by Senators Matson, Chairman; Anderson, Vice Chairman; McMullen, Moore, Murray and Skratek.

Passed to Committee on Rules for second reading.

February 25, 1992

SHB 1212 Prime Sponsor, House Committee on Education: Changing the dollar amounts for school district competitive bidding. Reported by Committee on Education

MAJORITY Recommendation: Do pass as amended. Signed by Senators Bailey, Chairman; Erwin, Vice Chairman; Anderson, Craswell, Metcalf, Murray, Oke, Pelz, Rinehart and A. Smith.

Passed to Committee on Rules for second reading.

February 25, 1992

SHB 1466 Prime Sponsor, House Committee on Commerce and Labor: Reimbursement for attorneys' fees in certain social security benefit cases. Reported by Committee on Commerce and Labor

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Matson, Chairman; Anderson, Vice Chairman; Bluechel, McCaslin, McMullen, Moore, Murray and Skratek.

Referred to Committee on Ways and Means.

February 25, 1992

ESHB 1552 Prime Sponsor, House Committee on Judiciary: Allowing for deferral of a judicial determination that a traffic violation was committed. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Hayner, Kreidler, Newhouse and Rasmussen.

Referred to Committee on Ways and Means.

February 25, 1992

HB 1664 Prime Sponsor, Representative Belcher: Clarifying educational requirements regarding sign language. Reported by Committee on Education

MAJORITY Recommendation: Do pass. Signed by Senators Bailey, Chairman; Erwin, Vice Chairman; Craswell, Metcalf, Murray, Oke and Talmadge.

Passed to Committee on Rules for second reading.

February 26, 1992

RESHB 1932 Prime Sponsor, House Committee on Education: Changing provisions relating to excess levies by school districts. Reported by Committee on Education

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Bailey, Chairman; Erwin, Vice Chairman; Anderson, Craswell, Murray, Oke, Pelz, Rinehart and Talmadge.

Referred to Committee on Ways and Means.

February 26, 1992

SHB 2055 Prime Sponsor, House Committee on Health Care: Providing for criminal history background checks. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass as amended. Signed by Senators West, Chairman; Kreidler, Niemi, Sumner and Wojahn.

Passed to Committee on Rules for second reading.

February 24, 1992

SHB 2110 Prime Sponsor, House Committee on Revenue: Providing for ad valorem property taxes on watercraft. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Gaspard, Kreidler, Murray, Newhouse, Niemi, Owen, Saling, L. Smith, Talmadge, Williams and Wojahn.

Passed to Committee on Rules for second reading.

February 25, 1992

SHB 2251 Prime Sponsor, House Committee on Judiciary: Correcting double amendments relating to support obligations. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Hayner, Kreidler, Madsen, Newhouse, Rasmussen and A. Smith.

Passed to Committee on Rules for second reading.

February 25, 1992

SHB 2263 Prime Sponsor, House Committee on Human Services: Correcting references to state correctional facilities. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Hayner, Kreidler, Madsen and Rasmussen.

Passed to Committee on Rules for second reading.

February 25, 1992

ESHB 2274 Prime Sponsor, House Committee on Commerce and Labor: Prohibiting employer discrimination for the consumption of lawful products off premises by employees during nonworking hours. Reported by Committee on Commerce and Labor

MAJORITY Recommendation: Do pass as amended. Signed by Senators Matson, Chairman; McMullen, Moore, Murray and Skratek.

MINORITY Recommendation: Do not pass as amended. Signed by Senators Anderson, Vice Chairman; Bluechel and McCaslin.

Passed to Committee on Rules for second reading.

February 25, 1992

HB 2278 Prime Sponsor, Representative Appelwick: Correcting an unemployment compensation fund reference. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Hayner, Kreidler, Madsen, Newhouse, Rasmussen and A. Smith.

Passed to Committee on Rules for second reading.

February 26, 1992

SHB 2330 Prime Sponsor, House Committee on Natural Resources and Parks: Introducing incentives to maintain the forest land base. Reported by Committee on Environment and Natural Resources

MAJORITY Recommendation: Do pass. Signed by Senators Metcalf, Chairman; Oke, Vice Chairman; Amondson, Barr, Conner, Owen, Snyder, Sumner and Sutherland.

Passed to Committee on Rules for second reading.

February 26, 1992

ESHB 2337 Prime Sponsor, House Committee on Health Care: Providing malpractice insurance for retired physicians serving low-income patients. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass as amended. Signed by Senators West, Chairman; Kreidler, Niemi, Sumner and Wojahn.

Passed to Committee on Rules for second reading.

February 26, 1992

SHB 2345 Prime Sponsor, Committee on Local Government: Allowing irrigation districts to assess the costs of maintaining the local improvement guarantee fund. Reported by Committee on Governmental Operations

MAJORITY Recommendation: Do pass. Signed by Senators McCaslin, Chairman; Madsen and Sutherland.

Passed to Committee on Rules for second reading.

February 25, 1992

SHB 2346 Prime Sponsor, House Committee on Revenue: Allowing use of real or personal property owned by nonprofit organizations for pecuniary gain or to promote business activities for periods of three days in any month. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bauer, Bluechel, Cantu, Gaspard, Kreidler, Metcalf, Murray, Newhouse, Saling, L. Smith, Talmadge, Williams and Wojahn.

Passed to Committee on Rules for second reading.

February 25, 1992

HB 2368 Prime Sponsor, Representative Padden: Allowing deputy sheriffs to practice law. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass as amended. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Kreidler, Madsen, Newhouse, Rasmussen and A. Smith.

Passed to Committee on Rules for second reading.

February 24, 1992

HB 2419 Prime Sponsor, Representative Spanel: Regarding the retroactive application of RCW 41.32.555. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Gaspard, Hayner, Kreidler, Newhouse, Niemi, Owen, L. Smith, Talmadge, Williams and Wojahn.

Passed to Committee on Rules for second reading.

February 26, 1992

SHB 2472 Prime Sponsor, House Committee on Human Services: Providing family preservation services. Reported by Committee on Children and Family Services

MAJORITY Recommendation: Do pass as amended. Signed by Senators Roach, Chairman; L. Smith, Vice Chairman; Craswell and Stratton.

MINORITY Recommendation: Do not pass as amended. Signed by Senator Talmadge.

Passed to Committee on Rules for second reading.

February 26, 1992

ESHB 2477 Prime Sponsor, House Committee on Human Services: Providing chemical dependency services for sexual assault and domestic violence victims. Reported by Committee on Children and Family Services

MAJORITY Recommendation: Do pass as amended. Signed by Senators Roach, Chairman; Stratton and Talmadge.

Passed to Committee on Rules for second reading.

February 25, 1992

SHB 2498 Prime Sponsor, House Committee on Appropriations: Regarding regulatory fairness. Reported by Committee on Commerce and Labor

MAJORITY Recommendation: Do pass as amended. Signed by Senators Matson, Chairman; Anderson, Vice Chairman; Bluechel, McCaslin and McDonald.

Referred to Committee on Ways and Means.

February 26, 1992

SHB 2505 Prime Sponsor, House Committee on Local Government: Revising bidding practices for municipalities. Reported by Committee on Governmental Operations

MAJORITY Recommendation: Do pass as amended. Signed by Senators McCaslin, Chairman; Madsen and Sutherland.

Passed to Committee on Rules for second reading.

February 25, 1992

HB 2514 Prime Sponsor, Representative Wynne: Modifying for the purposes of senior citizen property tax relief the calculation of combined disposable income for persons whose spouse has recently died. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bauer, Bluechel, Cantu, Gaspard, Hayner, Kreidler, Metcalf, Murray, Newhouse, Saling, L. Smith, Talmadge, Williams and Wojahn.

Passed to Committee on Rules for second reading.

February 25, 1992

HB 2516 Prime Sponsor, Representative Cooper: Prohibiting unlawful conduct in transit stations. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; von Reichbauer, Vice Chairman; Barr, Conner, Erwin, Hansen, Madsen, Oke, Sellar, Skratek, Snyder, Thorsness and Vognild.

Passed to Committee on Rules for second reading.

February 26, 1992

ESHB 2533 Prime Sponsor, House Committee on Natural Resources and Parks: Allowing the nonpermanent disposition of public lands. Reported by Committee on Environment and Natural Resources

MAJORITY Recommendation: Do pass. Signed by Senators Metcalf, Chairman; Oke, Vice Chairman; Amondson, Barr, Conner, Owen, Snyder, Sumner and Sutherland.

Passed to Committee on Rules for second reading.

February 25, 1992

HB 2554 Prime Sponsor, Representative R. King: Regarding sale of erotic sound recordings to minors. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass as amended. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Hayner, Kreidler, Madsen, Newhouse, Rasmussen and A. Smith.

Passed to Committee on Rules for second reading.

February 26, 1992

SHB 2555 Prime Sponsor, House Committee on Health Care: Authorizing limited dental practice licenses for University of Washington dental residents. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass. Signed by Senators West, Chairman; Kreidler, Niemi, Sumner and Wojahn.

Passed to Committee on Rules for second reading.

February 25, 1992

EHB 2559 Prime Sponsor, Representative Chandler: Changing provisions relating to the permissibility of contracts between municipal officers and their spouses in cases where the spouse is a certificated or classified school district employee or a substitute teacher. Reported by Committee on Education

MAJORITY Recommendation: Do pass. Signed by Senators Bailey, Chairman; Erwin, Vice Chairman; Anderson, Craswell, Metcalf, Murray, Oke, Pelz, Rinehart, A. Smith and Talmadge.

Passed to Committee on Rules for second reading.

February 24, 1992

HB 2655 Prime Sponsor, Representative Haugen: Modifying municipal criminal justice account distribution. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bauer, Bluechel, Cantu, Gaspard, Hayner, Kreidler, Metcalf, Murray, Newhouse, Niemi, Owen, Rinehart, Saling, L. Smith, Talmadge, Williams and Wojahn.

Passed to Committee on Rules for second reading.

February 26, 1992

HB 2662 Prime Sponsor, Representative D. Sommers: Removing disqualified candidates from the ballot. Reported by Committee on Governmental Operations

MAJORITY Recommendation: Do pass. Signed by Senators McCaslin, Chairman; Madsen and Sutherland.

Passed to Committee on Rules for second reading.

February 24, 1992

EHB 2680 Prime Sponsor, Representative J. Kohl: Modifying provisions for the assessment and collection of taxes. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bauer, Bluechel, Cantu, Gaspard, Hayner, Kreidler, Metcalf, Murray, Newhouse, Niemi, Owen, Saling, L. Smith, Talmadge, Williams and Wojahn.

Passed to Committee on Rules for second reading.

February 24, 1992

HB 2681 Prime Sponsor, Representative J. Kohl: Modifying provisions for the refund of overpaid taxes. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bauer, Bluechel, Cantu, Gaspard, Hayner, Kreidler, Metcalf, Murray, Newhouse, Niemi, Owen, Saling, L. Smith, Talmadge, Williams and Wojahn.

Passed to Committee on Rules for second reading.

February 24, 1992

HB 2682 Prime Sponsor, Representative J. Kohl: Modifying provisions regarding recovery of unclaimed property. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bauer, Bluechel, Cantu, Gaspard, Hayner, Kreidler, Metcalf, Murray, Newhouse, Niemi, Owen, Saling, L. Smith, Talmadge, Williams and Wojahn.

Passed to Committee on Rules for second reading.

February 25, 1992

SHB 2695 Prime Sponsor, House Committee on Education: Establishing the fair start program. Reported by Committee on Education

MAJORITY Recommendation: Do pass as amended. Signed by Senators Bailey, Chairman; Erwin, Vice Chairman; Anderson, Craswell, Metcalf and Oke.

MINORITY Recommendation: Do not pass as amended. Signed by Senators Murray, Pelz, Rinehart, A. Smith and Talmadge.

Passed to Committee on Rules for second reading.

February 25, 1992

ESHB 2702 Prime Sponsor, House Committee on Judiciary: Making it a crime to stalk another person. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass as amended. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Kreidler, Madsen, Rasmussen and A. Smith.

Passed to Committee on Rules for second reading.

February 25, 1992

HB 2727 Prime Sponsor, Representative Fraser: Modifying provisions for the taxation of aircraft, watercraft, and travel trailer and camper excise taxes. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Gaspard, Kreidler, Matson, Newhouse, Owen, Saling, Talmadge and Williams.

Passed to Committee on Rules for second reading.

February 25, 1992

SHB 2745 Prime Sponsor, House Committee on Judiciary: Changing provisions relating to orders for protection and antiharassment orders. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Kreidler, Madsen and Rasmussen.

Passed to Committee on Rules for second reading.

February 26, 1992

ESHB 2842 Prime Sponsor, House Committee on Local Government: Requiring consideration of previously imposed impact fees during environmental review. Reported by Committee on Governmental Operations

MAJORITY Recommendation: Do pass. Signed by Senators McCaslin, Chairman; Madsen, Matson and Sutherland.

Passed to Committee on Rules for second reading.

February 26, 1992

SHB 2843 Prime Sponsor, House Committee on Commerce and Labor: Modifying provisions concerning liquor licenses. Reported by Committee on Commerce and Labor

MAJORITY Recommendation: Do pass as amended. Signed by Senators Matson, Chairman; Bluechel, McCaslin, McMullen, Moore, Murray and Skratek.

Passed to Committee on Rules for second reading.

February 26, 1992

SHB 2845 Prime Sponsor, House Committee on Commerce and Labor: Modifying overtime compensation for automobile salespersons. Reported by Committee on Commerce and Labor

MAJORITY Recommendation: Do pass. Signed by Senators Matson, Chairman; Anderson, Vice Chairman; Bluechel, McMullen, Moore and Skratek.

Passed to Committee on Rules for second reading.

February 26, 1992

SHB 2846 Prime Sponsor, House Committee on Human Services: Improving the responsiveness of services for at-risk children and families. Reported by Committee on Children and Family Services

MAJORITY Recommendation: Do pass as amended. Signed by Senators Roach, Chairman; L. Smith, Vice Chairman; Craswell, Stratton and Talmadge.

Passed to Committee on Rules for second reading.

February 26, 1992

SHB 2865 Prime Sponsor, House Committee on Natural Resources: Regulating the harvest of wild mushrooms. Reported by Committee on Environment and Natural Resources

MAJORITY Recommendation: Do pass as amended. Signed by Senators Metcalf, Chairman; Oke, Vice Chairman; Barr, Conner, Owen, Snyder, Sumner and Sutherland.

Passed to Committee on Rules for second reading.

February 25, 1992

HB 2892 Prime Sponsor, Representative Wang: Providing property tax exemptions for charitable fund-raising organizations. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bauer, Bluechel, Gaspard, Hayner, Kreidler, Metcalf, Newhouse, Saling and L. Smith.

Passed to Committee on Rules for second reading.

February 25, 1992

ESHB 2925 Prime Sponsor, House Committee on Revenue: Modifying provisions regarding the county board of equalization. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bauer, Bluechel, Cantu, Gaspard, Hayner, Kreidler, Murray, Newhouse, Saling, L. Smith, Talmadge, Williams and Wojahn.

Passed to Committee on Rules for second reading.

February 25, 1992

HB 2926 Prime Sponsor, Representative Wang: Modifying application requirements for senior citizen exemptions. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bauer, Bluechel, Cantu, Gaspard, Hayner, Kreidler, Murray, Newhouse, Saling, L. Smith, Talmadge and Wojahn.

Passed to Committee on Rules for second reading.

February 25, 1992

HB 2930 Prime Sponsor, Representative Locke: Refunding construction obligations for the state convention and trade center. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bluechel, Cantu, Gaspard, Hayner, Kreidler, Newhouse, Talmadge and Williams.

Passed to Committee on Rules for second reading.

February 25, 1992

HB 2933 Prime Sponsor, Representative Peery: Authorizing the superintendent of public instruction to establish and operate a national migrant student record transfer system. Reported by Committee on Education

MAJORITY Recommendation: Do pass. Signed by Senators Bailey, Chairman; Erwin, Vice Chairman; Craswell, Murray, Oke, Pelz, Rinehart, A. Smith and Talmadge.

Passed to Committee on Rules for second reading.

February 25, 1992

SHB 2939 Prime Sponsor, House Committee on Transportation: Developing a public transportation policy plan. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; von Reichbauer, Vice Chairman; Barr, Conner, Hansen, Madsen, Oke, Sellar, Snyder, Thorsness and Vognild.

Passed to Committee on Rules for second reading.

February 25, 1992

ESHB 2940 Prime Sponsor, House Committee on Transportation: Articulating desirable land use patterns in transit plans. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Nelson, Vice Chairman; von Reichbauer, Vice Chairman; Hansen, Madsen, Oke, Sellar, Skratek, Snyder and Vognild.

Passed to Committee on Rules for second reading.

February 27, 1992

SHB 2954 Prime Sponsor, House Committee on Commerce and Labor: Prohibiting discrimination in franchise relations and other commerce. Reported by Committee on Commerce and Labor

MAJORITY Recommendation: Do pass. Signed by Senators Matson, Chairman; Anderson, Vice Chairman; Bluechel, McCaslin, McDonald, McMullen, Moore, Murray and Skratek.

Referred to Committee on Law and Justice.

PARLIAMENTARY INQUIRY

Senator Talmadge: "A point of parliamentary inquiry, Mr. President. There is a bill among the list of Committee Reports that Senator Newhouse has made the motion on and that is Senate Bill No. 6509, relating to state trust lands purchase. I would raise a point of order with respect to the question of whether that bill is appropriately before the Senate in light of the cutoff resolution passed by both houses. My question of the President is, do I need to raise that point of order now in order to preserve it and avoid any argument that I have waived the point of order or can I wait to raise that point until the time the bill may emerge from the Rules Committee?"

REPLY BY THE PRESIDENT

President Pritchard: "You can wait to when the bill comes out of the Rules Committee, yes."

MESSAGE FROM THE HOUSE

February 26, 1992

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2552, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

INTRODUCTION AND FIRST READING OF HOUSE BILL

ESHB 2552 by House Committee on Capital Facilities and Financing (originally sponsored by Representatives H. Sommers, Schmidt, Rasmussen, Neher, Dellwo and Jacobsen) (by request of Governor Gardner)

Adopting the supplemental capital budget.

Referred to Committee on Ways and Means.

MOTIONS

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

On motion of Senator Newhouse, the Committee on Ways and Means was relieved of further consideration of Engrossed Substitute House Bill No. 1552.

On motion of Senator Newhouse, Engrossed Substitute House Bill No. 1552 was referred to the Committee on Rules.

On motion of Senator Newhouse, the Committee on Transportation was relieved of further consideration of House Bill No. 2387.

On motion of Senator Newhouse, House Bill No. 2387 was referred to the Committee on Ways and Means.

On motion of Senator Newhouse, the Committee on Governmental Operations was relieved of further consideration of Substitute House Joint Resolution No. 4205.

On motion of Senator Newhouse, Substitute House Joint Resolution No. 4205 was referred to the Committee on Ways and Means.

MOTION

At 12:09 p.m., on motion of Senator Newhouse, the Senate adjourned until 10:00 a.m., Friday, February 28, 1992.

GORDON GOLOB, Secretary of the Senate.

JOEL PRITCHARD, President of the Senate

FORTY-SEVENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, February 28, 1992

The Senate was called to order at 10:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Amondson, Bluechel, Hayner, Kreidler, Matson, McCaslin, Owen, Patterson, Pelz, Roach, von Reichbauer and West. On motion of Senator Anderson, Senators Amondson, Bluechel, Hayner, Matson, McCaslin, Patterson, Roach, von Reichbauer and West were excused. On motion of Senator Murray, Senators Kreidler, Owen and Pelz were excused.

The Sergeant at Arms Color Guard, consisting of Pages Kimberly Feller and Jeremy West, presented the Colors. Reverend David Steen, pastor of the Good Shepherd Lutheran Church of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

February 27, 1992

SHB 1205 Prime Sponsor, House Committee on Natural Resources and Parks: Clarifying forest fire fighting duties. Reported by Committee on Environment and Natural Resources

MAJORITY Recommendation: Do pass as amended. Signed by Senators Metcalf, Chairman; Oke, Vice Chairman; Amondson, Conner, Owen, Snyder, Sumner and Sutherland.

MINORITY Recommendation: Do not pass as amended. Signed by Senator Barr.

Passed to Committee on Rules for second reading.

February 27, 1992

ESHB 1455 Prime Sponsor, House Committee on Fisheries and Wildlife: Regulating seaweed harvesting. Reported by Committee on Environment and Natural Resources

MAJORITY Recommendation: Do pass as amended. Signed by Senators Metcalf, Chairman; Oke, Vice Chairman; Amondson, Barr, Conner, Owen, Snyder, Sumner and Sutherland.

Passed to Committee on Rules for second reading.

February 27, 1992

HB 1689 Prime Sponsor, Representative Ludwig: Regarding the limitation of actions brought by prisoners. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Hayner, Kreidler, Madsen, Newhouse, Rasmussen and A. Smith.

Passed to Committee on Rules for second reading.

February 27, 1992

HB 1760 Prime Sponsor, Representative Van Luven: Providing a procedure for consolidating cities or towns. Reported by Committee on Governmental Operations

MAJORITY Recommendation: Do pass. Signed by Senators McCaslin, Chairman; Madsen and Sutherland.

Passed to Committee on Rules for second reading.

February 26, 1992

SHB 1816 Prime Sponsor, House Committee on Transportation: Providing for transportation planning. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass as amended. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; von Reichbauer, Vice Chairman; Erwin, Madsen, McMullen, Oke, Skratek and Snyder.

Passed to Committee on Rules for second reading.

February 27, 1992

HB 2255 Prime Sponsor, Representative Ballard: Providing for counseling of family members of homicide victims. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Kreidler; Madsen, Newhouse, Rasmussen and A. Smith.

Referred to Committee on Ways and Means.

February 27, 1992

ESHB 2262 Prime Sponsor, House Committee on Judiciary: Refining the community protection act of 1990. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass as amended. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Hayner, Kreidler, Madsen, Newhouse, Rasmussen and A. Smith.

Passed to Committee on Rules for second reading.

February 27, 1992

ESHB 2268 Prime Sponsor, House Committee on Human Services: Affecting inmate work programs. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Kreidler, Madsen, Rasmussen and A. Smith.

Passed to Committee on Rules for second reading.

February 26, 1992

HB 2320 Prime Sponsor, Representative Peery: Changing the name of educational clinics to education centers. Reported by Committee on Education

MAJORITY Recommendation: Do pass. Signed by Senators Bailey, Chairman; Erwin, Vice Chairman; Craswell, Metcalf, Murray, Oke, Pelz and Rinehart.

Passed to Committee on Rules for second reading.

February 27, 1992

SHB 2328 Prime Sponsor, House Committee on Financial Institutions and Insurance: Allowing a person to dictate the disposition of his or her remains. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Kreidler, Madsen, Newhouse, Rasmussen and A. Smith.

Passed to Committee on Rules for second reading.

February 27, 1992

ESHB 2334 Prime Sponsor, House Committee on Human Services: Establishing a state-wide board for jail industries. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass as amended. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Kreidler, Madsen, Rasmussen and A. Smith.

Passed to Committee on Rules for second reading.

February 27, 1992

SHB 2376 Prime Sponsor, House Committee on State Government: Requiring a statement of responsibility to accompany political advertising. Reported by Committee on Governmental Operations

MAJORITY Recommendation: Do pass. Signed by Senators Roach, Vice Chairman; Madsen and Sutherland.

Passed to Committee on Rules for second reading.

February 27, 1992

ESHB 2423 Prime Sponsor, House Committee on Higher Education: Changing provisions relating to private vocational schools. Reported by Committee on Higher Education

MAJORITY Recommendation: Do pass as amended. Signed by Senators Saling, Chairman; Patterson, Vice Chairman; Bauer, Bluechel, Cantu, Jesernig, Stratton and von Reichbauer.

Passed to Committee on Rules for second reading.

February 27, 1992

ESHB 2462 Prime Sponsor, House Committee on State Government: Enhancing accountability in state government. Reported by Committee on Governmental Operations

MAJORITY Recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators McCaslin, Chairman; Roach, Vice Chairman; Madsen, and Sutherland.

Referred to Committee on Ways and Means.

February 27, 1992

HB 2487 Prime Sponsor, Representative Winsley: Extending the manufactured housing task force reporting date. Reported by Committee on Commerce and Labor

MAJORITY Recommendation: Do pass. Signed by Senators Matson, Chairman; Anderson, Vice Chairman; Bluechel, McCaslin, McDonald, McMullen, Moore, Murray and Skratek.

Passed to Committee on Rules for second reading.

February 27, 1992

EHB 2494 Prime Sponsor, Representative Peery: Monitoring the issuance of building permits. Reported by Committee on Governmental Operations

MAJORITY Recommendation: Do pass as amended. Signed by Senators McCaslin, Chairman; Madsen and Sutherland.

Passed to Committee on Rules for second reading.

February 27, 1992

HB 2538 Prime Sponsor, Representative Ludwig: Altering the provisions concerning joint tenancy. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Hayner, Kreidler, Madsen, Newhouse, Rasmussen and A. Smith.

Passed to Committee on Rules for second reading.

February 26, 1992

ESHB 2546 Prime Sponsor, House Committee on Education: Developing a performance-based school system. Reported by Committee on Education

MAJORITY Recommendation: Do pass as amended. Signed by Senators Bailey, Chairman; Erwin, Vice Chairman; Anderson, Craswell, Metcalf and Oke.

MINORITY Recommendation: Do not pass as amended. Signed by Senators Murray, Pelz and Rinehart.

Passed to Committee on Rules for second reading.

February 25, 1992

SHB 2574 Prime Sponsor, House Committee on Commerce and Labor: Defining hospital in regard to self-insurers. Reported by Committee on Commerce and Labor

MAJORITY Recommendation: Do pass. Signed by Senators Matson, Chairman; Anderson, Vice Chairman; McCaslin, McMullen, Moore, Murray and Skratek.

Passed to Committee on Rules for second reading.

February 27, 1992

HB 2595 Prime Sponsor, Representative Sheldon: Concerning access to public records.
Reported by Committee on Commerce and Labor

MAJORITY Recommendation: Do pass. Signed by Senators Matson, Chairman; Anderson, Vice Chairman; Bluechel, McCaslin, McDonald, McMullen and Skratek.

Passed to Committee on Rules for second reading.

February 27, 1992

ESHB 2624 Prime Sponsor, House Committee on Appropriations: Mobilizing fire fighting resources. Reported by Committee on Environment and Natural Resources

MAJORITY Recommendation: Do pass. Signed by Senators Metcalf, Chairman; Oke, Vice Chairman; Amondson, Barr, Conner, Owen, Snyder, Sumner and Sutherland.

Passed to Committee on Rules for second reading.

February 26, 1992

ESHB 2643 Prime Sponsor, House Committee on Transportation: Restructuring reimbursement of vehicle licensing and registration activities. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass as amended. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; Barr, Madsen, McMullen, Oke, Skratek, Snyder and Vognild.

Passed to Committee on Rules for second reading.

February 27, 1992

SHB 2672 Prime Sponsor, House Committee on Revenue: Initiating a study of the tax status of cellular communications. Reported by Committee on Energy and Utilities

MAJORITY Recommendation: Do pass. Signed by Senators Thorsness, Chairman; Saling, Vice Chairman; Jesernig, Nelson, Roach, Stratton, Sutherland and Williams.

Passed to Committee on Rules for second reading.

February 27, 1992

SHB 2676 Prime Sponsor, House Committee on Trade and Economic Development: Concerning economic development related projects. Reported by Committee on Governmental Operations

MAJORITY Recommendation: Do pass. Signed by Senators McCaslin, Chairman; Madsen and Sutherland.

Passed to Committee on Rules for second reading.

February 27, 1992

SHB 2686 Prime Sponsor, House Committee on Commerce and Labor: Regulating contractor registration and licensing. Reported by Committee on Commerce and Labor

MAJORITY Recommendation: Do pass as amended. Signed by Senators Matson, Chairman; Anderson, Vice Chairman; McCaslin, McMullen, Moore, Murray and Skratek.

Passed to Committee on Rules for second reading.

February 27, 1992

SHB 2703 Prime Sponsor, House Committee on Judiciary: Allowing the reduction in sentences of battered women convicted of murder prior to July 23, 1989. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Kreidler, Madsen, Rasmussen, and A. Smith.

Passed to Committee on Rules for second reading.

February 26, 1992

HB 2746 Prime Sponsor, Representative Zellinsky: Authorizing contracts between tow truck operators and landowners for payment of impound charges. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; von Reichbauer, Vice Chairman; Barr, Conner, Erwin, Hansen, Madsen, McMullen, Oke, Sellar, Skratek, Thorsness and Vognild.

Passed to Committee on Rules for second reading.

February 27, 1992

SHB 2747 Prime Sponsor, House Committee on Agriculture and Rural Development: Regulating bottled water. Reported by Committee on Agriculture and Water Resources

MAJORITY Recommendation: Do pass as amended. Signed by Senators Barr, Chairman; Anderson, Vice Chairman; Bailey, Gaspard and Hansen.

Passed to Committee on Rules for second reading.

February 27, 1992

SHB 2796 Prime Sponsor, House Committee on Environmental Affairs: Authorizing local governmental entities to administer and enforce portions of the water well construction program. Reported by Committee on Agriculture and Water Resources

MAJORITY Recommendation: Do pass as amended. Signed by Senators Barr, Chairman; Anderson, Vice Chairman; Bailey, Conner, Gaspard, Hansen and Newhouse.

Passed to Committee on Rules for second reading.

February 27, 1992

SHB 2833 Prime Sponsor, House Committee on Natural Resources and Parks: Regulating the usage of reclaimed water. Reported by Committee on Agriculture and Water Resources

MAJORITY Recommendation: Do pass as amended. Signed by Senators Barr, Chairman; Anderson, Vice Chairman; Bailey, Gaspard and Hansen.

Passed to Committee on Rules for second reading.

February 26, 1992

HB 2844 Prime Sponsor, Representative Zellinsky: Removing the limitation on deficiency claims against owners of vehicles subjected to a law enforcement impound. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass as amended. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; von Reichbauer, Vice Chairman; Barr, Conner, Erwin, Hansen, Madsen, McMullen, Oke, Sellar, Skratek, Snyder, Thorsness and Vognild.

Passed to Committee on Rules for second reading.

February 27, 1992

SHJM 4033 Prime Sponsor, House Committee on Natural Resources and Parks: Requesting Congress and the President to enact the Forests and Families Protection Act. Reported by Committee on Environment and Natural Resources

MAJORITY Recommendation: Do pass. Signed by Senators Metcalf, Chairman; Oke, Vice Chairman; Amondson, Barr, Conner, Owen, Snyder, Sumner and Sutherland.

Passed to Committee on Rules for second reading.

February 27, 1992

HJM 4034 Prime Sponsor, Representative R. King: Seeking federal funds for operations and improvements for Mitchell act hatchery facilities. Reported by Committee on Environment and Natural Resources

MAJORITY Recommendation: Do pass as amended. Signed by Senators Metcalf, Chairman; Oke, Vice Chairman; Amondson, Barr, Conner, Owen, Snyder and Sumner.

Passed to Committee on Rules for second reading.

February 26, 1992

HJR 4234 Prime Sponsor, Representative G. Cole: Changing the number of electors necessary to approve school levy measures. Reported by Committee on Education

MAJORITY Recommendation: Do pass. Signed by Senators Bailey, Chairman; Erwin, Vice Chairman; Anderson, Murray, Pelz, Rinehart and Talmadge.

Passed to Committee on Rules for second reading.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Metcalf, Gubernatorial Appointment No. 9174, Donna M. Mason, as a member of the Interagency Committee for Outdoor Recreation, was confirmed.

APPOINTMENT OF DONNA M. MASON

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 37; Nays, 0; Absent, 0; Excused, 12.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Jesernig, Madsen, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Rasmussen, Rinehart, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sumner, Sutherland, Talmadge, Thorsness, Vognild, Williams, Wojahn - 37.

Excused: Senators Amondson, Bluechel, Hayner, Kreidler, Matson, McCaslin, Owen, Patterson, Pelz, Roach, von Reichbauer, West - 12.

MOTION

On motion of Senator Metcalf, Gubernatorial Appointment No. 9235, Barbara Herman, as Administrator, Office of Marine Safety, was confirmed.

APPOINTMENT OF BARBARA HERMAN

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 41; Nays, 0; Absent, 0; Excused, 8.

Voting yea: Senators Bailey, Barr, Bauer, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Pelz, Rasmussen, Rinehart, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sumner, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Williams, Wojahn - 41.

Excused: Senators Amondson, Anderson, Bluechel, Matson, Owen, Patterson, Roach, West - 8.

MOTION

At 10:17 a.m., on motion of Senator Newhouse, the Senate recessed until 11:00 a.m.

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

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2845, by House Committee on Commerce and Labor (originally sponsored by Representatives Heavey, Lisk and Ludwig)

Modifying overtime compensation for automobile salespersons.

The bill was read the second time.

MOTION

On motion of Senator Newhouse, the rules were suspended, Substitute House Bill No. 2845 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

MOTIONS

On motion of Senator Murray, Senators Bauer, Gaspard, Kreidler, Niemi and Snyder were excused.

On motion of Senator Anderson, Senator Hayner was excused.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2845.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2845 and the bill passed the Senate by the following vote: Yeas, 38; Nays, 1; Absent, 0; Excused, 10.

Voting yea: Senators Anderson, Bailey, Barr, Bluechel, Cantu, Conner, Craswell, Erwin, Hansen, Jesernig, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Oke, Patterson, Pelz, Rasmussen, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Stratton, Sumner, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Williams, Wojahn - 38.

Voting nay: Senator Rinehart - 1.

Excused: Senators Amondson, Bauer, Gaspard, Hayner, Kreidler, Matson, Niemi, Owen, Snyder, West - 10.

SUBSTITUTE HOUSE BILL NO. 2845, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2831, by House Committee on Commerce and Labor (originally sponsored by Representatives Heavey, Rayburn, Edmondson, Kremen, Prentice, Inslee, Roland, Nealey, Ludwig, Bray, Grant, Franklin, McLean, Rasmussen and Haugen)

Revising pesticide recordkeeping and posting requirements.

The bill was read the second time.

MOTIONS

On motion of Senator Matson, the following Committee on Commerce and Labor amendment was adopted:

On page 12, line 7 after "and" strike "any other" and insert "shall include"

On motion of Senator Matson, the rules were suspended, Substitute House Bill No. 2831, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

MOTION

On motion of Senator Oke, Senators McCaslin and Linda Smith were excused.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2831, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2831, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 39; Nays, 1; Absent, 0; Excused, 9.

Voting yea: Senators Anderson, Bailey, Barr, Bluechel, Cantu, Conner, Craswell, Erwin, Hayner, Jesernig, Madsen, Matson, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Patterson, Pelz,

Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, Stratton, Sumner, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Williams, Wojahn - 39.

Voting nay: Senator Hansen - 1.

Excused: Senators Amondson, Bauer, Gaspard, Kreidler, McCaslin, Owen, L. Smith, Snyder, West - 9.

SUBSTITUTE HOUSE BILL NO. 2831, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

President Pritchard assumed the Chair.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2305, by House Committee on Local Government (originally sponsored by Representatives Haugen, Ferguson, Dorn, Horn, Bray and Rasmussen)

Creating fire commissioner districts within merged fire protection districts.

The bill was read the second time.

MOTION

On motion of Senator Oke, the rules were suspended, Engrossed Substitute House Bill No. 2305 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2305.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2305 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 0; Absent, 0; Excused, 9.

Voting yea: Senators Anderson, Bailey, Barr, Bluechel, Cantu, Conner, Craswell, Erwin, Hansen, Hayner, Jesemig, Madsen, Matson, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, Stratton, Sumner, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Williams, Wojahn - 40.

Excused: Senators Amondson, Bauer, Gaspard, Kreidler, McCaslin, Owen, L. Smith, Snyder, West - 9.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2305, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 2347, by Representatives Grant, May, Jacobsen, Hochstatter, H. Myers, Cooper and Silver

Changing municipal electric utility access to high voltage transmission facilities.

The bill was read the second time.

MOTION

On motion of Senator Thorsness, the rules were suspended, Engrossed House Bill No. 2347 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

MOTION

On motion of Senator Murray, Senator Rinehart was excused.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 2347.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2347 and the bill passed the Senate by the following vote: Yeas, 39; Nays, 0; Absent, 0; Excused, 10.

Voting yea: Senators Anderson, Bailey, Barr, Bluechel, Cantu, Conner, Craswell, Erwin, Hansen, Hayner, Jesernig, Madsen, Matson, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Patterson, Pelz, Rasmussen, Roach, Saling, Sellar, Skratek, A. Smith, Stratton, Sumner, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Williams, Wojahn - 39.

Excused: Senators Amondson, Bauer, Gaspard, Kreidler, McCaslin, Owen, Rinehart, L. Smith, Snyder, West - 10.

ENGROSSED HOUSE BILL NO. 2347, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 11:55 a.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 5:33 p.m. by Senator Hayner.

MOTION

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

REPORTS OF STANDING COMMITTEES

February 28, 1992

RESHB 1037 Prime Sponsor, House Committee on Judiciary: Creating a procedure to monitor crimes of bigotry or bias. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass as amended. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Kreidler, Madsen and A. Smith.

Passed to Committee on Rules for second reading.

February 28, 1992

ESHB 1085 Prime Sponsor, House Committee on Financial Institutions and Insurance: Defining the fiduciary relationship of credit union personnel. Reported by Committee on Financial Institutions and Insurance

MAJORITY Recommendation: Do pass. Signed by Senators von Reichbauer, Chairman; Erwin, Vice Chairman; Moore, Pelz, Rasmussen, Sellar and Vognild.

Passed to Committee on Rules for second reading.

February 27, 1992

HB 1159 Prime Sponsor, Representative G. Cole: Requiring the adoption of a policy prohibiting corporal punishment in schools. Reported by Committee on Education

MAJORITY Recommendation: Do pass as amended. Signed by Senators Bailey, Chairman; Murray, Pelz, Rinehart, A. Smith and Talmadge.

MINORITY Recommendation: Do not pass as amended. Signed by Senators Metcalf and Oke.

Passed to Committee on Rules for second reading.

February 28, 1992

SHB 1183 Prime Sponsor, House Committee on Judiciary: Changing provisions relating to negligent driving. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass as amended. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Kreidler, Madsen and A. Smith.

Passed to Committee on Rules for second reading.

February 28, 1992

EHB 1185 Prime Sponsor, Representative Appelwick: Requiring certain federal liens to be filed with the department of licensing. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass as amended. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Hayner, Kreidler, Madsen, Newhouse, Rasmussen and A. Smith.

Passed to Committee on Rules for second reading.

February 27, 1992

SHB 1258 Prime Sponsor, House Committee on Health Care: Changing provisions relating to nursing home administration. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass as amended. Signed by Senators West, Chairman; L. Smith, Vice Chairman; Kreidler, Niemi and Wojahn.

Passed to Committee on Rules for second reading.

February 28, 1992

ESHB 1462 Prime Sponsor, House Committee on Judiciary: Regulating dangerous and potentially dangerous dogs. Reported by Committee on Agriculture and Water Resources

MAJORITY Recommendation: Do pass as amended. Signed by Senators Barr, Chairman; Anderson, Vice Chairman; Bailey, Conner, Gaspard and Hansen.

Passed to Committee on Rules for second reading.

February 27, 1992

SHB 1481 Prime Sponsor, House Committee on Health Care: Amending the natural death act. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass as amended. Signed by Senators West, Chairman; Kreidler, Niemi and Wojahn.

Passed to Committee on Rules for second reading.

February 28, 1992

SHB 1616 Prime Sponsor, House Committee on Judiciary: Providing for seizure of property involved in a felony. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass as amended. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Hayner, Kreidler, Madsen, Newhouse, Rasmussen and A. Smith.

Passed to Committee on Rules for second reading.

February 28, 1992

SHB 1636 Prime Sponsor, House Committee on Judiciary: Providing for recovery of public agency expenses incurred in certain emergency responses. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass as amended. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Kreidler, Madsen, Newhouse, Rasmussen and A. Smith.

Passed to Committee on Rules for second reading.

February 28, 1992

SHB 1736 Prime Sponsor, House Committee on Commerce and Labor: Establishing a system for payment for works of improvement on real property. Reported by Committee on Commerce and Labor

MAJORITY Recommendation: Do pass as amended. Signed by Senators Matson, Chairman; Anderson, Vice Chairman; Bluechel, McDonald, McMullen, Moore and Skratek.

Passed to Committee on Rules for second reading.

February 28, 1992

ESHB 1737 Prime Sponsor, Committee on Trade and Economic Development: Promoting minority and women-owned business opportunities. Reported by Committee on Commerce and Labor

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Matson, Chairman; Anderson, Vice Chairman; McMullen, Moore and Skratek.

Referred to Committee on Ways and Means.

February 28, 1992

SHB 1797 Prime Sponsor, House Committee on Financial Institutions and Insurance: Adopting the Uniform Commercial Code article on leases. Reported by Committee on Financial Institutions and Insurance

MAJORITY Recommendation: Do pass. Signed by Senators von Reichbauer, Chairman; Erwin, Vice Chairman; McCaslin, Moore, Pelz, Rasmussen, Sellar, Vognild and West.

Passed to Committee on Rules for second reading.

February 27, 1992

HB 1985 Prime Sponsor, Representative Brumsickle: Requiring teachers to have professional preparation in child abuse issues. Reported by Committee on Education

MAJORITY Recommendation: Do pass as amended. Signed by Senators Bailey, Chairman; Erwin, Vice Chairman; Metcalf, Murray, Oke, Pelz, Rinehart, A. Smith and Talmadge.

Passed to Committee on Rules for second reading.

February 27, 1992

ESHB 2016 Prime Sponsor, House Committee on Health Care: Modifying poison information center authority. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass as amended. Signed by Senators West, Chairman; L. Smith, Vice Chairman; Kreidler, Niemi and Wojahn.

Referred to Committee on Ways and Means.

February 28, 1992

EHB 2053 Prime Sponsor, Representative Heavey: Exempting electrical utilities and contractors from licensing requirements for certain work involving electrical transmission lines. Reported by Committee on Commerce and Labor

MAJORITY Recommendation: Do pass as amended. Signed by Senators Matson, Chairman; Anderson, Vice Chairman; Bluechel, McMullen, Moore and Skratek.

Passed to Committee on Rules for second reading.

February 28, 1992

SHB 2212 Prime Sponsor, House Committee on Education: Encouraging study of the Holocaust. Reported by Committee on Education

MAJORITY Recommendation: Do pass. Signed by Senators Bailey, Chairman; Erwin, Vice Chairman; Craswell, Murray, Oke, Pelz, Rinehart, A. Smith and Talmadge.

Passed to Committee on Rules for second reading.

February 28, 1992

HB 2265 Prime Sponsor, Representative H. Myers: Clarifying responsibilities for criminal procedure for the criminally insane. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Kreidler, Rasmussen and A. Smith.

Passed to Committee on Rules for second reading.

HB 2266 Prime Sponsor, Representative Hargrove: Requiring inmates to pay for special services. Reported by Committee on Law and Justice February 28, 1992

MAJORITY Recommendation: Do pass. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Kreidler, Madsen, Rasmussen and A. Smith.

Passed to Committee on Rules for second reading.

HB 2270 Prime Sponsor, Representative Heavey: Making technical changes to the statute governing athlete agents. Reported by Committee on Commerce and Labor February 28, 1992

MAJORITY Recommendation: Do pass. Signed by Senators Matson, Chairman; Bluechel, McMullen, Moore and Murray.

Passed to Committee on Rules for second reading.

HB 2286 Prime Sponsor, Representative Haugen: Changing requirements for managers of salon/shops. Reported by Committee on Commerce and Labor February 28, 1992

MAJORITY Recommendation: Do pass as amended. Signed by Senators Matson, Chairman; Bluechel, McMullen, Moore, Murray and Skratek.

Passed to Committee on Rules for second reading.

HB 2290 Prime Sponsor, Representative R. Meyers: Regulating fire protection sprinkler system contractors. Reported by Committee on Commerce and Labor February 28, 1992

MAJORITY Recommendation: Do pass as amended. Signed by Senators Matson, Chairman; Anderson, Vice Chairman; Bluechel, McMullen, Murray and Skratek.

Passed to Committee on Rules for second reading.

ESHB 2293 Prime Sponsor, House Committee on State Government: Changing CPA licensing requirements. Reported by Committee on Commerce and Labor February 28, 1992

MAJORITY Recommendation: Do pass. Signed by Senators Matson, Chairman; Anderson, Vice Chairman; Bluechel, McDonald, McMullen, Moore and Skratek.

Referred to Committee on Ways and Means.

February 28, 1992

SHB 2299 Prime Sponsor, House Committee on Commerce and Labor: Adopting the Washington lease-purchase agreement act. Reported by Committee on Commerce and Labor

MAJORITY Recommendation: Do pass. Signed by Senators Anderson, Vice Chairman; Bluechel, McMullen, Moore, Murray and Skratek.

Passed to Committee on Rules for second reading.

February 26, 1992

SHB 2302 Prime Sponsor, House Committee on Capital Facilities and Financing: Allocating moneys for public works projects recommended by the public works board. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bluechel, Cantu, Gaspard, Hayner, Kreidler, Metcalf, Murray, Newhouse, Owen, Saling, Talmadge and West.

Passed to Committee on Rules for second reading.

February 27, 1992

SHB 2344 Prime Sponsor, House Committee on Judiciary: Prescribing penalties for criminal street gang activities. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass as amended. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Hayner, Kreidler, Newhouse and A. Smith.

Passed to Committee on Rules for second reading.

February 28, 1992

SHB 2348 Prime Sponsor, House Committee on Judiciary: Protecting the privacy of child victims of sexual abuse. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Kreidler, Madsen and Rasmussen.

Passed to Committee on Rules for second reading.

February 28, 1992

SHB 2354 Prime Sponsor, House Committee on Judiciary: Authorizing additional community placement of violent offenders. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Kreidler, Newhouse, Rasmussen and A. Smith.

Referred to Committee on Ways and Means.

February 28, 1992

SHB 2370 Prime Sponsor, House Committee on Judiciary: Requiring the registration of process servers. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass as amended. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Kreidler, Madsen, Newhouse, Rasmussen and A. Smith.

Passed to Committee on Rules for second reading.

February 28, 1992

HB 2385 Prime Sponsor, Representative Heavey: Providing for unemployment compensation benefits. Reported by Committee on Commerce and Labor

MAJORITY Recommendation: Do pass. Signed by Senators Matson, Chairman; Anderson, Vice Chairman; Bluechel, McMullen, Moore, Murray and Skratek.

Referred to Committee on Ways and Means.

February 28, 1992

SHB 2388 Prime Sponsor, House Committee on Judiciary: Authorizing treatment options for persons convicted of vehicular homicide and vehicular assault. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Hayner, Kreidler, Madsen, Newhouse, Rasmussen and A. Smith.

Passed to Committee on Rules for second reading.

February 28, 1992

SHB 2394 Prime Sponsor, House Committee on Judiciary: Establishing limitations for jurors. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Kreidler, Madsen, Rasmussen and A. Smith.

Passed to Committee on Rules for second reading.

February 27, 1992

SHB 2411 Prime Sponsor, House Committee on Commerce and Labor: Providing for the reduction of problem gambling. Reported by Committee on Commerce and Labor

MAJORITY Recommendation: Do pass. Signed by Senators Matson, Chairman; McMullen, Murray and Skratek.

Referred to Committee on Ways and Means.

February 27, 1992

HB 2417 Prime Sponsor, Representative R. Fisher: Allowing the department of licensing to issue special disabled parking permits and license plates to boarding homes. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; von Reichbauer, Vice Chairman; Erwin, Hansen, Madsen, Oke, Sellar, Skratek, Snyder, Thorsness and Vognild.

Passed to Committee on Rules for second reading.

February 28, 1992

SHB 2430 Prime Sponsor, House Committee on Commerce and Labor: Regulating real estate appraisers. Reported by Committee on Commerce and Labor

MAJORITY Recommendation: Do pass. Signed by Senators Matson, Chairman; Bluechel, McMullen, Moore, Murray and Skratek.

Passed to Committee on Rules for second reading.

February 28, 1992

EHB 2443 Prime Sponsor, Representative R. Johnson: Restricting the investments of domestic insurers. Reported by Committee on Financial Institutions and Insurance

MAJORITY Recommendation: Do pass as amended. Signed by Senators von Reichbauer, Chairman; Erwin, Vice Chairman; McCaslin, Moore, Pelz, Rasmussen, Sellar, Vognild and West.

Passed to Committee on Rules for second reading.

February 28, 1992

SHB 2450 Prime Sponsor, House Committee on Housing: Expanding official access to mobile home parks. Reported by Committee on Commerce and Labor

MAJORITY Recommendation: Do pass. Signed by Senators Matson, Chairman; Bluechel, Moore, Murray and Skratek.

Passed to Committee on Rules for second reading.

February 28, 1992

HB 2467 Prime Sponsor, Representative Moyer: Repealing the termination provisions of the counselor registration statute. Reported by Committee on Commerce and Labor

MAJORITY Recommendation: Do pass. Signed by Senators Matson, Chairman; Bluechel, McMullen, Moore, Murray and Skratek.

Passed to Committee on Rules for second reading.

February 28, 1992

SHB 2479 Prime Sponsor, House Committee on Financial Institutions and Insurance: Making medicare supplemental insurance conform to federal law. Reported by Committee on Financial Institutions and Insurance

MAJORITY Recommendation: Do pass. Signed by Senators von Reichbauer, Chairman; Erwin, Vice Chairman; Moore, Pelz, Rasmussen, Sellar and Vognild.

Passed to Committee on Rules for second reading.

February 28, 1992

SHB 2480 Prime Sponsor, House Committee on Financial Institutions and Insurance: Affecting insurance regulation. Reported by Committee on Financial Institutions and Insurance

MAJORITY Recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators von Reichbauer, Chairman; Erwin, Vice Chairman; McCaslin, Moore, Pelz, Rasmussen, Vognild and West.

Referred to Committee on Ways and Means.

February 28, 1992

ESHB 2486 Prime Sponsor, House Committee on Housing: Defining further nonprofit facilities eligible for financing by the Washington state housing commission. Reported by Committee on Commerce and Labor

MAJORITY Recommendation: Do pass. Signed by Senators Matson, Chairman; Anderson, Vice Chairman; Bluechel, McDonald, McMullen, Moore, Murray and Skratek.

Passed to Committee on Rules for second reading.

February 28, 1992

ESHB 2490 Prime Sponsor, House Committee on Judiciary: Making escape from community placement or supervision a class C felony. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Kreidler, Madsen, Newhouse, Rasmussen and A. Smith.

Referred to Committee on Ways and Means.

February 28, 1992

HB 2492 Prime Sponsor, Representative Franklin: Correcting double amendments relating to regulation of mobile and manufactured homes. Reported by Committee on Commerce and Labor

MAJORITY Recommendation: Do pass. Signed by Senators Matson, Chairman; Anderson, Vice Chairman; Bluechel, McMullen, Moore, Murray and Skratek.

Passed to Committee on Rules for second reading.

February 28, 1992

SHB 2501 Prime Sponsor, House Committee on Housing: Authorizing landlords' claims on tenants' property. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass as amended. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Hayner, Kreidler, Madsen, Newhouse, Rasmussen and A. Smith.

Passed to Committee on Rules for second reading.

February 28, 1992

SHB 2502 Prime Sponsor, House Committee on Agriculture and Rural Development: Changing provisions relating to organic agricultural products. Reported by Committee on Agriculture and Water Resources

MAJORITY Recommendation: Do pass as amended. Signed by Senators Barr, Chairman; Anderson, Vice Chairman; Bailey, Conner, Gaspard and Hansen.

Passed to Committee on Rules for second reading.

February 27, 1992

ESHB 2518 Prime Sponsor, House Committee on Education: Changing provisions for educational employees. Reported by Committee on Education

MAJORITY Recommendation: Do pass as amended. Signed by Senators Bailey, Chairman; Erwin, Vice Chairman; Anderson, Craswell, Metcalf, Murray, Oke, Pelz, Rinehart, A. Smith and Talmadge.

Passed to Committee on Rules for second reading.

February 28, 1992

ESHB 2526 Prime Sponsor, House Committee on Agriculture and Rural Development: Formally recognizing the Washington state rural development council. Reported by Committee on Commerce and Labor

MAJORITY Recommendation: Do pass as amended. Signed by Senators Matson, Chairman; Bluechel, McMullen, Moore, Murray and Skratek.

Passed to Committee on Rules for second reading.

February 27, 1992

SHB 2551 Prime Sponsor, House Committee on Education: Changing provisions relating to special educational services demonstration projects. Reported by Committee on Education

MAJORITY Recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Bailey, Chairman; Erwin, Vice Chairman; Anderson, Craswell, Metcalf, Oke, Pelz, Rinehart and A. Smith.

Referred to Committee on Ways and Means.

February 27, 1992

ESHB 2568 Prime Sponsor, House Committee on Health Care: Concerning health care information disclosure. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass as amended. Signed by Senators West, Chairman; L. Smith, Vice Chairman; Kreidler, Niemi and Wojahn.

Passed to Committee on Rules for second reading.

February 28, 1992

HB 2598 Prime Sponsor, Representative Nelson: Clarifying remedies for discriminatory housing practices. Reported by Committee on Commerce and Labor

MAJORITY Recommendation: Do pass as amended. Signed by Senators Matson, Chairman; Anderson, Vice Chairman; McMullen, Moore, Murray and Skratek.

Passed to Committee on Rules for second reading.

February 27, 1992

HB 2599 Prime Sponsor, Representative Roland: Requiring the superintendent of public instruction to develop violence-prevention materials for schools. Reported by Committee on Education

MAJORITY Recommendation: Do pass. Signed by Senators Bailey, Chairman; Erwin, Vice Chairman; Murray, Pelz, Rinehart, A. Smith and Talmadge.

Passed to Committee on Rules for second reading.

February 27, 1992

SHB 2602 Prime Sponsor, House Committee on Appropriations: Changing funding allocations for high school students attending technical colleges. Reported by Committee on Education

MAJORITY Recommendation: Do pass as amended. Signed by Senators Bailey, Chairman; Craswell, Metcalf, Murray, Pelz and Rinehart.

Passed to Committee on Rules for second reading.

February 28, 1992

ESHB 2628 Prime Sponsor, House Committee on Fisheries and Wildlife: Protecting riparian-associated wildlife from agricultural and grazing land practices. Reported by Committee on Agriculture and Water Resources

MAJORITY Recommendation: Do pass as amended. Signed by Senators Barr, Chairman; Bailey, Conner, Gaspard and Hansen.

Passed to Committee on Rules for second reading.

February 28, 1992

ESHB 2629 Prime Sponsor, House Committee on Fisheries and Wildlife: Conserving water to halt the decline in wild stocks of salmonids. Reported by Committee on Agriculture and Water Resources

MAJORITY Recommendation: Do pass as amended. Signed by Senators Barr, Chairman; Bailey, Gaspard, Hansen and Newhouse.

Passed to Committee on Rules for second reading.

February 27, 1992

ESHB 2631 Prime Sponsor, House Committee on Education: Changing school construction financing. Reported by Committee on Education

MAJORITY Recommendation: Do pass as amended. Signed by Senators Bailey, Chairman; Erwin, Vice Chairman; Oke, Pelz, Rinehart, A. Smith and Talmadge.

Passed to Committee on Rules for second reading.

February 27, 1992

SHB 2671 Prime Sponsor, House Committee on Higher Education: Notifying students at public institutions of higher education of the amount their education is supported by the state. Reported by Committee on Higher Education

MAJORITY Recommendation: Do pass as amended. Signed by Senators Saling, Chairman; Patterson, Vice Chairman; Bluechel, Cantu, Jesernig and Stratton.

MINORITY Recommendation: Do not pass as amended. Signed by Senators Bauer and Skratek.

Passed to Committee on Rules for second reading.

February 28, 1992

SHB 2694 Prime Sponsor, House Committee on Financial Institutions and Insurance: Restricting the cancellation of certain health insurance policies. Reported by Committee on Financial Institutions and Insurance

MAJORITY Recommendation: Do pass as amended. Signed by Senators von Reichbauer, Chairman; Erwin, Vice Chairman; McCaslin, Moore, Pelz, Rasmussen, Sellar, Vognild and West.

Passed to Committee on Rules for second reading.

February 28, 1992

SHB 2719 Prime Sponsor, House Committee on Financial Institutions and Insurance: Permitting certain transactions by insurance agent-brokers. Reported by Committee on Financial Institutions and Insurance

MAJORITY Recommendation: Do pass. Signed by Senators von Reichbauer, Chairman; Erwin, Vice Chairman; McCaslin, Moore, Pelz, Rasmussen, Sellar and Vognild.

Passed to Committee on Rules for second reading.

February 28, 1992

SHB 2731 Prime Sponsor, House Committee on Financial Institutions and Insurance: Requiring a bond for a license to sell checks, drafts, or money orders. Reported by Committee on Financial Institutions and Insurance

MAJORITY Recommendation: Do pass. Signed by Senators von Reichbauer, Chairman; Erwin, Vice Chairman; McCaslin, Moore, Pelz and Vognild.

Passed to Committee on Rules for second reading.

February 27, 1992

ESHB 2769 Prime Sponsor, House Committee on Energy and Utilities: Changing provisions regarding telecommunications relay service. Reported by Committee on Energy and Utilities

MAJORITY Recommendation: Do pass as amended. Signed by Senators Thorsness, Chairman; Saling, Vice Chairman; Jesernig, Nelson, Patterson, Roach, Stratton, Sutherland and Williams.

Passed to Committee on Rules for second reading.

February 27, 1992

SHB 2771 Prime Sponsor, House Committee on Appropriations: Modifying regulations pertaining to county hospital boards. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass. Signed by Senators West, Chairman; L. Smith, Vice Chairman; Kreidler, Niemi and Wojahn.

Passed to Committee on Rules for second reading.

February 27, 1992

SHB 2772 Prime Sponsor, House Committee on Financial Institutions and Insurance: Prohibiting individual exclusions from health coverage based solely on medical condition or health status. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass. Signed by Senators West, Chairman; L. Smith, Vice Chairman; Kreidler, Niemi and Wojahn.

Passed to Committee on Rules for second reading.

February 28, 1992

SHB 2775 Prime Sponsor, House Committee on Financial Institutions and Insurance: Regulating interest paid on death benefits by insurers. Reported by Committee on Financial Institutions and Insurance

MAJORITY Recommendation: Do pass. Signed by Senators von Reichbauer, Chairman; Erwin, Vice Chairman; Moore, Pelz, Sellar and Vognild.

Passed to Committee on Rules for second reading.

February 28, 1992

HB 2782 Prime Sponsor, Representative Zellinsky: Including coinsurance in health maintenance organizations provisions. Reported by Committee on Financial Institutions and Insurance

MAJORITY Recommendation: Do pass. Signed by Senators von Reichbauer, Chairman; Erwin, Vice Chairman; Matson, Moore, Pelz, Rasmussen, Sellar and Vognild.

Passed to Committee on Rules for second reading.

February 28, 1992

SHB 2791 Prime Sponsor, House Committee on Energy and Utilities: Improving the state's earthquake readiness. Reported by Committee on Energy and Utilities

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Thorsness, Chairman; Saling, Vice Chairman; Jesernig, Nelson, Patterson, Stratton, Sutherland and Williams.

Referred to Committee on Ways and Means.

February 27, 1992

HB 2811 Prime Sponsor, Representative Braddock: Exempting excess nursing supplies cost from the reimbursement of the pilot facility for persons living with AIDS. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass as amended. Signed by Senators West, Chairman; L. Smith, Vice Chairman; Kreidler, Niemi and Wojahn.

Passed to Committee on Rules for second reading.

February 28, 1992

SHB 2817 Prime Sponsor, House Committee on Financial Institutions and Insurance: Enacting the small employer health insurer availability act. Reported by Committee on Financial Institutions and Insurance

MAJORITY Recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators von Reichbauer, Chairman; Erwin, Vice Chairman; McCaslin, Moore, Rasmussen, Sellar, Vognild and West.

Referred to Committee on Ways and Means.

February 28, 1992

EHB 2821 Prime Sponsor, Representative Jones: Allowing communities closely associated with timber impact areas to be included in programs for dislocated forest products workers. Reported by Committee on Commerce and Labor

MAJORITY Recommendation: Do pass. Signed by Senators Matson, Chairman; McMullen, Moore, Murray, and Skratek.

Passed to Committee on Rules for second reading.

February 28, 1992

ESHB 2834 Prime Sponsor, House Committee on Human Services: Providing sentencing alternatives for offenders. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass as amended. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Kreidler, Rasmussen and A. Smith.

Passed to Committee on Rules for second reading.

February 27, 1992

HB 2835 Prime Sponsor, Representative Cooper: Modifying the membership of the radioactive waste management advisory council. Reported by Committee on Energy and Utilities

MAJORITY Recommendation: Do pass as amended. Signed by Senators Thorsness, Chairman; Saling, Vice Chairman; Nelson, Patterson, Roach, Stratton and Williams.

MINORITY Recommendation: Do not pass as amended. Signed by Senator Sutherland.

Passed to Committee on Rules for second reading.

February 27, 1992

SHB 2848 Prime Sponsor, House Committee on Transportation: Directing a pilot program to define environmental considerations in transportation planning. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass as amended. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; von Reichbauer, Vice Chairman; Barr, Conner, Erwin, Hansen, Madsen, Oke, Sellar, Skratek, Snyder, Thorsness and Vognild.

Passed to Committee on Rules for second reading.

February 26, 1992

SHB 2857 Prime Sponsor, House Committee on Appropriations: Providing for continued health care benefit coverage of retired and disabled school district employees and their dependents. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bluechel, Cantu, Gaspard, Hayner, Kreidler, Metcalf, Murray, Newhouse, Owen, Rinehart, Saling, Talmadge, West and Wojahn.

Passed to Committee on Rules for second reading.

February 26, 1992

SHB 2867 Prime Sponsor, House Committee on Appropriations: Authorizing reimbursement of certain medical insurance premiums to retired police officers and fire fighters. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bluechel, Cantu, Gaspard, Hayner, Kreidler, Metcalf, Murray, Newhouse, Owen, Rinehart, Saling, Talmadge and West.

Passed to Committee on Rules for second reading.

February 28, 1992

SHB 2873 Prime Sponsor, House Committee on Energy and Utilities: Requiring financial assurance for the disposal of radioactive waste. Reported by Committee on Energy and Utilities

MAJORITY Recommendation: Do pass. Signed by Senators Thorsness, Chairman; Saling, Vice Chairman; Jesernig, Patterson, Stratton, Sutherland and Williams.

Passed to Committee on Rules for second reading.

February 26, 1992

SHB 2874 Prime Sponsor, House Committee on Human Services: Modifying the department of social and health services financial responsibility for funeral expenses of eligible persons. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bluechel, Cantu, Gaspard, Hayner, Kreidler, Metcalf, Murray, Newhouse, Owen, Saling, Talmadge and West.

Passed to Committee on Rules for second reading.

February 27, 1992

ESHB 2876 Prime Sponsor, House Committee on State Government: Making changes in public disclosure laws. Reported by Committee on Governmental Operations

MAJORITY Recommendation: Do pass as amended. Signed by Senators McCaslin, Chairman; Roach, Vice Chairman; Madsen and Sutherland.

Passed to Committee on Rules for second reading.

February 28, 1992

SHB 2886 Prime Sponsor, House Committee on Financial Institutions and Insurance: Creating the insurance fraud advisory board. Reported by Committee on Financial Institutions and Insurance

MAJORITY Recommendation: Do pass. Signed by Senators von Reichbauer, Chairman; Erwin, Vice Chairman; Moore, Pelz, Rasmussen, Sellar and Vognild.

Passed to Committee on Rules for second reading.

February 27, 1992

HB 2932 Prime Sponsor, Representative Cantwell: Revising the Washington technology center. Reported by Committee on Commerce and Labor

MAJORITY Recommendation: Do pass as amended. Signed by Senators Matson, Chairman; Anderson, Vice Chairman; Bluechel, McDonald, McMullen, Murray and Skratek.

Passed to Committee on Rules for second reading.

February 28, 1992

HB 2944 Prime Sponsor, Representative Dellwo: Regulating consumer credit transactions. Reported by Committee on Financial Institutions and Insurance

MAJORITY Recommendation: Do pass as amended. Signed by Senators von Reichbauer, Chairman; Erwin, Vice Chairman; McCaslin, Moore, Sellar and Vognild.

MINORITY Recommendation: Do not pass. Signed by Senator Pelz.

Passed to Committee on Rules for second reading.

February 28, 1992

SHB 2945 Prime Sponsor, House Committee on Appropriations: Providing for jury source lists. Reported by Committee on Law and Justice

MAJORITY Recommendation: Do pass. Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Kreidler, Madsen, Newhouse, Rasmussen and A. Smith.

Passed to Committee on Rules for second reading.

February 26, 1992

ESHB 2985 Prime Sponsor, House Committee on Appropriations: Allowing certain law enforcement officers and fire fighters pension credit for past service. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bluechel, Cantu, Gaspard, Hayner, Kreidler, Murray, Newhouse, Owen, Saling, Talmadge and West.

Passed to Committee on Rules for second reading.

February 28, 1992

HJM 4030 Prime Sponsor, Representative Betrozoff: Urging schools to instruct students in the meaning and history of the Constitution of the United States, the Bill of Rights, and the Federalist papers. Reported by Committee on Education

MAJORITY Recommendation: Do pass. Signed by Senators Bailey, Chairman; Erwin, Vice Chairman; Craswell, Metcalf, Oke, A. Smith and Talmadge.

Passed to Committee on Rules for second reading.

REPORTS OF STANDING COMMITTEES
GUBERNATORIAL APPOINTMENTS

February 27, 1992

GA 9151 CLINT SHINKLE, appointed December 10, 1990, for a term ending September 30, 1992, as a member of the Board of Trustees for Olympic Community College District No. 3.
Reported by Committee on Higher Education

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

Passed to Committee on Rules.

February 27, 1992

GA 9170 PAUL J. WYSOCKI, appointed March 1, 1991, for a term ending September 30, 1995, as a member of the Board of Trustees for Seattle Community College District No. 6.
Reported by Committee on Higher Education

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

Passed to Committee on Rules.

February 27, 1992

GA 9176 STEVEN T. SEWARD, appointed July 1, 1991, for a term ending at the Governor's pleasure, as Chair of the Higher Education Coordinating Board.
Reported by Committee on Higher Education

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

Passed to Committee on Rules.

February 27, 1992

GA 9184 MITCHELL BOWER, JR., reappointed August 29, 1991, for a term ending April 30, 1995, as a member of the State Board for Community and Technical Colleges. Reported by Committee on Higher Education

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

Passed to Committee on Rules.

February 27, 1992

GA 9185 DALE BRIGHTON, appointed July 10, 1991, for a term ending September 30, 1995, as a member of the Board of Trustees for Wenatchee Valley Community College District No. 15. Reported by Committee on Higher Education

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

Passed to Committee on Rules.

February 27, 1992

GA 9192 JACK DURNEY, reappointed October 15, 1991, for a term ending September 30, 1996, as a member of the Board of Trustees for Grays Harbor Community College District No. 2. Reported by Committee on Higher Education

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

Passed to Committee on Rules.

February 27, 1992

GA 9193 JUDGE JEROME FARRIS, reappointed October 7, 1991, for a term ending September 30, 1997, as a member of the Board of Regents for the University of Washington. Reported by Committee on Higher Education

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

Passed to Committee on Rules.

February 27, 1992

GA 9196 MARY ANN FUNK, reappointed October 15, 1991, for a term ending September 30, 1996, as a member of the Board of Trustees for Skagit Valley Community College District No. 4.
Reported by Committee on Higher Education

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

Passed to Committee on Rules.

February 27, 1992

GA 9198 KATHLEEN GUTIERREZ, reappointed October 15, 1991, for a term ending September 30, 1996, as a member of the Board of Trustees for Everett Community College District No. 5.
Reported by Committee on Higher Education

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

Passed to Committee on Rules.

February 27, 1992

GA 9201 ROBERT E. HUNT, JR. appointed October 16, 1991, for a term ending September 30, 1996, as a member of the Board of Trustees for Bates Technical College.
Reported by Committee on Higher Education

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

Passed to Committee on Rules.

February 27, 1992

GA 9203 INEZ JOHNSON, reappointed October 15, 1991, for a term ending September 30, 1996, as a member of the Board of Trustees for Whatcom Community College District No. 21.
Reported by Committee on Higher Education

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

Passed to Committee on Rules.

February 27, 1992

GA 9204 LINDA S. JOHNSON, reappointed October 15, 1991, for a term ending April 30, 1996, as a member of the Board of Trustees for Shoreline Community College District No. 7.
Reported by Committee on Higher Education

MAJORITY Recommendation: That said confirmation be confirmed. Signed by Senators Saling, Chairman; Patterson, Vice Chairman; Bauer, Cantu, Jesernig, Skratek, Stratton and von Reichbauer.

Passed to Committee on Rules.

February 27, 1992

GA 9208 REVEREND LOWELL E. KNUTSON, reappointed October 15, 1991, for a term ending September 30, 1996, as a member of the Board of Trustees for Seattle Community College District No. 6
Reported by Committee on Higher Education

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

Passed to Committee on Rules.

February 27, 1992

GA 9215 ALICIA NAKATA, appointed July 10, 1991, for a term ending September 30, 1993, as a member of the Board of Trustees for Wenatchee Valley Community College District No. 15.
Reported by Committee on Higher Education

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

Passed to Committee on Rules.

February 27, 1992

GA 9222 REVEREND LAWRENCE R. ROBERTSON, reappointed October 15, 1991, for a term ending September 30, 1996, as a member of the Board of Trustees for Olympic Community College District No. 3.
Reported by Committee on Higher Education

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

Passed to Committee on Rules.

February 27, 1992

GA 9224 JAMES E. SHERRILL, reappointed October 15, 1991, for a term ending September 30, 1996, as a member of the Board of Trustees for Centralia Community College District No. 12.
Reported by Committee on Higher Education

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

Passed to Committee on Rules.

February 27, 1992

GA 9230 SAMUEL STROUM, reappointed October 7, 1991, for a term ending September 30, 1997, as a member of the Board of Regents for the University of Washington. Reported by Committee on Higher Education

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

Passed to Committee on Rules.

February 27, 1992

GA 9234 JUDITH WISEMAN, reappointed July 2, 1991, for a term ending June 30, 1995, as a member of the Higher Education Coordinating Board. Reported by Committee on Higher Education

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

Passed to Committee on Rules.

February 27, 1992

GA 9264 FRANK ARMIJO, appointed January 13, 1992, for a term ending September 30, 1994, as a member of the Board of Trustees for Columbia Basin Community College District No. 19. Reported by Committee on Higher Education

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

Passed to Committee on Rules.

February 27, 1992

GA 9265 VICTOR HIRAKAWA, appointed January 13, 1992, for a term ending September 30, 1996, as a member of the Board of Trustees for Edmonds Community College District No. 22. Reported by Committee on Higher Education

MAJORITY Recommendation: That said confirmation be confirmed. Signed by Senators Saling, Chairman; Patterson, Vice Chairman; Bauer, Cantu, Jesernig, Skratek, Stratton and von Reichbauer.

Passed to Committee on Rules.

February 27, 1992

GA 9267 R. C. "JOE" STRAUSS, appointed January 13, 1992, for a term ending September 30, 1996, as a member of the Board of Trustees for Bellevue Community College District No. 8. Reported by Committee on Higher Education

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

Passed to Committee on Rules.

February 27, 1992

GA 9268 JOHN ELLIS, appointed January 13, 1992, for a term ending September 30, 1997, as a member of the Board of Regents for Washington State University.
Reported by Committee on Higher Education

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

Passed to Committee on Rules.

February 27, 1992

GA 9269 SCOTT LUKINS, reappointed January 13, 1992, for a term ending September 30, 1997, as a member of the Board of Regents for Washington State University.
Reported by Committee on Higher Education

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

Passed to Committee on Rules.

February 27, 1992

GA 9275 BEVERLY FREEMAN, appointed January 17, 1992, for a term ending April 30, 1995, as a member of the State Board for Community and Technical Colleges.
Reported by Committee on Higher Education

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

Passed to Committee on Rules.

MOTION

At 5:35 p.m., on motion of Senator Newhouse, the Senate adjourned until 10:00 a.m., Monday, March 2, 1992.

JOEL PRITCHARD, President of the Senate.

GORDON A. GOLOB, Secretary of the Senate.

FIFTIETH DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, March 2, 1992

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

The Sergeant at Arms Color Guard, consisting of Pages Jane Scribner and Jessica Wixson, presented the Colors. Reverend Ron Hastie, pastor of the Evergreen Christian Center of Olympia, offered the prayer.

MOTION

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

REPORT OF STANDING COMMITTEE

February 27, 1992

ESHB 2928 Prime Sponsor, House Committee on Revenue: Modifying open space laws.
 Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bauer, Bluechel, Cantu, Gaspard, Hayner, Kreidler, Metcalf, Newhouse, Saling, L. Smith, Talmadge, West, Williams and Wojahn.

Passed to Committee on Rules for second reading.

**SECOND READING
 CONFIRMATION OF GUBERNATORIAL APPOINTMENT**

MOTION

On motion of Senator Saling, Gubernatorial Appointment No. 9033, Sally G. Schaefer, as a member of the Board of Trustees for Clark Community College District No. 14, was confirmed.

Senator Bauer spoke to the confirmation of Sally G. Schaefer, as a member of the Board of Trustees for Clark Community College.

APPOINTMENT OF SALLY G. SCHAEFER

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Oke, Owen, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sumner, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 44.

Excused: Senators Amondson, Erwin, Matson, Niemi, Patterson - 5.

MOTION

On motion of Senator Anderson, Senator Cantu was excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2465, by House Committee on Energy and Utilities (originally sponsored by Representatives Grant, May, H. Myers, Miller, Paris, Forner and Casada)

Regulating public service company tariff charge reduction or waiver.

The bill was read the second time.

MOTION

On motion of Senator Thorsness, the rules were suspended, Substitute House Bill No. 2465 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2465.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2465 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 1; Absent, 0; Excused, 4.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bluechel, Conner, Craswell, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sumner, Sutherland, Talmadge, Thorsness, Vognild, West, Williams, Wojahn - 44.

Voting nay: Senator von Reichbauer - 1.

Excused: Senators Amondson, Cantu, Erwin, Matson - 4.

SUBSTITUTE HOUSE BILL NO. 2465, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

MOTION

On motion of Senator von Reichbauer, the following resolution was adopted:

SENATE RESOLUTION 1992-8735

By Senators von Reichbauer, Gaspard, Sumner, Thorsness, Rasmussen, Madsen, Oke, Conner, Talmadge, Stratton, Kreidler and Craswell

WHEREAS, Dramatic changes in world and political relationships have significantly reduced the threat of global conflict and altered our national security priorities; and

WHEREAS, Our military forces are reducing their missions, structure, and budget; and

WHEREAS, This force reduction will cause early separations and retirements for many of our active-duty and reserve soldiers; and

WHEREAS, The state of Washington and the military forces have shared a long and mutual relationship since before statehood; and

WHEREAS, Washington has a substantial defense infrastructure of military installations, major defense contractors and many small businesses in local communities; and

WHEREAS, The state of Washington has benefitted in this partnership through added security and economic benefits; and

WHEREAS, In 1990, Washington firms received an estimated \$5 billion to \$6 billion in procurement contracts; and

WHEREAS, Total military expenditures in Washington State generated an estimated 153,000 civilian jobs; and

WHEREAS, Washington ranked twelfth nationally in per-capita defense spending, but ranked second nationally in military expenditures as a percentage of total state purchases; and

WHEREAS, This is the anniversary of our victory in the Persian Gulf War, the liberation of Kuwait, and the defeat of Iraqi armed forces by American and coalition military forces; and

WHEREAS, Senior officers of the United State Army, Navy, Marine Corps, Air Force and Coast Guard are present in the Senate Chamber to represent the outstanding men and women of military service honored here today;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate acknowledges the incredible positive impact the armed forces have on our state, and the State Senate pledges its continued commitment to our military men and women during these times of reductions; and

BE IT FURTHER RESOLVED, That we send our steadfast gratitude to the patriotic men and women in the armed forces for their spirited service to our country; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate send a copy of this resolution to the President of the United States, The Honorable George Bush.

Senators von Reichbauer, Gaspard, Oke, Kreidler, Craswell and Thorsness spoke to Senate Resolution 1992-8735.

INTRODUCTION OF SPECIAL GUESTS

The President introduced the following honored guests who were seated on the Senate Rostrum: From the United States Army, Lieutenant General Carmen J. Cavezza, Commander of I (First) Corps and Commander of Fort Lewis, and Brigadier General John E. Hutton, Jr. Commander, Madigan Army Medical Center; From the United States Navy, Rear Admiral Larry E. March, Commander, Naval Base Seattle and Submarine Group Nine, and Lieutenant Commander Gordon D. Ferber, Naval and Marine Corps Reserve Center, Tacoma; From the United States Air Force, Colonel Howard J. Ingersoll, Commander, 62nd Airlift Wing and McChord Air Force Base, and Colonel Michael G. Ruotsala, Commander, 92nd Wing and Fairchild Air Force Base; From the United States Marine Corps, Lieutenant Colonel Richard C. Hoffman, Commander, 4th Landing Support Battalion, 4th Marine Division, Marine Corps Reserve Training Center, Seattle; and from the United States Coast Guard, Rear Admiral Joseph E. Vorbach, Commander, 13th Coast Guard District.

With permission of the Senate, business was suspended to permit Lieutenant General Carmen J. Cavezza to address the Senate.

President Pritchard gave a warm welcome and expressed appreciation to the honored guests.

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

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1392, by House Committee on Health Care (originally sponsored by Representatives Locke, Prince, Braddock, Ballard, Wang and Brekke)

Making major changes to acupuncturist licensure.

The bill was read the second time.

MOTIONS

On motion of Senator West, the following Committee on Health and Long-Term Care amendment was adopted:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 18.06.010 and 1991 c 3 s 4 are each amended to read as follows:

The following terms in this chapter shall have the meanings set forth in this section unless the context clearly indicates otherwise:

(1) "Acupuncture" means a health care service based on a traditional Oriental system of medical theory utilizing Oriental diagnosis and treatment to promote health and treat organic or functional disorders by treating specific acupuncture points or meridians. Acupuncture includes but is not necessarily limited to the following techniques:

- (a) Use of acupuncture needles to stimulate acupuncture points and meridians;
 - (b) Use of electrical, mechanical, or magnetic devices to stimulate acupuncture points and meridians;
 - (c) Moxibustion;
 - (d) Acupressure;
 - (e) Cupping;
 - (f) Dermal friction technique (~~((gwa-hsa)))~~);
 - (g) Infra-red;
 - (h) Sonopuncture;
 - (i) Laserpuncture;
 - (j) Dietary advice based on traditional (~~((Chinese))~~) Oriental medical theory; and
 - (k) Point injection therapy (aquapuncture).
- (2) "Acupuncturist" means a person certified under this chapter.
- (3) "Department" means the department of health.
- (4) "Secretary" means the secretary of health or the secretary's designee.

NEW SECTION. Sec. 2. A new section is added to chapter 18.06 RCW to read as follows:

Nothing in this chapter shall be construed to prohibit or restrict:

(1) The practice licensed, certified, or registered under the laws of this state and performing services within such individual's authorized scope of practice;

(2) The practice by an individual employed by the government of the United States while engaged in the performance of duties prescribed by the laws of the United States;

(3) The practice by a person who is a regular student in an educational program approved by the secretary, and whose performance of services is pursuant to a regular course of instruction or assignments from an instructor and under the general supervision of the instructor;

(4) The practice of acupuncture by any person licensed or certified to perform acupuncture in any other jurisdiction where such person is doing so in the course of regular instruction of a school of acupuncture approved by the secretary or in an educational seminar by a professional organization of acupuncture, provided that in the latter case, the practice is supervised directly by a person certified pursuant to this chapter or licensed under any other healing art whose scope of practice includes acupuncture.

Sec. 3. RCW 18.06.080 and 1991 c 3 s 10 are each amended to read as follows:

(1) The secretary is hereby authorized and empowered to execute the provisions of this chapter and shall offer examinations in acupuncture at least twice a year at such times and places as the secretary may select. The examination shall be a written examination (~~((in English))~~) and may include a practical examination.

(2) The secretary shall develop or approve a (~~((licensure))~~) certification examination in the subjects that the secretary determines are within the scope of and commensurate with the work performed by certified acupuncturists and shall include but not necessarily be limited to anatomy, physiology, (~~((bacteriology))~~) microbiology, biochemistry, pathology, hygiene, and acupuncture. All application papers shall be deposited with the secretary and there retained for at least one year, when they may be destroyed.

(3) If the examination is successfully passed, the secretary shall confer on such candidate the title of Certified Acupuncturist.

Sec. 4. RCW 18.06.120 and 1991 c 3 s 12 are each amended to read as follows:

(1) Every person certified in acupuncture shall register with the secretary annually and pay an annual renewal registration fee determined by the secretary as provided in RCW 43.70.250 on or before the certificate holder's birth anniversary date. The certificate of the person shall be renewed for a period of one year or longer in the discretion of the secretary. A person whose practice is exclusively out-of-state or who is on sabbatical shall be granted an inactive certification status and pay a reduced registration fee. The reduced fee shall be set by the secretary under RCW 43.70.250.

(2) Any failure to register and pay the annual renewal registration fee shall render the certificate invalid. The certificate shall be reinstated upon: (a) Written application to the secretary; (b) payment to the state of a penalty fee determined by the secretary as provided in RCW 43.70.250; and (c) payment to the state of all delinquent annual certificate renewal fees.

(3) Any person who fails to renew his or her certification for a period of three years shall not be entitled to renew such certification under this section. Such person, in order to obtain a certification in acupuncture in this state, shall file a new

application under this chapter, along with the required fee, and shall meet examination or continuing education requirements as the secretary, by rule, provides.

(4) All fees collected under this section and RCW ((18.06.060)) 18.06.070 shall be credited to the health professions account as required under RCW 43.70.320.

Sec. 5. The following acts or parts of acts are each repealed:

- (1) RCW 18.06.030 and 1991 c 3 s 6 and 1985 c 326 s 3;
- (2) RCW 18.06.040 and 1985 c 326 s 4;
- (3) RCW 18.06.910 and 1990 c 297 s 15; and
- (4) RCW 18.06.911 and 1990 c 297 s 16.

On motion of Senator West, the following title amendment was adopted:

On page 1, line 1 of the title, after "acupuncture;" strike the remainder of the title and insert "amending RCW 18.06.010, 18.06.080, and 18.06.120; adding a new section to chapter 18.06 RCW; and repealing RCW 18.06.030, 18.06.040, 18.06.910, and 18.06.911."

MOTION

On motion of Senator West, the rules were suspended, Substitute House Bill No. 1392, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

MOTION

On motion of Senator Murray, Senator Rinehart was excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1392, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1392, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sumner, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 46.

Excused: Senators Amondson, Erwin, Rinehart - 3.

SUBSTITUTE HOUSE BILL NO. 1392, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2314, by Representative Franklin (by request of Department of Social and Health Services)

Revising provisions for providing medical services.

The bill was read the second time.

MOTION

On motion of Senator West, the rules were suspended, House Bill No. 2314 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2314.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2314 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 3; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, McCaslin, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sumner, Sutherland, Talmadge, Thorsness, Vogndild, von Reichbauer, Williams, Wojahn - 43.

Voting nay: Senators Matson, McDonald, West - 3.

Excused: Senators Amondson, Erwin, Rinehart - 3.

HOUSE BILL NO. 2314, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2368, by Representatives Padden, Riley, Mielke and Paris

Allowing deputy sheriffs to practice law.

The bill was read the second time.

MOTIONS

On motion of Senator Nelson, the following Committee on Law and Justice amendment was adopted:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 2.48.200 and 1975 1st ex.s. c 19 s 3 are each amended to read as follows:

No person shall practice law who holds a commission as judge in any court of record, or as sheriff~~((r))~~ or coroner~~((, or deputy sheriff))~~; nor shall the clerk of the supreme court, the court of appeals, or of the superior court or any deputy thereof practice in the court of which he or she is clerk or deputy clerk: PROVIDED, It shall be unlawful for a deputy prosecuting attorney, or for the employee, partner, or agent of a prosecuting attorney, or for an attorney occupying offices with a prosecuting attorney, to appear for an adverse interest in any proceeding in which a prosecuting attorney is appearing, or to appear in any suit, action or proceeding in which a prosecuting attorney is prohibited by law from appearing, but nothing herein shall prohibit a prosecuting attorney or a deputy prosecuting attorney from appearing in any action or proceeding for an interest divergent from that represented in the same action or proceeding by another attorney or special attorney in or for the same office, so long as such appearances are pursuant to the duties of prosecuting attorneys as set out in RCW 36.27.020 and such appearances are consistent with the code of professional responsibility or other code of ethics adopted by the Washington state supreme court, but nothing herein shall preclude a judge or justice of a court of this state from finishing any business ~~((by him))~~ undertaken in a court of the United States prior to ~~((his))~~ him or her becoming a judge or justice.

Sec. 2. RCW 36.28.110 and 1963 c 4 s 36.28.110 are each amended to read as follows:

No sheriff ~~((or deputy sheriff))~~ shall appear or practice as attorney in any court, except in their own defense.

On motion of Senator Nelson, the following title amendment was adopted:

On page 1, line 1 of the title, after "sheriffs;" strike the remainder of the title and insert "and amending RCW 2.48.200 and 36.28.110."

MOTION

On motion of Senator Nelson, the rules were suspended, House Bill No. 2368, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

POINT OF INQUIRY

Senator Talmadge: "Senator Nelson, actually I have a couple of questions, the first being, would this bill authorize the deputy sheriff to simultaneously be an attorney practicing in the court and also continue the work as a deputy sheriff?"

Senator Nelson: "Yes."

Senator Talmadge: "The second question is with respect to potential conflicts of interest that might arise out of that set of circumstances. Would this individual be permitted to serve in the capacity of a deputy prosecuting attorney at the same time they were acting as deputy sheriff?"

Senator Nelson: "No."

Senator Talmadge: "Why not?"

Senator Nelson: "The law doesn't permit that."

Senator Talmadge: "It may now. Thank you, Senator Nelson."

Further debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2368, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 1; Absent, 1; Excused, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sumner, Sutherland, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 44.

Voting nay: Senator Talmadge - 1.

Absent: Senator Matson - 1.

Excused: Senators Amondson, Erwin, Rinehart - 3.

HOUSE BILL NO. 2368, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

REPORTS OF STANDING COMMITTEES

February 27, 1992

EHB 1395 Prime Sponsor, Representative Ludwig: Maintaining the Washington state patrol crime laboratory locations. Reported by Committee on Ways and Means.

MAJORITY Recommendation: Do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bauer, Bluechel, Cantu, Gaspard, Hayner, Kreidler, Metcalf, Murray, Newhouse, Rinehart, Saling, L. Smith, Talmadge, West and Wojahn.

Passed to Committee on Rules for second reading.

February 28, 1992

SHB 2281 Prime Sponsor, House Committee on Commerce and Labor: Modifying requirements for crew size on passenger trains. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; von Reichbauer, Vice Chairman; Conner, Erwin, Hansen, Madsen, McMullen, Oke, Skratek, Snyder and Vognild.

Passed to Committee on Rules for second reading.

February 28, 1992

ESHB 2553 Prime Sponsor, House Committee on Transportation: Adopting the 1992 supplemental transportation budget. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass as amended. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; Erwin, Hansen, Madsen, McMullen, Oke, Skratek, Snyder and Vognild.

Passed to Committee on Rules for second reading.

February 28, 1992

HB 2572 Prime Sponsor, Representative R. Fisher: Updating the Model Traffic Ordinance.
Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; von Reichbauer, Vice Chairman; Conner, Erwin, Hansen, Madsen, McMullen, Oke, Skratek, Snyder and Vognild.

Passed to Committee on Rules for second reading.

February 28, 1992

HB 2583 Prime Sponsor, Representative Wood: Concerning the use of fuel that is not subject to the vehicle fuel excise tax. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; von Reichbauer, Vice Chairman; Conner, Erwin, Hansen, Madsen, McMullen, Oke, Skratek, Snyder and Vognild.

Passed to Committee on Rules for second reading.

February 28, 1992

SHB 2660 Prime Sponsor, House Committee on Transportation: Affecting vehicle license registration. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass as amended. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; Conner, Erwin, Hansen, Madsen, McMullen, Oke, Skratek, Snyder and Vognild.

Passed to Committee on Rules for second reading.

February 28, 1992

SHB 2714 Prime Sponsor, House Committee on Transportation: Regulating addition of territory to public transportation benefit areas. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; von Reichbauer, Vice Chairman; Conner, Erwin, Hansen, Madsen, McMullen, Oke, Skratek, Snyder and Vognild.

Passed to Committee on Rules for second reading.

February 27, 1992

SHB 2814 Prime Sponsor, House Committee on Appropriations: Regarding state information technology. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bluechel, Cantu, Gaspard, Hayner, Kreidler, Metcalf, Saling, L. Smith, Talmadge, West, Williams and Wojahn.

Passed to Committee on Rules for second reading.

February 28, 1992

HB 2896 Prime Sponsor, Representative Zellinsky: Authorizing state ferry bonds. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; von Reichbauer, Vice Chairman; Conner, Erwin, Hansen, Madsen, McMullen, Oke, Skratek, Snyder and Vognild.

Passed to Committee on Rules for second reading.

February 27, 1992

HB 2961 Prime Sponsor, Representative Fraser: Providing for the disposition of proceeds of the Thurston county special excise tax. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bauer, Bluechel, Cantu, Gaspard, Hayner, Kreidler, Metcalf, Murray, Newhouse, Rinehart, Saling, L. Smith, Talmadge, West and Wojahn.

Passed to Committee on Rules for second reading.

February 27, 1992

EHB 2977 Prime Sponsor, Representative Appelwick: Creating a cause of action for wrongful removal of a professional sports franchise. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended. Signed by Senators McDonald, Chairman; Bauer, Bluechel, Gaspard, Hayner, Kreidler, Murray, Rinehart, Talmadge, West, Williams and Wojahn.

Passed to Committee on Rules for second reading.

MOTIONS

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

On motion of Senator Newhouse, the Committee on Rules was relieved of further consideration of Engrossed House Bill No. 1185.

On motion of Senator Newhouse, Engrossed House Bill No. 1185 was referred to the Committee on Ways and Means.

On motion of Senator Newhouse, the Committee on Rules was relieved of further consideration of Substitute House Bill No. 2388.

On motion of Senator Newhouse, Substitute House Bill No. 2388 was referred to the Committee on Ways and Means.

On motion of Senator Newhouse, the Committee on Ways and Means was relieved of further consideration of Substitute House Bill No. 2551.

On motion of Senator Newhouse, Substitute House Bill No. 2551 was referred to the Committee on Rules.

MOTION

At 12:05 p.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 6:09 p.m. by Senator Sellar.

MOTION

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

REPORTS OF STANDING COMMITTEES

March 2, 1992

EHB 1185 Prime Sponsor, Representative Appelwick: Requiring certain federal liens to be filed with the department of licensing. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators McDonald, Chairman; Craswell, Chairman; Bailey, Bauer, Bluechel, Cantu, Gaspard, Hayner, Kreidler, Metcalf, Murray, Newhouse, Niemi, Rinehart, Saling, L. Smith, Talmadge, Williams and Wojahn.

Passed to Committee on Rules for second reading.

March 2, 1992

EHB 1225 Prime Sponsor, Representative Winsley: Providing a procedure for the classification and valuation of property devoted primarily to low-income housing. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended. Signed by Senators McDonald, Chairman; Bailey, Bauer, Bluechel, Gaspard, Kreidler, Murray, Niemi, Owen, Rinehart, Talmadge, West, Williams and Wojahn.

Passed to Committee on Rules for second reading.

March 2, 1992

RESHB 1378 Prime Sponsor, House Committee on Appropriations: Changing provisions relating to superior court fees. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bluechel, Gaspard, Hayner, Murray, Newhouse, Niemi, Rinehart, L. Smith, Talmadge, West and Wojahn.

Passed to Committee on Rules for second reading.

March 2, 1992

ESHB 1631 Prime Sponsor, House Committee on Appropriations: Establishing in statute the commission on African-American affairs. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bauer, Bluechel, Cantu, Gaspard, Hayner, Kreidler, Metcalf, Murray, Newhouse, Niemi, Owen, Rinehart, L. Smith, Talmadge, West, Williams and Wojahn.

Passed to Committee on Rules for second reading.

March 2, 1992

ESHB 1634 Prime Sponsor, House Committee on Judiciary: Adjusting fines for improper parking in a disabled space. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass as amended. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; Erwin, Hansen, Madsen, McMullen, Oke, Skratek, Snyder, Thorsness and Vognild.

Passed to Committee on Rules for second reading.

March 2, 1992

RESHB 1932 Prime Sponsor, House Committee on Education: Changing provisions relating to excess levies by school districts. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bauer, Bluechel, Gaspard, Hayner, Kreidler, Murray, Niemi, Owen, Rinehart, Saling, Talmadge, West and Wojahn.

MINORITY Recommendation: Do not pass. Signed by Senator Metcalf.

Passed to Committee on Rules for second reading.

March 2, 1992

HB 2255 Prime Sponsor, Representative Ballard: Providing for counseling of family members of homicide victims. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended by Committee on Law and Justice. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bauer, Bluechel, Cantu, Gaspard, Kreidler, Metcalf, Murray, Niemi, Rinehart, Saling, L. Smith, Talmadge, West, Williams and Wojahn.

Passed to Committee on Rules for second reading.

March 2, 1992

SHB 2284 Prime Sponsor, House Committee on Local Government: Revising provisions relating to county law libraries. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bauer, Bluechel, Gaspard, Hayner, Kreidler, Metcalf, Murray, Newhouse, Niemi, Rinehart, L. Smith, Talmadge, Williams and Wojahn.

Passed to Committee on Rules for second reading.

March 2, 1992

SHB 2291 Prime Sponsor, House Committee on Transportation: Regulating the use of optical strobe light devices controlling traffic lights. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; Barr, Conner, Erwin, Hansen, Madsen, McMullen, Oke, Skratek, Snyder, Thorsness and Vognild.

Passed to Committee on Rules for second reading.

March 2, 1992

ESHB 2293 Prime Sponsor, House Committee on State Government: Changing CPA licensing requirements. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bauer, Bluechel, Cantu, Gaspard, Hayner, Kreidler, Metcalf, Murray, Niemi, Saling, Talmadge, West and Wojahn.

Passed to Committee on Rules for second reading.

March 2, 1992

SHB 2319 Prime Sponsor, House Committee on Judiciary: Improving election administration. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bluechel, Cantu, Hayner, Kreidler, Metcalf, Murray, L. Smith, Talmadge, West, Williams and Wojahn.

Passed to Committee on Rules for second reading.

March 2, 1992

HB 2387 Prime Sponsor, Representative Chandler: Extending tax exemptions for alcohol fuel production. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bauer, Bluechel, Cantu, Gaspard, Hayner, Metcalf, Newhouse, Niemi, Owen, Rinehart, L. Smith, Talmadge, West, Williams and Wojahn.

Passed to Committee on Rules for second reading.

March 2, 1992

SHB 2388 Prime Sponsor, House Committee on Judiciary: Authorizing treatment options for persons convicted of vehicular homicide and vehicular assault. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bauer, Bluechel, Cantu, Gaspard, Kreidler, Metcalf, Murray, Newhouse, Niemi, Saling, L. Smith, Talmadge, West, Williams and Wojahn.

Passed to Committee on Rules for second reading.

March 2, 1992

SHB 2442 Prime Sponsor, House Committee on Transportation: Protecting pedestrians in crosswalks. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass as amended. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; Barr, Madsen, McMullen, Oke, Snyder and Vognild.

Passed to Committee on Rules for second reading.

March 2, 1992

ESHB 2459 Prime Sponsor, House Committee on Judiciary: Authorizing additional superior court judges. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bauer, Bluechel, Cantu, Gaspard, Hayner, Kreidler, Metcalf, Newhouse, Niemi, Owen, Rinehart, L. Smith, Talmadge, Williams and Wojahn.

Passed to Committee on Rules for second reading.

March 2, 1992

ESHB 2471 Prime Sponsor, House Committee on Human Services: Enacting the children's investment trust act. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bauer, Bluechel, Gaspard, Kreidler, Matson, Murray, Owen, Rinehart, L. Smith, Williams and Wojahn.

Passed to Committee on Rules for second reading.

March 2, 1992

SHB 2498 Prime Sponsor, House Committee on Appropriations: Regarding regulatory fairness. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bauer, Bluechel, Cantu, Gaspard, Hayner, Kreidler, Metcalf, Newhouse, Saling, L. Smith, West, Williams and Wojahn.

Passed to Committee on Rules for second reading.

March 2, 1992

ESHB 2609 Prime Sponsor, House Committee on Transportation: Making airport expansions consistent with the state air transportation policy plan. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass as amended. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; von Reichbauer, Vice Chairman; Barr, Conner, Erwin, Hansen, McMullen, Oke, Sellar, Snyder, Thorsness and Vognild.

Passed to Committee on Rules for second reading.

March 2, 1992

ESHB 2610 Prime Sponsor, House Committee on Transportation: Authorizing regional transit authorities and creating a regional transportation council. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass as amended. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; von Reichbauer, Vice Chairman; Barr, Erwin, Hansen, Madsen, McMullen, Oke, Skratek, Snyder, Thorsness and Vognild.

Passed to Committee on Rules for second reading.

March 2, 1992

SHB 2639 Prime Sponsor, House Committee on Revenue: Modifying the nonprofit homes for the aging property tax exemption. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bauer, Bluechel, Cantu, Gaspard, Hayner, Kreidler, Metcalf, Newhouse, Niemi, Owen, Rinehart, Saling, L. Smith, Talmadge, West and Williams.

Passed to Committee on Rules for second reading.

March 2, 1992

ESHB 2640 Prime Sponsor, House Committee on Environmental Affairs: Requiring the department of ecology to establish a comprehensive sludge management program. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bluechel, Cantu, Gaspard, Hayner, Kreidler, Metcalf, Murray, Niemi, Saling, L. Smith, Talmadge, West, Williams and Wojahn.

Passed to Committee on Rules for second reading.

March 2, 1992

SHB 2817 Prime Sponsor, House Committee on Financial Institutions and Insurance: Enacting the small employer health insurer availability act. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended by Committee on Financial Institutions and Insurance. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bluechel, Cantu, Hayner, Matson, Metcalf, Newhouse, Saling, L. Smith and West.

Passed to Committee on Rules for second reading.

March 2, 1992

SHB 2887 Prime Sponsor, House Committee on Appropriations: Raising appellate court filing fees. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bluechel, Gaspard, Hayner, Kreidler, Newhouse, Niemi, Rinehart, L. Smith, West and Wojahn.

Passed to Committee on Rules for second reading.

February 27, 1992

HB 2941 Prime Sponsor, Representative R. Fisher: Revising financing of public transit. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass as amended. Signed by Senators Patterson, Chairman; von Reichbauer, Vice Chairman; Conner, Erwin, Madsen, Oke, Sellar, Skratek and Thorsness.

Passed to Committee on Rules for second reading.

March 2, 1992

HJM 4029 Prime Sponsor, Representative R. Fisher: Requesting the United States secretary of transportation adopt rules requiring a rear of train emergency braking telemetry system. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass as amended. Signed by Senators Patterson, Chairman; Nelson, Vice Chairman; von Reichbauer, Vice Chairman; Barr, Conner, Erwin, Hansen, Madsen, McMullen, Oke, Sellar, Skratek, Snyder, Thorsness and Vognild.

Passed to Committee on Rules for second reading.

March 2, 1992

SHJR 4205 Prime Sponsor, House Committee on Revenue: Amending the Constitution to allow property devoted to low-income housing to be taxed based on its current use value. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators McDonald, Chairman; Bailey, Bauer, Bluechel, Gaspard, Kreidler, Murray, Niemi, Owen, Rinehart, Talmadge, West, Williams and Wojahn.

Passed to Committee on Rules for second reading.

MOTION

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

MESSAGE FROM THE HOUSE

February 28, 1992

MR. PRESIDENT:

Representative Inslee has been appointed to replace Representative Ebersole as conferee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 2470.

ALAN THOMPSON, Chief Clerk

MOTIONS

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

On motion of Senator Newhouse, the Committee on Ways and Means was relieved of further consideration of Substitute House Bill No. 2490.

On motion of Senator Newhouse, Substitute House Bill No. 2490 was referred to the Committee on Rules.

MOTION

At 6:10 p.m., on motion of Senator Newhouse, the Senate adjourned until 8:30 a.m., Tuesday, March 3, 1992.

JOEL PRITCHARD, President of the Senate.

GORDON A. GOLOB, Secretary of the Senate.

FIFTY-FIRST DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, March 3, 1992

The Senate was called to order at 8:30 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Amondson, Bauer, Bluechel, Erwin, Matson, McMullen, Patterson and West. On motion of Senator Anderson, Senators Amondson, Bluechel, Erwin, Matson, Patterson and West were excused. On motion of Senator Murray, Senators Bauer and McMullen were excused.

The Sergeant at Arms Color Guard, consisting of Pages Carrie McMullen and Theresa Knoll, presented the Colors. Reverend Ron Hastie, pastor of the Evergreen Christian Center of Olympia, offered the prayer.

MOTION

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

**REPORTS OF STANDING COMMITTEES
 GUBERNATORIAL APPOINTMENTS**

March 2, 1992

GA 9031 CYNTHIA L. RONEY, appointed August 2, 1990, for a term ending July 1, 1993, as a member of the Board of Trustees for the State School for the Blind.
 Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chairman; Erwin, Vice Chairman; Anderson, Craswell, Metcalf, Murray, Oke, Pelz, Rinehart, A. Smith and Talmadge.

Passed to Committee on Rules.

March 2, 1992

GA 9279 DR. RONALD LaFAYETTE, appointed January 29, 1992, for a term ending July 1, 1995, as a member of the Board of Trustees for the State School for the Deaf.
 Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chairman; Erwin, Vice Chairman; Anderson, Craswell, Metcalf, Murray, Oke, Pelz, Rinehart, A. Smith and Talmadge.

Passed to Committee on Rules.

March 2, 1992

GA 9281 RUBY N. RYLES, reappointed January 29, 1992, for a term ending July 1, 1996, as a member of the Board of Trustees for the State School for the Blind.
 Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chairman; Erwin, Vice Chairman; Anderson, Craswell, Metcalf, Murray, Oke, Pelz, Rinehart, A. Smith and Talmadge.

Passed to Committee on Rules.

March 2, 1992

GA 9282 KATHERINE STEINER, appointed January 29, 1992, for a term ending July 1, 1995, as a member of the Board of Trustees for the State School for the Deaf.
Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chairman; Erwin, Vice Chairman; Anderson, Craswell, Metcalf, Murray, Oke, Pelz, Rinehart, A. Smith and Talmadge.

Passed to Committee on Rules.

March 2, 1992

GA 9285 KAY ADAMSON, appointed January 29, 1992, for a term ending July 1, 1996, as a member of the Board of Trustees for the State School for the Deaf.
Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chairman; Erwin, Vice Chairman; Anderson, Craswell, Metcalf, Murray, Oke, Pelz, Rinehart, A. Smith and Talmadge.

Passed to Committee on Rules.

MESSAGES FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS

February 22, 1992

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Bruce F. Brennan, reappointed for February 22, 1992, for a term ending February 21, 1995, as a member of the Apprenticeship Council.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Commerce and Labor.

February 25, 1992

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Amy Bell, appointed for a term beginning March 1, 1992, and continuing at the Governor's pleasure as Director of the Washington State Energy Office.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Energy and Utilities.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENT
MOTION

On motion of Senator Saling, Gubernatorial Appointment No. 9232, Dr. Ray Tobiason, as a member of the Higher Education Facilities Authority, was confirmed.

APPOINTMENT OF DR. RAY TOBIASON

The Secretary called the roll. The appointment was confirmed by the following vote:
Yeas, 41; Nays, 0; Absent, 0; Excused, 8.

Voting yea: Senators Anderson, Bailey, Barr, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, McCaslin, McDonald, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sumner, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Williams, Wojahn - 41.

Excused: Senators Amondson, Bauer, Bluechel, Erwin, Matson, McMullen, Patterson, West - 8.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2457, by House Committee on Agriculture and Rural Development (originally sponsored by Representatives Chandler, Rayburn, McLean, Rasmussen, Neher, Nealey, Hochstatter, Lisk, Morton, D. Sommers, Kremen, Ballard, Van Luven, Prentice, R. Johnson, Edmondson and Bray)

Changing restrictions on agricultural nuisances.

The bill was read the second time.

MOTIONS

On motion of Senator Barr, the following Committee on Agriculture and Water Resources amendment was adopted:

On page 2, line 2, after "restricted" strike "by other means as to the hours of operation" and insert "as to the hours of the day or day or days of the week"

Senator Barr moved that the following amendment by Senators Barr and Hansen be adopted:

On page 2, after line 5, insert the following:

Sec. 2. RCW 46.61.655 and 1990 c 250 s 56 are each amended to read as follows:

(1) No vehicle shall be driven or moved on any public highway unless such vehicle is so constructed or loaded as to prevent any of its load from dropping, sifting, leaking, or otherwise escaping therefrom, except that sand may be dropped for the purpose of securing traction. Any person operating a vehicle from which any glass or objects have fallen or escaped, which would constitute an obstruction or injure a vehicle or otherwise endanger travel upon such public highway shall immediately cause the public highway to be cleaned of all such glass or objects and shall pay any costs therefor.

(2) No person may operate on any public highway any vehicle with any load unless the load and such covering as required thereon by subsection (3) of this section is securely fastened to prevent the covering or load from becoming loose, detached, or in any manner a hazard to other users of the highway.

(3) Any vehicle operating on a paved public highway with a load of dirt, sand, or gravel susceptible to being dropped, spilled, leaked, or otherwise escaping therefrom shall be covered so as to prevent spillage. Covering of such loads is not required if six inches of freeboard is maintained within the bed.

(4) Any vehicle with deposits of mud, rocks, or other debris on the vehicle's body, fenders, frame, undercarriage, wheels, or tires shall be cleaned of such material before the operation of the vehicle on a paved public highway.

(5) The state patrol may make necessary rules to carry into effect the provisions of this section, applying such provisions to specific conditions and loads and prescribing means, methods, and practices to effectuate such provisions.

(6) Nothing in this section may be construed to prohibit a public maintenance vehicle from dropping sand on a highway to enhance traction, or sprinkling water or other substances to clean or maintain a highway.

(7) This section does not apply to waste products falling from vehicles hauling live farm animals when crossing a ferry capable only of transporting fewer than twenty-five vehicles.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Barr and Hansen on page 2, after line 5, to Substitute House Bill No. 2457.

The motion by Senator Barr carried and the amendment was adopted.

MOTIONS

On motion of Senator Barr, the following title amendment was adopted:

On page 1, line 2 of the title, after "7.48.305" insert "and 46.61.655"

On motion of Senator Barr, the rules were suspended, Substitute House Bill No. 2457, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2457, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2457, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 1; Absent, 0; Excused, 4.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, McCaslin, McDonald, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sumner, Sutherland, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 44.

Voting nay: Senator Talmadge - 1.

Excused: Senators Amondson, Erwin, Matson, McMullen - 4.

SUBSTITUTE HOUSE BILL NO. 2457, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2635, by House Committee on Revenue (originally sponsored by Representatives Rust, Horn, Valle, Heavey, Winsley and Brekke)

Revising the model litter control and recycling act.

The bill was read the second time.

MOTIONS

On motion of Senator Metcalf, the following Committee on Environment and Natural Resources amendment was adopted:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 70.93.010 and 1979 c 94 s 1 are each amended to read as follows:

~~((Recognizing the rapid population growth of the state of Washington and the ever increasing mobility of its people, as well as the fundamental need for a healthful, clean and beautiful environment; and further recognizing that the proliferation and accumulation of litter discarded throughout this state impairs this need and constitutes a public health hazard; and further recognizing the need to conserve energy and natural resources; and further recognizing that there is an imperative need to anticipate, plan for, and accomplish effective litter control and recover and recycle waste materials~~

~~related to litter with the subsequent conservation of resources and energy, there is hereby enacted this))~~ (1) The legislature finds:

- (a) Washington state is experiencing rapid population growth and its citizens are increasingly mobile;
- (b) There is a fundamental need for a healthful, clean, and beautiful environment;
- (c) The proliferation and accumulation of litter discarded throughout this state impairs this need and constitutes a public health hazard;
- (d) There is a need to conserve energy and natural resources, and the effective litter control and recovery and recycling of litter materials will serve to accomplish such conservation;
- (e) In addition to effective litter control, there must be effective programs to accomplish waste reduction, the state's highest waste management priority; and
- (f) There must also be effective systems to accomplish all components of recycling, including collection, processing, and the marketing of recyclable materials and recycled content products.

(2) Recognizing the multifaceted nature of the state's solid waste management problems, the legislation enacted in 1971 and entitled the "Model Litter Control and Recycling Act"(~~(?)~~) is hereby renamed the "waste reduction, recycling, and model litter control act."

Sec. 2. RCW 70.93.020 and 1991 c 319 s 101 are each amended to read as follows:

The purpose of this chapter is to accomplish litter control, increase waste reduction, and stimulate ~~((private))~~ all components of recycling ~~((programs))~~ throughout this state by delegating to the department of ecology the authority to:

- (1) Conduct a permanent and continuous program to control and remove litter from this state to the maximum practical extent possible;
- (2) Recover and recycle waste materials related to litter and littering;
- (3) Foster public and private recycling ~~((and markets for))~~ of recyclable materials; and
- (4) Increase public awareness of the need for recycling and litter control.

It is further the intent and purpose of this chapter to promote markets for recyclable materials through programs of the clean Washington center and other means.

It is further the intent and purpose of this chapter to create jobs for employment of youth in litter cleanup and related activities and to stimulate and encourage small, private recycling centers. This program shall include the compatible goal of recovery of recyclable materials to conserve energy and natural resources wherever practicable. Every other department of state government and all local governmental units and agencies of this state shall cooperate with the department of ecology in the administration and enforcement of this chapter. The intent of this chapter is to add to and to coordinate existing recycling and litter control and removal efforts and not terminate or supplant such efforts.

Sec. 3. RCW 70.93.120 and 1971 ex.s. c 307 s 12 are each amended to read as follows:

In addition to any other taxes, there is hereby levied and there shall be collected by the department of revenue from every person for the privilege of engaging within this state in business as a manufacturer ~~((and/or making sales at wholesale and/or making sales at retail))~~, as a wholesaler, or as a retailer, an annual litter ~~((assessment))~~ tax equal to the value of products listed in RCW 82.---- (RCW 70.93.130 as recodified by section 10 of this act), including byproducts, manufactured ~~((and sold))~~ within this state ~~((, including by products))~~, multiplied by ~~((one and one-half hundredths))~~ fifteen one-thousandths of one percent in the case of manufacturers, and equal to the gross proceeds of ~~((the))~~ sales of the ~~((business))~~ products listed in RCW 82.---- (RCW 70.93.130 as recodified by section 10 of this act) that are sold within this state multiplied by ~~((one and one-half hundredths))~~ fifteen one-thousandths of one percent in the case of ~~((sales at wholesale and/or at retail))~~ wholesalers and retailers.

Sec. 4. RCW 70.93.130 and 1971 ex.s. c 307 s 13 are each amended to read as follows:

~~((Because it is the express purpose of this chapter))~~ To accomplish effective litter control within the state ~~((of Washington))~~ and ~~((because it is a further purpose of this chapter))~~ to allocate a portion of the cost of administering ~~((it))~~ this chapter to those industries whose products, including the packages, wrappings, and containers thereof, are reasonably related to the litter problem, ~~((in arriving at the amount upon which the assessment is to be calculated))~~ the tax imposed in this chapter shall only apply to the value of products or the gross proceeds of sales of products falling into the following categories ~~((shall be included))~~:

- (1) Food for human or pet consumption.
- (2) Groceries.
- (3) Cigarettes and tobacco products.
- (4) Soft drinks and carbonated waters.
- (5) Beer and other malt beverages.
- (6) Wine.
- (7) Newspapers and magazines.
- (8) Household paper and paper products.
- (9) Glass containers.
- (10) Metal containers.
- (11) Plastic or fiber containers made of synthetic material.
- (12) Cleaning agents and toiletries.
- (13) Nondrug drugstore sundry products.

Sec. 5. RCW 70.93.140 and 1971 ex.s. c 307 s 14 are each amended to read as follows:

(1) The department of revenue, by rule ~~((and regulation made pursuant to chapter 34.05 RCW))~~, may, if such is required, define ~~((the categories (1) through (13) as set forth in))~~ those items subject to tax under RCW 82.--- (RCW 70.93.130 as recodified by section 10 of this act). In making any such definitions, the department of revenue shall be guided by the following standards:

~~((1))~~ (a) It is the purpose of this chapter to accomplish effective control of litter within this state;

~~((2))~~ (b) It is the purpose of this chapter to allocate a portion of the cost of administration of this chapter to those industries manufacturing and/or selling products and the packages, wrappings, or containers thereof which are reasonably related to the litter problem within this state.

(2) Instead of requiring each business to separately account for taxable and nontaxable products under this chapter, the department may provide, by rule, that the tax imposed in this chapter be reported and paid based on a percentage of total sales for a particular type of business if the department determines that the percentage reasonably approximates the taxable activity of the particular type of business.

Sec. 6. RCW 70.93.160 and 1971 ex.s. c 307 s 16 are each amended to read as follows:

(1) To the extent applicable, all of the provisions of chapters 82.04 and 82.32 RCW ((such as they apply are incorporated herein)) apply to the tax imposed in this chapter, except RCW 82.04.220 through 82.04.290, and 82.04.330.

(2) Taxes collected under this chapter shall be deposited in the waste reduction, recycling, and litter control account under RCW 70.93.180.

Sec. 7. RCW 70.93.170 and 1971 ex.s. c 307 s 17 are each amended to read as follows:

The litter ~~((assessment herein provided for shall not be applied))~~ tax imposed in this chapter does not apply to:

(1) The manufacture or sale of products for use and consumption outside the state; or

(2) The value of products or gross proceeds of the sales of any animal, bird, or insect or the milk, eggs, wool, fur, meat, honey, or other substance obtained therefrom, if the person performs only the growing or raising function of such animal, bird, or insect. ((In all other instances, the assessment shall be applied.))

Sec. 8. RCW 70.93.180 and 1991 sp.s. c 13 s 40 are each amended to read as follows:

(1) There is hereby created an account within the state treasury to be known as the "waste reduction, recycling, and litter control account". Moneys in the account may be spent only after appropriation. Expenditures from the waste reduction, recycling, and litter control account shall be used as follows:

(a) From July 1, 1992, to June 30, 1993, funds shall be used for programs to: Control litter; encourage recycling; develop markets for recyclable materials; and enforce compliance with the litter tax imposed in RCW 82.--- (RCW 70.93.120 as recodified by section 10 of this act).

(b) After June 30, 1993, funds shall be used as follows:

(i) Not less than forty percent nor more than fifty percent for a litter patrol program to employ youth from the state to remove litter from places and areas that are most visible to the public and to enforce compliance with the litter tax imposed in RCW 82.--- (RCW 70.93.120 as recodified by section 10 of this act); and

(ii) Not more than sixty percent for the following purposes: Public education and awareness programs to control litter; programs to promote public education and awareness of the model litter control and recycling act; programs to foster private local recycling efforts, encourage recycling, and develop markets for recyclable materials; and compliance with the litter tax imposed in RCW 82.--- (RCW 70.93.120 as recodified by section 10 of this act).

(2) All ((assessments,)) taxes imposed in RCW 82.--- (RCW 70.93.120 as recodified under section 10 of this act) and fines((,)) and bail forfeitures((, and other funds)) collected or received pursuant to this chapter shall be deposited in the waste reduction, recycling, and litter control account and used for ((the administration and implementation of this chapter)) the programs under subsection (1) of this section, and except as required to be otherwise distributed under RCW 70.93.070.

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

(1) RCW 70.93.150 and 1971 ex.s. c 307 s 15; and

(2) RCW 70.93.194 and 1979 c 94 s 9.

NEW SECTION. Sec. 10. RCW 70.93.120, 70.93.130, 70.93.140, 70.93.160, and 70.93.170 shall be recodified as a new chapter in Title 82 RCW.

NEW SECTION. Sec. 11. This act shall take effect July 1, 1992.

On motion of Senator Metcalf, the following title amendment was adopted:

On page 1, line 1 of the title, after "assessment;" strike the remainder of the title and insert "amending RCW 70.93.010, 70.93.020, 70.93.120, 70.93.130, 70.93.140, 70.93.160, 70.93.170, and 70.93.180; adding a new chapter to Title 82 RCW; recodifying RCW 70.93.120, 70.93.130, 70.93.140, 70.93.160, and 70.93.170; repealing RCW 70.93.150 and 70.93.194; and providing an effective date."

MOTION

On motion of Senator Metcalf, the rules were suspended, Substitute House Bill No. 2635, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2635, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2635, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 3; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Jesernig, Kreidler, Madsen, Matson, McCaslin, McDonald, Metcalf, Moore, Murray, Nelson, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sumner, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 43.

Voting nay: Senators Hayner, Newhouse, Sellar - 3.

Excused: Senators Amondson, Erwin, McMullen - 3.

SUBSTITUTE HOUSE BILL NO. 2635, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2391, by House Committee on Environmental Affairs (originally sponsored by Representatives Horn, Rust, Pruitt, Bray, J. Kohl, Brekke, Edmondson, D. Sommers, Valle and May)

Regulating biomedical waste.

The bill was read the second time.

MOTION

On motion of Senator West, the rules were suspended, Substitute House Bill No. 2391 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

POINT OF INQUIRY

Senator Kreidler: "Biomedical waste is considered to be untreated waste of the types defined in the bill, right, Senator West?"

Senator West: "Yes, Senator Kreidler, biomedical waste is untreated waste."

Senator Kreidler: "Thank you, Senator West."

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2391.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2391 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, Matson, McCaslin, McDonald, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sumner, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 46.

Excused: Senators Amondson, Erwin, McMullen - 3.

SUBSTITUTE HOUSE BILL NO. 2391, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2294, by Representatives Basich, R. King, Wilson, Jones, Sheldon, Orr and Mitchell (by request of Department of Fisheries)

Directing a study of the coastal crab fishery.

The bill was read the second time.

MOTION

On motion of Senator Metcalf, the rules were suspended, House Bill No. 2294 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2294.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2294 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 2; Absent, 0; Excused, 3.

Voting yea: Senators Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, Matson, McDonald, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sumner, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 44.

Voting nay: Senators Anderson, McCaslin - 2.

Excused: Senators Amondson, Erwin, McMullen - 3.

HOUSE BILL NO. 2294, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2261, by Representatives Hine, McLean, Spanel, D. Sommers, Wynne, Orr and Haugen (by request of Joint Committee on Pension Policy)

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

The bill was read the second time.

MOTION

On motion of Senator McDonald, the rules were suspended, House Bill No. 2261 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2261.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2261 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, Matson, McCaslin, McDonald, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sumner, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 46.

Excused: Senators Amondson, Erwin, McMullen - 3.

HOUSE BILL NO. 2261, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2594, by House Committee on Natural Resources and Parks (originally sponsored by Representatives Fraser, Beck, Belcher, Brumsickle, Basich, Wynne and J. Kohl) (by request of Interagency for Outdoor Recreation)

Applying the state wildlife and recreation lands management act.

The bill was read the second time.

MOTIONS

On motion of Senator Oke, the following Committee on Environment and Natural Resources amendment was adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. SHORT TITLE. This chapter shall be known as the state wildlife and recreation lands management act.

NEW SECTION. Sec. 2. FINDINGS AND PURPOSE. (1) The legislature finds that:

- (a) The state of Washington owns and maintains a wide variety of fish and wildlife habitat, natural areas, parks, and other recreation lands;
- (b) The state of Washington is responsible for managing these lands for the benefit of the citizens, wildlife, and other natural resources of the state;
- (c) The state of Washington has recently significantly enhanced its efforts to acquire critical habitat, natural areas, parks, and other recreation lands and to transfer suitable lands from school trust to conservation and park purposes;
- (d) Recent unprecedented population growth has greatly increased the threat to the state's fish and wildlife habitat and the demands placed on the lands under (a) of this subsection;
- (e) The importance of this habitat and these lands to the state is continuing to increase as more people depend on them to satisfy their needs and more plant and animal species require state-owned lands for their survival;
- (f) By itself, public ownership cannot guarantee that resources will be protected, or that appropriate recreational opportunities will be provided;
- (g) Only through ongoing, responsible management can fish and wildlife habitat, sensitive ecosystems, and recreational values be protected;
- (h) The operation and maintenance funding for state-owned fish and wildlife habitat, natural areas, parks, and other recreation lands has not kept pace with increasing demands placed upon such lands;
- (i) Many needed operation and maintenance projects have been deferred due to insufficient funding, resulting in increased costs when the projects are finally undertaken; and
- (j) An increase in operation and maintenance funding is necessary to bring state-owned lands and facilities up to acceptable standards and to protect the state's investment in its fish and wildlife habitat, natural areas, parks, and other recreation lands.

(2) Therefore, it is the policy of the state to provide adequate and continuing funding for operation and maintenance needs of state-owned fish and wildlife habitat, natural areas, parks, and other recreation lands to protect the state's investment in such lands, and it is the purpose of this chapter to create a mechanism for doing so.

NEW SECTION. Sec. 3. DEFINITIONS. The definitions set forth in this section apply throughout this chapter.

- (1) "Basic stewardship" means the costs associated with holding and protecting property to maintain the functions for which the property was acquired. It includes, but is not limited to, costs associated with statutorily required in-lieu property taxes, weed and pest control, fire protection, fence maintenance, cultural and archaeological site

protection, basic research related to maintenance of natural area preserves and natural resource conservation areas, basic resource and environmental protection, and meeting applicable legal requirements.

(2) "Improved or developed resources" means the costs associated with the built or manipulated environment. It includes, but is not limited to, costs associated with maintaining buildings, grounds, roads, trails, water access sites, and utility systems. Also included are improvements to habitat such as bank stabilization, range rehabilitation, and food and water sources.

(3) "Human use management" means the costs associated with visitor management, education, and protection.

(4) "Administration" means state agency costs necessary to support subsections (1) through (3) of this section. It includes, but is not limited to, budget and accounting, personnel support services, volunteer programs, and training.

NEW SECTION. Sec. 4. STATE WILDLIFE AND RECREATION LANDS MANAGEMENT ACCOUNT.

There is created the state wildlife and recreation lands management account in the state treasury.

(1) Moneys accumulated under this chapter shall be used exclusively for the purposes specified in this chapter. Those purposes are to support operation and maintenance activities and costs associated with owning and managing state fish and wildlife habitat, natural areas such as natural area preserves and natural resource conservation areas, parks, and other recreation lands and include:

- (a) Basic stewardship;
- (b) Improved or developed resources;
- (c) Human use management; and
- (d) Administration.

Land acquisition, facility development or replacement, major renovation projects, improvement or rehabilitation projects normally funded through the capital budget, and operation and maintenance of state fish hatcheries are excluded.

(2) No expenditures may be made from this account without legislative appropriation.

NEW SECTION. Sec. 5. ALLOCATION AND DISTRIBUTION OF MONEYS. (1) Moneys appropriated for this chapter from the state wildlife and recreation lands management account shall be expended in the following manner:

- (a) Not less than thirty percent for basic stewardship;
- (b) Not less than twenty percent for improved or developed resources;
- (c) Not less than fifteen percent for human use management; and
- (d) Not more than fifteen percent for administration.
- (e) The remaining twenty to thirty-five percent shall be considered unallocated.

(2) In the event that moneys appropriated for this chapter to the state wildlife and recreation lands management account under the initial allocation prove insufficient to meet basic stewardship needs, the unallocated amount shall be used to fund basic stewardship needs.

(3) Each eligible agency is not required to meet this specific percentage distribution. However, funding across agencies should meet these percentages during each biennium.

(4) It is intended that moneys disbursed from this account not replace existing operation and maintenance funding levels from other state sources.

(5) Agencies eligible to receive funds from this account are the departments of fisheries, natural resources, and wildlife, and the state parks and recreation commission.

(6) Moneys appropriated for this chapter from the state wildlife and recreation lands management account shall be distributed in the following manner:

- (a) Not less than twenty-five percent to the state parks and recreation commission.
- (b) Not less than twenty-five percent to the department of natural resources.
- (c) Not less than twenty-five percent to the department of wildlife.
- (d) The remaining funds shall be allocated to eligible agencies based upon an evaluation of remaining unfunded needs.

(7) The office of financial management shall review eligible state agency requests and make recommendations on the allocation of funds provided under this chapter as part of the governor's operating budget request to the legislature.

NEW SECTION. Sec. 6. STATE WILDLIFE AND RECREATION LANDS MANAGEMENT TASK FORCE.

(1) A state wildlife and recreation lands management task force is hereby created to develop recommendations regarding a new long-term funding source or sources to meet the requirements of this chapter. The task force shall investigate possible opportunities for the use of future appropriations for habitat conservation and outdoor recreation lands under chapter 43.98A RCW in meeting major operations and maintenance funding needs. The task force shall also report on funding needed to assist counties with the required police, fire protection, and other local services provided to protect state-owned fish and wildlife habitat, natural areas, parks, and other recreation lands.

(2)(a) The task force shall be composed of seven voting members, appointed by the governor, representing different regions of the state.

(b) The task force shall include as ex officio, nonvoting members, one member from each of the departments of fisheries, wildlife, and natural resources, the state parks and recreation commission, and the office of financial management appointed by the respective directors. The president of the senate and the speaker of the house of representatives shall each appoint one nonvoting member from each caucus of their respective legislative bodies.

(3) The chair of the task force shall be a citizen member and shall be chosen by the governor.

(4) The task force appointments shall be made by May 15, 1992.

(5) The task force shall provide for public involvement in the development of the recommendations.

(6) The interagency committee for outdoor recreation and the office of financial management shall provide staff support and technical assistance to the task force. All participant agencies and the department of revenue shall cooperate in the development of the recommendations and shall provide relevant information as needed.

(7) A report and recommendations shall be submitted to the governor and standing committees of the legislature by September 15, 1992.

NEW SECTION. Sec. 7. SEVERABILITY. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 8. CAPTIONS NOT LAW. Section headings as used in this act do not constitute any part of the law.

NEW SECTION. Sec. 9. Sections 1 through 5 and 7 of this act shall constitute a new chapter in Title 43 RCW.

On motion of Senator Oke, the following title amendment was adopted:

On page 1, line 4 of the title, after "lands;" strike the remainder of the title and insert "adding a new chapter to Title 43 RCW; and creating new sections."

MOTION

On motion of Senator Oke, the rules were suspended, Substitute House Bill No. 2594, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2594, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2594, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, Matson, McCaslin, McDonald, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, Snyder, Stratton, Sumner, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 45.

Absent: Senator L. Smith - 1.

Excused: Senators Amondson, Erwin, McMullen - 3.

SUBSTITUTE HOUSE BILL NO. 2594, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2662, by Representatives D. Sommers, Dellwo, Moyer, Day, Mielke, Silver and Padden

Removing disqualified candidates from the ballot.

The bill was read the second time.

MOTION

On motion of Senator McCaslin, the rules were suspended, House Bill No. 2662 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2662.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2662 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, Matson, McCaslin, McDonald, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sumner, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 46.

Excused: Senators Amondson, Erwin, McMullen - 3.

HOUSE BILL NO. 2662, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2495, by House Committee on Local Government (originally sponsored by Representatives Rayburn, Moyer, Haugen, Sheldon, Paris and Wynne)

Concerning rural public hospital districts.

The bill was read the second time.

MOTIONS

Senator West moved that the following Committee on Health and Long-Term Care amendment be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that maintaining the viability of health care service delivery in rural areas of Washington is a primary goal of state health policy. The legislature also finds that most hospitals located in rural Washington are operated by public hospital districts authorized under chapter 70.44 RCW and declares that it is not cost-effective, practical, or desirable to provide quality health and hospital care services in rural areas on a competitive basis because of limited patient volume and geographic isolation. It is the intent of this act to foster the development of cooperative and collaborative arrangements among rural public hospital districts by specifically authorizing cooperative agreements and contracts for these entities under the interlocal cooperation act.

NEW SECTION. Sec. 2. A new section is added to chapter 70.44 RCW to read as follows:

Unless the context clearly requires otherwise, the definition in this section applies throughout section 3 of this act.

"Rural public hospital district" means a public hospital district authorized under chapter 70.44 RCW whose geographic boundaries do not include a city with a population greater than thirty thousand.

NEW SECTION. Sec. 3. A new section is added to chapter 70.44 RCW to read as follows:

In addition to other powers granted to public hospital districts by chapter 39.34 RCW, rural public hospital districts may enter into cooperative agreements and contracts with other rural public hospital districts in order to provide for the health care needs of the people served by the hospital districts. These agreements and contracts are specifically authorized to include:

- (1) Allocation of health care services among the different facilities owned and operated by the districts;
- (2) Combined purchases and allocations of medical equipment and technologies;
- (3) Joint agreements and contracts for health care service delivery and payment with public and private entities;

and

(4) Other cooperative arrangements consistent with the intent of chapter ---, Laws of 1992 (this act). The provisions of chapter 39.34 RCW shall apply to the development and implementation of the cooperative contracts and agreements.

Sec. 4. RCW 39.34.030 and 1990 c 33 s 568 are each amended to read as follows:

(1) Any power or powers, privileges or authority exercised or capable of exercise by a public agency of this state may be exercised and enjoyed jointly with any other public agency of this state having the power or powers, privilege or authority, and jointly with any public agency of any other state or of the United States to the extent that laws of such other state or of the United States permit such joint exercise or enjoyment. Any agency of the state government when acting jointly with any public agency may exercise and enjoy all of the powers, privileges and authority conferred by this chapter upon a public agency.

(2) Any two or more public agencies may enter into agreements with one another for joint or cooperative action pursuant to the provisions of this chapter: PROVIDED, That any such joint or cooperative action by public agencies which are educational service districts and/or school districts shall comply with the provisions of RCW 28A.320.080.

Appropriate action by ordinance, resolution or otherwise pursuant to law of the governing bodies of the participating public agencies shall be necessary before any such agreement may enter into force.

- (3) Any such agreement shall specify the following:
- (a) Its duration;
 - (b) The precise organization, composition and nature of any separate legal or administrative entity created thereby together with the powers delegated thereto, provided such entity may be legally created. Such entity may include a nonprofit corporation organized pursuant to chapter 24.03 or 24.06 RCW whose membership is limited solely to the participating public agencies or a partnership organized pursuant to chapter 25.04 RCW whose partners are limited solely to participating public agencies and the funds of any such corporation or partnership shall be subject to audit in the manner provided by law for the auditing of public funds;
 - (c) Its purpose or purposes;
 - (d) The manner of financing the joint or cooperative undertaking and of establishing and maintaining a budget therefor;
 - (e) The permissible method or methods to be employed in accomplishing the partial or complete termination of the agreement and for disposing of property upon such partial or complete termination;
 - (f) Any other necessary and proper matters.
- (4) In the event that the agreement does not establish a separate legal entity to conduct the joint or cooperative undertaking, the agreement shall, in addition to items (a), (c), (d), (e) and (f) enumerated in subdivision (3) hereof, contain the following:
- (a) Provision for an administrator or a joint board responsible for administering the joint or cooperative undertaking. In the case of a joint board, public agencies party to the agreement shall be represented;
 - (b) The manner of acquiring, holding and disposing of real and personal property used in the joint or cooperative undertaking. Any joint board is authorized to establish a special fund with a state, county, city, or district treasurer servicing an involved public agency designated "Operating fund of joint board".
- (5) No agreement made pursuant to this chapter shall relieve any public agency of any obligation or responsibility imposed upon it by law except that to the extent of actual and timely performance thereof by a joint board or other legal or administrative entity created by an agreement made hereunder, ~~((said))~~ the performance may be offered in satisfaction of the obligation or responsibility.

(6) Financing of joint projects by agreement shall be as provided by law.

Sec. 5. RCW 39.34.040 and 1967 c 239 s 5 are each amended to read as follows:

Prior to its entry into force, an agreement made pursuant to this chapter shall be filed with the ~~((city clerk and))~~ county auditor and with the secretary of state. In the event that an agreement entered into pursuant to this chapter is between or among one or more public agencies of this state and one or more public agencies of another state or of the United States ~~((said))~~ the agreement shall have the status of an interstate compact, but in any case or controversy involving performance or interpretation thereof or liability thereunder, the public agencies party thereto shall be real parties in interest and the state may maintain an action to recoup or otherwise make itself whole for any damages or liability which it may incur by reason of being joined as a party therein. Such action shall be maintainable against any public agency or agencies whose default, failure of performance, or other conduct caused or contributed to the incurring of damage or liability by the state.

Sec. 6. RCW 39.34.060 and 1967 c 239 s 7 are each amended to read as follows:

Any public agency entering into an agreement pursuant to this chapter may appropriate funds and may sell, lease, give, or otherwise supply property, personnel, and services to the administrative joint board or other legal or administrative entity created to operate the joint or cooperative undertaking ~~((by providing such personnel or services therefor as may be within its legal power to furnish))~~.

On motion of Senator West, the following amendment to the Committee on Health and Long-Term Care amendment was adopted:

On page 5, after line 9 of the amendment, insert the following:

Sec. 6. RCW 39.34.050 and 1967 c 239 s 6 are each amended to read as follows:

In the event that an agreement made pursuant to this chapter shall deal in whole or in part with the provision of services or facilities with regard to which an officer or agency of the state government has constitutional or statutory powers of control, the agreement shall, as a condition precedent to its entry into force, be submitted to the state officer or agency having such power of control ~~((and))~~. The agreement shall be approved or disapproved by ~~((him or it as to all matters within his or its jurisdiction))~~ the state officer or agency with regard to matters within his, her, or its jurisdiction within ninety days after receipt of the agreement. If a state officer or agency fails to act within the ninety-day time limit, the agreement shall be deemed approved by that state officer or agency.

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

The President declared the question before the Senate to be the adoption of the Committee on Health and Long-Term Care striking amendment, as amended, to Substitute House Bill No. 2495.

The motion by Senator West carried and the committee amendment, as amended, was adopted.

MOTIONS

On motion of Senator West, the following title amendments were considered simultaneously and were adopted:

On page 1, line 1 of the title, after "governments;" strike the remainder of the title and insert "amending RCW 39.34.030, 39.34.040, and 39.34.060; adding new sections to chapter 70.44 RCW; and creating a new section."

On page 5, line 22 of the title amendment, after "39.34.040," insert "39.34.050,"

On motion of Senator West, the rules were suspended, Substitute House Bill No. 2495, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2495, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2495, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, McCaslin, McDonald, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sumner, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 45.

Absent: Senator Matson - 1.

Excused: Senators Amondson, Erwin, McMullen - 3.

SUBSTITUTE HOUSE BILL NO. 2495, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2448, by Representatives Rayburn, Nealey and Rasmussen (by request of Department of Agriculture)

Changing pesticide licensing laws.

The bill was read the second time.

MOTIONS

On motion of Senator Barr, the following Committee on Agriculture and Water Resources amendment was adopted:

On page 12, line 11, after "applied" strike "on an occasional basis not amounting to a principal or regular occupation" and insert "~~((on an occasional basis not amounting to a principal or regular occupation))~~"

On motion of Senator Barr, the rules were suspended, House Bill No. 2448, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2448, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2448, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Jesemig, Kreidler, Madsen, Matson, McCaslin, McDonald, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sumner, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 45.

Absent: Senator Roach - 1.

Excused: Senators Amondson, Erwin, McMullen - 3.

HOUSE BILL NO. 2448, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Anderson, Senators McDonald and Roach were excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2735, by House Committee on State Government (originally sponsored by Representatives Ogden, Wood, Pruitt, Dellwo, Paris, Winsley, R. King, O'Brien, Ludwig, Jacobsen, Ferguson, Sheldon, Brekke and Anderson) (by request of Department of Community Development)

Enhancing the duties of the center for voluntary action, which is renamed the center for volunteerism and citizen service act.

The bill was read the second time.

MOTION

On motion of Senator McCaslin, the rules were suspended, Substitute House Bill No. 2735 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2735.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2735 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 1; Excused, 5.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Jesemig, Kreidler, Madsen, Matson, McCaslin, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sumner, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 43.

Absent: Senator Hayner - 1.

Excused: Senators Amondson, Erwin, McDonald, McMullen, Roach - 5.

Excused: Senators Amondson, Erwin, McMullen - 3.

SUBSTITUTE HOUSE BILL NO. 2735, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1732, by Representatives Appelwick, Winsley, Wineberry, Locke, Ferguson, Scott and Forner

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

The bill was read the second time.

MOTIONS

On motion of Senator Nelson, the following Committee on Law and Justice amendment was adopted:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 35.20.270 and 1977 ex.s. c 108 s 1 are each amended to read as follows:

(1) The position of warrant ~~((server))~~ officer is hereby created ~~((within the courts created by chapter 35.20 RCW))~~ and shall be maintained by the city within the city police department. The number and qualifications of ~~((said))~~ warrant ~~((servers))~~ officers shall be fixed by ordinance, and their compensation shall be paid by the city.

(2) ~~((Said))~~ Warrant ~~((servers))~~ officers shall be vested only with the special authority to make arrests authorized by ~~((the))~~ warrants ~~((which they have been directed to serve by courts created by chapter 35.20 RCW))~~ and other arrests as are authorized by ordinance.

(3) All criminal and civil process issuing out of courts created under this title shall be directed to the chief of police of the city served by the court and/or to the sheriff of the county in which the court is held and/or the warrant ~~((servers of the court))~~ officers and be by them executed according to law in any county of this state.

(4) No process of courts created under this title shall be executed outside the corporate limits of the city served by the court unless the person authorized by ~~((said))~~ the process ~~((shall))~~ first contacts the applicable law enforcement agency in whose jurisdiction the process is to be served.

(5) Upon a defendant being arrested in another city or county the cost of arresting or serving process thereon shall be borne by the court issuing ~~((said))~~ the process including the cost of returning the defendant from any county of the state to the city.

(6) ~~((Said))~~ Warrant ~~((servers))~~ officers shall not be entitled to death, disability, or retirement benefits pursuant to chapter 41.26 RCW on the basis of service as a warrant ~~((server))~~ officer as described in this section.

On motion of Senator Nelson, the following title amendment was adopted:

On page 1, line 1 of the title, after "servers;" strike the remainder of the title and insert "and amending RCW 35.20.270."

MOTION

On motion of Senator Nelson, the rules were suspended, House Bill No. 1732, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1732, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1732, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 1; Absent, 0; Excused, 4.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Jesernig, Kreidler, Madsen, Matson, McCaslin, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sumner, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 44.

Voting nay: Senator Hayner - 1.

Excused: Senators Amondson, Erwin, McDonald, McMullen - 4.

HOUSE BILL NO. 1732, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2554, by Representatives R. King, Padden, Scott, Casada, Paris, Pruitt, Brough, Belcher, Rasmussen and Nealey

Regarding sale of erotic sound recordings to minors.

The bill was read the second time.

MOTIONS

On motion of Senator Nelson, the following Committee on Law and Justice amendment was adopted:

On page 3, line 6, after "make" strike "them" and insert "~~((them))~~ an erotic publication or the contents of an erotic sound recording"

On motion of Senator Nelson, the following Committee on Law and Justice amendment was adopted:

On page 4, after line 14, insert the following:

Sec. 4. RCW 9.68.070 and 1969 ex.s. c 256 s 15 are each amended to read as follows:

In any prosecution for violation of RCW 9.68.060, it shall be a defense that:

- (1) If the violation pertains to a motion picture or sound recording, the minor was accompanied by a parent, parent's spouse, or guardian; or
- (2) Such minor exhibited to the defendant a draft card, driver's license, birth certificate, or other official or an apparently official document purporting to establish such minor was over the age of eighteen years; or
- (3) Such minor was accompanied by a person who represented himself to be a parent, or the spouse of a parent, or a guardian of such minor, and the defendant in good faith relied upon such representation.

MOTIONS

On motion of Senator Nelson, the following title amendment was adopted:

On page 1, line 2 of the title, after "9.68.060," strike "and 9.68.090" and insert "9.68.090, and 9.68.070"

On motion of Senator Nelson, the rules were suspended, House Bill No. 2554, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Niemi: "Senator Nelson, I don't quite understand how this will work. I'm looking at Section 2. Am I right that Section 2 was passed in 1969?"

Senator Nelson: "Yes."

Senator Niemi: "Apparently, in 1969, a bill was passed that when it appeared that material was deemed erotic and so forth, then the prosecutor could take it to the superior court for a hearing. Senator Nelson, do you have any idea how many times that has happened since 1969?"

Senator Nelson: "No."

Senator Niemi: "To your knowledge, has it ever happened?"

Senator Nelson: "I have no knowledge."

Senator Niemi: "Well, from my knowledge, which is not exhaustive, this never happened either."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2554, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2554, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 35; Nays, 9; Absent, 1; Excused, 4.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, McCaslin, Metcalf, Murray, Nelson, Newhouse, Oke, Owen, Rasmussen, Roach, Saling, Sellar, A. Smith, L. Smith, Snyder, Stratton, Sumner, Sutherland, Thorsness, Vognild, von Reichbauer, West, Wojahn - 35.

Voting nay: Senators Bluechel, Moore, Niemi, Patterson, Pelz, Rinehart, Skratek, Talmadge, Williams - 9.

Absent: Senator Matson - 1.

Excused: Senators Amondson, Erwin, McDonald, McMullen - 4.

HOUSE BILL NO. 2554, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

President Pro Tempore Craswell assumed the Chair.

MOTION

At 10:02 a.m., on motion of Senator Newhouse, the Senate recessed until 10:45 a.m.

The Senate was called to order at 11:31 a.m. by President Pritchard.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2373, by House Committee on Judiciary (originally sponsored by Representatives Kremen, Rayburn, Winsley, Anderson, McLean, Roland, R. Johnson, O'Brien, Pruitt, Chandler, Heavey, Betzoff, Scott, Rasmussen, G. Cole, Spanel, Cantwell, Grant, Brekke, Peery, Braddock, G. Fisher, Paris, Wineberry, J. Kohl, Orr, Sheldon and Haugen)

Regulating concealed weapons.

The bill was read the second time.

MOTIONS

On motion of Senator Nelson, the following Committee on Law and Justice amendment was adopted:

On page 6, after line 20, insert the following:

Sec. 2. RCW 9A.10.040 and 1983 c 232 s 2 are each amended to read as follows:

(1) A person is guilty of the crime of unlawful possession of a short firearm or pistol, if, having previously been convicted in this state or elsewhere of a crime of violence or of a felony in which a firearm was used or displayed, the person owns or has in his possession any short firearm or pistol.

(2) Unlawful possession of a short firearm or pistol shall be punished as a class C felony under chapter 9A.20 RCW.

(3) As used in this section, a person has been "convicted" at such time as a plea of guilty has been accepted or a verdict of guilty has been filed, notwithstanding the pendency of any future proceedings including but not limited to sentencing, post-trial motions, and appeals. A person shall not be precluded from possession if the conviction has been the subject of a pardon, annulment, certificate of rehabilitation, or other equivalent procedure based on a finding of the rehabilitation of the person convicted or the conviction has been the subject of a pardon, annulment, or other equivalent procedure based on a finding of innocence.

(4) Except as provided in subsection (5) of this section, a person is guilty of the crime of unlawful possession of a short firearm or pistol if, after having been convicted of any felony violation of the uniform controlled substances act, chapter 69.50 RCW, or equivalent statutes of another jurisdiction, ~~((or after any period of confinement under RCW~~

~~71.05.320 or an equivalent statute of another jurisdiction, or following a record of commitment pursuant to chapter 10.77 RCW or equivalent statutes of another jurisdiction, he)) the person owns or has in his or her possession or under his or her control any short firearm or pistol.~~

(5) Notwithstanding subsection (1) of this section, a person convicted of an offense other than murder, manslaughter, robbery, rape, indecent liberties, arson, assault, kidnapping, extortion, burglary, or violations with respect to controlled substances under RCW 69.50.401(a) and 69.50.410, who received a probationary sentence under RCW 9.95.200, and who received a dismissal of the charge under RCW 9.95.240, shall not be precluded from ownership, possession, or control of a firearm as a result of the conviction.

(6)(a) A person who has been committed by court order for treatment of mental illness under RCW 71.05.320 or chapter 10.77 RCW, or equivalent statutes of another jurisdiction, may not possess, in any manner, a firearm as defined in RCW 9.41.010.

(b) At the time of commitment, the court shall specifically state to the person under (a) of this subsection and give the person notice in writing that the person is barred from possession of firearms.

(c) The secretary of social and health services shall develop appropriate rules to create an approval process under this subsection. The rules must provide for the immediate restoration of the right to possess a firearm upon a showing in a court of competent jurisdiction that a person no longer is required to participate in an inpatient or outpatient treatment program, and is no longer required to take medication to treat any condition related to the commitment. Unlawful possession of a firearm under this subsection shall be punished as a class C felony under chapter 9A.20 RCW.

Sec. 3. RCW 71.05.240 and 1987 c 439 s 5 are each amended to read as follows:

If a petition is filed for fourteen day involuntary treatment or ninety days of less restrictive alternative treatment, the court shall hold a probable cause hearing within seventy-two hours of the initial detention of such person as determined in RCW 71.05.180, as now or hereafter amended. If requested by the detained person or his or her attorney, the hearing may be postponed for a period not to exceed forty-eight hours. The hearing may also be continued subject to the conditions set forth in RCW 71.05.210 or subject to the petitioner's showing of good cause for a period not to exceed twenty-four hours.

At the conclusion of the probable cause hearing, if the court finds by a preponderance of the evidence that such person, as the result of mental disorder, presents a likelihood of serious harm to others or himself or herself, or is gravely disabled, and, after considering less restrictive alternatives to involuntary detention and treatment, finds that no such alternatives are in the best interests of such person or others, the court shall order that such person be detained for involuntary treatment not to exceed fourteen days in a facility certified to provide treatment by the department of social and health services. If the court finds that such person, as the result of a mental disorder, presents a likelihood of serious harm to others or himself or herself, or is gravely disabled, but that treatment in a less restrictive setting than detention is in the best interest of such person or others, the court shall order an appropriate less restrictive course of treatment for not to exceed ninety days.

The court shall specifically state to such person and give such person notice in writing that if involuntary treatment beyond the fourteen day period or beyond the ninety days of less restrictive treatment is to be sought, such person will have the right to a full hearing or jury trial as required by RCW 71.05.310. The court shall also provide written notice that the person is barred from the possession of firearms.

NEW SECTION. Sec. 4. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

On motion of Senator Nelson, the following title amendment was adopted:

On page 1, line 1 of the title, after "permit;" strike the remainder of the title and insert "amending RCW 9.41.070, 9.41.040, and 71.05.240; and prescribing penalties."

MOTION

On motion of Senator Nelson, the rules were suspended, Substitute House Bill No. 2373, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2373, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2373, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 2; Excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, McCaslin, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi,

Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sumner, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 45.

Absent: Senators Matson, Saling - 2.

Excused: Senators Amondson, McDonald - 2.

SUBSTITUTE HOUSE BILL NO. 2373, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Anderson, Senators Matson and Saling were excused.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2025, by House Committee on State Government (originally sponsored by Representatives Brumsickle, Bowman, Rasmussen, Basich, Paris and Winsley)

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

The bill was read the second time.

MOTIONS

On motion of Senator McCaslin, the following Committee on Governmental Operations amendment was adopted:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 41.04.230 and 1988 c 107 s 19 are each amended to read as follows:

Any official of the state authorized to disburse funds in payment of salaries and wages of public officers or employees is authorized, upon written request of the officer or employee, to deduct from the salaries or wages of the officers or employees, the amount or amounts of subscription payments, premiums, contributions, or continuation thereof, for payment of the following:

(1) Credit union deductions(~~(= PROVIDED, That the credit union is organized solely for public employees; AND PROVIDED FURTHER, That twenty five or more employees of a single state agency or a total of one hundred or more state employees of several agencies have authorized such a deduction for payment to the same credit union)).~~)

(2) Parking fee deductions: PROVIDED, That payment is made for parking facilities furnished by the agency or by the department of general administration.

(3) U.S. savings bond deductions: PROVIDED, That a person within the particular agency shall be appointed to act as trustee. The trustee will receive all contributions; purchase and deliver all bond certificates; and keep such records and furnish such bond or security as will render full accountability for all bond contributions.

(4) Board, lodging or uniform deductions when such board, lodging and uniforms are furnished by the state, or deductions for academic tuitions or fees or scholarship contributions payable to the employing institution.

(5) Dues and other fees deductions: PROVIDED, That the deduction is for payment of membership dues to any professional organization formed primarily for public employees or college and university professors: AND PROVIDED, FURTHER, That twenty-five or more employees of a single state agency, or a total of one hundred or more state employees of several agencies have authorized such a deduction for payment to the same professional organization.

(6) Labor or employee organization dues may be deducted in the event that a payroll deduction is not provided under a collective bargaining agreement under the provisions of RCW 41.06.150: PROVIDED, That twenty-five or more officers or employees of a single agency, or a total of one hundred or more officers or employees of several agencies have authorized such a deduction for payment to the same labor or employee organization: PROVIDED, FURTHER, That labor or employee organizations with five hundred or more members in state government may have payroll deduction for employee benefit programs.

(7) Voluntary deductions for political committees duly registered with the public disclosure commission and/or the federal election commission: PROVIDED, That twenty-five or more officers or employees of a single agency or a total of one hundred or more officers or employees of several agencies have authorized such a deduction for payment to the same political committee.

(8) Insurance contributions to the authority for payment of premiums under contracts authorized by the state health care authority.

(9) Deductions to a bank, savings bank, or savings and loan association if the bank, savings bank, or savings and loan association is authorized to do business in this state and deductions to it are authorized.

Deductions from salaries and wages of public officers and employees other than those enumerated in this section or by other law, may be authorized by the director of financial management for purposes clearly related to state employment or goals and objectives of the agency and for plans authorized by the state health care authority.

The authority to make deductions from the salaries and wages of public officers and employees as provided for in this section shall be in addition to such other authority as may be provided by law: PROVIDED, That the state or any department, division, or separate agency of the state shall not be liable to any insurance carrier or contractor for the failure to make or transmit any such deduction.

NEW SECTION. Sec. 2. A new section is added to chapter 41.04 RCW to read as follows:

Any official of any local political subdivision of the state, municipal corporation, or quasi-municipal corporation authorized to disburse funds in payment of salaries and wages of employees is authorized upon written request of any employee, to deduct all or part of such employee's salary or wages for payment to any bank, savings bank, credit union, or savings and loan association if the bank, savings bank, credit union, or savings and loan association is authorized to do business in this state.

On motion of Senator McCaslin, the following title amendment was adopted:

On page 1, line 1 of the title, after "deductions;" strike the remainder of the title and insert "amending RCW 41.04.230; and adding a new section to chapter 41.04 RCW."

MOTION

On motion of Senator McCaslin, the rules were suspended, Engrossed Substitute House Bill No. 2025, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2025, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2025, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, McCaslin, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sumner, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 45.

Excused: Senators Amondson, Matson, McDonald, Saling - 4.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2025, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2543, by Representative Beck

Reorganizing the recreational boating code.

The bill was read the second time.

MOTION

On motion of Senator Oke, the rules were suspended, House Bill No. 2543 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2543.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2543 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, McCaslin, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sumner, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 45.

Excused: Senators Amondson, Matson, McDonald, Saling - 4.

HOUSE BILL NO. 2543, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2865, by House Committee on Natural Resources and Parks (originally sponsored by Representatives Sheldon, Belcher, P. Johnson, Jacobsen, Fraser, Nelson, Scott, Winsley, Bowman and Anderson)

Regulating the harvest of wild mushrooms.

The bill was read the second time.

MOTIONS

On motion of Senator Metcalf, the following Committee on Environment and Natural Resources amendment was adopted:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 76.48.020 and 1979 ex.s. c 94 s 1 are each amended to read as follows:

Unless otherwise required by the context, as used in this chapter:

- (1) "Christmas trees" shall mean any evergreen trees or the top thereof, commonly known as Christmas trees, with limbs and branches, with or without roots, including fir, pine, spruce, cedar, and other coniferous species.
- (2) "Native ornamental trees and shrubs" shall mean any trees or shrubs which are not nursery grown and which have been removed from the ground with the roots intact.
- (3) "Cut or picked evergreen foliage," commonly known as brush, shall mean evergreen boughs, huckleberry, salal, fern, Oregon grape, rhododendron, and other cut or picked evergreen products.
- (4) "Cedar products" shall mean cedar shakeboards, shake and shingle bolts, and rounds one to three feet in length.
- (5) "Cedar salvage" shall mean cedar chunks, slabs, stumps, and logs having a volume greater than one cubic foot and being harvested or transported from areas not associated with the concurrent logging of timber stands (a) under a forest practices application approved or notification received by the department of natural resources, or (b) under a contract or permit issued by an agency of the United States government.
- (6) "Processed cedar products" shall mean cedar shakes, shingles, fence posts, hop poles, pickets, stakes, or rails; or rounds less than one foot in length.
- (7) "Cedar processor" shall mean any person who purchases and/or takes or retains possession of cedar products or cedar salvage, for later sale in the same or modified form, following their removal and delivery from the land where harvested.
- (8) "Cascara bark" shall mean the bark of a Cascara tree.
- (9) "Wild edible mushrooms" means edible mushrooms not cultivated or propagated by artificial means.
- (10) "Specialized forest products" shall mean Christmas trees, native ornamental trees and shrubs, cut or picked evergreen foliage, cedar products, cedar salvage, processed cedar products, wild edible mushrooms, and Cascara bark.
- ~~((10))~~ (11) "Person" shall include the plural and all corporations foreign or domestic, copartnerships, firms, and associations of persons.
- ~~((11))~~ (12) "Harvest" shall mean to separate, by cutting, prying, picking, peeling, breaking, pulling, splitting, or otherwise removing, a specialized forest product (a) from its physical connection with or contact with the land or vegetation upon which it was or has been growing, or (b) from the position in which it has been lying upon such land.
- ~~((12))~~ (13) "Transportation" means the physical conveyance of specialized forest products outside or off of a harvest site, including but not limited to conveyance by a motorized vehicle designed for use on improved roadways, or by vessel, barge, raft, or other waterborne conveyance. "Transportation" also means any conveyance of specialized forest products by helicopter.

~~((13))~~ (14) "Landowner" means, with regard to any real property, the private owner thereof, the state of Washington or any political subdivision thereof, the federal government, or any person who by deed, contract, or lease has authority to harvest and sell forest products of the property. "Landowner" does not include the purchaser or successful high bidder at any public or private timber sale.

~~((14))~~ (15) "Authorization" means a properly completed preprinted form authorizing the transportation or possession of Christmas trees, which form contains the information required by RCW 76.48.080, and a sample of which is filed before the harvesting occurs with the sheriff of the county in which the harvesting is to occur.

~~((15))~~ (16) "Harvest site" means each location where one or more persons are engaged in harvesting specialized forest products close enough to each other that communication can be conducted with an investigating law enforcement officer in a normal conversational tone.

~~((16))~~ (17) "Specialized forest products permit" shall mean a printed document in a form specified by the department of natural resources, or true copy thereof, signed by a landowner or his duly authorized agent or representative (herein referred to as "permitters"), and validated by the county sheriff, authorizing a designated person (herein referred to as "permittee"), who shall also have signed the permit, to harvest and/or transport a designated specialized forest product from land owned or controlled and specified by the permittor, located in the county where such permit is issued.

~~((17))~~ (18) "Sheriff" means, for the purpose of validating specialized forest products permits, the county sheriff, deputy sheriff, or an authorized employee of the sheriff's office.

~~((18))~~ (19) "True copy" means a replica of a validated specialized forest products permit as reproduced by a copy machine capable of effectively reproducing the information contained on the permittee's copy of the specialized forest products permit. A copy is made true by the permittee or the permittee and permittor signing in the space provided on the face of the copy. A true copy will be effective until the expiration date of the specialized forest products permit unless the permittee or the permittee and permittor specify an earlier date. A permittor may require the actual signatures of both the permittee and permittor for execution of a true copy by so indicating in the space provided on the original copy of the specialized forest products permit. A permittee, or, if so indicated, the permittee and permittor, may condition the use of the true copy to harvesting only, transportation only, possession only, or any combination thereof.

Sec. 2. RCW 76.48.060 and 1979 ex.s. c 94 s 5 are each amended to read as follows:

A specialized forest products permit validated by the county sheriff shall be obtained by any person prior to harvesting from any lands, including his or her own, more than five Christmas trees, more than five ornamental trees or shrubs, more than five pounds of cut or picked evergreen foliage, any cedar products, cedar salvage, processed cedar products, or more than five pounds of Cascara bark, or more than three United States gallons of a single species of wild edible mushroom and not more than an aggregate total of nine United States gallons of wild edible mushrooms, plus one wild edible mushroom. Specialized forest products permit forms shall be provided by the department of natural resources, and shall be made available through the office of the county sheriff to permittees or permittors in reasonable quantities. A permit form shall be completed in triplicate for each permittor's property on which a permittee harvests specialized forest products. A properly completed permit form shall be mailed or presented for validation to the sheriff of the county in which the specialized forest products are to be harvested. Before a permit form is validated by the sheriff, sufficient personal identification may be required to reasonably identify the person mailing or presenting the permit form and the sheriff may conduct such other investigations as deemed necessary to determine the validity of the information alleged on the form. When the sheriff is reasonably satisfied as to the truth of such information, the form shall be validated with the sheriff's validation stamp provided by the department of natural resources. Upon validation, the form shall become the specialized forest products permit authorizing the harvesting, possession and/or transportation of specialized forest products, subject to any other conditions or limitations which the permittor may specify. Two copies of the permit shall be given or mailed to the permittor, or one copy shall be given or mailed to the permittor and the other copy given or mailed to the permittee. The original permit shall be retained in the office of the county sheriff validating the permit. In the event a single land ownership is situated in two or more counties, a specialized forest product permit shall be completed as to the land situated in each county. While engaged in harvesting of specialized forest products, permittees, or their agents or employees, must have readily available at each harvest site a valid permit or true copy of the permit.

Sec. 3. RCW 76.48.070 and 1979 ex.s. c 94 s 6 are each amended to read as follows:

(1) Except as provided in RCW 76.48.100 and 76.48.075, it shall be unlawful for any person (a) to possess, and/or (b) to transport within the state of Washington, subject to any other conditions or limitations specified in the specialized forest products permit by the permittor, more than five Christmas trees, more than five native ornamental trees or shrubs, more than five pounds of cut or picked evergreen foliage, any processed cedar products, or more than five pounds of Cascara bark, or more than three gallons of a single species of wild edible mushrooms and not more than an aggregate total of nine gallons of wild edible mushrooms, plus one wild edible mushroom without having in his or her possession a written authorization, sales invoice, bill of lading, or specialized forest products permit or a true copy thereof evidencing his or her title to or authority to have possession of specialized forest products being so possessed or transported.

(2) It shall be unlawful for any person (a) to possess and/or (b) to transport within the state of Washington any cedar products or cedar salvage without having in his or her possession a specialized forest products permit or a true copy thereof evidencing his or her title to or authority to have possession of the materials being so possessed or transported.

On motion of Senator Metcalf, the following title amendment was adopted:

On page 1, line 1 of the title, after "mushrooms;" strike the remainder of the title and insert "and amending RCW 76.48.020, 76.48.060, and 76.48.070."

MOTION

On motion of Senator Metcalf, the rules were suspended, Substitute House Bill No. 2865, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2865, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2865, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 1; Excused, 4.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Jesernig, Kreidler, Madsen, McCaslin, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sumner, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 44.

Absent: Senator Hayner - 1.

Excused: Senators Amondson, Matson, McDonald, Saling - 4.

SUBSTITUTE HOUSE BILL NO. 2865, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2768, by House Committee on Environmental Affairs (originally sponsored by Representatives Horn, Rust, Bowman, D. Sommers, Van Luven, Neher, Bray, Edmondson, Brough, Wynne, Brekke and Tate)

Allowing technical assistance officers for the department of ecology.

The bill was read the second time.

MOTION

On motion of Senator Metcalf, the rules were suspended, Substitute House Bill No. 2768 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2768.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2768 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 2; Absent, 1; Excused, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sumner, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 43.

Voting nay: Senators Matson, McCaslin - 2.

Absent: Senator Sellar - 1. Excused: Senators Amondson, McDonald, Saling - 3.

SUBSTITUTE HOUSE BILL NO. 2768, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 12:00 noon, on motion of Senator Newhouse, the Senate recessed until 1:00 p.m.

The Senate was called to order at 1:09 p.m. by President Pritchard.

SECOND READING

HOUSE BILL NO. 2514, by Representatives Wynne, Wang, Belcher, Brumsickle, Fraser, P. Johnson, G. Cole, Ballard, Rayburn, Horn, O'Brien, D. Sommers, Rust, Miller, Morton, Morris, Mitchell, Ferguson, Wood, Riley, Wilson, Basich, Forner, Hargrove, Silver, Heavey, Chandler, Broback, Moyer, Schmidt, Carlson, Vance, Van Luven, Zellinsky, Hine, Tate, Dellwo, Betzoff, Haugen, Paris, Winsley, Lisk, Bowman, Orr, May, Brough, J. Kohl, Kremen, Ludwig, Roland, Pruitt, Spanel, Casada and Rasmussen

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

The bill was read the second time.

MOTION

Senator Rasmussen moved that the following amendments by Senators Rasmussen and McDonald be considered simultaneously and be adopted:

On page 3, after line 21, insert the following:

Sec. 2. RCW 84.36.383 and 1991 c 213 s 4 are each amended to read as follows:

As used in RCW 84.36.381 through 84.36.389, except where the context clearly indicates a different meaning:

(1) The term "residence" shall mean a single family dwelling unit whether such unit be separate or part of a multiunit dwelling, including the land on which such dwelling stands not to exceed one acre. The term shall also include a share ownership in a cooperative housing association, corporation, or partnership if the person claiming exemption can establish that his or her share represents the specific unit or portion of such structure in which he or she resides. The term shall also include a single family dwelling situated upon lands the fee of which is vested in the United States or any instrumentality thereof including an Indian tribe or in the state of Washington, and notwithstanding the provisions of RCW 84.04.080(~~(i)~~) or 84.04.090 (~~or 84.40.250~~), such a residence shall be deemed real property.

(2) The term "real property" shall also include a mobile home which has substantially lost its identity as a mobile unit by virtue of its being fixed in location upon land owned or leased by the owner of the mobile home and placed on a foundation (posts or blocks) with fixed pipe, connections with sewer, water, or other utilities: PROVIDED, That a mobile home located on land leased by the owner of the mobile home shall be subject, for tax billing, payment, and collection purposes, only to the personal property provisions of chapter 84.56 RCW and RCW 84.60.040.

(3) The term "preceding calendar year" shall mean the calendar year preceding the year in which the claim for exemption is to be made.

(4) "Department" shall mean the state department of revenue.

(5) "Combined disposable income" means the disposable income of the person claiming the exemption, plus the disposable income of his or her spouse, and the disposable income of each cotenant occupying the residence for the preceding calendar year, less amounts paid by the person claiming the exemption or his or her spouse during the previous year for the treatment or care of either person received in the home or in a nursing home.

(6) "Disposable income" means adjusted gross income as defined in the federal internal revenue code, as amended prior to January 1, 1989, or such subsequent date as the director may provide by rule consistent with the purpose of this section, plus all of the following items to the extent they are not included in or have been deducted from adjusted gross income:

(a) Capital gains, other than nonrecognized gain on the sale of a principal residence under section 1034 of the federal internal revenue code, or gain excluded from income under section 121 of the federal internal revenue code to the extent it is reinvested in a new principal residence;

(b) (~~Amounts deducted for loss;~~

(~~e~~)) Amounts deducted for depreciation;

- (((d))) (c) Pension and annuity receipts;
- (((e))) (d) Military pay and benefits other than attendant-care and medical-aid payments;
- (((f))) (e) Veterans benefits other than attendant-care and medical-aid payments;
- (((g))) (f) Federal social security act and railroad retirement benefits;
- (((h))) (g) Dividend receipts; and
- (((i))) (h) Interest received on state and municipal bonds.

(7) "Cotenant" means a person who resides with the person claiming the exemption and who has an ownership interest in the residence.

Renumber the remaining section consecutively.

On page 3, line 22, strike "Section 1 of this" and insert "This"

Debate ensued.

POINT OF ORDER

Senator Talmadge: "A point of order, Mr. President. I believe the amendment expands the scope and object of House Bill No. 2514. This is an act relating to averaging income for senior citizen property tax exemption upon the death of a spouse. That is, in fact, the title of the bill as originally contained in House Bill 2514--a very specific title and I know that the President doesn't look specifically to the title, but in terms of the scope and object, clearly the purpose of House Bill No. 2514 was to deal with that very narrow issue of when a spouse dies and the averaging of income for that purpose. This amendment deals with the definition of what constitutes income for purposes of qualifying for the exemption and includes within it an outsetting loss for an individual. I believe that that amendment does expand the scope and object of the bill therefore."

Further debate ensued.

There being no objection, the President deferred further consideration of House Bill No. 2514.

MOTIONS

On motion of Senator Anderson, Senators Craswell, Nelson and Sumner were excused.

On motion of Senator Murray, Senators Skratek and Vognild were excused.

SECOND READING

HOUSE BILL NO. 2371, by Representatives Kremen, Nealey, R. Johnson, Haugen, Rayburn, Rasmussen, Spanel, Grant and Braddock

Modifying special assessment authority of conservation districts.

The bill was read the second time.

MOTION

On motion of Senator McCaslin, the rules were suspended, House Bill No. 2371 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2371.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2371 and the bill passed the Senate by the following vote: Yeas, 39; Nays, 0; Absent, 3; Excused, 7.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, Matson, McCaslin, Metcalf, Moore, Murray, Newhouse, Niemi, Oke, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, West, Williams, Wojahn - 39.

Absent: Senators Conner, McMullen, Owen - 3.

Excused: Senators Amondson, Craswell, McDonald, Nelson, Skratek, Sumner, Vognild - 7.

HOUSE BILL NO. 2371, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2844, by Representatives Zellinsky and R. Fisher

Removing the limitation on deficiency claims against owners of vehicles subjected to a law enforcement impound.

The bill was read the second time.

MOTIONS

On motion of Senator Patterson, the following Committee on Transportation amendment was adopted:

On page 2, line 5, after "storage" strike "charges" and insert "deficiency claims"

On motion of Senator Patterson, the rules were suspended, House Bill No. 2844, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2844, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2844, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 40; Nays, 0; Absent, 3; Excused, 6.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, Matson, McCaslin, Metcalf, Moore, Murray, Newhouse, Niemi, Oke, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, West, Williams, Wojahn - 40.

Absent: Senators Conner, McMullen, Owen - 3.

Excused: Senators Amondson, Craswell, McDonald, Nelson, Sumner, Vognild - 6.

HOUSE BILL NO. 2844, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Murray, Senator Conner was excused.

SECOND READING

HOUSE BILL NO. 2516, by Representatives Cooper, H. Myers, Morris, Prince, G. Fisher, Riley and Paris

Prohibiting unlawful conduct in transit stations.

The bill was read the second time.

MOTION

On motion of Senator Patterson, the rules were suspended, House Bill No. 2516 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2516.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2516 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, Matson, McCaslin, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sumner, Sutherland, Talmadge, Thorsness, von Reichbauer, West, Williams, Wojahn - 44.

Excused: Senators Amondson, Conner, Craswell, McDonald, Vognild - 5.

HOUSE BILL NO. 2516, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2702, by House Committee on Judiciary (originally sponsored by Representatives R. Johnson, Belcher, Paris, Schmidt, Anderson, Roland, Bray, Jacobsen, Spanel, Scott, Leonard, Sheldon, Wynne, Lisk, Ebersole, Brough, Basich, R. King, Valle, Zellinsky, Kremen, Hochstatter, Wineberry, Winsley, Van Luven, Former, P. Johnson, Bowman, Pruitt, Fraser, Tate, Ogden, J. Kohl, McLean, Wood and Rasmussen)

Making it a crime to stalk another person.

The bill was read the second time.

MOTIONS

On motion of Senator Nelson, the following Committee on Law and Justice amendment was adopted:

On page 2, after line 18, insert the following:

"(3) It shall be a defense to the crime of stalking that the defendant is a licensed private detective acting within the capacity of his or her license as provided by chapter 18.165 RCW."

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

On motion of Senator Nelson, the following Committee on Law and Justice amendments were considered simultaneously and were adopted:

On page 7, line 1, after "defined by" strike "RCW 9A.46.020" and insert "RCW 9A.46.060"

On page 7, line 12, after "defined by" strike "RCW 9.94A.020" and insert "RCW 9A.46.060"

On page 7, line 24, after "defined by" strike "RCW 9A.46.020" and insert "RCW 9A.46.060"

MOTION

On motion of Senator Nelson, the rules were suspended, Engrossed Substitute House Bill No. 2702, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

POINT OF INQUIRY

Senator Talmadge: "Senator Nelson, I'm a friend of the bill and as the author of both the civil and criminal anti-harassment laws, I appreciate the work that has been done by the committee on this. My recollection of dealing with the anti-harassment issue was that there was a requirement in order for such legislation to pass constitutional muster, that an overt act of some sort was required before you could punish someone for anti-harassment. Could you please speak to that issue here in light of the effort to deal with stalkers?"

Senator Nelson: "In the case of this measure, Senator Talmadge, the victim must express now and make an overt declaration that they have fear there is intimidation or harassment against them during the course of someone following. There is no need to have a physical type of attack on the victim in the case of this bill."

Senator Talmadge: "Thank you, Senator Nelson."

Further debate ensued.

POINT OF INQUIRY

Senator Hayner: "Senator Nelson, I think you read in the newspaper about a situation that is existing in Walla Walla where an individual lived next door to the person that she has been harassing. She has made, over a period of a year, one hundred and forty-two calls, anonymously from public telephones. Of course, they didn't know she lived next door. She constantly threatened; she didn't call directly to the family next door. She called all of their relatives, all of their employees, friends, and so forth and threatened the life of this individual and the safety of the children. Finally, they got her--they caught her--the sheriff had known about it for a long time and it had not been made public and as a matter of fact, the situation was a very strange one, because there was evidence that this had been done in Olympia, as well, with a supreme court justice and there was some ties there that indicated that it might have been the same person.

"Would this actually be a felony under this statute? Now, I understand, that this would not apply to her, because she has been charged already and it was just a harassment, even though these people have four children and they had been in mortal fear of what was going to happen for a whole year. Will this change that situation, so those kinds of things would be a felony?"

Senator Nelson: "Yes, it would, Senator Hayner. The first example being that if the perpetrator of this action comes under a harassment conviction or a protective order and then subsequently continues the harassment, you evaluate that from a gross misdemeanor to a Class B felony. Secondly, if any of these telephone calls that you addressed in your question is intended to harass with intimidation or threat of physical violence to the victim, that also become a Class B felony, under this new law."

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2702, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2702, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, Matson, McCaslin, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi,

Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sumner, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 46.

Excused: Senators Amondson, Conner, McDonald - 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2702, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

MESSAGE FROM THE HOUSE

March 3, 1992

MR. PRESIDENT:

The House has passed:

SENATE BILL NO. 6078,

SENATE BILL NO. 6133,

SENATE BILL NO. 6134,

SUBSTITUTE SENATE BILL NO. 6135, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 6078,

SENATE BILL NO. 6133,

SENATE BILL NO. 6134,

SUBSTITUTE SENATE BILL NO. 6135.

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

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2784, by House Committee on Judiciary (originally sponsored by Representative Appelwick)

Changing provisions relating to child support.

The bill was read the second time.

MOTIONS

On motion of Senator Nelson, the following Committee on Law and Justice amendment was adopted:

On page 6, beginning on line 22, strike all of section 4

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

On motion of Senator Nelson, the following Committee on Law and Justice amendment was adopted:

On page 10, beginning on line 18, strike all of section 8

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

MOTIONS

On motion of Senator Nelson, the following title amendment was adopted:

On page 1, at the beginning of line 3 of the title, strike "26.09.270," and on line 3 of the title, after "26.19.035," strike "26.19.071,"

On motion of Senator Nelson, the rules were suspended, Substitute House Bill No. 2784, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2784, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2784, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, Matson, McCaslin, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sumner, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 46.

Excused: Senators Amondson, Conner, McDonald - 3.

SUBSTITUTE HOUSE BILL NO. 2784, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Senate Bill No. 6124, deferred on second reading February 14, 1992.

MOTION

On motion of Senator Wojahn, the rules were suspended, Senate Bill No. 6124 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

POINT OF ORDER

Senator West: "Mr. President, I would challenge this bill as being outside the House Concurrent Resolution No. 4426. The subject matter does not lend itself to be considered at this time after the cutoffs."

MOTION

On motion of Senator Newhouse, further consideration of Senate Bill No. 6124 was deferred.

POINT OF INQUIRY

Senator Wojahn: "Senator Newhouse, how long do you plan to defer this bill--6124? You deferred it once before and it went back to the Rules Committee. Actually, it should be on third reading right now."

Senator Newhouse: "The question, Senator Wojahn, is up to the presiding office, not up to me."

REPLY BY THE PRESIDENT

President Pritchard: "Senator Wojahn, just as soon as I can get a ruling from the lawyers, I intend to put it back on."

MOTION

On motion of Senator McCaslin, Senator Bluechel was excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2673, by House Committee on Housing (originally sponsored by Representatives Hargrove and Nelson)

Concerning residential buildings moved into a city or county.

The bill was read the second time.

MOTION

On motion of Senator McCaslin, the rules were suspended, Substitute House Bill No. 2673 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2673.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2673 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 3; Absent, 1; Excused, 4.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Cantu, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Madsen, Matson, McCaslin, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sumner, Sutherland, Thorsness, von Reichbauer, West, Williams, Wojahn - 41.

Voting nay: Senators Moore, Talmadge, Vognild - 3.

Absent: Senator Kreidler - 1.

Excused: Senators Amondson, Bluechel, Conner, McDonald - 4.

SUBSTITUTE HOUSE BILL NO. 2673, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2359, by House Committee on Education (originally sponsored by Representatives Dorn, Neher, Peery, Winsley, Riley, Brough, Ebersole, Ferguson, Rasmussen, Mielke, Grant, Tate, Pruitt, Orr, Rayburn, Inslee, Jacobsen, G. Fisher, Kremen, G. Cole, J. Kohl, Mitchell, Ogden and Valle)

Creating the academic and vocational integration development program.

The bill was read the second time.

MOTIONS

On motion of Senator Bailey, the following Committee on Education amendment was adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. (1) The legislature finds that improving the quality of education is essential to improving the ability of students to prosper in a changing work force. Today's employers have a tremendous need for technically skilled people whether they are graduating from high school, a community college, a four-year university, or a technical college.

(2) The legislature further finds that student motivation can be greatly increased by demonstration of practical application of course work content and relevancy to student career interests.

(3) The legislature further finds that our rapidly changing work force demands improving basic competencies and skills by challenging and motivating our students to compete in a global economy.

(4) The legislature further finds that students should have access to both academic and vocational education in accordance with their interests, needs, and abilities. The elimination of rigid tracking into educational programs will increase students post high school options and expose students to a wide range of vocational and academic opportunities.

(5) The purpose of sections 2 through 12 of this act is to equip students with increased academic and vocational education opportunities through the establishment of academic and vocational integration development projects geographically distributed throughout the state.

NEW SECTION. Sec. 2. There is established in the office of the superintendent of public instruction an academic and vocational integration development program which shall fund and coordinate pilot projects to develop model secondary school projects. The projects shall combine academic and vocational education into a single instructional system that is responsive to the educational needs of all students in secondary schools. Goals of the projects within the program shall include at a minimum:

(1) Integration of vocational and academic instructional curriculum into a single curriculum;

(2) Emphasis on increased vocational, personal, and academic guidance and counseling for students as an essential component of the student's high school experience;

(3) Active participation of educators in the planning, implementation, and operation of the project, including increased opportunities for professional development and in-service training; and

(4) Active participation by employers, private and public community service providers, parents, and community members in the development and operation of the project.

NEW SECTION. Sec. 3. The superintendent of public instruction shall develop a process for schools or school districts to apply to participate in the academic and vocational integration development program. The office of the superintendent of public instruction shall review and select projects for grant awards, and monitor and evaluate the academic and vocational integration development program.

NEW SECTION. Sec. 4. The superintendent of public instruction shall appoint a ten-member task force on academic and vocational integration. The task force shall include at least one representative from the work force training and education coordinating board. The task force shall advise the superintendent of public instruction in the development of the process for applying to participate in the academic and vocational integration development program, in the review and selection of projects under section 3 of this act, and the monitoring and evaluation of the projects.

NEW SECTION. Sec. 5. Initial applications to participate in the academic and vocational integration development program shall be submitted by the school district board of directors to the superintendent of public instruction not later than June 1, 1992. Subject to available funding, additional applications may be submitted for consideration by November 1 of subsequent years. The superintendent of public instruction shall distribute the initial award grants by July 30, 1992. The initial academic and vocational integration development projects shall commence with the 1992-93 school year. Each application shall include a proposed plan that:

(1) Enumerates specific activities to be carried out as part of the pilot school's project;

(2) Commits all parties to work cooperatively during the term of the pilot project;

(3) Includes budget plans for the project and additional anticipated sources of funding, including private grants and contributions, if any;

(4) Identifies the evaluation and accountability processes to be used to measure school-wide student and project performance;

(5) Identifies and justifies any request for waiver of specific state statutes or administrative rules;

(6) Includes a written statement that school directors and administrators are willing to exempt the school or schools from specifically identified local rules, as needed;

(7) Includes a written statement that the school directors and the local bargaining agents will modify those portions of their local agreements as applicable for the schools' projects; and

(8) Includes evidence that the school district employs a certified vocational education administrator.

NEW SECTION. Sec. 6. (1) The superintendent of public instruction shall administer sections 1 through 12 of this act.

(2) The academic and vocational integration development projects may be conducted for up to six years, if funds are provided.

NEW SECTION. Sec. 7. (1) The superintendent of public instruction may accept, receive, and administer for the purposes of sections 1 through 12 of this act such gifts, grants, and contributions as may be provided from public and private sources for the purposes of sections 1 through 12 of this act.

(2) The academic and vocational integration development program account is hereby established in the custody of the state treasurer. The superintendent of public instruction shall deposit in the account all moneys received under this section. Moneys in the account may be spent only for the purposes of sections 1 through 12 of this act. Disbursements from this account shall be on the authorization of the superintendent of public instruction or the superintendent's designee. The account is subject to the allotment procedure provided under chapter 43.88 RCW, but no appropriation is required for disbursements.

NEW SECTION. Sec. 8. (1) The state board of education, where appropriate, or the superintendent of public instruction, where appropriate, may grant waivers to pilot project districts consistent with law if necessary to implement a pilot project proposal.

(2) State rules dealing with public health, safety, and civil rights, including accessibility by the handicapped, shall not be waived. A school district may request the state board of education or the superintendent of public instruction to ask the United States department of education or other federal agencies to waive certain federal regulations necessary to fully implement the proposed pilot project.

NEW SECTION. Sec. 9. (1) The superintendent of public instruction, in coordination with the state board for community and technical colleges, the work force training and education coordinating board, and the higher education coordinating board, shall provide technical assistance to selected schools and shall develop a process that coordinates and facilitates linkages among participating school districts, technical colleges, and colleges and universities.

(2) The superintendent of public instruction and the state board of education may adopt rules under chapter 34.05 RCW as necessary to implement its duties under sections 1 through 12 of this act.

NEW SECTION. Sec. 10. (1) The superintendent of public instruction shall report to the legislature on the progress of the schools for the academic and vocational integration development program by December 15 of each odd-numbered year.

(2) Each school district selected to participate in the academic and vocational integration development program shall submit an annual report to the superintendent of public instruction on the progress of the pilot project as a condition of receipt of continued funding.

NEW SECTION. Sec. 11. The superintendent of public instruction, through the state clearinghouse for education information, shall collect and disseminate to all school districts and other interested parties information about the academic and vocational integration development pilot projects.

NEW SECTION. Sec. 12. Sections 1 through 12 of this act may be known and cited as the academic and vocational integration development program.

NEW SECTION. Sec. 13. Sections 1 through 12 of this act are each added to chapter 28A.630 RCW.

NEW SECTION. Sec. 14. Sections 1 through 12 of this act shall expire June 30, 1999.

NEW SECTION. Sec. 15. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 16. If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. The rules under this act shall meet federal requirements that are a necessary condition to the receipt of federal funds by the state.

NEW SECTION. Sec. 17. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

On motion of Senator Bailey, the following title amendment was adopted:

On page 1, line 2 of the title, after "education;" strike the remainder of the title and insert "adding new sections to chapter 28A.630 RCW; creating a new section; providing an expiration date; and declaring an emergency."

MOTION

On motion of Senator Bailey, the rules were suspended, Substitute House Bill No. 2359, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2359, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2359, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 1; Absent, 0; Excused, 4.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Cantu, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, Matson, McCaslin, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sumner, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams - 44.

Voting nay: Senator Wojahn - 1.

Excused: Senators Amondson, Bluechel, Conner, McDonald - 4.

SUBSTITUTE HOUSE BILL NO. 2359, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2333, by House Committee on Human Services (originally sponsored by Representatives Vance, Winsley, Roland, Tate, Leonard, Hochstatter, Hargrove, Nealey, Forner, Paris and Carlson)

Redefining guide and service dogs.

The bill was read the second time.

MOTION

On motion of Senator West, the rules were suspended, Engrossed Substitute House Bill No. 2333 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2333.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2333 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Cantu, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, Matson, McCaslin, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sumner, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 45.

Excused: Senators Amondson, Bluechel, Conner, McDonald - 4.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2333, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2330, by House Committee on Natural Resources and Parks (originally sponsored by Representatives Sheldon, Brumsickle, Belcher, Riley, Beck, Rasmussen, Morton, Scott, Hargrove, Bowman, Nealey, Jones, Kremen, Chandler, Fuhrman, Wynne, Haugen, P. Johnson and Sprengle)

Introducing incentives to maintain the forest land base.

The bill was read the second time.

MOTION

On motion of Senator Metcalf, the rules were suspended, Substitute House Bill No. 2330 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2330.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2330 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting ye: Senators Anderson, Bailey, Barr, Bauer, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesemig, Kreidler, Madsen, Matson, McCaslin, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sumner, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 46.

Excused: Senators Amondson, Bluechel, McDonald - 3.

SUBSTITUTE HOUSE BILL NO. 2330, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2727, by Representatives Fraser and Brumsickle (by request of Department of Revenue)

Modifying provisions for the taxation of aircraft, watercraft, and travel trailer and camper excise taxes.

The bill was read the second time.

MOTIONS

On motion of Senator Niemi, the following Committee on Ways and Means amendment was adopted:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 82.48.020 and 1987 c 220 s 6 are each amended to read as follows:

An annual excise tax is hereby imposed for the privilege of using any aircraft in the state. A current certificate of air worthiness with a current inspection date from the appropriate federal agency and/or the purchase of aviation fuel shall constitute the necessary evidence of aircraft use or intended use. The tax shall be collected annually or under a staggered collection schedule as required by the secretary by rule. No additional tax shall be imposed under this chapter upon any aircraft upon the transfer of ownership thereof, if the tax imposed by this chapter with respect to such aircraft has already been paid for the year in which transfer of ownership occurs. Persons who are required to register aircraft under chapter 47.68 RCW and who register aircraft in another state or foreign country and avoid the Washington aircraft excise tax are liable for such unpaid excise tax. The department of revenue may assess and collect the unpaid excise tax under chapter 82.32 RCW, including the penalties and interest provided in chapter 82.32 RCW. A violation of this chapter is a misdemeanor punishable as provided in chapter 9A.20 RCW.

Sec. 2. RCW 82.48.090 and 1989 c 378 s 25 are each amended to read as follows:

In case a claim is made by any person that the person has paid an erroneously excessive amount of excise tax under this chapter, the person may apply to the department of transportation for a refund of the claimed excessive amount together with interest at the rate specified in RCW 82.32.060. The department of transportation shall review such application, and if it determines that an excess amount of tax has actually been paid by the taxpayer, such excess amount and interest at the rate specified in RCW 82.32.060 shall be refunded to the taxpayer by means of a voucher approved by the department of transportation and by the issuance of a state warrant drawn upon and payable from such funds as the legislature may provide for that purpose. No refund shall be allowed, however, unless application for the refund is

filed with the department of transportation within ninety days after the claimed excessive excise tax was paid and the amount of the overpayment exceeds five dollars.

Sec. 3. RCW 82.49.010 and 1983 2nd ex.s. c 3 s 42 are each amended to read as follows:

An excise tax is imposed for the privilege of using a vessel upon the waters of this state, except vessels exempt under RCW 82.49.020. The annual amount of the excise tax is one-half of one percent of fair market value, as determined under this chapter, or five dollars, whichever is greater. Persons who are required under chapter 88.02 RCW to register a vessel in this state and who register the vessel in another state or foreign country and avoid the Washington watercraft excise tax are liable for such unpaid excise tax. The department of revenue may assess and collect the unpaid excise tax under chapter 82.32 RCW, including the penalties and interest provided in chapter 82.32 RCW.

The excise tax upon a vessel registered for the first time in this state shall be imposed for a twelve-month period, including the month in which the vessel is registered, unless the director of licensing extends or diminishes vessel registration periods for the purpose of staggered renewal periods under RCW 88.02.050. A vessel is registered for the first time in this state when the vessel was not registered in this state for the immediately preceding registration year, or when the vessel was registered in another jurisdiction for the immediately preceding year. The excise tax on vessels required to be registered in this state on June 30, 1983, shall be paid by June 30, 1983.

Sec. 4. RCW 82.49.065 and 1989 c 68 s 3 are each amended to read as follows:

Whenever any person has paid a vessel license fee, and with the fee has paid an excise tax imposed under this chapter, and the director of licensing determines that the payor is entitled to a refund of the entire amount of the license fee as provided by law, then the payor shall also be entitled to a refund of the entire excise tax collected under this chapter together with interest at the rate specified in RCW 82.32.060. If the director determines that any person is entitled to a refund of only a part of the license fee paid, the payor shall be entitled to a refund of the difference, if any, between the excise tax collected and that which should have been collected together with interest at the rate specified in RCW 82.32.060. The state treasurer shall determine the amount of such refund by reference to the applicable excise tax schedule prepared by the department of revenue in cooperation with the department of licensing.

If no claim is to be made for the refund of the license fee, or any part of the fee, but claim is made by any person that he or she has paid an erroneously excessive amount of excise tax, the department of licensing shall determine in the manner generally provided in this chapter the amount of such excess, if any, that has been paid and shall certify to the state treasurer that the person is entitled to a refund in that amount together with interest at the rate specified in RCW 82.32.060.

If due to error a person has been required to pay an excise tax pursuant to this chapter and a license fee under chapter 88.02 RCW which amounts to an overpayment of ten dollars or more, such person shall be entitled to a refund of the entire amount of such overpayment, together with interest at the rate specified in RCW 82.32.060, regardless of whether a refund of the overpayment has been requested. If due to error the department or its agents has failed to collect the full amount of the license fee and excise tax due, which underpayment is in the amount of ten dollars or more, the department shall charge and collect such additional amount as will constitute full payment of the tax and any penalties or interest at the rate specified in RCW 82.32.050.

If the department approves the claim, it shall notify the state treasurer to that effect and the treasurer shall make such approved refunds and the other refunds provided for in this section from the general fund and shall mail or deliver the same to the person entitled to the refund.

Any person who makes a false statement under which he or she obtains a refund to which he or she is not entitled under this section is guilty of a gross misdemeanor.

Sec. 5. RCW 82.50.400 and 1990 c 42 s 320 are each amended to read as follows:

An annual excise tax is imposed on the owner of any travel trailer or camper for the privilege of using such travel trailer or camper in this state. The excise tax hereby imposed shall be due and payable to the department of licensing or its agents at the time of registration of a travel trailer or camper. Whenever an application is made to the department of licensing or its agents for a license for a travel trailer or camper there shall be collected, in addition to the amount of the license fee or renewal license fee, the amount of the excise tax imposed by this chapter, and no dealer's license or license plates, and no license or license plates for a travel trailer or camper may be issued unless such tax is paid in full. No additional tax shall be imposed under this chapter upon any travel trailer or camper upon the transfer of ownership thereof, if the tax imposed by this chapter with respect to such travel trailer or camper has already been paid for the registration year or fractional part thereof in which such transfer occurs. Persons who are required to license travel trailers or campers under chapter 46.16 RCW and who license travel trailers or campers in another state or foreign country to avoid the Washington travel trailer or camper tax are liable for such unpaid excise tax. The department of revenue may assess and collect the unpaid excise tax under chapter 82.32 RCW, including the penalties and interest provided in chapter 82.32 RCW.

Sec. 6. RCW 82.50.170 and 1989 c 378 s 26 and 1989 c 68 s 4 are each reenacted and amended to read as follows:

In case a claim is made by any person that the person has erroneously paid the tax or a part thereof or any charge hereunder, the person may apply in writing to the department of licensing for a refund of the amount of the claimed erroneous payment within thirteen months of the time of payment of the tax on such a form as is prescribed by the department of licensing. The department of licensing shall review such application for refund, and, if it determines that an erroneous payment has been made by the taxpayer, it shall certify the amount to be refunded to the state treasurer

that such person is entitled to a refund in such amount together with interest at the rate specified in RCW 82.32.060, and the treasurer shall make such approved refund together with interest at the rate specified in RCW 82.32.060 herein provided for from the general fund and shall mail or deliver the same to the person entitled thereto.

If due to error a person has been required to pay an excise tax under this chapter and a vehicle license fee under Title 46 RCW which amounts to an overpayment of ten dollars or more, such person shall be entitled to a refund of the entire amount of such overpayment, together with interest at the rate specified in RCW 82.32.060, regardless of whether a refund of the overpayment has been requested. If due to error the department or its agents has failed to collect the full amount of the license fee and excise tax due, which underpayment is in the amount of ten dollars or more, the department shall charge and collect such additional amount as will constitute full payment of the tax and any penalties or interest at the rate specified in RCW 82.32.050.

Any person making any false statement in the claim herein mentioned, under which the person obtains any amount of refund to which the person is not entitled under the provisions of this section, shall be guilty of a gross misdemeanor.

NEW SECTION. Sec. 7. This act shall take effect July 1, 1992.

On motion of Senator Niemi, the following title amendment was adopted:

On page 1, line 2 of the title, after "taxes;" strike the remainder of the title and insert "amending RCW 82.48.020, 82.48.090, 82.49.010, 82.49.065, and 82.50.400; reenacting and amending RCW 82.50.170; prescribing penalties; and providing an effective date."

MOTION

On motion of Senator Niemi, the rules were suspended, House Bill No. 2727, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2727, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2727, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 42; Nays, 4; Absent, 1; Excused, 2.

Voting yea: Senators Anderson, Bailey, Bauer, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, McCaslin, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sumner, Sutherland, Talmadge, Thorsness, Vognil, von Reichbauer, West, Williams, Wojahn - 42.

Voting nay: Senators Barr, Bluechel, Matson, Rasmussen - 4.

Absent: Senator Madsen - 1.

Excused: Senators Amondson, McDonald - 2.

HOUSE BILL NO. 2727, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2055, by House Committee on Health Care (originally sponsored by Representative Braddock)

Providing for criminal history background checks.

The bill was read the second time.

MOTION

Senator West moved that the following Committee on Health and Long-Term Care amendment not be adopted:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 43.43.842 and 1989 c 334 s 11 are each amended to read as follows:

The secretary of social and health services and the secretary of health shall adopt additional requirements for the licensure or relicensure of agencies or facilities which provide care and treatment to vulnerable adults. These additional requirements shall ensure that any person associated with a licensed agency or facility having direct contact with a vulnerable adult shall not have been: (1) Convicted of a crime against persons as defined in RCW 43.43.830, except as provided in this section; (2) convicted of crimes relating to financial exploitation (~~(of a vulnerable adult)~~) as defined in RCW 43.43.830, except as provided in this section; (3) found in any disciplinary board final decision to have abused a vulnerable adult under RCW 43.43.830; or (4) the subject in a protective proceeding under chapter 74.34 RCW. The rules adopted under this section shall further provide that no person shall be disqualified from employment in a licensed facility for a past offense if:

(a) The offense was simple assault, assault in the fourth degree, or the same offense as it may be renamed, and three or more years have passed between the most recent conviction and the date of application for employment;

(b) The offense was prostitution, or the same offense as it may be renamed, and three or more years have passed between the most recent conviction and the date of application for employment;

(c) The offense was theft in the third degree, or the same offense as it may be renamed, and three or more years have passed between the most recent conviction and the date of application for employment;

(d) The offense was theft in the second degree, or the same offense as it may be renamed, and five or more years have passed between the most recent conviction and the date of application for employment;

(e) The offense was forgery, or the same offense as it may be renamed, and five or more years have passed between the most recent conviction and the date of application for employment.

If an employee is hired in compliance with the requirements of this section, the fact or content of that employee's criminal history is not admissible in evidence in any subsequent criminal or civil action to which the employing licensee is a party.

In consultation with law enforcement personnel, the secretary of social and health services and the secretary of health shall investigate the conviction record and the protection proceeding record information under chapter 43.43 RCW of each agency or facility and its staff under their respective jurisdictions seeking licensure or relicensure. The ~~((secretary))~~ secretaries shall use the information solely for the purpose of determining eligibility for licensure or relicensure. Criminal justice agencies shall provide the ~~((secretary))~~ secretaries such information as they may have and that the ~~((secretary))~~ secretaries may require for such purpose.

The President declared the question before the Senate to be the motion by Senator West to not adopt the Committee on Health and Long-Term Care amendment to Substitute House Bill No. 2055.

The motion by Senator West carried and the committee striking amendment was not adopted.

MOTIONS

On motion of Senator West, the following amendment by Senators West and Niemi was adopted:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 43.43.842 and 1989 c 334 s 11 are each amended to read as follows:

The secretary of social and health services and the secretary of health shall adopt additional requirements for the licensure or relicensure of agencies or facilities which provide care and treatment to vulnerable adults. These additional requirements shall ensure that any person associated with a licensed agency or facility having direct contact with a vulnerable adult shall not have been: (1) Convicted of a crime against persons as defined in RCW 43.43.830, except as provided in this section; (2) convicted of crimes relating to financial exploitation (~~(of a vulnerable adult)~~) as defined in RCW 43.43.830, except as provided in this section; (3) found in any disciplinary board final decision to have abused a vulnerable adult under RCW 43.43.830; or (4) the subject in a protective proceeding under chapter 74.34 RCW. The rules adopted under this section shall permit the licensee to consider the criminal history of an applicant for employment in a licensed facility when the applicant has one or more convictions for a past offense and:

(a) The offense was simple assault, assault in the fourth degree, or the same offense as it may be renamed, and three or more years have passed between the most recent conviction and the date of application for employment;

(b) The offense was assault in the third degree, or the same offense as it may be renamed, and five or more years have passed between the most recent conviction and the date of application for employment;

(c) The offense was prostitution, or the same offense as it may be renamed, and three or more years have passed between the most recent conviction and the date of application for employment;

(d) The offense was theft in the third degree, or the same offense as it may be renamed, and three or more years have passed between the most recent conviction and the date of application for employment;

(e) The offense was theft in the second degree, or the same offense as it may be renamed, and five or more years have passed between the most recent conviction and the date of application for employment;

(f) The offense was forgery, or the same offense as it may be renamed, and five or more years have passed between the most recent conviction and the date of application for employment.

The offenses set forth in (a) through (f) of this subsection do not automatically disqualify an applicant from employment by a licensee. Nothing in this section may be construed to require the employment of any person against a licensee's judgment.

In consultation with law enforcement personnel, the secretary of social and health services and the secretary of health shall investigate the conviction record and the protection proceeding record information under chapter 43.43 RCW of each agency or facility and its staff under their respective jurisdictions seeking licensure or relicensure. The ~~((secretary))~~ secretaries shall use the information solely for the purpose of determining eligibility for licensure or relicensure. Criminal justice agencies shall provide the ~~((secretary))~~ secretaries such information as they may have and that the ~~((secretary))~~ secretaries may require for such purpose.

On motion of Senator West, the following title amendment was adopted:

On page 1, line 1 of the title, after "checks;" strike the remainder of the title and insert "and amending RCW 43.43.842."

MOTION

On motion of Senator West, the rules were suspended, Substitute House Bill No. 2055, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

MOTION

On motion of Senator West, further consideration of Substitute House Bill No. 2055, as amended by the Senate, was deferred.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1150, by House Committee on Local Government (originally sponsored by Representatives Spanel, Ferguson, Haugen, Wood, Nelson, Belcher, G. Fisher, Brough, Locke, H. Sommers, Wilson and Mitchell)

Clarifying port commissioner elections.

The bill was read the second time.

MOTIONS

Senator McCaslin moved that the following Committee on Governmental Operations amendment be adopted:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 53.12.010 and 1991 c 363 s 128 are each amended to read as follows:

The powers of the port district shall be exercised through a port commission consisting of three members. ~~((In any port district with boundaries that are coterminous with the boundaries of a county with a population of five hundred thousand or more the members shall be residents of the county in which the port district is located. In all other port districts, three commissioner districts, numbered consecutively, having approximately equal population and boundaries following ward and precinct lines, shall be described in the petition for the formation of the port district, and one commissioner shall be elected from each of said commissioner districts.))~~ Every port district that is not coextensive with a county having a population of five hundred thousand or more shall be divided into three commissioner districts each having approximately equal population. Where a port district is coextensive with the boundaries of a county that has a population of less than five hundred thousand and the county has three county legislative authority districts, the port

district commissioner districts shall be the county legislative authority districts. In other instances where a port district is divided into commissioner districts, the petition proposing the formation of such a port district shall describe three commissioner districts each having approximately the same population and the commissioner districts shall be altered as provided in chapter 53.16 RCW.

Commissioner districts shall be used as follows: (1) Only a registered voter who resides in a commissioner district may be a candidate for, or hold office as, a commissioner of the commissioner district; and (2) only the voters of a commissioner district may vote at a primary election to nominate candidates for a commissioner of the commissioner district. Voters of the entire port district may vote at a general election to elect a person as a commissioner of the commissioner district.

In port districts having additional commissioners as authorized by RCW 53.12.120 ((and)), 53.12.130, and section 6 of this act, the powers of the port district shall be exercised through a port commission consisting of five members constituted as provided therein.

Sec. 2. RCW 53.12.172 and 1979 ex.s. c 126 s 34 are each amended to read as follows:

In every ((such)) port district the term of office of each port commissioner shall be four years in each port district that is county-wide with a population of one hundred thousand or more, or either six or four years in all other port districts as provided in section 3 of this act, and until ((his or her)) a successor is elected and qualified((, and one commissioner shall be elected at the time of the general election in each odd-numbered year for the term of six years beginning in accordance with RCW 29.04.170: PROVIDED, That the terms of office of the port commissioners shall be staggered in any district hereafter organized as follows: (1) The candidate residing in the first commissioner district receiving the highest number of votes in the port district at the election organizing the district shall hold office until a successor assumes office who is elected from the election held in the sixth year after the organizational election, if such organizational election was held in an odd-numbered year, or from the election held in the fifth year after the organizational election if such organizational election was held in an even-numbered year; (2) the candidate residing in the second commissioner district receiving the highest number of votes in the port district at such organizational election shall hold office until a successor assumes office who is elected from the election held in the fourth year after the organizational election, if such organizational election was held in an odd-numbered year, or from the election held in the third year after the organizational election if such organizational election was held in an even-numbered year; and (3) the candidate residing in the third commissioner district receiving the highest number of votes in the port district at such organizational election shall hold office until a successor assumes office who is elected from the election held in the second year after the organizational election, if such organizational election was held in an odd-numbered year, or from the election held in the first year after the organizational election if such organizational election was held in an even-numbered year)) and assumes office in accordance with RCW 29.04.170. The initial port commissioners shall be elected at the same election as when the ballot proposition is submitted to voters authorizing the creation of the port district. If the port district is created the persons elected at this election shall serve as the initial port commission. No primary shall be held. The person receiving the greatest number of votes for commissioner from each commissioner district shall be elected as the commissioner of that district.

The terms of office of the initial port commissioners shall be staggered as follows in a port district that is county-wide with a population of one hundred thousand or more: (1) The two persons who are elected receiving the two greatest numbers of votes shall be elected to four-year terms of office if the election is held in an odd-numbered year, or three-year terms of office if the election is held in an even-numbered year, and shall hold office until successors are elected and qualified and assume office in accordance with RCW 29.04.170; and (2) the other person who is elected shall be elected to a two-year term of office if the election is held in an odd-numbered year, or a one-year term of office if the election is held in an even-numbered year, and shall hold office until a successor is elected and qualified and assumes office in accordance with RCW 29.04.170. The terms of office of the initial port commissioners in all other port districts shall be staggered as follows: (a) The person who is elected receiving the greatest number of votes shall be elected to a six-year term of office if the election is held in an odd-numbered year or to a five-year term of office if the election is held in an even-numbered year, and shall hold office until a successor is elected and qualified and assumes office in accordance with RCW 29.04.170; (b) the person who is elected receiving the next greatest number of votes shall be elected to a four-year term of office if the election is held in an odd-numbered year or to a three-year term of office if the election is held in an even-numbered year, and shall hold office until a successor is elected and qualified and assumes office in accordance with RCW 29.04.170; and (c) the other person who is elected shall be elected to a two-year term of office if the election is held in an odd-numbered year or a one-year term of office if the election is held in an even-numbered year, and shall hold office until a successor is elected and qualified and assumes office in accordance with RCW 29.04.170.

The initial port commissioners shall take office immediately after being elected and qualified, but the length of their terms shall be calculated from the first day in January in the year following their elections.

NEW SECTION. Sec. 3. A new section is added to chapter 53.12 RCW to read as follows:

A ballot proposition to reduce the terms of office of port commissioners from six years to four years shall be submitted to the voters of any port district that otherwise would have commissioners with six-year terms of office upon either resolution of the port commissioners or petition of voters of the port district proposing the reduction in terms of office, which petition has been signed by voters of the port district equal in number to at least ten percent of the number of voters in the port district voting at the last district general election. The petition shall be submitted to the county

auditor. If the petition was signed by sufficient valid signatures, the ballot proposition shall be submitted at the next district general election that occurs sixty or more days after the adoption of the resolution or submission of the petition.

If the ballot proposition reducing the terms of office of port commissioners is approved by a simple majority vote of the voters voting on the proposition, the commissioner or commissioners who are elected at that election shall be elected to four-year terms of office. The terms of office of the other commissioners shall not be reduced, but each successor shall be elected to a four-year term of office.

NEW SECTION. Sec. 4. A new section is added to chapter 53.12 RCW to read as follows:

Port commissioners of county-wide port districts with populations of one hundred thousand or more who are holding office as of the effective date of this act shall retain their positions for the remainder of their terms until their successors are elected and qualified, and assume office in accordance with RCW 29.04.170. Their successors shall be elected to four-year terms of office except as otherwise provided in RCW 53.12.130.

NEW SECTION. Sec. 5. A new section is added to chapter 53.12 RCW to read as follows:

All elections relating to a port district shall conform with general election law, except as expressly provided in Title 53 RCW.

NEW SECTION. Sec. 6. A new section is added to chapter 53.12 RCW to read as follows:

A ballot proposition shall be submitted to the voters of any port district authorizing an increase in the number of port commissioners to five whenever a petition requesting such an increase has been submitted to the county auditor of the county in which the port district is located that has been signed by voters of the port district at least equal in number to ten percent of the number of voters in the port district who voted at the last general election. The ballot proposition shall be submitted at the next general election occurring sixty or more days after the petition was submitted.

At the next general election following the election in which an increase in the number of port commissioners was authorized, candidates for the two additional port commissioner positions shall be elected as provided in RCW 53.12.130.

Sec. 7. RCW 53.12.120 and 1982 c 219 s 1 are each amended to read as follows:

When the population of a port district reaches five hundred thousand, in accordance with the latest United States regular or special census or with the official state population estimate, there shall be submitted to the voters of the district, at the next general election or at a special port election called for that purpose, the proposition of increasing the number of commissioners to five. At any general election thereafter, the same proposition may be submitted by resolution of the port commissioners, by filing a certified copy of the resolution with the county auditor at least four months prior to the general election. If the proposition is ~~((adopted))~~ approved by the voters, the commission in that port district shall consist of five commissioners ~~((in positions numbered as specified in RCW 53.12.035, the additional commissioners to take office five days after the election))~~.

Sec. 8. RCW 53.12.130 and 1965 c 51 s 8 are each amended to read as follows:

~~Two additional port commissioners shall be elected at the ((same)) next general election ((the names of the candidates for the additional port commissioner positions numbered four and five shall be printed on the ballot and voted on, but the election of such additional commissioners shall be contingent upon the adoption of the proposition for a commission of five members)) following the election at which voters authorized the increase in port commissioners to five members. The two additional positions shall be numbered positions four and five. A primary shall be held to nominate candidates where necessary. The ((candidate for each additional numbered position)) person receiving the highest number of votes for each position shall be elected((s)) to that position and shall take office ((five days after the election)) immediately after qualification as defined under RCW 29.01.135. In a port district where commissioners are elected to four-year terms of office, the additional commissioner thus elected receiving the highest number of votes shall ((hold office for six years and the other shall hold office for four years from the date provided by law for port commissioners to next commence their terms of office)) be elected to a four-year term of office and the other additional commissioner thus elected shall be elected to a term of office of two years, if the election were held in an odd-numbered year, or the additional commissioner thus elected receiving the highest number of votes shall be elected to a term of office of three years and the other shall be elected to a term of office of one year, if the election were held in an even-numbered year. In a port district where the commissioners are elected to six-year terms of office, the additional commissioner thus elected receiving the highest number of votes shall be elected to a six-year term of office and the other additional commissioner shall be elected to a four-year term of office, if the election is held in an odd-numbered year, or the additional commissioner receiving the highest number of votes shall be elected to a term of office of five-years and the other shall be elected to a three-year term of office, if the election is held in an even-numbered year. The length of terms of office shall be computed from the first day of January in the year following this election.~~

~~A successor to a commissioner holding position four or five whose term is about to expire, shall be elected at the general election next preceding such expiration, for a term of either six or four years, depending on the length of terms of office to which commissioners of that port district are elected. Positions four and five shall not be associated with a commissioner district and the elections to both nominate candidates for those positions and elect commissioners for these positions shall be held on a port district-wide basis.~~

NEW SECTION. Sec. 9. A new section is added to chapter 53.16 RCW to read as follows:

In a port district that is not coterminous with a county that has three county legislative authority districts and that has port commissioner districts, the port commission may redraw the commissioner district boundaries as provided in chapter 29.70 RCW at any time and submit the redrawn boundaries to the county auditor. The new commissioner

districts shall be used at the next election at which a port commissioner is regularly elected that occurs at least one hundred eighty days after the redrawn boundaries have been submitted. Each commissioner district shall encompass as nearly as possible one-third of the population of the port district.

Sec. 10. RCW 53.16.030 and 1933 c 145 s 4 are each amended to read as follows:

Any change of boundary lines provided for in this chapter shall not affect the term for which a commissioner shall hold office at the time the change is made (~~(, and the requirement of two years' residence within the commissioner district for eligibility for office of port commissioner shall not apply to incumbent commissioners seeking election at any port district election held within three years of the change of such district boundaries: PROVIDED, That at the time of nomination the incumbent commissioner resides in the commissioner's district for which he seeks election)~~).

Sec. 11. RCW 53.12.260 and 1985 c 330 s 3 are each amended to read as follows:

(1) Each commissioner of a port district shall receive fifty dollars per day or portion thereof spent (a) in actual attendance at official meetings of the port district commission, or (b) in performance of other service in behalf of the district (~~(: PROVIDED, That no commissioner shall receive compensation to exceed five thousand eight hundred dollars for any calendar year. PROVIDED FURTHER, That no commissioner of a port district shall receive compensation to exceed four thousand eight hundred dollars for any calendar year if the port district had gross operating income of less than twenty-five million dollars in the preceding calendar year)~~). The total per diem compensation of a port commissioner shall not exceed four thousand eight hundred dollars in a year, or six thousand dollars in any year for a port district with gross operating income of twenty-five million or more in the preceding calendar year.

(2) Port commissioners shall receive additional compensation as follows: (a) Each commissioner of a port district with gross operating revenues of twenty-five million dollars or more in the preceding calendar year shall receive a salary of five hundred dollars per month; and (b) each commissioner of a port district with gross operating revenues of from one million dollars to less than twenty-five million dollars in the preceding calendar year shall receive a salary of two hundred dollars per month.

(3) For any commissioner who has not elected to become a member of public employees retirement system before May 1, 1975, the compensation provided pursuant to this section shall not be considered salary for purposes of the provisions of any retirement system created pursuant to the general laws of this state nor shall attendance at such meetings or other service on behalf of the district constitute service as defined in RCW 41.40.010(9): PROVIDED, That in the case of a port district when commissioners are receiving compensation and contributing to the public employees retirement system, these benefits shall continue in full force and effect notwithstanding the provisions of RCW 53.12.260 and 53.12.265.

NEW SECTION. Sec. 12. The following acts or parts of acts are each repealed:

- (1) RCW 53.12.020 and 1991 c 363 s 129, 1986 c 262 s 2, 1965 c 51 s 2, 1959 c 175 s 1, & 1959 c 17 s 4;
- (2) RCW 53.12.035 and 1991 c 363 s 130, 1990 c 59 s 108, 1965 c 51 s 3, & 1959 c 175 s 9;
- (3) RCW 53.12.050 and 1959 c 17 s 5;
- (4) RCW 53.12.057 and 1965 c 51 s 6;
- (5) RCW 53.12.060 and 1990 c 259 s 19, 1959 c 175 s 6, 1927 c 204 s 1, & 1913 c 62 s 3;
- (6) RCW 53.12.172 and 1979 ex.s. c 126 s 34 & 1951 c 68 s 2;
- (7) RCW 53.12.180 and 1935 c 133 s 8;
- (8) RCW 53.12.190 and 1935 c 133 s 10;
- (9) RCW 53.12.200 and 1935 c 133 s 9;
- (10) RCW 53.12.220 and 1979 ex.s. c 126 s 35, 1941 c 45 s 2, & 1925 ex.s. c 113 s 2; and
- (11) RCW 53.16.010 and 1969 ex.s. c 9 s 1 & 1957 c 69 s 2.

Senator McMullen moved that the following amendments to the Committee on Governmental Operations amendments be considered simultaneously and be adopted:

On page 2, beginning on line 18 of the amendment, after "shall be" strike all material through "act," on line 21 of the amendment, and insert "~~((six))~~ four years"

On page 3, beginning on line 29 of the amendment, after "follows" strike all material through "more" on line 30 of the amendment

On page 4, beginning on line 10 of the amendment, after "29.04.170." strike all material through "more" on page 5, line 27, and insert the following"

NEW SECTION. Sec. 3. A new section is added to chapter 53.12 RCW to read as follows:

Port commissioners

Renumber the following sections consecutively and correct internal references accordingly.

On page 7, beginning on line 27 of the amendment, after "29.01.135." strike all material through "the" on line 29 of the amendment, and insert "The"

On page 8, beginning on line 10 of the amendment, after "year." strike all material through "year." on line 18

On page 8, beginning on line 23 of the amendment, after "term of" strike all material through "elected" on line 25 of the amendment, and insert "~~((six))~~ four years"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator McMullen on pages 2, 3, 4, 7 and 8 to the Committee on Governmental Operations striking amendment to Engrossed Substitute House Bill No. 1150.

The motion by Senator McMullen failed and the amendments to the committee amendment were not adopted.

MOTION

Senator Bauer moved that the following amendment to the Committee on Governmental Operations amendment be adopted:

On page 6, following line 8, insert a new section as follows:

NEW SECTION. Sec. 6. A new section is added to chapter 53.12 RCW to read as follows:

A candidate for the office of port commissioner may withdraw his or her declaration of candidacy at any time before the close of business on the Thursday following the last day for candidates to file by filing, with the officer with whom the declaration of candidacy was filed, a signed request that his or her name not be printed on the ballot. There shall be no withdrawal period for declarations of candidacy filed during special filing periods. The filing officer may permit the withdrawal of a filing for the office of port commissioner at the request of the candidate at any time before a primary if the primary ballots for that election have not been ordered. No filing fee may be refunded to any candidate who withdraws under this section. Notice of the deadline for withdrawal of candidacy and that the filing fee is not refundable shall be given to each candidate at the time he or she files."

Renumber the remaining sections accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Bauer on page 6, following line 8, to the Committee on Governmental Operations striking amendment to Engrossed Substitute House Bill No. 1150.

The motion by Senator Bauer carried and the amendment to the committee amendment was adopted.

MOTION

Senator Sumner moved that the following amendment to the Committee on Governmental Operations amendment be adopted:

On page 10, line 19 of the amendment, after the period insert a new subsection to read as follows:

"(3) In lieu of the compensation specified in this section, a port commission may set compensation to be paid to commissioners."

Renumber the remaining subsections accordingly

Debate ensued.

POINT OF INQUIRY

Senator Sutherland: Senator Sumner, is this the first conversation that you have had on the floor of the Senate?"

Senator Sumner: "It is."

Senator Sutherland: "Thank you. My guess is that Senator Anderson or Senator Vognild will be speaking with you shortly."

Senator Sumner: "Oh, no. Thank you."

The President declared the question before the Senate to be the adoption of the amendment by Senator Sumner on page 10, line 19, to the Committee on Governmental Operations striking amendment to Engrossed Substitute House Bill No. 1150.

The motion by Senator Sumner carried and the amendment to the committee amendment was adopted.

MOTIONS

On motion of Senator Talmadge, the following amendment by Senators Talmadge and McCaslin to the Committee on Governmental Operations amendment was adopted:

On page 10, after line 30 of the amendment, insert the following:

Sec. 12. RCW 41.04.190 and 1983 1st ex.s. c 37 s 1 are each amended to read as follows:

The cost of ~~((any such group))~~ a policy or plan to ~~((any such))~~ a public agency or body ~~((shall))~~ is not ~~((be deemed))~~ additional compensation to the employees or elected ~~((county))~~ officials covered thereby~~((, and))~~. The elected officials to whom this section applies include but are not limited to commissioners elected under chapters 28A.315, 52.14, 53.12, 54.12, 56.12, 57.12, 70.44, and 87.03 RCW, as well as any county elected officials who are provided insurance coverage under RCW 41.04.180. Any officer authorized to disburse such funds may pay in whole or in part to ~~((any such))~~ an insurance carrier or health care service contractor the amount of the premiums due ~~((pursuant to any such))~~ under the contract.

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

Senator Sutherland moved that the following amendment by Senators Sutherland, Madsen and McCaslin to the Committee on Governmental Operations amendment be adopted:

On page 10, after line 30 of the amendment, insert the following:

NEW SECTION. Sec. 12. A new section is added to chapter 53.04 RCW to read as follows:

A port district that is less than county-wide may annex adjacently located territory that is located in another less than county-wide port district in the same county, if the territory proposed to be annexed is located in a city the name of which is included as part of the name of the annexing port district. A port district proposing to annex territory under this section shall by resolution cause a ballot proposition on the issue of annexation to be submitted to the voters of the area to be annexed. The annexation is authorized when the ballot proposition is approved of by over fifty percent of the ballots cast. The territory that is annexed shall be removed from the other port district. The removal of territory from the other port district shall in no way impair or cancel any charges, assessments, or taxes imposed or which may in the future be imposed upon such territory by reason of bonds issued by the other port district prior to annexation.

This section shall expire January 1, 1995.

NEW SECTION. Sec. 13. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

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

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Sutherland, Madsen and McCaslin on page 10, after line 30, to the Committee on Governmental Operations striking amendment to Engrossed Substitute House Bill No. 1150.

The motion by Senator Sutherland failed and the amendment to the committee amendment was not adopted on a rising vote.

The President declared the question before the Senate to be the adoption of the Committee on Governmental Operations striking amendment, as amended, to Engrossed Substitute House Bill No. 1150.

The Committee on Governmental Operations striking amendment, as amended, was adopted.

MOTIONS

On motion of Senator McCaslin, the following title amendments were considered simultaneously and were adopted:

On page 1, line 1 of the title, after "districts;" strike the remainder of the title and insert "amending RCW 53.12.010, 53.12.172, 53.12.120, 53.12.130, 53.16.030, and 53.12.260; adding new sections to chapter 53.12 RCW; adding a new section to chapter 53.16 RCW; and repealing RCW 53.12.020, 53.12.035, 53.12.050, 53.12.057, 53.12.060, 53.12.172, 53.12.180, 53.12.190, 53.12.200, 53.12.220, and 53.16.010."

On page 11, line 23 of the title amendment, after "53.16.030," strike "and 53.12.260" and insert "53.12.260, and 41.04.190"

On motion of Senator McCaslin, the rules were suspended, Engrossed Substitute House Bill No. 1150, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1150, as amended by the Senate.

MOTION

On motion of Senator Murray, Senator Vognild was excused.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1150, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 40; Nays, 6; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bluechel, Conner, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, McCaslin, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, Snyder, Stratton, Sumner, Sutherland, Talmadge, Thorsness, von Reichbauer, West, Williams, Wojahn - 40.

Voting nay: Senators Cantu, Craswell, Matson, Patterson, Rasmussen, L. Smith - 6.

Excused: Senators Amondson, McDonald, Vognild - 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1150, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of House Bill No. 2514 and the pending amendments by Senators Rasmussen and McDonald on page 3, lines 21 and 22, deferred earlier today.

RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator Talmadge, the President finds that House Bill No. 2514 is a measure which changes the calculation of disposable income for property tax relief for persons whose retirement income is reduced by the death of a spouse.

"The proposed amendments by Senators Rasmussen and McDonald would further change the calculation of disposable income for property tax relief.

"The President, therefore, finds that the proposed amendments do not change the scope and object of the bill and the point of order is not well taken."

The amendments on page 3, after line 21, and page 3, line 22, to House Bill No. 2514 were ruled in order.

PARLIAMENTARY INQUIRY

Senator Talmadge: "A point of parliamentary inquiry, Mr. President. Just as a matter of guidance to the members of the Senate, my understanding has ordinarily been where there is the necessity of an amendment to the title of the act that that is suggestive of concerns on the question of scope and object. Is it the President's ruling, for further guidance, that members of the Senate can offer amendments to the title of an act and not be susceptible to a challenge on scope and object grounds?"

REPLY BY THE PRESIDENT

President Pritchard: "We look at the subject of the bill and then we look to the title, so that the focus goes on the subject and if we have arrived within the subject, then it is open for the body to change the title."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senators Rasmussen and McDonald on page 3, after line 21, and page 3, line 22, to House Bill No. 2514.

The amendments on page 3, after line 21, and page 3, line 22, to House Bill No. 2514 were adopted.

MOTIONS

On motion of Senator Rasmussen, the following title amendment was adopted:

On page 1, line 1 of the title, after "to" strike everything down through and including "spouse" on line 2, and insert "income for purposes of senior citizen property tax exemptions"

On motion of Senator Bluechel, the rules were suspended, House Bill No. 2514, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2514, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2514, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, Matson, McCaslin, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sumner, Sutherland, Talmadge, Thorsness, von Reichbauer, West, Williams, Wojahn - 46.

Excused: Senators Amondson, McDonald, Vognild - 3.

HOUSE BILL NO. 2514, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1495, by House Committee on Commerce and Labor (originally sponsored by Representatives Heavey and Hargrove) (by request of Department of Licensing)

Changing land development regulations.

The bill was read the second time.

MOTIONS

On motion of Senator McCaslin, the following Committee on Governmental Operations amendment was adopted:

On page 8, line 16, after "requirements of" strike "RCW 58.19.070" and insert "section 5 of this act"

Senator Talmadge moved that the following amendments be considered simultaneously and be adopted:

On page 4, line 7, after "into" strike "~~((ten))~~ twenty-six" and insert "ten"

On page 4, beginning on line 10, after "if" strike "~~((ten))~~ twenty-six" and insert "ten"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator Talmadge on page 4, line 7, and page 4, beginning on line 10, to Engrossed Substitute House Bill No. 1495.

The motion by Senator Talmadge failed and the amendments were not adopted:

MOTIONS

Senator Talmadge moved that the following amendments be considered simultaneously and be adopted:

On page 8, line 7, after "i;" insert "or"

On page 8, line 9, after "penalty" strike all material down to and including "RCW" on line 12

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator Talmadge on page 8, line 7, and page 8, line 9, to Engrossed Substitute House Bill No. 1495.

The motion by Senator Talmadge failed and the amendments were not adopted:

MOTION

Senator Talmadge moved that the following amendment be adopted:

On page 17, beginning on line 4, strike all of section 10

Renumber the remaining sections consecutively and correct any internal references accordingly

Debate ensued.

Senator Talmadge demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Talmadge on page 17, beginning on line 4, to Engrossed Substitute House Bill No. 1495.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 14; Nays, 34; Absent, 0; Excused, 1.

Voting yea: Senators Gaspard, Jesernig, Kreidler, Madsen, Moore, Murray, Niemi, Pelz, Rinehart, Skratek, A. Smith, Talmadge, Vogtild, Wojahn - 14.

Voting nay: Senators Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Hansen, Hayner, Matson, McCaslin, McDonald, McMullen, Metcalf, Nelson, Newhouse, Oke, Owen, Patterson, Rasmussen, Roach, Saling, Sellar, L. Smith, Snyder, Stratton, Sumner, Sutherland, Thorsness, von Reichbauer, West, Williams - 34.

Excused: Senator Amondson - 1.

MOTION

On motion of Senator McCaslin, the rules were suspended, Engrossed Substitute House Bill No. 1495, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1495, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1495, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 36; Nays, 11; Absent, 1; Excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Nelson, Newhouse, Oke, Owen, Patterson, Rasmussen, Roach, Saling, Sellar, L. Smith, Snyder, Stratton, Sumner, Sutherland, Thorsness, Vognild, von Reichbauer, West, Williams - 36.

Voting nay: Senators Jesernig, Metcalf, Moore, Murray, Niemi, Pelz, Rinehart, Skratek, A. Smith, Talmadge, Wojahn - 11.

Absent: Senator Hayner - 1.

Excused: Senator Amondson - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1495, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Linda Smith, Senator Hayner was excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2745, by House Committee on Judiciary (originally sponsored by Representatives H. Myers, Belcher, Forner, Brough, Mitchell, Ogden, Appelwick, Morris, Riley, Ludwig, Paris, Wineberry, Winsley, Scott, Wood, Ferguson, Hochstatter, Sheldon, J. Kohl and Brekke)

Changing provisions relating to orders for protection and antiharassment orders.

The bill was read the second time.

MOTION

On motion of Senator Nelson, the rules were suspended, Substitute House Bill No. 2745 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Talmadge, I am only a lawyer up to twenty-five dollars by permission of the House. However, let me ask a question. My understanding of service by publication is where you cannot find a person--the process server looks all over and can't find them--what can you do when you can't find a person to serve them? Notice by publication is a last resort, isn't it? If the person does come back in the vicinity and starts harassing a woman or man or whatever, that you at least have this notice on record and he can be arrested and properly charged--he or she."

Senator Talmadge: "Senator Rasmussen, you are right. Service by publication is ordinarily considered a service of last resort, but there are also certain kinds of actions and certain kinds of situations that are so fundamental--so significant to the individual involved that only service by actual notice to that individual will be sufficient to acquire jurisdiction over that individual. Again, the example that I gave a moment ago, a tax for a closure sale. You can't take somebody's piece of property without actual personal service or service by publication plus service by certified mail on that individual. I can't believe it would be any different with respect to this kind of order which could last a year for an individual, so it is not enough to simply put the notice in the newspaper.

You have to do something to that individual personally in order to let them know of the existence of the court proceedings."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2745.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2745 and the bill passed the Senate by the following vote: Yeas, 35; Nays, 12; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Jesernig, Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Nelson, Newhouse, Oke, Patterson, Rasmussen, Roach, Saling, Sellar, L. Smith, Snyder, Stratton, Sumner, Sutherland, Thorsness, von Reichbauer, West - 35.

Voting nay: Senators Moore, Murray, Niemi, Owen, Pelz, Rinehart, Skratek, A. Smith, Talmadge, Vognil, Williams, Wojahn - 12.

Excused: Senators Amondson, Hayner - 2.

SUBSTITUTE HOUSE BILL NO. 2745, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2930, by Representatives Locke, Prince and Ferguson

Refunding construction obligations for the state convention and trade center.

The bill was read the second time.

MOTION

On motion of Senator Cantu, the rules were suspended, House Bill No. 2930 was advanced to third reading, the second reading considered the third and the bill was placed on final passage. Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Cantu, we can save money by doing this and it is just about a necessity that we do do it?"

Senator Cantu: "Senator Rasmussen, the answer is 'yes,' we can save approximately two point three million dollars by doing this, because they can sell the bonds at six and a quarter percent rate instead of the current eleven percent rate that they have to pay."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2930.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2930 and the bill failed to pass the Senate by the following vote: Yeas, 21; Nays, 27; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Barr, Bluechel, Cantu, Conner, Erwin, Gaspard, Kreidler, Madsen, McDonald, Newhouse, Owen, Rasmussen, Rinehart, Sellar, Skratek, Snyder, Sumner, Talmadge, West, Williams - 21.

Voting nay: Senators Anderson, Bauer, Craswell, Hansen, Hayner, Jesernig, Matson, McCaslin, McMullen, Metcalf, Moore, Murray, Nelson, Niemi, Oke, Patterson, Pelz, Roach, Saling, A. Smith, L. Smith, Stratton, Sutherland, Thorsness, Vognil, von Reichbauer, Wojahn - 27.

Excused: Senator Amondson - 1.

HOUSE BILL NO. 2930, having failed to receive the constitutional majority, was declared lost.

SECOND READING

HOUSE BILL NO. 2681, by Representatives J. Kohl, Brumsickle and Fraser (by request of Department of Revenue)

Modifying provisions for the refund of overpaid taxes.

The bill was read the second time.

MOTIONS

On motion of Senator Bluechel, the following Committee on Ways and Means amendment was adopted:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 82.32.050 and 1991 c 142 s 9 are each amended to read as follows:

(1) If upon examination of any returns or from other information obtained by the department it appears that a tax or penalty has been paid less than that properly due, the department shall assess against the taxpayer such additional amount found to be due and shall add thereto interest at the rate of nine percent per annum from the last day of the year in which the deficiency is incurred until the date of payment for tax liabilities arising before January 1, 1992. For tax liabilities arising after December 31, 1991, until the date of payment, the rate of interest shall be variable and computed as provided in subsection (2) of this section. The rate so computed shall be adjusted on the first day of January of each year. The department shall notify the taxpayer by mail of the additional amount and the same shall become due and shall be paid within thirty days from the date of the notice, or within such further time as the department may provide.

(2) For the purposes of this section, the rate of interest to be charged to the taxpayer shall be an average of the federal short-term rate as defined in 26 U.S.C. Sec. 1274(d) plus two percentage points. The rate shall be computed by taking an arithmetical average to the nearest percentage point of the federal short-term rate, compounded annually, for the months of January, April, July, and October of the immediately preceding calendar year as published by the United States secretary of the treasury.

(3) No assessment or correction of an assessment for additional taxes, penalties, or interest due may be made by the department more than four years after the close of the tax year, except (a) against a taxpayer who has not registered as required by this chapter, (b) upon a showing of fraud or of misrepresentation of a material fact by the taxpayer, or (c) where a taxpayer has executed a written waiver of such limitation. The execution of a written waiver shall also extend the period for making a refund or credit as provided in RCW 82.32.060(2).

Sec. 2. RCW 82.32.060 and 1991 c 142 s 10 are each amended to read as follows:

(1) If, upon receipt of an application by a taxpayer for a refund or for an audit of the taxpayer's records, or upon an examination of the returns or records of any taxpayer, it is determined by the department that within the statutory period for assessment of taxes, penalties, or interest prescribed by RCW 82.32.050 ((a)) any amount of tax, penalty, or interest has been paid in excess of that properly due, the excess amount paid within, or attributable to, such period shall be credited to the taxpayer's account or shall be refunded to the taxpayer, at the taxpayer's option. Except as provided in subsections (2) and (3) of this section, no refund or credit shall be made for taxes, penalties, or interest paid more than four years prior to the beginning of the calendar year in which the refund application is made or examination of records is completed.

(2) The execution of a written waiver under RCW 82.32.050 or 82.32.100 shall extend the time for making a refund or credit of any taxes paid during, or attributable to, the years covered by the waiver if, prior to the expiration of the waiver period, an application for refund of such taxes is made by the taxpayer or the department discovers a refund or credit is due.

(3) Notwithstanding the foregoing limitations there shall be refunded or credited to taxpayers engaged in the performance of United States government contracts or subcontracts the amount of any tax paid, measured by that portion of the amounts received from the United States, which the taxpayer is required by contract or applicable federal statute to refund or credit to the United States, if claim for such refund is filed by the taxpayer with the department within one year of the date that the amount of the refund or credit due to the United States is finally determined and filed within four years of the date on which the tax was paid: PROVIDED, That no interest shall be allowed on such refund.

(4) Any such refunds shall be made by means of vouchers approved by the department and by the issuance of state warrants drawn upon and payable from such funds as the legislature may provide. However, taxpayers who are required to pay taxes by electronic funds transfer under RCW 82.32.080 shall have any refunds paid by electronic funds transfer.

(5) Any judgment for which a recovery is granted by any court of competent jurisdiction, not appealed from, for tax, penalties, and interest which were paid by the taxpayer, and costs, in a suit by any taxpayer shall be paid in ~~((like))~~ the same manner, as provided in subsection (4) of this section, upon the filing with the department of a certified copy of the order or judgment of the court. Except as to the credits in computing tax authorized by RCW 82.04.435, interest at the rate of three percent per annum shall be allowed by the department and by any court on the amount of any refund, credit, or other recovery allowed to a taxpayer for taxes, penalties, or interest paid by the taxpayer before January 1, 1992. For refunds or credits of amounts paid or other recovery allowed to a taxpayer after December 31, 1991, the rate of interest shall be the rate as computed for assessments under RCW 82.32.050(2), less one percentage point.

Sec. 3. RCW 82.32.100 and 1989 c 378 s 21 are each amended to read as follows:

(1) If any person fails or refuses to make any return or to make available for examination the records required by this chapter, the department shall proceed, in such manner as it may deem best, to obtain facts and information on which to base its estimate of the tax; and to this end the department may examine the ~~((books,))~~ records ~~((and papers))~~ of any such person ~~((and may take evidence, on oath, of any person, relating to the subject of inquiry))~~ as provided in RCW 82.32.110.

(2) As soon as the department procures such facts and information as it is able to obtain upon which to base the assessment of any tax payable by any person who has failed or refused to make a return, it shall proceed to determine and assess against such person the tax and any applicable penalties or interest due, but such action shall not deprive such person from appealing ~~((to the superior court as hereinafter provided. To the assessment the department shall add the penalties provided in RCW 82.32.090))~~ the assessment as provided in this chapter. The department shall notify the taxpayer by mail of the total amount of such tax, penalties, and interest, and the total amount shall become due and shall be paid within thirty days from the date of such notice.

(3) No assessment or correction of an assessment may be made by the department more than four years after the close of the tax year, except ~~((1))~~ (a) against a taxpayer who has not registered as required by this chapter, ~~((2))~~ (b) upon a showing of fraud or of misrepresentation of a material fact by the taxpayer, or ~~((3))~~ (c) where a taxpayer has executed a written waiver of such limitation. The execution of a written waiver shall also extend the period for making a refund or credit as provided in RCW 82.32.060(2).

NEW SECTION. Sec. 4. (1) This act shall take effect July 1, 1992.

(2) This act is effective for all written waivers that remain enforceable as of July 1, 1992.

On motion of Senator Bluechel, the following title amendment was adopted:

On page 1, line 1 of the title, after "taxes;" strike the remainder of the title and insert "amending RCW 82.32.050, 82.32.060, and 82.32.100; and providing an effective date."

MOTION

On motion of Senator Bluechel, the rules were suspended, House Bill No. 2681, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2681, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2681, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Jesernig, Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sumner, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 47.

Absent: Senator Hayner - 1.

Excused: Senator Amondson - 1.

HOUSE BILL NO. 2681, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2560, by House Committee on Environmental Affairs (originally sponsored by Representatives J. Kohl, Horn, Rust, Basich, Rayburn, Ogden, Kremen, Valle, Paris, Pruitt, Jacobsen, Haugen, Belcher, Rasmussen, Fraser and Anderson) (by request of Department of Community Development)

Establishing the senior environmental corps.

The bill was read the second time.

MOTION

On motion of Senator Metcalf, the rules were suspended, Substitute House Bill No. 2560 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2560.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2560 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 1; Excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Jesernig, Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sumner, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 46.

Voting nay: Senator Matson - 1.

Absent: Senator Hayner - 1.

Excused: Senator Amondson - 1.

SUBSTITUTE HOUSE BILL NO. 2560, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2398, by Representatives Fraser, Ballard, Wang, Bowman, Carlson, Sheldon, Rasmussen, Casada, J. Kohl and Morton (by request of Board for Volunteer Fire Fighters)

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

The bill was read the second time.

MOTION

Senator Rasmussen moved that the following amendment by Senators Rasmussen and Barr be adopted:

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

Sec. 3. RCW 41.24.010 and 1989 c 91 s 8 are each amended to read as follows:

As used in this chapter:

"Municipal corporation" or "municipality" includes any city or town, fire protection district, or any water, irrigation, or other district, authorized by law to afford emergency medical services and protection to life and property within its boundaries from fire.

"Fire department" means any regularly organized fire department or emergency medical service district consisting wholly of volunteer fire fighters, or any part-paid and part-volunteer fire department duly organized and maintained by any municipality: PROVIDED, That any such municipality wherein a part-paid fire department is

maintained may by appropriate legislation permit the full-paid members of its department to come under the provisions of chapter 41.16 RCW.

"Fire fighter" includes any fire fighter or emergency worker who is a member of any fire department of any municipality but shall not include full time, paid fire fighters who are members of the Washington law enforcement officers' and fire fighters' retirement system, with respect to periods of service rendered in such capacity.

"Emergency worker" means any emergency medical service personnel, regulated by chapters 18.71 and 18.73 RCW, who is a member of an emergency medical service district but shall not include full-time, paid emergency medical service personnel who are members of the Washington public employees' retirement system, with respect to periods of service rendered in such capacity.

"Performance of duty" shall be construed to mean and include any work in and about company quarters or any fire station or any other place under the direction or general orders of the chief or other officer having authority to order such member to perform such work; responding to, working at, or returning from an alarm of fire; drill; or any work performed of an emergency nature in accordance with the rules and regulations of the fire department.

"State board" means the state board for volunteer fire fighters created herein.

"Board of trustees" means a board of trustees created under RCW 41.24.060 or, for matters affecting an emergency worker, an emergency medical service district board of trustees created under section 4 of this act.

"Appropriate legislation" means an ordinance when an ordinance is the means of legislating by any municipality, and resolution in all other cases.

NEW SECTION. Sec. 4. In every county maintaining a regularly organized emergency medical service district there is hereby created and established an emergency medical service district board of trustees for the administration of this chapter. The emergency medical service district board shall consist of the three county commissioners, the county clerk, a councilmember from each city or municipality in the emergency medical service district, the head of the emergency medical service district, and one member of the emergency medical service district to be elected by the members of the emergency medical service district for a term of one year and annually thereafter.

NEW SECTION. Sec. 5. The chair of the board of county commissioners shall be chair of the emergency medical service district board of trustees, and the county clerk shall be the secretary-treasurer of the emergency medical service district board of trustees. The secretary shall keep a public record of all proceedings, of all receipts and disbursements made by the emergency medical service district board of trustees and shall make an annual report of its expenses and disbursements with a full list of the beneficiaries of said fund in the county, the record to be placed on file in the county. Such forms as shall be necessary for the proper administration of this fund and of making the reports required hereunder shall be provided by the state board.

NEW SECTION. Sec. 6. The state board shall set the amount consistent with the most recent valuation of the volunteer fire fighters relief and pension fund to be paid for the purposes of this chapter by emergency medical service districts for emergency worker relief and pension fees and by emergency workers for emergency worker pensions. The fees set under this section are subject to the other provisions of this chapter.

NEW SECTION. Sec. 7. Sections 4 through 6 of this act are each added to chapter 41.24 RCW.

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

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Rasmussen and Barr on page 6, after line 6, to House Bill No. 2398.

The motion by Senator Rasmussen carried and the amendment was adopted.

MOTIONS

On motion of Senator Craswell, the following title amendment was adopted:

On page 1, line 2 of the title, after "41.24.030" strike "and 41.24.170" and insert ", 41.24.170, and 41.24.010; adding new sections to chapter 41.24 RCW"

On motion of Senator Craswell, the rules were suspended, House Bill No. 2398, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2398, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2398, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Jesernig, Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sumner, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 47.

Absent: Senator Hayner - 1.

Excused: Senator Amondson - 1.

HOUSE BILL NO. 2398, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Sellar, Senator Hayner was excused.

SECOND READING

HOUSE BILL NO. 2358, by Representatives Prentice and Moyer

Modifying requirements for the psychologist disciplinary committee.

The bill was read the second time.

MOTION

On motion of Senator West, the rules were suspended, House Bill No. 2358 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2358.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2358 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 2; Excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Jesernig, Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 45.

Absent: Senators Anderson, Sumner - 2.

Excused: Senators Amondson, Hayner - 2.

HOUSE BILL NO. 2358, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6509, by Senators Conner, Sellar, Bluechel, Snyder and Owen

Modifying limitations and restrictions relating to purchase of state trust lands for park and outdoor recreation purposes.

MOTION

Senator Metcalf moved that Substitute Senate Bill No. 6509 be substituted for Senate Bill No. 6509 and that the substitute bill be placed on second reading and read the second time.

POINT OF ORDER

Senator Talmadge: "Mr. President, a point of order. Before we vote on the motion to substitute, I raise the point of order that this bill is not within the cutoff resolution adopted by both houses of the Legislature. It is not a bill that is necessary to carry out the provisions of the budget and it is not a bill that has passed within the appropriate guidelines under the cutoff resolution and therefore it is not properly before the Senate."

Further debate ensued.

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

MESSAGE FROM THE HOUSE

March 3, 1992

MR. PRESIDENT:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2729,

SUBSTITUTE SENATE BILL NO. 6138,

SENATE BILL NO. 6140,

SUBSTITUTE SENATE BILL NO. 6141,

ENGROSSED SUBSTITUTE SENATE BILL NO. 6174,

SUBSTITUTE SENATE BILL NO. 6186, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 6138,

SENATE BILL NO. 6140,

SUBSTITUTE SENATE BILL NO. 6141,

ENGROSSED SUBSTITUTE SENATE BILL NO. 6174,

SUBSTITUTE SENATE BILL NO. 6186.

MOTION

At 4:09 p.m., on motion of Senator Newhouse, the Senate adjourned until 9:00 a.m., Wednesday, March 4, 1992.

JOEL PRITCHARD, President of the Senate

GORDON GOLOB, Secretary of the Senate.

FIFTY-SECOND DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, March 4, 1992

The Senate was called to order at 9:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Hayner, Metcalf, Niemi, Owen, Patterson and West. On motion of Senator Anderson, Senators Hayner, Metcalf, Patterson and West were excused. On motion of Senator Murray, Senators Niemi and Owen were excused.

The Sergeant at Arms Color Guard, consisting of Pages Michelle Quistorff and Trevor Miller, presented the Colors. Reverend Ron Hastie, pastor of the Evergreen Christian Center of Olympia, offered the prayer.

MOTION

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

REPORT OF SELECT COMMITTEE

STATE OF WASHINGTON
 DEPARTMENT OF SOCIAL AND HEALTH SERVICES
 Olympia, Washington 98504-0095
 March 2, 1992

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

Dear Gordon:

Enclosed is our Report to the Legislature on the Washington Telephone Assistance Program. This report is required by Chapter 101, Laws of 1989.

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

Sincerely,
 RICHARD J. THOMPSON, Secretary

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

MESSAGES FROM THE HOUSE

March 2, 1992

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2986, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

March 3, 1992

MR. PRESIDENT:

The House has adopted SENATE CONCURRENT RESOLUTION NO. 8422, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

March 3, 1992

MR. PRESIDENT:

The House has passed:
 SENATE BILL NO. 6276,
 SENATE BILL NO. 6357, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

INTRODUCTION AND FIRST READING OF HOUSE BILLS

ESHB 2729 by House Committee on Higher Education (originally sponsored by Representatives Locke, Jacobsen, Ogden, Inslee, Spanel, Wineberry, Basich, Sheldon, Prentice, Ludwig, Orr, Fraser, Dellwo, Heavey, Appelwick, Morris, Cantwell, Belcher, G. Fisher, Peery, Rasmussen, Braddock, Valle, Zellinsky, R. Meyers, Franklin, Cooper, Bray, Pruitt, Haugen and Leonard)

Reforming higher education tuition and financial aid.

Referred to Committee on Higher Education.

ESHB 2986 by House Committee on State Government (originally sponsored by Representatives Anderson, Hine, Pruitt, Rayburn, Dellwo, R. Fisher, Bray, Ludwig, Rasmussen and Nelson)

Regulating campaign financing.

Referred to Committee on Governmental Operations.

SECOND READING
 CONFIRMATION OF GUBERNATORIAL APPOINTMENT
 MOTION

On motion of Senator Saling, Gubernatorial Appointment No. 9202, Clyde H. Hupp, as a member of the State Board for Community and Technical Colleges, was confirmed.

Senator Rasmussen spoke to the confirmation of Clyde Hupp as a member of the State Board for Community and Technical Colleges.

APPOINTMENT OF CLYDE H. HUPP

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Jesernig, Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Moore, Murray, Nelson, Newhouse, Oke, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sumner, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Williams, Wojahn - 43.

Excused: Senators Hayner, Metcalf, Niemi, Owen, Patterson, West - 6.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2274, by House Committee on Commerce and Labor (originally sponsored by Representatives Appelwick, Heavey, Prince, Day, Schmidt, Wineberry, R. Meyers, Riley, Winsley and Wilson)

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

The bill was read the second time.

MOTIONS

Senator Amondson moved that the following Committee on Commerce and Labor amendment be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 49.44 RCW to read as follows:

(1) It is unlawful for an employer to refuse to hire or to discharge any individual, or otherwise disadvantage any individual, with respect to compensation, terms, conditions, or privileges of employment because the individual engages in the consumption of lawful products off the premises of the employer during nonworking hours, provided the individual complies with applicable laws or policies regulating that consumption of lawful products on the premises of the employer during working hours.

(2) It is not unlawful or an unfair employment practice under this section for an employer to offer, impose, or have in effect a health, disability, or life insurance policy that makes distinctions between employees for the type of coverage or the coverage based upon the employees' consumption of lawful products if:

(a) Differential premium rates charged employees reflect a differential cost to the employer; and

(b) The employer provides employees with a written statement delineating differential rates used by insurance carriers.

(3) It is not unlawful or an unfair employment practice under this section for an employer to refuse to hire, to discharge, or otherwise disadvantage an individual with respect to compensation, terms, conditions, or privileges of employment if that decision is based on:

(a) The individual's failure to meet job-related standards set by the employer;

(b) An employer's legitimate conflict of interest policy reasonably designed to protect the employer's trade secrets, proprietary information, or other proprietary interests;

(c) A bona fide occupational qualification or requirement; or

(d) The employer's drug and alcohol free workplace program, including those adopted in response to federal requirements.

(4) The court shall award the prevailing party in an action under this section court costs and reasonable attorneys' fees.

(5) The remedy for any individual claiming to be aggrieved by a violation of this section is a civil action for damages for all wages and benefits deprived the individual by reason of the violation.

(6) An individual aggrieved by a violation of this section must file the civil action within six months after the alleged unlawful or unfair employment practice or the discovery of that practice.

(7) Nothing in this section shall be applied to any matter that is also subject to collective bargaining between the employer and the affected employee.

NEW SECTION. Sec. 2. A new section is added to chapter 49.44 RCW to read as follows:

Nothing in section 1 of this act precludes a religious or health organization whose tenets prohibit the use of an otherwise lawful product or a company or nonprofit organization whose primary business purpose is the prevention of heart and lung disease, from refusing to employ an individual who uses an otherwise lawful product.

NEW SECTION. Sec. 3. A new section is added to chapter 49.44 RCW to read as follows:

Sections 1 and 2 of this act do not apply to businesses with twenty-five employees or less.

Senator Anderson moved that the following amendment to the Committee on Commerce and Labor amendment be adopted:

On page 2, line 7 of the amendment, after "requirement" insert "including qualifications or requirements implemented by the employer to prevent respiratory disease in connection with RCW 51.32.185"

Debate ensued.

MOTION

On motion of Senator Newhouse, further consideration of Engrossed Substitute House Bill No. 2274 was deferred.

MOTION

At 9:24 a.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 11:15 a.m. by President Pritchard

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2609, by House Committee on Transportation (originally sponsored by Representatives Hine, G. Fisher, R. Fisher, Brough, Heavey, Locke, Chandler, Leonard, Valle, Wood, Prentice, Hochstatter, Mitchell, Horn, Rasmussen, Paris, R. King, Beck, Spanel, Nelson, Appelwick, Wilson, Franklin, Wang, Jacobsen and Belcher)

Making airport expansions consistent with the state air transportation policy plan.

The bill was read the second time.

MOTION

Senator Patterson moved that the following Committee on Transportation amendment be adopted:

On page 2, beginning on line 24, strike all of the material down to and including December 1, 1994 on page 3, line 2 and insert the following:

"No city, county, or county-wide port district in a county in the western part of Washington state, as divided by the summit of the cascade mountain range, with a population of one hundred fifty thousand or more on January 1, 1992 and contiguous to a county with a population of four hundred thousand or more, may construct a runway of one thousand feet or more, or cause a runway to be extended, before the air transportation commission has submitted its final report to the legislative transportation committee, which shall occur no later than December 1, 1994"

MOTION

On motion of Senator Newhouse, further consideration of Engrossed Substitute House Bill No. 2609 was deferred.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2281 by House Committee on Commerce and Labor (originally sponsored by Representatives Prentice, R. Fisher, Vance, Forner, Heavey, G. Fisher, Roland, Winsley, Franklin, Paris, May, Mitchell and Leonard)

Modifying requirements for crew size on passenger trains.

The bill was read the second time.

MOTION

Senator McCaslin moved that the following amendment be adopted:

On page 2, line 13, after "members." insert the following:

Sec. 2. RCW 81.48.010 and 1961 c 14 s 81.48.010 are each amended to read as follows:

Every engineer driving a locomotive on any railway who shall fail to ring the bell or sound the whistle upon such locomotive, or cause the same to be rung or sounded at least eighty rods from any place where such railway crosses a traveled road or street on the same level (except in cities or in counties that enact ordinances applying only to gated

crossings located within urban areas), or to continue the ringing of such bell or sounding of such whistle until such locomotive shall have crossed such road or street, shall be guilty of a misdemeanor.

POINT OF ORDER

Senator Rasmussen: "I would like to raise scope and object on this amendment. We already whistled a bill through here and if it has any merit, it will pass over in the House. In this particular instance, the bill relates to crew size and it doesn't take two crew members to blow the whistle. It is entirely out of the scope and intent of the bill. While I can sympathize with Senator McCaslin, the amendment would require each engineer to carry a book and look up in the book whether he can blow the whistle or not. It is out of the scope of the present proposed bill, Mr. President."

Further debate ensued.

MOTION

On motion of Senator Newhouse, further consideration of Substitute House Bill No. 2281 was deferred.

SECOND READING

HOUSE BILL NO. 2746, by Representatives Zellinsky, R. Fisher, Ballard, Van Luven and Ferguson

Authorizing contracts between tow truck operators and landowners for payment of impound charges.

The bill was read the second time.

MOTION

On motion of Senator Patterson, the rules were suspended, House Bill No. 2746 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2746.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2746 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Jesernig, Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sumner, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Williams, Wojahn - 46.

Excused: Senators Hayner, Owen, West - 3.

HOUSE BILL NO. 2746, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2660, by House Committee on Transportation (originally sponsored by Representatives Cooper, Prince, Zellinsky and Mielke (by request of Department of Licensing))

Affecting vehicle license registration.

The bill was read the second time.

MOTIONS

On motion of Senator Patterson, the following Committee on Transportation amendment was adopted:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 46.16.006 and 1983 c 27 s 1 are each amended to read as follows:

(1) The term "registration year" for the purposes of chapters 46.16, 82.44, and 82.50 RCW means the effective period of a vehicle license issued by the department. Such year commences at 12:01 a.m. on the date of the calendar year designated by the department and ends at 12:01 a.m. on the same date of the next succeeding calendar year. If a vehicle license previously issued in this state has ~~((been))~~ expired ~~((for more than thirty days))~~ and is renewed with a different registered owner, a new registration year is deemed to commence upon the date the expired license is renewed in order that the renewed license be useable for a full twelve-month period.

(2) Each registration year may be divided into twelve registration months. Each registration month commences on the day numerically corresponding to the day of the calendar month on which the registration year begins, and terminates on the numerically corresponding day of the next succeeding calendar month.

(3) Where the term "last day of the month" is used in chapters 46.16, 82.44, and 82.50 RCW in lieu of a specified day of any calendar month it means the last day of such calendar month or months irrespective of the numerical designation of that day.

(4) If the final day of a registration year or month falls on a Saturday, Sunday, or legal holiday, such period extends through the end of the next business day.

Sec. 2. RCW 46.70.090 and 1991 c 140 s 1 are each amended to read as follows:

(1) The department shall issue a vehicle dealer license plate which shall be attached to the rear of the vehicle only and which is capable of distinguishing the classification of the dealer, to vehicle dealers properly licensed pursuant to this chapter and shall, upon application, issue manufacturer's license plates to manufacturers properly licensed pursuant to this chapter.

(2) The department shall ~~((not issue a vehicle dealer license plate to any vehicle dealer selling fewer than five vehicles annually))~~ issue to a vehicle dealer up to three vehicle dealer license plates. After the ~~((first))~~ third dealer plate is issued, the department shall limit the number of dealer plates to six percent of the vehicles sold during the preceding license period. For an original license the vehicle dealer license applicant shall estimate the first year's sales. The director or director's designee may waive these dealer plate issuance restrictions for a vehicle dealer if the waiver both serves the purposes of this chapter and is essential to the continuation of the business. The director shall adopt rules to implement this waiver.

(3) Motor vehicle dealer license plates may be used:

(a) To demonstrate motor vehicles held for sale when operated by an individual holding a valid operator's license, if a dated demonstration permit, valid for no more than seventy-two hours, is carried in the vehicle at all times it is operated by any such individual.

(b) On motor vehicles owned, held for sale, and which are in fact available for sale by the firm when operated by an officer of the corporation, partnership, or proprietorship or by their spouses, or by a bona fide full-time employee of the firm, if a card so identifying any such individual is carried in the vehicle at all times it is operated by such individual. Any such vehicle so operated may be used to transport the dealer's own tools, parts, and equipment of a total weight not to exceed five hundred pounds.

(c) On motor vehicles being tested for repair.

(d) On motor vehicles being moved to or from a motor vehicle dealer's place of business for sale.

(e) On motor vehicles being moved to or from motor vehicle service and repair facilities before sale.

(f) On motor vehicles being moved to or from motor vehicle exhibitions within the state of Washington, if any such exhibition does not exceed a period of twenty days.

(4) Mobile home and travel trailer dealer license plates may be used:

(a) On units hauled to or from the place of business of the manufacturer and the place of business of the dealer or to and from places of business of the dealer.

(b) On mobile homes hauled to a customer's location for set-up after sale.

(c) On travel trailers held for sale to demonstrate the towing capability of the vehicle if a dated demonstration permit, valid for not more than seventy-two hours, is carried with the vehicle at all times.

(d) On mobile homes being hauled from a customer's location if the requirements of RCW 46.44.170 and 46.44.175 are met.

(e) On any motor vehicle owned by the dealer which is used only to move vehicles legally bearing mobile home and travel trailer dealer license plates of the dealer so owning any such motor vehicle.

(f) On vehicles being moved to or from vehicle exhibitions within the state of Washington, if any such exhibition does not exceed a period of twenty days.

(5) Miscellaneous vehicle dealer license plates may be used:

(a) To demonstrate any miscellaneous vehicle: PROVIDED, That:

(i) No such vehicle may be demonstrated on a public highway unless the customer has an appropriate endorsement on his driver's license, if such endorsement is required to operate such vehicle; and

(ii) A dated demonstration permit, valid for no more than seventy-two hours, is carried with the vehicle at all times it is operated by any such individual.

(b) On vehicles owned, held for sale, and which are in fact available for sale, by the firm when operated by an officer of the corporation, partnership, or proprietorship or by a bona fide full-time employee of the firm, if a card so identifying such individual is carried in the vehicle at all times it is operated by him.

(c) On vehicles being tested for repair.

(d) On vehicles being transported to or from the place of business of the manufacturer and the place of business of the dealer or to and from places of business of the dealer.

(e) On vehicles on which any other item sold or to be sold by the dealer is transported from the place of business of the manufacturer to the place of business of the dealer or to and from places of business of the dealer if such vehicle and such item are purchased or sold as one package.

(6) Manufacturers properly licensed pursuant to this chapter may apply for and obtain manufacturer license plates and may be used:

(a) On vehicles being moved to or from the place of business of a manufacturer to a vehicle dealer within this state who is properly licensed pursuant to this chapter.

(b) To test vehicles for repair.

(7) Vehicle dealer license plates and manufacturer license plates shall not be used for any purpose other than set forth in this section and specifically shall not be:

(a) Used on any vehicle not within the class for which the vehicle dealer or manufacturer license plates are issued unless specifically provided for in this section.

(b) Loaned to any person for any reason not specifically provided for in this section.

(c) Used on any vehicles for the transportation of any person, produce, freight, or commodities unless specifically provided for in this section, except there shall be permitted the use of such vehicle dealer license plates on a vehicle transporting commodities in the course of a demonstration over a period not to exceed seventy-two consecutive hours from the commencement of such demonstration, if a representative of the dealer is present and accompanies such vehicle during the course of the demonstration.

(d) Used on any vehicle sold to a resident of another state to transport such vehicle to that other state in lieu of a trip permit or in lieu of vehicle license plates obtained from that other state.

(e) Used on any new vehicle unless the vehicle dealer has provided the department a current service agreement with the manufacturer or distributor of that vehicle as provided in RCW 46.70.041(1)(k).

(8) In addition to or in lieu of any sanction imposed by the director pursuant to RCW 46.70.101 for unauthorized use of vehicle dealer license plates or manufacturer license plates, the director may order that any or all vehicle dealer license plates or manufacturer license plates issued pursuant to this chapter be confiscated for such period as he deems appropriate.

Sec. 3. RCW 82.80.020 and 1991 c 318 s 13 are each amended to read as follows:

(1) The legislative authority of a county may fix and impose an additional fee, not to exceed fifteen dollars per vehicle, for each vehicle that is subject to license fees under RCW 46.16.060 and is determined by the department of licensing to be registered within the boundaries of the county.

(2) The department of licensing shall administer and collect the fee. The department shall deduct a percentage amount, as provided by contract, not to exceed two percent of the taxes collected, for administration and collection expenses incurred by it. The remaining proceeds shall be remitted to the custody of the state treasurer for monthly distribution under RCW 82.80.080.

(3) The proceeds of this fee shall be used strictly for transportation purposes in accordance with RCW 82.80.070.

(4) A county imposing this fee shall delay the effective date at least six months from the date the ordinance is enacted to allow the department of licensing to implement administration and collection of the fee.

(5) The legislative authority of a county may develop and initiate ~~((a-refund))~~ an exemption process of the fifteen dollar fee ~~((to))~~ for the registered owners of vehicles residing within the boundaries of the county who ~~((are sixty-one years old or older at the time of payment of the fee and whose household income for the previous calendar year is~~

~~eighteen thousand dollars or less or who has a physical disability and who has paid the fifteen dollar additional fee)) meet the standards for the property tax exemption under RCW 84.36.381.~~

On motion of Senator Patterson, the following title amendment was adopted:

On page 1, line 1 of the title, after "licenses;" strike the remainder of the title and insert "and amending RCW 46.16.006, 46.70.090, and 82.80.020."

MOTION

On motion of Senator Patterson, the rules were suspended, Substitute House Bill No. 2660, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2660, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2660, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Jesernig, Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sumner, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Williams, Wojahn - 46.

Excused: Senators Hayner, Owen, West - 3.

SUBSTITUTE HOUSE BILL NO. 2660, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 11:39 a.m., on motion of Senator Newhouse, the Senate recessed until 2:00 p.m.

The Senate was called to order at 2:09 p.m. by President Pritchard.

MOTION

On motion of Senator Saling, the Senate advanced to the ninth order of business.

MOTION

At 2:10 p.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 3:24 p.m. by President Pritchard.

MOTION

Senator Saling moved that the Committee on Rules be relieved of further consideration of Substitute House Bill No. 1481 and that Substitute House Bill No. 1481 be placed on the second reading calendar.

POINT OF INQUIRY

Senator Gaspard: "Mr. President and members of the Senate, we are prepared actually to suggest an amendment to that motion that it be placed immediately before our consideration. Before we make that motion, if we could have a commitment that this bill would actually be before us for consideration, we would not have to make that amendment to the Senator Saling motion. If I could ask Senator Newhouse their intentions of when this bill would be before the full Senate."

Senator Newhouse: "It is our intention that it be run tomorrow morning."

Senator Gaspard demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the motion by Senator Saling to relieve the Committee on Rules of further consideration of Substitute House Bill No. 1481 and to place Substitute House Bill No. 1481 on the second reading calendar.

ROLL CALL

The Secretary called the roll and the motion by Senator Saling carried by the following vote: Yeas, 33; Nays, 15; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Bailey, Barr, Bauer, Bluechel, Conner, Gaspard, Hansen, Jesernig, Kreidler, Madsen, McCaslin, McMullen, Moore, Murray, Newhouse, Niemi, Patterson, Pelz, Rinehart, Saling, Sellar, Skratek, A. Smith, Snyder, Stratton, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Wojahn - 33.

Voting nay: Senators Anderson, Cantu, Craswell, Erwin, Hayner, Matson, McDonald, Metcalf, Nelson, Oke, Rasmussen, Roach, L. Smith, Sumner, Thorsness - 15.

Excused: Senator Owen - 1.

The Committee on Rules was relieved of Substitute House Bill No. 1481 and Substitute House Bill No. 1481 was placed on the second reading calendar.

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

MESSAGE FROM THE HOUSE

March 3, 1992

MR. PRESIDENT:

The House has passed:

SENATE BILL NO. 5105,

SUBSTITUTE SENATE BILL NO. 5425,

SUBSTITUTE SENATE BILL NO. 5465,

SENATE BILL NO. 6010,

ENGROSSED SENATE BILL NO. 6027,

ENGROSSED SENATE BILL NO. 6028,

SENATE BILL NO. 6074,

SUBSTITUTE SENATE BILL NO. 6076, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 5105,

SUBSTITUTE SENATE BILL NO. 5425,

SUBSTITUTE SENATE BILL NO. 5465,

SENATE BILL NO. 6010,

ENGROSSED SENATE BILL NO. 6027,

ENGROSSED SENATE BILL NO. 6028,

SENATE BILL NO. 6074,
SUBSTITUTE SENATE BILL NO. 6076.

SIGNED BY THE PRESIDENT

The President signed:
SENATE BILL NO. 6276,
SENATE BILL NO. 6357,
SENATE CONCURRENT RESOLUTION NO. 8422.

MOTION

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

There being no objection, the Senate resumed consideration of Engrossed Substitute House Bill No. 2609 and the Committee on Transportation amendment on page 2, beginning on line 24, deferred earlier today.

MOTION

Senator Nelson moved that the following amendment by Senators Nelson and Vognild to the Committee on Transportation amendment be adopted:

On line 12 of the committee amendment, after "extended," insert the following:

"or cause an air carrier to initiate new service at any other airport not presently receiving commercial service that is affected by this section."

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Nelson, I am a little troubled with this amendment and I am trying to understand it. Can you tell me if Paine Field ever accepted any federal money for construction or airport improvements?"

Senator Nelson: "Yes."

Senator Rasmussen: "Are you sure that this amendment will not require paying back all of that money that has been expended there. Let me explain a little bit, Senator Nelson. Recently, Tacoma had an airport; we've lost one hundred thousand or two hundred thousand a year on it for years. They were going to do a certain thing that the Federal Aviation Administration did not like and they had received money for a control tower and various improvements. They were going to have to pay that back, so they changed their mind. I am wondering if this amendment wouldn't cause that same problem with the Federal Aviation Administration and the money that they contribute."

Senator Nelson: "Senator Rasmussen, I don't believe it will. In fact, there is a present contract in place right now that was signed in 1978 that was an agreement between the Department of Defense that had control of Paine Field and the County of Snohomish when the airport was moved under Snohomish County Legislative Authority to make it a county airport. That contract, in my opinion, would be the issue as far as any legality of what is, in fact, permitted to occur at Paine Field. I think this amendment fulfills what was the intent of that contract. It said that we will not have additional international or expanded commercial traffic. We will only have freight traffic that will be needed to support the community and the region together with general aviation. That has been the position for the last fifteen years that I can recall, not only before the county, but also in front of the Puget Sound Council of Governments, where this issue has come up a number of times. This clarifies in the process that we are not going to shift commercial traffic at Paine Field. I don't believe it intercedes or has any problem with the Federal Aviation."

Senator Rasmussen: "Senator Nelson, did I hear you say that Paine Field is under the control of the Department of Defense?"

Senator Nelson: "No, I did not say that. In 1978, the control of Paine Field moved from the Department of Defense over to the County of Snohomish."

Senator Rasmussen: "Thank you."

The President declared the question before the Senate to be the adoption of the amendment by Senators Nelson and Vognild on line 12 of the Committee on Transportation amendment to Engrossed Substitute House Bill No. 2609.

The motion by Senator Nelson carried and the amendment to the committee amendment was adopted.

The President declared the question before the Senate to be the adoption of the Committee on Transportation amendment on page 2, beginning on line 24, as amended, to Engrossed Substitute House Bill No. 2609.

The Committee on Transportation amendment, as amended, to Engrossed Substitute House Bill No. 2609 was adopted.

MOTION

On motion of Senator Patterson, the rules were suspended, Engrossed Substitute House Bill No. 2609, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

MOTION

On motion of Senator Anderson, Senator Matson was excused.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2609, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2609, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sumner, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 47.

Excused: Senators Matson, Owen - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2609, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2643, by House Committee on Transportation (originally sponsored by Representatives Cooper and R. Fisher)

Restructuring reimbursement of vehicle licensing and registration activities.

The bill was read the second time.

MOTIONS

Senator Patterson moved that the following Committee on Transportation amendment be adopted:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 46.01.140 and 1991 c 339 s 16 are each amended to read as follows:

(1) The county auditor, if appointed by the director of licensing shall carry out the provisions of this title relating to the licensing of vehicles and the issuance of vehicle license number plates under the direction and supervision of the director and may with the approval of the director appoint assistants as special deputies and recommend subagents to accept applications and collect fees for vehicle licenses and transfers and to deliver vehicle license number plates.

(2) A county auditor appointed by the director may request that the director appoint subagencies within the county. Upon authorization of the director, the auditor shall advertise a request for proposals and use the process for soliciting vendors under RCW 39.04.190(2), except that the provision requiring the contract to be awarded to the lowest responsible bidder shall not apply. The auditor shall submit all proposals to the director, and shall recommend the appointment of one or more subagents who have applied through the request for proposal process. The director has final appointment authority.

(3)(a) A county auditor who is appointed as an agent by the department shall enter into a standard contract provided by the director, developed with the advice of the title and registration advisory committee.

(b) A subagent appointed under subsection (2) of this section shall enter into a standard contract with the county auditor, developed with the advice of the title and registration advisory committee. The director shall provide the standard contract to county auditors.

(c) The contracts provided for in (a) and (b) of this subsection must contain at a minimum provisions that:

(i) Describe the responsibilities, and where applicable, the liability, of each party relating to the service expectations and levels, equipment to be supplied by the department, and equipment maintenance;

(ii) Require the specific type of insurance or bonds so that the state is protected against any loss of collected motor vehicle tax revenues or loss of equipment;

(iii) Specify the amount of training that will be provided by the state, the county auditor, or subagents;

(iv) Describe allowable costs that may be charged to motor vehicle licensing activities as provided for in (d) of this subsection;

(v) Describe the causes and procedures for termination of the contract, which may include mediation and binding arbitration.

(d) The department shall develop procedures that will standardize and prescribe allowable costs that may be assigned to motor vehicle licensing activities performed by county auditors.

(e) The contracts may include any provision that the director deems necessary to ensure acceptable service and the full collection of motor vehicle tax revenues.

(f) The director may waive any provisions of the contract deemed necessary in order to ensure that readily accessible service is provided to the citizens of the state.

(4)(a) At any time any application is made to the director, the county auditor, or other agent pursuant to any law dealing with licenses, registration, or the right to operate any vehicle upon the public highways of this state, excluding applicants already paying such fee under RCW 46.16.070 or 46.16.085, the applicant shall pay to the director, county auditor, or other agent a fee of two dollars for each application in addition to any other fees required by law.

(b) Counties that do not cover the expenses of motor vehicle licensing activities may submit to the department a request for cost-coverage moneys. The request must be submitted on a form developed by the department. The department shall develop procedures to verify whether a request is reasonable. Payment shall be made on requests found to be allowable from the licensing services account.

(c) Applicants for certificates of ownership, including applicants paying fees under RCW 46.16.070 or 46.16.085, shall pay to the director, county auditor, or other agent a fee of three dollars in addition to any other fees required by law.

~~((These))~~ (d) The fees under (a) and (c) of this subsection, if paid to the county auditor as agent of the director, or if paid to a subagent of the county auditor, shall be paid to the county treasurer in the same manner as other fees collected by the county auditor and credited to the county current expense fund. If the fee is paid to another agent of the director, the fee shall be used by the agent to defray his or her expenses in handling the application.

~~((3))~~ (5) A subagent ~~((is entitled to an additional service charge of two dollars. However, from July 1, 1991, through June 30, 1992, subagents))~~ shall collect a service fee of (a) five dollars and fifty cents for changes in a certificate of ownership, with or without registration renewal, or verification of record and preparation of an affidavit of lost title other than at the time of the title application or transfer and (b) two dollars and twenty-five cents for registration renewal only, issuing a transit permit, or any other service under this section.

~~((4))~~ (6) If the fee is collected by the state patrol as agent for the director, the fee so collected shall be certified to the state treasurer and deposited to the credit of the state patrol highway account. If the fee is collected by the department of transportation as agent for the director, the fee shall be certified to the state treasurer and deposited to the credit of the motor vehicle fund. All such fees collected by the director or branches of his office shall be certified to the state treasurer and deposited to the credit of the highway safety fund.

(7) Any county revenues that exceed the cost of providing motor vehicle licensing activities in a county, calculated in accordance with the procedures in subsection (3)(d) of this section, shall be expended as determined by the county legislative authority during the process established by law for adoption of county budgets.

(8) The director may adopt rules to implement this section.

Sec. 2. RCW 46.01.230 and 1987 c 302 s 2 are each amended to read as follows:

(1) The department of licensing is authorized to accept checks and money orders for payment of drivers' licenses, certificates of ownership and registration, motor vehicle excise taxes, gross weight fees, and other fees and taxes collected by the department, in accordance with regulations adopted by the director. The director's regulations shall duly provide for the public's convenience consistent with sound business practice and shall encourage the annual renewal of vehicle registrations by mail to the department, authorizing checks and money orders for payment. Such regulations shall contain provisions for cancellation of any registrations, licenses, or permits paid for by checks or money orders which are not duly paid and for the necessary accounting procedures in such cases: PROVIDED, That any bona fide purchaser for value of a vehicle shall not be liable or responsible for any prior uncollected taxes and fees paid, pursuant to this section, by a check which has subsequently been dishonored: AND PROVIDED FURTHER, That no transfer of ownership of a vehicle may be denied to a bona fide purchaser for value of a vehicle if there are outstanding uncollected fees or taxes for which a predecessor paid, pursuant to this section, by check which has subsequently been dishonored nor shall the new owner be required to pay any fee for replacement vehicle license number plates that may be required pursuant to RCW 46.16.270 as now or hereafter amended.

(2) It is a traffic infraction to fail to surrender within ten days to the department or any authorized agent of the department any certificate, license, or permit after being notified by certified mail that such certificate, license, or permit has been canceled pursuant to this section.

(3) Whenever registrations, licenses, or permits have been paid for by checks that have been dishonored by nonacceptance or nonpayment, a reasonable handling fee may be assessed for each such instrument. Notwithstanding provisions of any other laws, county auditors, agents, and subagents, appointed or approved by the director pursuant to RCW 46.01.140, may collect restitution, and where they have collected restitution may retain the reasonable handling fee. The amount of the reasonable handling fee may be set by rule by the director.

(4) In those counties where the county auditor has been appointed an agent of the director under RCW 46.01.140, the auditor shall continue to process mail-in registration renewals until directed otherwise by legislative authority.

NEW SECTION. Sec. 3. A new section is added to chapter 46.01 RCW to read as follows:

The title and registration advisory committee is created within the department. The committee consists of the director or a designee, who shall serve as chair, the assistant director for vehicle services, the administrator of title and registration services, two members from each of the house and senate transportation committees, two county auditors nominated by the Washington association of county officials, and two representatives of subagents nominated by an association of vehicle subagents. The committee shall meet at least twice a year, and may meet as often as is necessary.

The committee's purpose is to foster communication between the legislature, the department, county auditors, and subagents. The committee shall make recommendations when requested by the legislative transportation committee, or on its own initiative, about revisions to fee structures, implications of fee revisions on cost sharing; and the development of standard contracts provided for in RCW 46.01.140(3). The committee shall make recommendations about fee revisions to the legislative transportation committee by January 1, 1996.

Sec. 4. RCW 46.16.060 and 1987 1st ex.s. c 9 s 3 are each amended to read as follows:

(1) Except for vehicles already so taxed in RCW 46.16.070 and 46.16.085 or as otherwise specifically provided by law for the licensing of vehicles, there shall be paid and collected annually for each registration year or fractional part thereof and upon each vehicle a license fee of twenty-three dollars, but effective with initial motor vehicle registrations that expire in January, 1989, and thereafter, the license fee shall be twenty-seven dollars and seventy-five cents; however, if the vehicle was previously licensed in this state and has not been registered in another jurisdiction in the intervening period, the renewal license fee shall be nineteen dollars, but effective with vehicle license renewals that expire in January, 1989, and thereafter, the renewal license fee shall be twenty-three dollars and seventy-five cents. On all new and renewal license fees, an additional fifty cents shall be collected and remitted to the department for deposit into the department of licensing services account of the motor vehicle fund. The proceeds of such fees shall be distributed in accordance with RCW 46.68.030. The fee for licensing each house-moving dolly which is used exclusively for moving buildings or homes on the highway under special permit as provided for in chapter 46.44 RCW shall be twenty-five dollars, but effective with licenses that expire in January, 1989, and thereafter, the fee shall be twenty-nine dollars and seventy-five cents, and no other fee shall be charged for the load carried thereon.

(2) The department of licensing, county auditors, and other authorized agents shall collect for any registration year any increase in the fees authorized by this section for the months of that registration year in which any such increase is effective in the same manner and at the same time as such fees for that registration year would otherwise be collected as provided by law.

NEW SECTION. Sec. 5. A new section is added to chapter 46.68 RCW to read as follows:

The department of licensing services account is created in the motor vehicle fund. All receipts from service fees received under RCW 46.01.140(4)(b) shall be deposited into the account. Moneys in the account may be spent only

after appropriation. Expenditures from the account may be used only for information and service delivery systems for the department, and for reimbursement of county licensing activities.

Senator Barr moved that the following amendment to the Committee on Transportation amendment be adopted:

On page 7, after line 29 of the amendment, insert the following:

Sec. 6. RCW 46.16.070 and 1990 c 42 s 105 are each amended to read as follows:

(1) In lieu of all other vehicle licensing fees, unless specifically exempt, and in addition to the excise tax prescribed in chapter 82.44 RCW and the mileage fees prescribed for buses and stages in RCW 46.16.125, there shall be paid and collected annually for each motor truck, truck tractor, road tractor, tractor, bus, auto stage, or for hire vehicle with seating capacity of more than six, based upon the declared combined gross weight or declared gross weight thereof pursuant to the provisions of chapter 46.44 RCW, the following licensing fees by such gross weight:

4,000 lbs.	\$ 37.00
6,000 lbs.	\$ 44.00
8,000 lbs.	\$ 55.00
10,000 lbs.	\$ 62.00
12,000 lbs.	\$ 72.00
14,000 lbs.	\$ 82.00
16,000 lbs.	\$ 92.00
18,000 lbs.	\$ 137.00
20,000 lbs.	\$ 152.00
22,000 lbs.	\$ 164.00
24,000 lbs.	\$ 177.00
26,000 lbs.	\$ 187.00
28,000 lbs.	\$ 220.00
30,000 lbs.	\$ 253.00
32,000 lbs.	\$ 304.00
34,000 lbs.	\$ 323.00
36,000 lbs.	\$ 350.00
38,000 lbs.	\$ 384.00
40,000 lbs.	\$ 439.00
42,000 lbs.	\$ 456.00
44,000 lbs.	\$ 466.00
46,000 lbs.	\$ 501.00
48,000 lbs.	\$ 522.00
50,000 lbs.	\$ 566.00
52,000 lbs.	\$ 595.00
54,000 lbs.	\$ 642.00
56,000 lbs.	\$ 677.00
58,000 lbs.	\$ 704.00
60,000 lbs.	\$ 750.00
62,000 lbs.	\$ 804.00
64,000 lbs.	\$ 822.00
66,000 lbs.	\$ 915.00
68,000 lbs.	\$ 954.00
70,000 lbs.	\$1,027.00
72,000 lbs.	\$1,098.00
74,000 lbs.	\$1,193.00
76,000 lbs.	\$1,289.00
78,000 lbs.	\$1,407.00
80,000 lbs.	\$1,518.00
82,000 lbs.	\$1,623.00
84,000 lbs.	\$1,728.00
86,000 lbs.	\$1,833.00
88,000 lbs.	\$1,938.00
90,000 lbs.	\$2,043.00
92,000 lbs.	\$2,148.00
94,000 lbs.	\$2,253.00
96,000 lbs.	\$2,358.00
98,000 lbs.	\$2,463.00

100,000 lbs.	\$2,568.00
102,000 lbs.	\$2,673.00
104,000 lbs.	\$2,778.00
105,500 lbs.	\$2,883.00

Every motor truck, truck tractor, and tractor exceeding 6,000 pounds empty scale weight registered under chapter 46.16, 46.87, or 46.88 RCW shall be licensed for not less than one hundred fifty percent of its empty weight unless the amount would be in excess of the legal limits prescribed for such a vehicle in RCW 46.44.041 or 46.44.042, in which event the vehicle shall be licensed for the maximum weight authorized for such a vehicle.

The following provisions apply when increasing gross or combined gross weight for a vehicle licensed under this section:

(a) The new license fee will be one-twelfth of the fee listed above for the new gross weight, multiplied by the number of months remaining in the period for which licensing fees have been paid, including the month in which the new gross weight is effective.

(b) Upon surrender of the current certificate of registration or cab card, the new licensing fees due shall be reduced by the amount of the licensing fees previously paid for the same period for which new fees are being charged.

(2) The proceeds from the fees collected under subsection (1) of this section shall be distributed in accordance with RCW 46.68.035.

Sec. 7. RCW 46.16.160 and 1987 c 244 s 6 are each amended to read as follows:

(1) The owner of a vehicle which under reciprocal relations with another jurisdiction would be required to obtain a license registration in this state or an unlicensed vehicle which would be required to obtain a license registration for operation on public highways of this state may, as an alternative to such license registration, secure and operate such vehicle under authority of a trip permit issued by this state in lieu of a Washington certificate of license registration, and licensed gross weight if applicable. The licensed gross weight shall not exceed eighty thousand pounds for a combination of vehicles nor forty thousand pounds for a single unit vehicle with three or more axles. Trip permits may also be issued for movement of mobile homes pursuant to RCW 46.44.170. For the purpose of this section, a vehicle is considered unlicensed if the licensed gross weight currently in effect for the vehicle or combination of vehicles is not adequate for the load being carried. Vehicles registered under RCW 46.16.135 shall not be operated under authority of trip permits in lieu of further registration within the same registration year.

(2) Each trip permit shall authorize the operation of a single vehicle at the maximum legal weight limit for such vehicle for a period of three consecutive days commencing with the day of first use. No more than three such permits may be used for any one vehicle in any period of thirty consecutive days. Every permit shall identify, as the department may require, the vehicle for which it is issued and shall be completed in its entirety and signed by the operator before operation of the vehicle on the public highways of this state. Correction of data on the permit such as dates, license number, or vehicle identification number invalidates the permit. The trip permit shall be displayed on the vehicle to which it is issued as prescribed by the department.

(3) Vehicles operating under authority of trip permits are subject to all laws, rules, and regulations affecting the operation of like vehicles in this state.

(4) Prorate operators operating commercial vehicles on trip permits in Washington shall retain the customer copy of such permit for four years.

(5) Blank trip permits may be obtained from field offices of the department of transportation, Washington state patrol, department of licensing, or other agents appointed by the department. For each permit issued, there shall be collected a filing fee as provided by RCW 46.01.140, an administrative fee of eight dollars, and an excise tax of one dollar. If the filing fee amount of one dollar prescribed by RCW 46.01.140 is increased or decreased after January 1, 1981, the administrative fee shall be adjusted to compensate for such change to insure that the total amount collected for the filing fee, administrative fee, and excise tax remain at ten dollars. These fees and taxes are in lieu of all other vehicle license fees and taxes. No exchange, credits, or refunds may be given for trip permits after they have been purchased.

(6) The department may appoint county auditors or businesses as agents for the purpose of selling trip permits to the public. County auditors or businesses so appointed may retain the filing fee collected for each trip permit to defray expenses incurred in handling and selling the permits.

(7) A violation of or a failure to comply with any provision of this section is a gross misdemeanor.

(8) The department of licensing may adopt rules as it deems necessary to administer this section.

(9) All administrative fees and excise taxes collected under the provisions of this chapter shall be forwarded by the department with proper identifying detailed report to the state treasurer who shall deposit the administrative fees to the credit of the motor vehicle fund and the excise taxes to the credit of the general fund. Filing fees will be forwarded and reported to the state treasurer by the department as prescribed in RCW 46.01.140.

Sec. 8. RCW 46.44.041 and 1988 c 229 s 1 and 1988 c 6 s 2 are each reenacted and amended to read as follows:

No vehicle or combination of vehicles shall operate upon the public highways of this state with a gross load on any single axle in excess of twenty thousand pounds, or upon any group of axles in excess of that set forth in the following table, except that two consecutive sets of tandem axles may carry a gross load of thirty-four thousand pounds each, if the overall distance between the first and last axles of such consecutive sets of tandem axles is thirty-six feet or more.

Dis- tance in feet between the ex- tremes of any group of 2 or more consecu- tive axles	Maximum load in pounds carried on any group of 2 or more consecutive axles									
	2 axles	3 axles	4 axles	5 axles	6 axles	7 axles	8 axles	9 axles		
4	34,000									
5	34,000									
6	34,000									
7	34,000									
8	34,000	42,000								
9	39,000	42,500								
10	40,000	43,500								
11		44,000								
12		45,000	50,000							
13		45,500	50,500							
14		46,500	51,500							
15		47,000	52,000							
16		48,000	52,500	52,500						
17		48,500	53,500	53,500						
18		49,500	54,000	54,000						
19		50,000	54,500	54,500						
20		51,000	55,500	55,500						
21		51,500	56,000	56,000						
22		52,500	56,500	56,500						
23		53,000	57,500	57,500						
24		54,000	58,000	58,000						
25		54,500	58,500	58,500						
26		55,500	59,500	59,500						
27		56,000	60,000	60,000						
28		57,000	60,500	61,000	61,000					
29		57,500	61,500	62,000	62,000					
30		58,500	62,000	63,000	63,000					
31		59,000	62,500	64,000	64,500					
32		60,000	63,500	65,000	65,000					
33			64,000	66,000	66,000					
34			64,500	67,000	67,000					
35			65,500	68,000	68,000					
36			66,000	69,500	69,500					
37			66,500	70,500	70,500					
38			67,500	72,000	72,000					
39			68,000	72,500	72,500					
40			68,500	73,000	73,000					
41			69,500	73,500	73,500					
42			70,000	74,000	74,000					
43			70,500	75,000	75,000					
44			71,500	75,500	75,500					
45			72,000	76,000	76,000					
46			72,500	76,500	80,000	80,000				
47			73,500	77,000	81,000	81,000				
48			74,000	78,000	82,000	82,000				
49			74,500	78,500	83,000	83,000				
50			75,500	79,000	84,000	84,000				

51	76,000	80,000	84,500	85,000		
52	76,500	80,500	85,000	86,000		
53	77,500	81,000	86,000	87,000		
54	78,000	81,500	86,500	88,000	91,000	91,000
55	78,500	82,500	87,000	89,000	92,000	92,000
56	79,500	83,000	87,500	90,000	93,000	93,000
57	80,000	83,500	88,000	91,000	94,000	94,000
58	84,000	89,000	92,000	95,000	95,000	
59	85,000	89,500	93,500	96,000	96,000	
60			85,500	90,000	95,000	97,000 97,000
61			86,000	90,500	95,500	98,000 98,000
62			87,000	91,000	96,000	99,000 99,000
63			87,500	92,000	97,000	100,000 100,000
64			88,000	92,500	97,500	101,000 101,000
65			88,500	93,000	98,000	102,000 102,000
66			89,500	93,500	98,500	103,000 103,000
67			90,000	94,000	99,000	104,000 104,000
68			90,500	95,000	99,500	105,000 105,000
69			91,000	95,500	100,000	105,500 105,500
70			92,000	96,000	101,000	105,500 105,500

When inches are involved: Under six inches take lower, six inches or over take higher. The maximum load on any axle in any group of axles shall not exceed the single axle or tandem axle allowance as set forth in the table above.

The maximum axle and gross weights specified in this section are subject to the braking requirements set up for the service brakes upon any motor vehicle or combination of vehicles as provided by law.

~~(It is unlawful to operate upon the public highways any single unit vehicle, supported upon three axles or more with a gross weight including load in excess of forty thousand pounds or any combination of vehicles having a gross weight in excess of eighty thousand pounds without first obtaining an additional tonnage permit as provided for in RCW 46.44.095; PROVIDED, That when a combination of vehicles has purchased license tonnage in excess of seventy two thousand pounds as provided by RCW 46.16.070, such excess license tonnage may be applied to the power unit subject to limitations of RCW 46.44.042 and this section when such vehicle is operated without a trailer.)~~

It is unlawful to operate any vehicle upon the public highways equipped with two axles spaced less than seven feet apart unless the two axles are so constructed and mounted that the difference in weight between the axles does not exceed three thousand pounds. However, variable lift axles are exempt from this requirement. For purposes of this section, a "variable lift axle" is an axle that may be lifted from the roadway surface, whether by air, hydraulic, mechanical, or any combination of these means. The weight allowed on the axle is governed by RCW 46.44.042 and this section.

Loads of not more than eighty thousand pounds which may be legally hauled in the state bordering this state which also has a sales tax, are legal in this state when moving to a port district within four miles of the bordering state except on the interstate system. This provision does not allow the operation of a vehicle combination consisting of a truck tractor and three trailers.

Notwithstanding anything contained herein, a vehicle or combination of vehicles in operation on January 4, 1975, may operate upon the public highways of this state, including the interstate system within the meaning of section 127 of Title 23, United States Code, with an overall gross weight upon a group of two consecutive sets of dual axles which was lawful in this state under the laws, regulations, and procedures in effect in this state on January 4, 1975.

Sec. 9. RCW 46.44.0941 and 1990 c 42 s 107 are each amended to read as follows:

The following fees, in addition to the regular license and tonnage fees, shall be paid for all movements under special permit made upon state highways. All funds collected, except the amount retained by authorized agents of the department as provided in RCW 46.44.096, shall be forwarded to the state treasury and shall be deposited in the motor vehicle fund:

- All overlegal loads, except overweight, single trip.....\$ 10.00
- Continuous operation of overlegal loads having either overwidth or overheight features only, for a period not to exceed thirty days.....\$ 20.00
- Continuous operations of overlegal loads having overlength features only, for a period not to exceed thirty days.....\$ 10.00
- Continuous operation of a combination of vehicles having one trailing unit that

- exceeds forty-eight feet and is not more than fifty-six feet in length, for a period of one year.....\$ 100.00
- Continuous operation of a combination of vehicles having two trailing units which together exceed sixty feet and are not more than sixty-eight feet in length, for a period of one year.....\$ 100.00
- Continuous operation of a three-axle fixed load vehicle having less than 65,000 pounds gross weight, for a period not to exceed thirty days.....\$ 70.00
- Continuous operation of a four-axle fixed load vehicle meeting the requirements of RCW 46.44.091(1) and weighing less than 86,000 pounds gross weight, not to exceed thirty days.....\$ 90.00
- Continuous operation of overlegal loads having nonreducible features not to exceed eighty-five feet in length and fourteen feet in width, for a period of one year.....\$ 150.00
- Continuous operation of a two or three-axle collection truck, actually engaged in the collection of solid waste or recyclables, or both, under chapter 81.77 or 35.21 RCW or by contract under RCW 36.58.090, for one year with an additional six thousand pounds more than the weight authorized in RCW 46.16.070 on the rear axle of a two-axle truck or eight thousand pounds for the tandem axles of a three-axle truck. RCW 46.44.041 and 46.44.091 notwithstanding, the tire limits specified in RCW 46.44.042 apply, but none of the excess weight is valid or may be permitted on any part of the federal interstate highway system.....\$ 42.00

per thousand pounds

The department may issue any of the above-listed permits that involve height, length, or width for an expanded period of consecutive months, not to exceed one year.

Continuous operation of farm implements under a permit issued as authorized by RCW 46.44.140 by:

- (1) Farmers in the course of farming activities, for any three-month period.....\$ 10.00
- (2) Farmers in the course of farming activities, for a period not to exceed one year.....\$ 25.00
- (3) Persons engaged in the business of the sale, repair, or maintenance of such farm implements, for any three-month period.....\$ 25.00
- (4) Persons engaged in the business of the sale, repair, or maintenance of such farm implements, for a period not to exceed one year.....\$ 100.00

Overweight Fee Schedule

Weight over total registered gross weight (~~plus additional gross weight purchased under RCW 46.44.095 or 46.44.047, or any other statute authorizing the state department of transportation to issue~~

Fee per mile on state

annual overweight permits))
or in excess of axle limits as set
forth in RCW 46.44.041.

highways

1-5,999 pounds.....	\$.07
6,000-11,999 pounds.....	\$.14
12,000-17,999 pounds.....	\$.21
18,000-23,999 pounds.....	\$.35
24,000-29,999 pounds.....	\$.49
30,000-35,999 pounds.....	\$.63
36,000-41,999 pounds.....	\$.84
42,000-47,999 pounds.....	\$ 1.05
48,000-53,999 pounds.....	\$ 1.26
54,000-59,999 pounds.....	\$ 1.47
60,000-65,999 pounds.....	\$ 1.68
66,000-71,999 pounds.....	\$ 2.03
72,000-79,999 pounds.....	\$ 2.38
80,000 pounds or more.....	\$ 2.80

PROVIDED: (a) The minimum fee for any overweight permit shall be \$14.00, (b) the fee for issuance of a duplicate permit shall be \$14.00, (c) when computing overweight fees prescribed in this section or in RCW 46.44.095 that result in an amount less than even dollars the fee shall be carried to the next full dollar if fifty cents or over and shall be reduced to the next full dollar if forty-nine cents or under.

The fees levied in this section and RCW 46.44.095 do not apply to vehicles owned and operated by the state of Washington, a county within the state, a city or town or metropolitan municipal corporation within the state, or the federal government.

Sec. 10. RCW 46.44.095 and 1990 c 42 s 108 are each amended to read as follows:

~~(When a combination of vehicles has been lawfully licensed to a total gross weight of eighty thousand pounds and when a three or more axle single unit vehicle has been lawfully licensed to a total gross weight of forty thousand pounds pursuant to provisions of RCW 46.44.041, a permit for additional gross weight may be issued by the department of transportation upon the payment of fifty two dollars and fifty cents per year for each one thousand pounds or fraction thereof of such additional gross weight: PROVIDED, That the tire limits specified in RCW 46.44.042 shall apply, and the gross weight on any single axle shall not exceed twenty thousand pounds, and the gross load on any group of axles shall not exceed the limits set forth in RCW 46.44.041: PROVIDED FURTHER, That within the tire limits of RCW 46.44.042, and notwithstanding RCW 46.44.041 and 46.44.091, a permit for an additional six thousand pounds may be purchased for the rear axles of a two axle garbage truck or eight thousand pounds for the tandem axle of a three axle garbage truck at a rate not to exceed forty two dollars per thousand. Such additional weight in the case of garbage trucks shall not be valid or permitted on any part of the federal interstate highway system.~~

~~The annual additional tonnage permits provided for in this section shall be issued upon such terms and conditions as may be prescribed by the department pursuant to general rules adopted by the transportation commission. Such permits shall entitle the permittee to carry such additional load in an amount and upon highways or sections of highways as may be determined by the department of transportation to be capable of withstanding increased gross load without undue injury to the highway: PROVIDED, That the permits are not valid on any highway where the use of such permits would deprive this state of federal funds for highway purposes.~~

~~For those vehicles registered under chapter 46.87 RCW, the annual additional tonnage permits provided for in this section may be issued to coincide with the registration year of the base jurisdiction. For those vehicles registered under chapter 46.16 RCW and whose registration has staggered renewal dates, the annual additional tonnage permits may be issued to coincide with the expiration date of the registration. The permits may be purchased at any time, and if they are purchased for less than a full year, the fee shall be one twelfth of the full fee multiplied by the number of months, including any fraction thereof, covered by the permit. When the department issues a duplicate permit to replace a lost or destroyed permit and where the department transfers a permit from one vehicle to another a fee of fourteen dollars shall be charged for each duplicate issued or each transfer. The department of transportation shall issue permits on a temporary basis for periods not less than five days at two dollars and eighty cents per day for each two thousands pounds or fraction thereof.~~

~~The fees levied in RCW 46.44.0941 and this section shall not apply to any vehicles owned and operated by the state of Washington, any county within the state, or any city or town or metropolitan municipal corporation within the state, or by the federal government.~~

~~In the case of fleets prorating license fees under the provisions of chapter 46.87 RCW, the fees provided for in this section shall be computed by the department of transportation by applying the proportion of the Washington mileage of the fleet in question to the total mileage of the fleet as reported pursuant to chapter 46.87 RCW to the fees that would be required to purchase the additional weight allowance for all eligible vehicles or combinations of vehicles for which the extra weight allowance is requested.~~

~~When computing fees that result in an amount other than full dollars, the fee shall be increased to the next full dollar if fifty cents or over and shall be reduced to the next full dollar if forty nine cents or under. The minimum fee for any prorated tonnage permit issued under this section shall be thirty five dollars.)~~

When a combination of vehicles has been licensed to a total gross weight of 80,000 pounds or when a three or more axle single unit vehicle has been licensed to a total gross weight of 40,000 pounds, a temporary additional tonnage permit to haul loads in excess of these limits may be issued. This permit is valid for periods of not less than five days at two dollars and eighty cents per day for each two thousand pounds or fraction thereof. The fee may not be prorated. The permits shall authorize the movement of loads not exceeding the weight limits set forth in RCW 46.44.041 and 46.44.042.

Sec. 11. RCW 46.44.096 and 1989 c 398 s 4 are each amended to read as follows:

In determining fees according to RCW 46.44.0941, mileage on state primary and secondary highways shall be determined from the planning survey records of the department of transportation, and the gross weight of the vehicle or vehicles, including load, shall be declared by the applicant. Overweight on which fees shall be paid will be gross loadings in excess of loadings authorized by law or axle loadings in excess of loadings authorized by law, whichever is the greater. Loads which are overweight and oversize shall be charged the fee for the overweight permit without additional fees being assessed for the oversize features.

Special permits issued under RCW 46.44.047, 46.44.0941, or 46.44.095, may be obtained from offices of the department of transportation, ports of entry, or other agents appointed by the department.

The department may appoint agents for the purposes of selling special motor vehicle permits, temporary additional tonnage permits, and log tolerance permits. Agents so appointed may retain three dollars and fifty cents for each permit sold to defray expenses incurred in handling and selling the permits. If the fee is collected by the department of transportation, the department shall certify the fee so collected to the state treasurer for deposit to the credit of the motor vehicle fund.

Fees established in RCW 46.44.0941 shall be paid to the political body issuing the permit if the entire movement is to be confined to roads, streets, or highways for which that political body is responsible. When a movement involves a combination of state highways, county roads, and/or city streets the fee shall be paid to the state department of transportation. When a movement is confined within the city limits of a city or town upon city streets, including routes of state highways on city streets, all fees shall be paid to the city or town involved. A permit will not be required from city or town authorities for a move involving a combination of city or town streets and state highways when the move through a city or town is being confined to the route of the state highway. When a move involves a combination of county roads and city streets the fee shall be paid to the county authorities, but the fee shall not be collected nor the county permit issued until valid permits are presented showing the city or town authorities approve of the move in question. When the movement involves only county roads the fees collected shall be paid to the county involved. Fees established shall be paid to the political body issuing the permit if the entire use of the vehicle during the period covered by the permit shall be confined to the roads, streets, or highways for which that political body is responsible.

~~(If, pursuant to RCW 46.44.090, cities or counties issue additional tonnage permits similar to those provided for issuance by the state department of transportation in RCW 46.44.095, the state department of transportation shall authorize the use of the additional tonnage permits on state highways subject to the following conditions:~~

~~(1) The owner of the vehicle covered by such permit shall establish to the satisfaction of the state department of transportation that the primary use of the vehicle is on the streets or roads of the city or county issuing the additional tonnage permit;~~

~~(2) That the fees paid for the additional tonnage are not less than those established in RCW 46.44.095;~~

~~(3) That the city or county issuing the permit shall allow the use of permits issued by the state pursuant to RCW 46.44.095 on the streets or roads under its jurisdiction;~~

~~(4) That all of the provisions of RCW 46.44.042 and 46.44.041 shall be observed.~~

~~When the department of transportation is satisfied that the above conditions have been met, the department of transportation, by suitable endorsement on the permit, shall authorize its use on such highways as the department has authorized for such permits pursuant to RCW 46.44.095, and all such use of such highways is subject to whatever rules and regulations the state department of transportation has adopted for the permits.)~~

Sec. 12. RCW 46.68.035 and 1990 c 42 s 106 are each amended to read as follows:

All proceeds from combined vehicle licensing fees received by the director for vehicles licensed under RCW 46.16.070 and 46.16.085 shall be forwarded to the state treasurer to be distributed into accounts according to the following method:

(1) The sum of two dollars for each vehicle shall be deposited into the highway safety fund, except that for each vehicle registered by a county auditor or agent to a county auditor pursuant to RCW 46.01.140, the sum of two dollars shall be credited to the current county expense fund.

(2) The remainder shall be distributed as follows:

(a) ~~((25.862))~~ 23.810 percent shall be deposited into the state patrol highway account of the motor vehicle fund;

(b) ~~((1.661))~~ 1.529 percent shall be deposited into the Puget Sound ferry operations account of the motor vehicle fund; and

(c) The remaining proceeds shall be deposited into the motor vehicle fund.

NEW SECTION. Sec. 13. RCW 46.44.160 and 1988 c 55 s 2, 1981 c 229 s 1, 1975-'76 2nd ex.s. c 64 s 21, & 1975 1st ex.s. c 196 s 1 are each repealed.

POINT OF ORDER

Senator von Reichbauer: "Mr. President, I rise to raise the question of scope and object on the amendment by Senator Barr to the committee amendment to Engrossed Substitute House Bill No. 2643. Senator Barr has referred to this as a simple little amendment. This simple little amendment of twenty pages is an issue that should have been addressed, but unfortunately it was not. I do not believe this bill which is restructuring reimbursement of vehicle licensing and registration activities is the vehicle for a bill that deals with the proposed amendment by Senator Barr. I would urge the body to consider the proposed activity with gross weight, not with an inappropriate vehicle for Engrossed Substitute House Bill No. 2643."

Further debate ensued.

There being no objection, the President deferred further consideration of Engrossed Substitute House Bill No. 2643.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2714, by House Committee on Transportation (originally sponsored by Representatives R. Fisher, Cantwell, Paris and Wood)

Regulating addition of territory to public transportation benefit areas.

The bill was read the second time.

MOTION

On motion of Senator Patterson, the rules were suspended, Substitute House Bill No. 2714 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2714.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2714 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Jesernig, Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sumner, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 47.

Absent: Senator Hayner - 1.

Excused: Senator Owen - 1.

SUBSTITUTE HOUSE BILL NO. 2714, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2833, by House Committee on Natural Resources and Parks (originally sponsored by Representatives Fraser, McLean, Rayburn, Edmondson, Valle, Miller, Belcher, Brekke and Haugen)

Regulating the usage of reclaimed water.

The bill was read the second time.

MOTIONS

On motion of Senator Barr, the following Committee on Agriculture and Water Resources amendment was adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that by encouraging the use of reclaimed water while assuring the health and safety of all Washington citizens and the protection of its environment, the state of Washington will continue to use water in the best interests of present and future generations.

To facilitate the opportunity to use reclaimed water as soon as is practicable, the legislature encourages the cooperative efforts of the public and private sectors and the use of pilot projects to effectuate the goals of this chapter. The legislature further directs the department of health and the department of ecology to coordinate efforts towards developing an efficient and streamlined process for creating and implementing processes for the use of reclaimed water.

NEW SECTION. Sec. 2. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Greywater" means sewage having the consistency and strength of residential domestic type wastewater. Greywater includes wastewater from sinks, showers, and laundry fixtures, but does not include toilet or urinal waters.

(2) "Land application" means application of treated effluent for purposes of irrigation or landscape enhancement for residential, business, and governmental purposes.

(3) "Person" means any state, individual, public or private corporation, political subdivision, governmental subdivision, governmental agency, municipality, copartnership, association, firm, trust estate, or any other legal entity whatever.

(4) "Reclaimed water" means effluent derived in any part from sewage from a wastewater treatment system that has been adequately and reliably treated, so that as a result of that treatment, it is suitable for a direct beneficial use or a controlled use that would not otherwise occur.

(5) "Sewage" means water-carried human wastes, including kitchen, bath, and laundry waste from residences, buildings, industrial and commercial establishments, or other places, together with such ground water infiltration, surface waters, or industrial wastewater as may be present.

(6) "User" means any person who uses reclaimed water.

(7) "Wastewater" means water and wastes discharged from homes, businesses, and industry to the sewer system.

NEW SECTION. Sec. 3. (1) The department of ecology shall, in coordination with the department of health, develop interim standards for pilot projects under subsection (3) of this section on or before July 1, 1992, for the use of reclaimed water in land applications.

(2) The department of health shall, in coordination with the department of ecology, develop interim standards for pilot projects under subsection (3) of this section on or before November 15, 1992, for the use of reclaimed water in commercial and industrial activities.

(3) The department of ecology and the department of health shall assist interested parties in the development of pilot projects to aid in achieving the purposes of this chapter.

NEW SECTION. Sec. 4. (1) The department of health shall, in coordination with the department of ecology, adopt a single set of standards, procedures, and guidelines on or before August 1, 1993, for the industrial and commercial use of reclaimed water.

(2) The department of health may issue a reclaimed water permit for industrial and commercial uses of reclaimed water to the generator of reclaimed water who may then distribute the water, subject to provisions in the permit governing the location, rate, water quality, and purposes of use.

(3) The department of health in consultation with the advisory committee established in section 6 of this act, shall develop recommendations for a fee structure for permits issued under subsection (2) of this section. Fees shall be established in amounts to fully recover, and not exceed, expenses incurred by the department of health in processing permit applications and modifications, monitoring and evaluating compliance with permits, and conducting inspections and supporting the reasonable overhead expenses that are directly related to these activities. Permit fees may not be used for research or enforcement activities. The department of health shall not issue permits under this section until a fee structure has been established.

(4) A permit under this section for use of reclaimed water may be issued only to a municipal, quasi-municipal, or other governmental entity or to the holder of a waste discharge permit issued under chapter 90.48 RCW.

(5) The authority and duties created in this section are in addition to any authority and duties already provided in law with regard to sewage and wastewater collection, treatment, and disposal for the protection of health and safety of the state's waters. Nothing in this section limits the powers of the state or any political subdivision to exercise such authority.

NEW SECTION. Sec. 5. (1) The department of ecology shall, in coordination with the department of health, adopt a single set of standards, procedures, and guidelines, on or before August 1, 1993, for land applications of reclaimed water.

(2) A permit is required for any land application of reclaimed water. The department of ecology may issue a reclaimed water permit under chapter 90.48 RCW to the generator of reclaimed water who may then distribute the water, subject to provisions in the permit governing the location, rate, water quality, and purpose of use. The department of ecology shall not issue more than one permit for any individual land application of reclaimed water to a single generator.

(3) In cases where the department of ecology determines, in land applications of reclaimed water, that a significant risk to the public health exists, the department shall refer the application to the department of health for review and consultation and the department of health may require fees appropriate for review and consultation from the applicant pursuant to RCW 43.70.250.

(4) A permit under this section for use of reclaimed water may be issued only to a municipal, quasi-municipal, or other governmental entity or to the holder of a waste discharge permit issued under chapter 90.48 RCW.

(5) The authority and duties created in this section are in addition to any authority and duties already provided in law. Nothing in this section limits the powers of the state or any political subdivision to exercise such authority.

NEW SECTION. Sec. 6. (1) The department of health shall, before May 1, 1992, form an advisory committee, in coordination with the department of ecology and the department of agriculture, which will provide technical assistance in the development of standards, procedures, and guidelines required by this chapter. Such committee shall be composed of individuals from the public wastewater utilities, landscaping enhancement industry, commercial and industrial application community, and any other persons deemed technically helpful by the department of health.

(2) The department of health shall report to the joint select committee on water resource policy by December 1, 1992, on the fee structure which has been recommended under section 4(3) of this act and review fees authorized under section 5(3) of this act.

NEW SECTION. Sec. 7. The secretary of health has all of the enforcement powers granted to the secretary of health under chapter 43.70 RCW to enforce this chapter.

NEW SECTION. Sec. 8. Any person lawfully using reclaimed water before the effective date of this act may continue to do so and is not required to comply with the standards, procedures, and guidelines under chapter 90.-- RCW (sections 1 through 8 of this act) before July 1, 1995.

NEW SECTION. Sec. 9. Sections 1 through 8 of this act shall constitute a new chapter in Title 90 RCW.

NEW SECTION. Sec. 10. The department of health shall report to the legislature on progress, compliance, and overall participation in the use of reclaimed water in the state of Washington and, to the extent possible, on the resulting savings of water. The report shall also review and evaluate all uses of reclaimed water as of the effective date of this act, with recommendations as to the application of standards, procedures, and guidelines by the department of health to such existing uses, including guidelines and government agency approvals necessary to assure an adequate supply of safe, high quality food products for both domestic and export markets. The report shall further consider potential uses of greywater, including potential health impacts, and provide recommendations for such uses. The department of health shall prepare the report in coordination with the department of ecology, state building code council, and state board of health. The report under this subsection is due August 1, 1994.

NEW SECTION. Sec. 11. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

On motion of Senator Barr, the following title amendment was adopted:

On page 1, line 1 of the title, after "reclamation;" strike the remainder of the title and insert "adding a new chapter to Title 90 RCW; creating a new section; and declaring an emergency."

MOTION

On motion of Senator Barr, the rules were suspended, Substitute House Bill No. 2833, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2833, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2833, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sumner, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 48.

Excused: Senator Owen - 1.

SUBSTITUTE HOUSE BILL NO. 2833, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Engrossed Substitute House Bill No. 2643 and the pending amendment by Senator Barr on page 7, after line 29, to the Committee on Transportation amendment, deferred earlier today.

RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator von Reichbauer, the President finds that Engrossed Substitute House Bill No. 2643 is a measure which, among other things, defines the appointment process for subagents, requires standardized contracts between the Department of Licensing, counties and subagents and creates a Department of Licensing Services Account.

"The amendment by Senator Barr to the Committee on Transportation amendment would amend various provisions of the law dealing with tonnage fees and permits.

"The President, therefore, finds that the proposed amendment to the committee amendment does change the scope and object of the bill and the point of order is well taken."

The amendment by Senator Barr on page 7, after line 29 to the Committee on Transportation amendment to Engrossed Substitute House Bill No. 2643 was ruled out of order.

The President declared the question before the Senate to be the adoption of the Committee on Transportation striking amendment to Engrossed Substitute House Bill No. 2643.

Debate ensued.

The Committee on Transportation striking amendment to Engrossed Substitute House Bill No. 2643 was adopted.

MOTIONS

On motion of Senator Patterson, the following title amendment was adopted:

On page 1, line 1 of the title, after "activities;" strike the remainder of the title and insert "amending RCW 46.01.140, 46.01.230, and 46.16.060; adding a new section to chapter 46.01 RCW; and adding a new section to chapter 46.68 RCW."

On motion of Senator Patterson, the rules were suspended, Engrossed Substitute House Bill No. 2643, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2643, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2643, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 32; Nays, 16; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Bailey, Barr, Bluechel, Conner, Craswell, Gaspard, Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Niemi, Oke, Patterson, Pelz, Rasmussen, Rinehart, Skratek, A. Smith, Snyder, Sumner, Talmadge, Vognild, von Reichbauer, West, Williams, Wojahn - 32.

Voting nay: Senators Anderson, Bauer, Cantu, Erwin, Hansen, Hayner, Jesernig, Matson, Newhouse, Roach, Saling, Sellar, L. Smith, Stratton, Sutherland, Thorsness - 16.

Excused: Senator Owen - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2643, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 2316 by Representatives Rayburn, Grant, R. Johnson, Jacobsen, Lisk, Nealey, Kremen, Roland, J. Kohn, Ogden, Haugen, Silver, McLean and Rasmussen

Removing the sunset termination process from IMPACT.

The bill was read the second time.

MOTIONS

On motion of Senator Matson, the following amendment by Senators Matson, Moore, Anderson and McMullen was adopted:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 43.131.329 and 1988 c 288 s 11 are each amended to read as follows:

The international marketing program for agricultural commodities and trade at Washington State University shall be terminated on June 30, ~~((1992))~~ 1996, as provided in RCW 43.131.330.

Sec. 2. RCW 43.131.330 and 1988 c 288 s 12 are each amended to read as follows:

The following acts, or parts of acts, as now existing or as hereafter amended, are each repealed, effective June 30, ~~((1993))~~ 1997:

- (1) Section 1, chapter 57, Laws of 1984, section 1, chapter 39, Laws of 1985 and RCW 28B.30.535;
- (2) Section 2, chapter 57, Laws of 1984, section 2, chapter 39, Laws of 1985, section 3, chapter 195, Laws of 1987, section 14, chapter 505, Laws of 1987 and RCW 28B.30.537;
- (3) Section 3, chapter 57, Laws of 1984, section 3, chapter 39, Laws of 1985 and RCW 28B.30.539;
- (4) Section 6, chapter 57, Laws of 1984, section 4, chapter 39, Laws of 1985 and RCW 28B.30.541; and
- (5) Section 7, chapter 57, Laws of 1984, section 5, chapter 39, Laws of 1985 and RCW 28B.30.543.

NEW SECTION. Sec. 3. If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1992, in the omnibus appropriations act, this act shall be null and void.

On motion of Senator Matson, the following title amendment was adopted:

On page 1, line 2 of the title, after "trade;" strike the remainder of the title and insert "amending RCW 43.131.329 and 43.131.330; and creating a new section."

MOTION

On motion of Senator Matson, the rules were suspended, Engrossed House Bill No. 2316, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 2316, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2316, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sumner, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 48.

Excused: Senator Owen - 1.

ENGROSSED HOUSE BILL NO. 2316, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Substitute House Bill No. 2281 and the pending amendment by Senator McCaslin on page 2, line 13, deferred earlier today.

RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator Rasmussen, the President finds that Substitute House Bill No. 2281 is a measure which changes the train crew size requirements in present law.

"The amendment by Senator McCaslin would modify the present law on train bells and whistles to allow counties to waive such requirements under certain conditions.

"The President, therefore, finds that the proposed amendment does change the scope and object of the bill and the point of order is well taken."

The amendment by Senator McCaslin on page 2, line 13, to Substitute House Bill No. 2281 was ruled out of order.

MOTION

On motion of Senator Patterson, the rules were suspended, Substitute House Bill No. 2281 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

MOTION

On motion of Senator Anderson, Senator Bluechel was excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2281.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2281 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sumner, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 47.

Excused: Senators Bluechel, Owen - 2.

SUBSTITUTE HOUSE BILL NO. 2281, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2628, by House Committee on Fisheries and Wildlife (originally sponsored by Representatives R. King, Orr, G. Cole, Rust, Belcher, Fraser, Horn, Morris, R. Meyers, Basich, Leonard, Valle and Jacobsen)

Protecting riparian-associated wildlife from agricultural and grazing land practices.

The bill was read the second time.

MOTION

Senator Barr moved that the following Committee on Agriculture and Water Resources amendment be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that fish and wildlife habitat will be adversely affected if water service to an area in the state that includes a national wildlife refuge is discontinued. The legislature finds that the continuation of the existing diversion of water is necessary to protect, preserve, and perpetuate the fish and wildlife habitat that exists on the national wildlife refuge area and on adjacent agricultural and grazing lands irrigated from such diversion.

NEW SECTION. Sec. 2. A new section is added to chapter 90.14 RCW to read as follows:

(1) A person may file with the department of ecology not later than August 31, 1992, a statement of claim as provided in RCW 90.14.051(1) through (8) if: The statement embodies a claim of a right to divert public waters with a priority date that is prior to June 6, 1917; and the statement is accompanied by a notarized affidavit or affidavits, relating to and supporting the rights claimed in the statement, which satisfy the requirements of this subsection.

Affidavits accompanying a statement filed under this section shall be signed by a person or persons who attest in the affidavits to: (a) Having witnessed personally a posting of a notice of intent to establish a water right at the point of diversion of such claimed right; and (b) having direct knowledge of the diversion of waters associated with that right, through conveyance systems, to the places of beneficial use without interruption each year for the fifty-year period immediately preceding the effective date of this section.

The department shall accept any statement of claim which satisfies the requirements of subsection (1) of this section if a portion of the diverted water is delivered to lands included in a national wildlife refuge. The department shall file the same in the water rights claims registry established by RCW 90.14.111.

(2) The provisions of RCW 90.14.071, regarding waiving and relinquishing a water right or any title or interest in a right, do not apply to a claim filed pursuant to this section. However, reopening the period for filing a statement of claim for a water right as provided by this section shall not affect or impair in any respect whatsoever any water right existing prior to the effective date of this section whether such a previously existing right was established under territorial, state, or federal law or is embodied in rights derived under federal treaties or under federal doctrine regarding reserved rights for federal reservations of the public domain. Further, a water right embodied in a statement of claim filed under this section is, without regard to priority date, subordinate to any water right embodied in a permit or certificate issued pursuant to chapter 90.03 or 90.44 RCW before the effective date of this section or embodied in a statement of claim filed in the water rights claims registry before the effective date of this section.

(3) Nothing in this section impacts or affects in any manner whatsoever the authority of the state, an Indian tribe, or any other governmental entity to allocate, regulate, or administer water rights on a federal reservation or changes the jurisdiction of any governmental entity.

POINT OF ORDER

Senator Talmadge: "A point of order, Mr. President. The bill as it came from the House apparently was a bill designed to deal with habitat management practices to protect wildlife and fish. In its odyssey through the Senate, the bill acquired a number of sections relating to water rights, which are distinct from the original scope and purpose of the House Bill as it passed the House of Representatives. I believe, therefore, that the Senate Committee amendment expands the scope and object of Engrossed Substitute House No. 2628."

Further debate ensued.

MOTION

On motion of Senator Newhouse, further consideration of Engrossed Substitute House Bill No. 2628 was deferred.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2629, by House Committee on Fisheries and Wildlife (originally sponsored by Representatives R. King, Orr, G. Cole, Belcher, May, Rust, Fraser, Morris, R. Meyers, Basich, Leonard, Zellinsky, Nelson and Jacobsen)

Conserving water to halt the decline in wild stocks of salmonids.

The bill was read the second time.

MOTION

Senator Barr moved that the following Committee on Agriculture and Water Resources amendment be adopted:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 43.20.230 and 1989 c 348 s 12 are each amended to read as follows:

~~(1)~~ Consistent with the water resource planning process of the department of ecology, the department of ~~((social and))~~ health ~~((services))~~ shall, contingent on the availability of funds:

~~((1))~~ (a) Develop procedures and guidelines relating to water use efficiency ~~((as defined in section 4(3) of this act))~~ to be included in the development and approval of cost-efficient water system plans required under RCW 43.20.050;

~~((2))~~ (b) Develop criteria, with input from technical experts, with the objective of encouraging the cost-effective reuse of greywater and other water recycling practices, consistent with protection of public health and water quality; ~~((and~~

~~((3))~~ (c) Provide advice and technical assistance upon request in the development of water use efficiency plans and model rate-setting formulas; and

(2) On or before December 31, 1992, the department of health shall develop, in consultation with public water system operators from various regions of the state, voluntary alternative model rate-setting formulas for water conservation and provide these to public water systems defined in RCW 70.119.020 that have one thousand service connections or more.

Sec. 2. RCW 43.21A.064 and 1977 c 75 s 46 are each amended to read as follows:

The director of the department of ecology shall have the following powers and duties:

(1) The supervision of public waters within the state and their appropriation, diversion, and use, and of the various officers connected therewith;

(2) Insofar as may be necessary to assure safety to life or property, he shall inspect the construction of all dams, canals, ditches, irrigation systems, hydraulic power plants, and all other works, systems, and plants pertaining to the use of water, and ~~((he))~~ the director may require such necessary changes in the construction or maintenance of said works, to be made from time to time, as will reasonably secure safety to life and property;

(3) ~~((He))~~ The director shall regulate and control the diversion of water in accordance with the rights thereto;

(4) ~~((He))~~ On or before December 31, 1992, the director shall, in consultation with the coordinating agency established in chapter 87.76 RCW, develop voluntary alternative rate-setting formulas for water conservation, develop a report which discusses the opportunities, limitations, and other considerations in adopting water conserving rate-setting formulas, and provide the formulas and report to irrigation districts with over five hundred service connections;

(5) The director shall determine the discharge of streams and springs and other sources of water supply, and the capacities of lakes and of reservoirs whose waters are being or may be utilized for beneficial purposes;

~~((5-He))~~ (6) The director shall keep such records as may be necessary for the recording of the financial transactions and statistical data thereof, and shall procure all necessary documents, forms, and blanks. ~~((He))~~ The director shall keep a seal of the office, and all certificates by ~~((him))~~ the director covering any of his or her acts or the acts of ~~((his))~~ the office, or the records and files of ~~((his))~~ the office, under such seal, shall be taken as evidence thereof in all courts;

~~((6-He))~~ (7) The director shall render when required by the governor, a full written report of the work of ~~((his))~~ the office with such recommendations for legislation as he or she may deem advisable for the better control and development of the water resources of the state;

~~((7))~~ (8) The director and duly authorized deputies may administer oaths;

~~((8) He))~~ (9) The director shall establish and promulgate rules governing the administration of chapter 90.03 RCW;

~~((9) He))~~ (10) The director shall perform such other duties as may be prescribed by law.

NEW SECTION. Sec. 3. (1) On or before October 1, 1993, each of the public water systems defined in RCW 70.119.020 that have one thousand service connections or more, and irrigation districts that have five hundred service connections or more, shall evaluate whether it is appropriate to adopt and implement water delivery rate structures that encourage water conservation.

(2) Within ninety days of making the evaluation required by subsection (1) of this section, such public water systems shall submit the conclusions of the evaluation to the department of health.

(3) Within ninety days of making the evaluation required by subsection (1) of this section, such irrigation districts shall submit the conclusions of the evaluation to the department of ecology.

NEW SECTION. Sec. 4. A new section is added to chapter 90.54 RCW to read as follows:

On or before December 31, 1992, the department of ecology shall, in consultation with the department of fisheries, department of wildlife, and other parties, establish a list of recommended priorities for evaluation of minimum flows, and establish fishery harvest escapement goals, in basins with declining stocks of wild salmonids. The department shall, at a minimum, consider as possible priorities the rivers identified by the American Fisheries Society as containing stocks of wild salmonids that are declining.

The recommended priorities established under this section shall be presented to the joint select committee on water resource policy.

Sec. 5. RCW 90.42.010 and 1991 c 347 s 5 are each amended to read as follows:

(1) The legislature finds that a need exists to develop and test a means to facilitate the voluntary transfer of water and water rights, including conserved water, to provide water for presently unmet needs and emerging needs. Further, the legislature finds that water conservation activities have the potential of affecting the quantity of return flow waters to which existing water right holders have a right to and rely upon. It is the intent of the legislature that persons holding rights to water, including return flows, not be adversely affected in the implementation of the provisions of this chapter.

The purpose of this chapter is to provide the mechanism for accomplishing this in a manner that will not impair existing rights to water and to test the mechanism in two pilot planning areas designated pursuant to RCW 90.54.045(2) and in the water resource inventory areas designated under subsection (2) of this section.

(2) The department may designate up to four water resource inventory areas west of the crest of the Cascade mountains and up to four water resource inventory areas east of the crest of the Cascade mountains, as identified pursuant to chapter 90.54 RCW. The areas designated shall contain critical water supply problems and shall provide an opportunity to test and evaluate a variety of applications of RCW 90.42.010 through 90.42.090, including application to municipal, industrial, and agricultural use. The department shall seek advice from appropriate state agencies, Indian tribes, local governments, representatives of water right holders, and interested parties before identifying such water resource inventory areas.

(3) The department shall provide to the appropriate legislative committees by December 31, 1993, a written evaluation of the implementation of RCW 90.42.010 through 90.42.090 and recommendations for future application. Recommendations shall include methods of applying RCW 90.42.010 through 90.42.090 to the rivers that are designated as high priority by the department of ecology under section 4 of this act in order to use net water savings to achieve minimum flows.

NEW SECTION. Sec. 6. The legislature finds that declarations by the federal government that species of anadromous fish are threatened or endangered can cause severe disruption to the economic health of the state and to a wide range of livelihoods of its citizens. Significant economic and social impacts will be incurred by the listing of a few fish stocks for which petitions have already been filed with the federal government for listing certain species as threatened or endangered.

The legislature finds that there are other species of anadromous fish in rivers and streams throughout the state in a depressed condition that have a significant potential to be petitioned for threatened or endangered status. Several of the depressed runs are in watercourses that do not have either hydroelectric or water withdrawal projects situated on them.

The legislature finds that the public has invested several hundred million dollars in the development and implementation of plans and has adopted wide-ranging regulations to protect and enhance habitat for anadromous fish and that these activities will in all likelihood continue. However, the legislature finds that there are insufficient mechanisms in place to assure that the significant current and future investment of funds by the taxpaying and ratepaying public is protected from overfishing of weak stocks in the mixed stock fishery. If an effective means is not found to protect weak stocks from the cumulative overharvest by various fish interests, the benefits of this current investment and future investments are in serious jeopardy.

The legislature finds it to be the policy of the federal government that weak stocks be protected from being overharvested. In observance of this policy, it is in the state's interest to develop a harvest management policy that protects and strengthens weak stocks of fish while maintaining the feasibility of a viable fishery on abundant stocks.

The legislature finds that a study as provided in sections 7 through 9 of this act is necessary to develop harvest management strategies that protect and strengthen weak stocks while maintaining, to the maximum extent feasible, viable fisheries on abundant stocks of fish.

NEW SECTION. Sec. 7. A committee shall be established to carry out a study on ways to improve harvest management to increase the returns of weak anadromous fish stocks. The committee shall be known as the committee on harvest management of anadromous fish. The committee, in consultation with other interested agencies, organizations, and the public, shall investigate and evaluate options of increasing the returns of adult spawners. As used in this section, "anadromous fish" has the meaning provided in section 11 of this act. The evaluation shall include but not be limited to the following:

- (1) Develop a policy for the harvest of anadromous fish in mixed stock fisheries, while protecting weak stocks;
- (2) Develop a policy to encourage harvest of anadromous fish in situations where stocks are segregated or otherwise identifiable and harvest of weak stocks is unlikely;
- (3) Develop a policy for attainment of escapement goals;
- (4) Review, evaluate, and augment the harvest management options recommended by the Northwest power planning council;
- (5) Evaluate alternative harvest management options for each fish harvest group that allow the achievement of the spawning goal with the minimum effect on the harvest of abundant stocks; and
- (6) Develop recommendations for any needed changes in laws, rules, policies, and programs to facilitate harvest management changes to increase the return of weak stock fish.

NEW SECTION. Sec. 8. (1) The committee created in section 7 of this act shall consist of the following voting members:

- (a) Four members of the house of representatives, appointed by the speaker, two from each major political party;
- (b) Four members of the senate, appointed by the president of the senate, two from each major political party;
- (c) One individual representing the commercial fishing industry;
- (d) One individual representing sports fishing interests;
- (e) One individual representing the commercial charter boat industry;
- (f) One individual representing Indian tribes;
- (g) One member appointed by the governor to represent the department of fisheries;
- (h) One member appointed by the governor to represent the department of wildlife;
- (i) One individual representing hydro-based public electric utilities;
- (j) One individual representing forestry interests;
- (k) One individual representing irrigated agriculture;
- (l) One individual representing commercial water borne commerce;
- (m) One individual representing industries heavily dependent on electricity; and
- (n) One individual representing public water utilities who obtain water from surface waters.

(2) The twelve individuals listed in subsection (1)(c) through (n) of this section who are not legislators shall be appointed by the speaker of the house of representatives and the president of the senate. Whenever possible, each interest group listed in subsection (1)(c) through (n) of this section shall attempt to identify one nominee as an interest group representative. Any nominations for appointments to fill positions on the committee listed in subsection (1)(c) through (n) of this section shall be submitted to either the chief clerk of the house of representatives or the secretary of the senate no later than fifteen calendar days after the effective date of this section. From the nominations, the speaker of the house of representatives and the president of the senate shall appoint people from various regions of the state. Appointments to the committee shall be completed within thirty calendar days after the effective date of this section.

(3) Members of the committee shall serve without compensation. A member representing a state agency shall be reimbursed, by his or her employing agency or office, for travel expenses in accordance with RCW 43.03.050 and 43.03.060. Members of the committee who are members of the legislature shall be reimbursed as provided in chapter 44.04 RCW. All other members of the committee may seek reimbursement from those interest groups which they represent.

(4) At the initial meeting of the committee, the members of the committee shall elect a chair from among themselves. The chair shall preside over the meetings of the committee. The committee may organize itself into subcommittees as necessary to carry out the study described in section 7 of this act.

(5) The committee shall hold public meetings to inform the public about the study, and to receive public comment on a draft report of its findings and recommendations.

(6) The committee shall submit its recommendations in its final report.

(7) The committee shall submit a written report of its findings and recommendations to the legislature no later than December 31, 1992. State agencies shall seriously consider the recommendations developed by the committee that can be implemented without additional legislation.

(8) The committee shall expire December 31, 1992.

NEW SECTION. Sec. 9. The committee created in section 7 of this act shall be provided staff support by the senate and the house of representatives.

NEW SECTION. Sec. 10. Sections 6 through 9 of this act shall expire June 30, 1993.

NEW SECTION. Sec. 11. For the purposes of RCW 75.08.012 and 77.12.010, "anadromous fish" means those species of fish, commonly referred to as salmon and steelhead, that spend a portion of their life cycle in saltwater.

Sec. 12. RCW 75.08.012 and 1983 1st ex.s. c 46 s 5 are each amended to read as follows:

The department shall preserve, protect, perpetuate and manage the food fish and shellfish in state waters and offshore waters.

The department shall conserve the food fish and shellfish resources in a manner that does not impair the resource. In a manner consistent with this goal, the department shall seek to maintain the economic well-being and stability of the fishing industry in the state. The department shall promote orderly fisheries and shall enhance and improve recreational and commercial fishing in this state. In carrying out this policy, the department shall regulate the harvest of anadromous fish, as defined in section 11 of this act, in such a way as to protect and strengthen weak stocks to meet escapement goals while maintaining to the maximum extent feasible a viable fishery on abundant stocks.

Sec. 13. RCW 77.12.010 and 1985 c 438 s 1 are each amended to read as follows:

Wildlife is the property of the state. The department shall preserve, protect, and perpetuate wildlife. The department shall regulate the harvest of anadromous fish, as defined in section 11 of this act, in such a way as to protect and strengthen weak stocks to meet escapement goals while maintaining to the maximum extent feasible a viable fishery on abundant stocks. Game animals, game birds, and game fish may be taken only at times or places, or in manners or quantities as in the judgment of the commission maximizes public recreational opportunities without impairing the supply of wildlife.

The commission shall not adopt rules that categorically prohibit fishing with bait or artificial lures in streams, rivers, beaver ponds, and lakes except that the commission may adopt rules and regulations restricting fishing methods upon a determination by the director that an individual body of water or part thereof clearly requires a fishing method prohibition to conserve or enhance the fisheries resource or to provide selected fishing alternatives. The commission shall attempt to maximize the public recreational fishing opportunities of all citizens, particularly juvenile, handicapped, and senior citizens.

Nothing contained herein shall be construed to infringe on the right of a private property owner to control the owner's private property.

NEW SECTION. Sec. 14. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

POINT OF ORDER

Senator Metcalf: "Mr. President, I respectfully request to raise the question of scope and object on this amendment. The original bill is, of course, quite different than this amendment. I guess that the thrust of, as Senator Barr said, there are three different parts. The thrust of one of the parts is to lay the decline of the salmon largely on the harvesters and you know we have a tremendous Buoy 10 fishery down there, which is a very important fishery. To look at the Columbia River today, where every dam that the little fish comes down on the way to the sea-- about ten percent of the fish die there. In other words, the problem is the dam. To say that the problem is the harvest or to lay a real trip on the harvest-- and that is not anywhere near what the original bill intended."

Further debate ensued.

MOTION

On motion of Senator Newhouse, further consideration of Engrossed Substitute House Bill No. 2629 was deferred.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2747, by House Committee on Agriculture and Rural Development (originally sponsored by Representatives Fraser, McLean, Valle, Miller, Rayburn, Edmondson, Winsley, Scott, Basich and Jacobsen)

Regulating bottled water.

The bill was read the second time.

MOTIONS

On motion of Senator Barr, the following Committee on Agriculture and Water Resources amendment was adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. As used in sections 6 and 7 of this act:

(1) "Artesian water" means bottled water from a well tapping a confined aquifer in which the water level stands above the water table. "Artesian water" shall meet the requirements of "natural water."

(2) "Bottled water" means water that is placed in a sealed container or package and is offered for sale for human consumption or other consumer uses.

(3) "Carbonated water" or "sparkling water" means bottled water containing carbon dioxide.

(4) "Department" means the department of agriculture.

(5) "Distilled water" means bottled water that has been produced by a process of distillation and meets the definition of purified water in the most recent edition of the United States Pharmacopeia.

(6) "Drinking water" means bottled water obtained from an approved source that has at minimum undergone treatment consisting of filtration, activated carbon or particulate, and ozonization or an equivalent disinfection process, or that meets the requirements of the federal safe drinking water act of 1974 as amended and complies with all department of health rules regarding drinking water.

(7) "Mineral water" means bottled water that contains not less than five hundred parts per million total dissolved solids. "Natural mineral water" shall meet the requirements of "natural water."

(8) "Natural water" means bottled spring, mineral, artesian, or well water that is derived from an underground formation and may be derived from a public water system as defined in RCW 70.119A.020 only if that supply has a single source such as an actual spring, artesian well, or pumped well, and has not undergone any treatment that changes its original chemical makeup except ozonization or an equivalent disinfection process.

(9) "Plant operator" means a person who owns or operates a bottled water plant.

(10) "Purified water" means bottled water produced by distillation, deionization, reverse osmosis, or other suitable process and that meets the definition of purified water in the most recent edition of the United States Pharmacopeia. Water that meets this definition and is vaporized, then condensed, may be labeled "distilled water."

(11) "Spring water" means water derived from an underground formation from which water flows naturally to the surface of the earth. "Spring water" shall meet the requirements of "natural water."

(12) "Water dealer" means a person who imports bottled water or causes bulk water to be transported for bottling for human consumption or other consumer uses.

(13) "Well water" means water from a hole bored, drilled, or otherwise constructed in the ground that taps the water of an aquifer. "Well water" shall meet the requirements of "natural water."

Sec. 2. RCW 69.04.008 and 1945 c 257 s 9 are each amended to read as follows:

The term "food" means (1) articles used for food or drink for (~~man~~) people or other animals, (2) bottled water, (3) chewing gum, and (~~(3))~~ (4) articles used for components of any such article.

Sec. 3. RCW 69.07.010 and 1991 c 137 s 2 are each amended to read as follows:

For the purposes of this chapter:

(1) "Department" means the department of agriculture of the state of Washington;

(2) "Director" means the director of the department;

(3) "Food" means any substance used for food or drink by any person, including ice, bottled water, and any ingredient used for components of any such substance regardless of the quantity of such component;

(4) "Sale" means selling, offering for sale, holding for sale, preparing for sale, trading, bartering, offering a gift as an inducement for sale of, and advertising for sale in any media;

(5) "Food processing" means the handling or processing of any food in any manner in preparation for sale for human consumption: PROVIDED, That it shall not include fresh fruit or vegetables merely washed or trimmed while being prepared or packaged for sale in their natural state;

(6) "Food processing plant" includes but is not limited to any premises, plant, establishment, building, room, area, facilities and the appurtenances thereto, in whole or in part, where food is prepared, handled or processed in any manner for distribution or sale for resale by retail outlets, restaurants, and any such other facility selling or distributing to the ultimate consumer: PROVIDED, That, as set forth herein, establishments processing foods in any manner for resale shall be considered a food processing plant as to such processing;

(7) "Food service establishment" shall mean any fixed or mobile restaurant, coffee shop, cafeteria, short order cafe, luncheonette, grill, tearoom, sandwich shop, soda fountain, tavern, bar, cocktail lounge, night club, roadside stand, industrial-feeding establishment, retail grocery, retail food market, retail meat market, retail bakery, private, public, or nonprofit organization routinely serving food, catering kitchen, commissary or similar place in which food or drink is prepared for sale or for service on the premises or elsewhere, and any other eating or drinking establishment or operation where food is served or provided for the public with or without charge.

For the purpose of this chapter any custom cannery or processing plant where raw food products, food, or food products are processed for the owner thereof, or the food processing facilities are made available to the owners or persons

in control of raw food products or food or food products for processing in any manner, shall be considered to be food processing plants;

(8) "Person" means an individual, partnership, corporation, or association.

Sec. 4. RCW 43.20.050 and 1989 1st ex.s. c 9 s 210 and 1989 c 207 s 1 are each reenacted and amended to read as follows:

(1) The state board of health shall provide a forum for the development of health policy in Washington state. It is authorized to recommend to the secretary means for obtaining appropriate citizen and professional involvement in all health policy formulation and other matters related to the powers and duties of the department. It is further empowered to hold hearings and explore ways to improve the health status of the citizenry.

(a) At least every five years, the state board shall convene regional forums to gather citizen input on health issues.

(b) Every two years, in coordination with the development of the state biennial budget, the state board shall prepare the state health report that outlines the health priorities of the ensuing biennium. The report shall:

(i) Consider the citizen input gathered at the health forums;

(ii) Be developed with the assistance of local health departments;

(iii) Be based on the best available information collected and reviewed according to RCW 43.70.050 and recommendations from the council;

(iv) Be developed with the input of state health care agencies. At least the following directors of state agencies shall provide timely recommendations to the state board on suggested health priorities for the ensuing biennium: The secretary of social and health services, the health care authority administrator, the insurance commissioner, the administrator of the basic health plan, the superintendent of public instruction, the director of labor and industries, the director of ecology, and the director of agriculture;

(v) Be used by state health care agency administrators in preparing proposed agency budgets and executive request legislation;

(vi) Be submitted by the state board to the governor by June 1 of each even-numbered year for adoption by the governor. The governor, no later than September 1 of that year, shall approve, modify, or disapprove the state health report.

(c) In fulfilling its responsibilities under this subsection, the state board shall create ad hoc committees or other such committees of limited duration as necessary. Membership should include legislators, providers, consumers, bioethicists, medical economics experts, legal experts, purchasers, and insurers, as necessary.

(2) In order to protect public health, the state board of health shall:

(a) Adopt rules ~~((and regulations))~~ necessary to assure safe and reliable public drinking water and to protect the public health. Such rules ~~((and regulations))~~ shall establish requirements regarding:

(i) The design and construction of public water system facilities, including proper sizing of pipes and storage for the number and type of customers;

(ii) Drinking water quality standards, monitoring requirements, and laboratory certification requirements;

(iii) Public water system management and reporting requirements;

(iv) Public water system planning and emergency response requirements;

(v) Public water system operation and maintenance requirements; ~~((and))~~

(vi) Water quality, reliability, and management of existing but inadequate public water systems; and

(vii) Quality standards for the source or supply, or both source and supply, of water for bottled water plants.

(b) Adopt rules ~~((and regulations))~~ and standards for prevention, control, and abatement of health hazards and nuisances related to the disposal of wastes, solid and liquid, including but not limited to sewage, garbage, refuse, and other environmental contaminants; adopt standards and procedures governing the design, construction, and operation of sewage, garbage, refuse and other solid waste collection, treatment, and disposal facilities;

(c) Adopt rules ~~((and regulations))~~ controlling public health related to environmental conditions including but not limited to heating, lighting, ventilation, sanitary facilities, cleanliness and space in all types of public facilities including but not limited to food service establishments, schools, institutions, recreational facilities and transient accommodations and in places of work;

(d) Adopt rules ~~((and regulations))~~ for the imposition and use of isolation and quarantine;

(e) Adopt rules ~~((and regulations))~~ for the prevention and control of infectious and noninfectious diseases, including food and vector borne illness, and rules ~~((and regulations))~~ governing the receipt and conveyance of remains of deceased persons, and such other sanitary matters as admit of and may best be controlled by universal rule; and

(f) Adopt rules for accessing existing data bases for the purposes of performing health related research.

(3) The state board may delegate any of its rule-adopting authority to the secretary and rescind such delegated authority.

(4) All local boards of health, health authorities and officials, officers of state institutions, police officers, sheriffs, constables, and all other officers and employees of the state, or any county, city, or township thereof, shall enforce all rules ~~((and regulations))~~ adopted by the state board of health. In the event of failure or refusal on the part of any member of such boards or any other official or person mentioned in this section to so act, he shall be subject to a fine of not less than fifty dollars, upon first conviction, and not less than one hundred dollars upon second conviction.

(5) The state board may advise the secretary on health policy issues pertaining to the department of health and the state.

NEW SECTION. Sec. 5. A new section is added to chapter 70.119A RCW to read as follows:

In such cases where a bottled water plant operator or water dealer knows or has reason to believe that a contaminant is present in the source water because of spill, release of a hazardous substance, or otherwise, and the contaminant's presence would create a potential health hazard to consumers, the plant operator or water dealer must report such an occurrence to the state's department of health.

NEW SECTION. Sec. 6. All bottled water must conform to applicable federal and state labeling laws and be labeled in compliance with the following standards:

(1) Mineral water may be labeled "mineral water." Bottled water to which minerals are added shall be labeled so as to disclose that minerals are added, and may not be labeled "natural mineral water."

(2) Spring water may be labeled "spring water" or "natural spring water."

(3) Water containing carbon dioxide that emerges from the source and is bottled directly with its entrapped gas or from which the gas is mechanically separated and later reintroduced at a level not higher than naturally occurring in the water may bear on its label the words "naturally carbonated" or "naturally sparkling."

(4) Bottled water that contains carbon dioxide other than that naturally occurring in the source of the product shall be labeled with the words "carbonated," "carbonation added," or "sparkling" if the carbonation is obtained from a natural or manufactured source.

(5) Well water may be labeled "well water" or "natural well water."

(6) Artesian water may be labeled "artesian water" or "natural artesian water."

(7) Purified water may be labeled "purified water" and the method of preparation shall be stated on the label, except that purified water produced by distillation may be labeled as "distilled water."

(8) Drinking water may be labeled "drinking water."

(9) The use of the word "spring," or any derivative of "spring" other than in a trademark, trade name, or company name, to describe water that is not spring water is prohibited.

(10) A product meeting more than one of the definitions in section 1 of this act may be identified by any of the applicable product types defined in section 1 of this act, except where otherwise specifically prohibited.

(11) Supplemental printed information and graphics may appear on the label but shall not imply properties of the product or preparation methods that are not factual.

NEW SECTION. Sec. 7. Bottled soft drinks, soda, or seltzer products commonly recognized as soft drinks and identified on the product identity panel with a common or usual name other than one of those specified in section 1 of this act are exempt from the requirements of section 6 of this act. Water that is not in compliance with the requirements of section 6 of this act may not be identified, labeled, or advertised as "artesian water," "bottled water," "distilled water," "natural water," "purified water," "spring water," or "well water."

NEW SECTION. Sec. 8. Sections 1, 6, and 7 of this act are each added to chapter 69.07 RCW.

NEW SECTION. Sec. 9. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

On motion of Senator Barr, the following title amendment was adopted:

On page 1, line 1 of the title, after "water;" strike the remainder of the title and insert "amending RCW 69.04.008 and 69.07.010; reenacting and amending RCW 43.20.050; adding new sections to chapter 69.07 RCW; and adding a new section to chapter 70.119A RCW."

MOTION

On motion of Senator Barr, the rules were suspended, Substitute House Bill No. 2747, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2747, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2747, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 3; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, L. Smith, Snyder, Stratton, Sumner, Sutherland, Talmadge, Thorsness, von Reichbauer, West, Williams, Wojahn - 46.

Absent: Senators Patterson, A. Smith, Vognild - 3.

SUBSTITUTE HOUSE BILL NO. 2747, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

On motion of Senator Anderson, Senator Saling was excused.

On motion of Senator Murray, Senator Vognild was excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2796, by House Committee on Environmental Affairs (originally sponsored by Representatives Bray, Horn, Rust, Ludwig, Valle, D. Sommers and Fraser)

Authorizing local governmental entities to administer and enforce portions of the water well construction program.

The bill was read the second time.

MOTIONS

On motion of Senator Barr, the following Committee on Agriculture and Water Resources amendment was adopted:

On page 3, line 12 after "receive" strike "state notices of intent and" and insert "notices of intent to commence drilling a well, receive"

On motion of Senator Barr, the rules were suspended, Substitute House Bill No. 2796, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2796, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2796, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sumner, Sutherland, Talmadge, Thorsness, von Reichbauer, West, Williams, Wojahn - 47.

Excused: Senators Saling, Vognild - 2.

SUBSTITUTE HOUSE BILL NO. 2796, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

There being no objection, the Senate resumed consideration of Substitute House Bill No. 2055, as amended by the Senate, deferred on third reading March 3, 1992.

MOTION

On motion of Senator West, the rules were suspended, Substitute House Bill No. 2055, as amended by the Senate, was returned to second reading and read the second time.

MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator West moved to reconsider the vote by which the striking amendment by Senators West and Niemi was adopted.

The President declared the question before the Senate to be the reconsideration of the striking amendment by Senators West and Niemi to Substitute House Bill No. 2055.

The motion by Senator West carried and the Senate will reconsider the striking amendment by Senators West and Niemi to Substitute House Bill No. 2055.

MOTION

On motion of Senator West, and there being no objection, the striking amendment by Senators West and Niemi to Substitute House Bill No. 2055 was withdrawn.

MOTIONS

On motion of Senator West, the following amendment by Senators West and Niemi was adopted:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 43.43.842 and 1989 c 334 s 11 are each amended to read as follows:

(1) The secretary of social and health services and the secretary of health shall adopt additional requirements for the licensure or relicensure of agencies or facilities which provide care and treatment to vulnerable adults. These additional requirements shall ensure that any person associated with a licensed agency or facility having direct contact with a vulnerable adult shall not have been: ~~((1))~~ (a) Convicted of a crime against persons as defined in RCW 43.43.830, except as provided in this section; ~~((2))~~ (b) convicted of crimes relating to financial exploitation ~~((of a vulnerable adult))~~ as defined in RCW 43.43.830, except as provided in this section; ~~((3))~~ (c) found in any disciplinary board final decision to have abused a vulnerable adult under RCW 43.43.830; or ~~((4))~~ (d) the subject in a protective proceeding under chapter 74.34 RCW.

(2) The rules adopted under this section shall permit the licensee to consider the criminal history of an applicant for employment in a licensed facility when the applicant has one or more convictions for a past offense and:

(a) The offense was simple assault, assault in the fourth degree, or the same offense as it may be renamed, and three or more years have passed between the most recent conviction and the date of application for employment;

(b) The offense was prostitution, or the same offense as it may be renamed, and three or more years have passed between the most recent conviction and the date of application for employment;

(c) The offense was theft in the third degree, or the same offense as it may be renamed, and three or more years have passed between the most recent conviction and the date of application for employment;

(d) The offense was theft in the second degree, or the same offense as it may be renamed, and five or more years have passed between the most recent conviction and the date of application for employment;

(e) The offense was forgery, or the same offense as it may be renamed, and five or more years have passed between the most recent conviction and the date of application for employment.

The offenses set forth in (a) through (e) of this subsection do not automatically disqualify an applicant from employment by a licensee. Nothing in this section may be construed to require the employment of any person against a licensee's judgment.

In consultation with law enforcement personnel, the secretary of social and health services and the secretary of health shall investigate the conviction record and the protection proceeding record information under chapter 43.43 RCW of each agency or facility and its staff under their respective jurisdictions seeking licensure or relicensure. The ~~((secretary))~~ secretaries shall use the information solely for the purpose of determining eligibility for licensure or relicensure. Criminal justice agencies shall provide the ~~((secretary))~~ secretaries such information as they may have and that the ~~((secretary))~~ secretaries may require for such purpose.

On motion of Senator West, the following title amendment was adopted:

On page 1, line 1 of the title, after "checks;" strike the remainder of the title and insert "and amending RCW 43.43.842."

MOTION

On motion of Senator West, the rules were suspended, Substitute House Bill No. 2055, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator West, who requested this bill? Is it that they are short of help? I don't understand why we would have this proposal before us. Can you tell me who is asking for it?"

Senator West: "Actually, the nursing homes brought it to us. There is a case that was brought to them where they hired a young person--in their background checks. They hired the person, put the person to work and two months later the background checks arrived from the state patrol. They found that this person had been convicted of a domestic violence incident and charged and convicted in the past of a domestic violence incident. They were a good employee and they felt very comfortable with the employee, but they had to fire the employee, because the law says that they could not employ somebody that had that in their background. Now, this makes it permissive that they may employ them or they may not."

Senator Rasmussen: "Thank you."

Further debate ensued.

MOTION

On motion of Senator McCaslin, Senator Matson was excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2055, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2055, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 34; Nays, 12; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bluechel, Cantu, Craswell, Erwin, Gaspard, Hayner, Kreidler, Madsen, McCaslin, McDonald, McMullen, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pelz, Roach, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sumner, Thorsness, von Reichbauer, West, Wojahn - 34.

Voting nay: Senators Bauer, Conner, Hansen, Jesernig, Metcalf, Moore, Oke, Rasmussen, Rinehart, Sutherland, Talmadge, Williams - 12.

Excused: Senators Matson, Saling, Vognild - 3.

SUBSTITUTE HOUSE BILL NO. 2055, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 4:59 p.m., on motion of Senator Newhouse, the Senate adjourned until 9:00 a.m., Thursday, March 5, 1992.

JOEL PRITCHARD, President of the Senate.

GORDON A. GOLOB, Secretary of the Senate.

FIFTY-THIRD DAY

MORNING SESSION

Senate Chamber, Olympia, Thursday, March 5, 1992

The Senate was called to order at 9:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Erwin and Hayner. On motion of Senator Anderson, Senators Erwin and Hayner were excused.

The Sergeant at Arms Color Guard, consisting of Pages Ashley Dumas and Carl Benitz, presented the Colors. Reverend Ron Hastie, pastor of the Evergreen Christian Center of Olympia, offered the prayer.

MOTION

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

MESSAGES FROM THE HOUSE

March 4, 1992

MR. PRESIDENT:

The House has passed:
SENATE BILL NO. 6032,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6132,
SUBSTITUTE SENATE BILL NO. 6306,
SUBSTITUTE SENATE BILL NO. 6327,
SENATE BILL NO. 6329, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

March 4, 1992

MR. PRESIDENT:

The House has passed:
SENATE BILL NO. 6212,
ENGROSSED SENATE BILL NO. 6213,
SENATE BILL NO. 6226,
SUBSTITUTE SENATE BILL NO. 6241,
SENATE BILL NO. 6270,
SENATE BILL NO. 6295, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

JOURNAL OF THE SENATE

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENT
MOTION

On motion of Senator Saling, Gubernatorial Appointment No. 9041, Dr. Gregory Trujillo, as a member of the Board of Trustees for Yakima Valley Community College District No. 16, was confirmed.

APPOINTMENT OF DR. GREGORY TRUJILLO

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Jesernig, Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sumner, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 47.

Excused: Senators Erwin, Hayner - 2.

SECOND READING

ENGROSSED HOUSE BILL NO. 2360, by Representatives G. Cole, R. King and Basich (by request of Department of Fisheries)

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

The bill was read the second time.

MOTION

On motion of Senator Metcalf, the rules were suspended, Engrossed House Bill No. 2360 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

POINT OF INQUIRY

Senator Anderson: "Senator Metcalf, the things that the department will be charging for, does that include things like regulations and pamphlets, annual cash reports and progress reports made?"

Senator Metcalf: "No, those are the things that they will continue to print free to the public--the regulations and those things. It is only the highly technical and detailed reports that are like books that they publish that some people really need, but there is no reason to provide them for free."

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 2360.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2360 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sumner, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 48.

Excused: Senator Erwin - 1.

ENGROSSED HOUSE BILL NO. 2360, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2655, by Representatives Haugen, Horn and Wang (by request of Task Force on City/County Finances)

Modifying municipal criminal justice account distribution.

The bill was read the second time.

MOTION

On motion of Senator McDonald, the rules were suspended, House Bill No. 2655 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

MOTION

On motion of Senator McCaslin, Senator Matson was excused.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2655.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2655 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sumner, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 47.

Excused: Senators Erwin, Matson - 2.

HOUSE BILL NO. 2655, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2633, by Representatives Rust, Horn, Valle, Heavey and J. Kohl

Requiring local governments to encourage use of privately owned moderate-risk waste facilities.

The bill was read the second time.

MOTION

Senator Hansen moved that the following amendment by Senators Hansen and Barr be adopted:

On page 2, line 22, after "jurisdiction" insert ", and shall prohibit the location of a facility for incinerating extremely hazardous waste, hazardous waste, moderate-risk waste, or dangerous waste within five miles of any commercial agriculture. "Commercial agriculture" means farming activities that make up fifty percent of the income of a person as defined in RCW 70.105.010."

POINT OF ORDER

Senator Sutherland: "A point of order, Mr. President. I would ask for a ruling on scope and object on the amendment by Senators Hansen and Barr. Current law deals with hazardous waste. This amendment proposes to expand that beyond the discussion of hazardous waste. The current bill deals with an entirely different section of RCW 70.105.220 and deals with privately owned hazardous and moderate risk waste facilities. This amendment just prohibits all facilities, not only for hazardous waste and moderate risk waste, but also extremely hazardous waste and dangerous waste. If a person were to look up the current RCW on all of those definitions of extremely hazardous waste, facilities, dangerous waste, hazardous waste, moderate risk waste, household waste and the like, you will see clearly that this amendment is outside the scope and the object of the bill and I would ask the President to so rule."

Further debate ensued.

MOTION

On motion of Senator Newhouse, further consideration of House Bill No. 2633 was deferred.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2518, by House Committee on Education (originally sponsored by Representatives Peery, Vance, Brumsickle, D. Sommers, Winsley, Van Luven, Bowman, Broback, Wood, Wynne, Mitchell and H. Myers) (by request of Superintendent of Public Instruction and Board of Education)

Changing provisions for educational employees.

The bill was read the second time.

MOTION

On motion of Senator Bailey, the following Committee on Education amendment was adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that additional safeguards are necessary to ensure the safety of Washington's school children. The legislature further finds that the results from state patrol record checks are more complete when fingerprints of individuals are provided, and that information from the federal bureau of investigation also is necessary to obtain information on out-of-state criminal records. The legislature further finds that confidentiality safeguards in state law are in place to ensure that the rights of applicants for certification or jobs and newly hired employees are protected.

NEW SECTION. Sec. 2. A new section is added to chapter 28A.400 RCW to read as follows:

School districts, educational service districts, and their contractors hiring employees who will have regularly scheduled unsupervised access to children shall require a record check through the Washington state patrol criminal identification system under RCW 43.43.830 through 43.43.834, 10.97.030, and 10.97.050 and through the federal bureau of investigation before hiring an employee. The record check shall include a fingerprint check using a complete Washington state criminal identification fingerprint card. The requesting entity shall provide a copy of the record report to the applicant. When necessary, applicants may be employed on a conditional basis pending completion of the investigation. If the applicant has had a record check within the previous two years, the district or contractor may waive the requirement. The district, pursuant to chapter 41.59 or 41.56 RCW, or contractor hiring the employee shall determine who shall pay costs associated with the record check.

Sec. 3. RCW 28A.410.010 and 1988 c 172 s 3 and 1988 c 97 s 1 are each reenacted and amended to read as follows:

The state board of education shall establish, publish, and enforce rules and regulations determining eligibility for and certification of personnel employed in the common schools of this state, including certification for emergency or temporary, substitute or provisional duty and under such certificates or permits as the board shall deem proper or as otherwise prescribed by law. ~~((Except for applicants who are applying for certificates which restrict the holder of the certificate to the teaching of students who are sixteen years of age or older,))~~ The rules shall require that the initial application for certification shall require a ~~((background))~~ record check of the applicant through the Washington state patrol criminal identification system and through the federal bureau of investigation at the applicant's expense. The record check shall include a fingerprint check using a complete Washington state criminal identification fingerprint card. The superintendent of public instruction may waive the record check for any applicant who has had a record check within the two years before application.

In establishing rules pertaining to the qualifications of instructors of sign language the state board shall consult with the national association of the deaf, "sign instructors guidance network" (s.i.g.n.), and the Washington state association of the deaf for evaluation and certification of sign language instructors.

The superintendent of public instruction shall act as the administrator of any such rules and regulations and have the power to issue any certificates or permits and revoke the same in accordance with board rules and regulations.

Sec. 4. RCW 28A.410.090 and 1990 c 33 s 408 are each amended to read as follows:

(1) Any certificate or permit authorized under the provisions of this chapter, chapter 28A.405 RCW, or rules and regulations promulgated thereunder may be revoked or suspended by the authority authorized to grant the same upon complaint of any school district superintendent ~~((or)),~~ educational service district superintendent, or private school administrator for immorality, violation of written contract, unprofessional conduct, intemperance, or crime against the law of the state.

If the superintendent of public instruction has reasonable cause to believe that an alleged violation of this chapter or rules adopted under it has occurred, but no complaint has been filed pursuant to this chapter, and that a school district superintendent, educational service district superintendent, or private school administrator has sufficient notice of the alleged violation and opportunity to file a complaint, the superintendent of public instruction may cause an investigation to be made of the alleged violation, together with such other matters that may be disclosed in the course of the investigation related to certificated personnel.

(2) Any such certificate or permit authorized under this chapter or chapter 28A.405 RCW shall be revoked by the authority authorized to grant the certificate upon a guilty plea or the conviction of any felony crime involving the physical neglect of a child under chapter 9A.42 RCW, the physical injury or death of a child under chapter 9A.32 or 9A.36 RCW (excepting motor vehicle violations under chapter 46.61 RCW), sexual exploitation of a child under chapter 9.68A RCW, sexual offenses under chapter 9A.44 RCW where a minor is the victim, promoting prostitution of a minor under chapter 9A.88 RCW, the sale or purchase of a minor child under RCW 9A.64.030, or violation of similar laws of another jurisdiction. The person whose certificate is in question shall be given an opportunity to be heard. Mandatory permanent revocation upon a guilty plea or the conviction of felony crimes specified under this subsection shall apply to such convictions or guilty pleas which occur after July 23, 1989. Revocation of any certificate or permit authorized under this chapter or chapter 28A.405 RCW for a guilty plea or criminal conviction occurring prior to July 23, 1989, shall be subject to the provisions of subsection (1) of this section.

NEW SECTION. Sec. 5. A new section is added to chapter 28A.410 RCW to read as follows:

(1) The superintendent of public instruction may initiate and conduct investigations as may be reasonably necessary to establish the existence of any alleged violations of or noncompliance with this chapter or any rules adopted under it. For the purpose of any investigation or proceeding under this chapter, the superintendent or any officer designated by the superintendent may administer oaths and affirmations, subpoena witnesses and compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, agreements, or other documents or records that the superintendent deems relevant and material to the inquiry.

(2) If any person fails to obey a subpoena or obeys a subpoena but refuses to give evidence, any court of competent jurisdiction, upon application by the superintendent, may issue to that person an order requiring him or her to appear before the court and to show cause why he or she should not be compelled to obey the subpoena, and give evidence material to the matter under investigation. The failure to obey an order of the court may be punishable as contempt.

Sec. 6. RCW 28A.410.100 and 1990 c 33 s 409 are each amended to read as follows:

Any teacher whose certificate to teach has been questioned (~~(by the filing of a complaint by a school district superintendent or educational service district superintendent)~~) under RCW 28A.410.090 shall have a right to be heard by the issuing authority before his or her certificate is revoked. Any teacher whose certificate to teach has been revoked shall have a right of appeal to the state board of education if notice of appeal is given by written affidavit to the board within thirty days after the certificate is revoked.

An appeal to the state board of education within the time specified shall operate as a stay of revocation proceedings until the next regular or special meeting of said board and until the board's decision has been rendered.

Sec. 7. RCW 43.43.838 and 1990 c 3 s 1104 are each amended to read as follows:

(1) After January 1, 1988, and notwithstanding any provision of RCW 43.43.700 through 43.43.810 to the contrary, the state patrol shall furnish a transcript of the conviction record, disciplinary board final decision and any subsequent criminal charges associated with the conduct that is the subject of the disciplinary board final decision, or civil adjudication record pertaining to any person for whom the state patrol or the federal bureau of investigation has a record upon the written request of:

- (a) The subject of the inquiry;
- (b) Any business or organization for the purpose of conducting evaluations under RCW 43.43.832;
- (c) The department of social and health services;
- (d) Any law enforcement agency, prosecuting authority, or the office of the attorney general; or

(e) The department of social and health services for the purpose of meeting responsibilities set forth in chapter 74.15, 18.51, 18.20, or 72.23 RCW, or any later-enacted statute which purpose is to regulate or license a facility which handles vulnerable adults. However, access to conviction records pursuant to this subsection (1)(e) does not limit or restrict the ability of the department to obtain additional information regarding conviction records and pending charges as set forth in RCW 74.15.030(2)(b).

After processing the request, if the conviction record, disciplinary board final decision and any subsequent criminal charges associated with the conduct that is the subject of the disciplinary board final decision, or adjudication record shows no evidence of a crime against children or other persons or, in the case of vulnerable adults, no evidence of crimes relating to financial exploitation in which the victim was a vulnerable adult, an identification declaring the showing of no evidence shall be issued to the applicant by the state patrol and shall be issued within fourteen working days of the request. Possession of such identification shall satisfy future ~~((background))~~ record check requirements for the applicant for a two-year period unless the prospective employee is any current school district employee who has applied for a position in another school district.

(2) The state patrol shall by rule establish fees for disseminating records under this section to recipients identified in subsection (1)(a) and (b) of this section. The state patrol shall also by rule establish fees for disseminating records in the custody of the national crime information center. The revenue from the fees shall cover, as nearly as practicable, the direct and indirect costs to the state patrol of disseminating the records: PROVIDED, That no fee shall be charged to a nonprofit organization (~~(, including school districts and educational service districts,))~~ for the records check: PROVIDED FURTHER, That in the case of record checks using fingerprints requested by school districts and educational service districts, the state patrol shall charge only for the incremental costs associated with checking fingerprints in addition to name and date of birth. Record checks requested by school districts and educational service districts using only name and date of birth shall continue to be provided free of charge.

(3) No employee of the state, employee of a business or organization, or the business or organization is liable for defamation, invasion of privacy, negligence, or any other claim in connection with any lawful dissemination of information under RCW 43.43.830 through 43.43.840 or 43.43.760.

(4) Before July 26, 1987, the state patrol shall adopt rules and forms to implement this section and to provide for security and privacy of information disseminated under this section, giving first priority to the criminal justice requirements of this chapter. The rules may include requirements for users, audits of users, and other procedures to prevent use of civil adjudication record information or criminal history record information inconsistent with this chapter.

(5) Nothing in RCW 43.43.830 through 43.43.840 shall authorize an employer to make an inquiry not specifically authorized by this chapter, or be construed to affect the policy of the state declared in chapter 9.96A RCW.

NEW SECTION. Sec. 8. A new section is added to chapter 43.43 RCW to read as follows:

The fingerprint identification account is created in the custody of the state treasurer. All receipts from incremental charges of fingerprint checks requested by school districts shall be deposited in the account. Receipts for fingerprint checks by the federal bureau of investigation may also be deposited in the account. Expenditures from the account may be used only for the cost of record checks. Only the chief of the state patrol or the chief's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW. No appropriation is required for expenditures prior to July 1, 1995. After June 30, 1995, the account shall be subject to appropriation.

NEW SECTION. Sec. 9. A new section is added to chapter 28A.400 RCW to read as follows:

The state patrol shall accept fingerprints obtained under this chapter only if it can ensure that the patrol will not retain a record of the fingerprints after the check is complete. It shall not forward fingerprints obtained under this chapter to the federal bureau of investigation unless it can ensure that the federal bureau of investigation will not retain a record of the fingerprints after the check is complete. The state patrol shall report to the house of representatives appropriations committee and the senate ways and means committee on measures taken to implement this section before accepting any fingerprints obtained under this chapter.

MOTIONS

On motion of Senator Bailey, the following title amendment was adopted:

On page 1, line 1 of the title, after "employees;" strike the remainder of the title and insert "amending RCW 28A.410.090, 28A.410.100, and 43.43.838; reenacting and amending RCW 28A.410.010; adding new sections to chapter 28A.400 RCW; adding a new section to chapter 28A.410 RCW; adding a new section to chapter 43.43 RCW; and creating a new section."

On motion of Senator Bailey, the rules were suspended, Engrossed Substitute House Bill No. 2518, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

POINT OF INQUIRY

Senator Rinehart: "Senator Bailey, page 2, line 2, reads, 'If the applicant has had a record check within the previous two years, the district or contractor may waive the requirement.' Is the intent of this language that the hiring district will be required to check with the State Patrol, or the Office of the Superintendent of Public Instruction, or the previous school district, to verify that the previous record check uncovered no disqualifying criminal activity?"

Senator Bailey: "Yes."

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2518, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2518, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sumner, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 48.

Excused: Senator Matson - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2518, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2766, by House Committee on Local Government (originally sponsored by Representatives Rayburn, Nealey, Riley, Edmondson, Paris and Basich)

Increasing official fees for a sheriff's services.

The bill was read the second time.

MOTIONS

Senator McCaslin moved that the following amendment be adopted:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 36.18.040 and 1981 c 194 s 1 are each amended to read as follows:

(1) Sheriffs shall collect the following fees for their official services:

(a) For service of each summons and complaint, notice and complaint, summons and petition, and notice of small claim on ~~((each defendant, besides mileage, six dollars))~~ one defendant personally at any location, ten dollars, and on two or more defendants at the same residence, twelve dollars, besides mileage;

(b) For making a return, besides mileage actually traveled, ~~((five))~~ seven dollars;

(c) For levying each writ of attachment or writ of execution upon real or personal property, besides mileage, ~~((fifteen))~~ thirty dollars per hour;

(d) For filing copy of writ of attachment or writ of execution with auditor, ~~((five))~~ ten dollars plus auditor's filing fee;

(e) For serving writ of possession or restitution without aid of the county, besides mileage, ~~((fifteen))~~ twenty-five dollars;

(f) For serving writ of possession or restitution with aid of the county, besides mileage, ~~((twenty-five))~~ forty dollars plus ~~((fifteen))~~ thirty dollars for each hour after one hour;

~~((For summoning each juror, besides mileage, five dollars;))~~

(g) For serving an arrest warrant in any action or proceeding, besides mileage, ~~((fifteen))~~ thirty dollars;

(h) For executing any other writ or process in a civil action or proceeding, besides mileage, ~~((fifteen))~~ thirty dollars per hour;

(i) For each mile actually and necessarily traveled ~~((by him))~~ in going to or returning from any place of service, or attempted service, ~~((twenty-five))~~ thirty-five cents;

(j) For making a deed to lands sold upon execution or order of sale or other decree of court, to be paid by the purchaser, ~~((twenty))~~ thirty dollars;

(k) For making copies of papers when sufficient copies are not furnished, one dollar for first page and fifty cents per each additional page;

(l) For the service of any other document and supporting papers for which no other fee is provided for herein, ~~((six))~~ twelve dollars;

(m) For posting a notice of sale, or postponement, ~~((five))~~ ten dollars besides mileage;

(n) For certificate or bill of sale of property, or certificate of redemption, ~~((twenty))~~ thirty dollars;

(o) For conducting a sale of property ~~((fifteen))~~, thirty dollars per hour spent at a sheriff's sale;

(p) For notarizing documents, five dollars for each document;

(q) For fingerprinting for noncriminal purposes, ten dollars for each person for up to two sets, three dollars for each additional set;

(r) For mailing required by statute, whether regular, certified, or registered, the actual cost of postage;

(s) For an internal criminal history records check, ten dollars;

(t) For the reproduction of audio, visual, or photographic material, to include magnetic microfilming, the actual cost including personnel time.

(2) Fees allowable under this section may be recovered by the prevailing party incurring the same as court costs. Nothing contained in this section permits the expenditure of public funds to defray costs of private litigation. Such costs shall be borne by the party seeking action by the sheriff, and may be recovered from the proceeds of any subsequent judicial sale, or may be added to any judgment upon proper application to the court entering the judgment.

On motion of Senator McCaslin, the following amendment by Senators McCaslin and Madsen to the Committee on Governmental Operations amendment was adopted:

On page 1, line 13 of the amendment, after "defendant" strike "personally"

MOTION

On motion of Senator McCaslin, the following amendment by Senators Matson, McCaslin and Madsen to the Committee on Governmental Operations amendment was adopted:

On page 3, line 7 of the committee amendment, after "judgment," insert the following:

"(3) Notwithstanding subsection (1) of this section, a county legislative authority may set the amounts of fees that shall be collected by the sheriff under subsection (1) of this section to cover the costs of administration and operation."

The President declared the question before the Senate to be the adoption of the Committee on Governmental Operations striking amendment, as amended, to Substitute House Bill No. 2766.

The motion by Senator McCaslin carried and the Committee on Governmental Operations amendment, as amended, was adopted.

MOTIONS

On motion of Senator McCaslin, the following title amendment was adopted:

On page 1, line 1 of the title, after "costs;" strike the remainder of the title and insert "and amending RCW 36.18.040."

On motion of Senator McCaslin, the rules were suspended, Substitute House Bill No. 2766, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2766, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2766, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sumner, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 46.

Voting nay: Senators Cantu, Sutherland - 2.

Excused: Senator Matson - 1.

SUBSTITUTE HOUSE BILL NO. 2766, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 2680, by Representatives J. Kohl, Brumsickle and Fraser (by request of Department of Revenue)

Modifying provisions for the assessment and collection of taxes.

The bill was read the second time.

MOTIONS

Senator McDonald moved that the following Committee on Ways and Means amendment be adopted:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 82.04.170 and 1985 c 135 s 1 are each amended to read as follows:

"Tuition fee" includes library, laboratory, health service and other special fees, and amounts charged for room and board by an educational institution when the property or service for which such charges are made is furnished exclusively to the students or faculty of such institution. "Educational institution," as used in this section, means only those institutions created or generally accredited as such by the state, or defined as a degree granting institution under RCW ((28B.05.030(10))) 28B.85.010(3) and accredited by an accrediting association recognized by the United States secretary of education, and offering to students an educational program of a general academic nature or those institutions which are not operated for profit and which are privately endowed under a deed of trust to offer instruction in trade, industry, and agriculture, but not including specialty schools, business colleges, other trade schools, or similar institutions.

Sec. 2. RCW 82.08.050 and 1986 c 36 s 1 are each amended to read as follows:

The tax hereby imposed shall be paid by the buyer to the seller, and each seller shall collect from the buyer the full amount of the tax payable in respect to each taxable sale in accordance with the schedule of collections adopted by the department pursuant to the provisions of RCW 82.08.060. The tax required by this chapter, to be collected by the seller, shall be deemed to be held in trust by the seller until paid to the department, and any seller who appropriates or converts the tax collected to his or her own use or to any use other than the payment of the tax to the extent that the money required to be collected is not available for payment on the due date as prescribed in this chapter shall be guilty of a gross misdemeanor.

In case any seller fails to collect the tax herein imposed or having collected the tax, fails to pay it to the department in the manner prescribed by this chapter, whether such failure is the result of his or her own acts or the result of acts or conditions beyond his or her control, he or she shall, nevertheless, be personally liable to the state for the amount of the tax.

The amount of tax, until paid by the buyer to the seller or to the department, shall constitute a debt from the buyer to the seller and any seller who fails or refuses to collect the tax as required with intent to violate the provisions of this chapter or to gain some advantage or benefit, either direct or indirect, and any buyer who refuses to pay any tax due under this chapter shall be guilty of a misdemeanor. The tax required by this chapter to be collected by the seller shall be stated separately from the selling price in any sales invoice or other instrument of sale. On all retail sales through vending machines, the tax need not be stated separately from the selling price or collected separately from the buyer. For purposes of determining the tax due from the buyer to the seller and from the seller to the department it shall be conclusively presumed that the selling price quoted in any price list, sales document, contract or other agreement between the parties does not include the tax imposed by this chapter, but if the seller advertises the price as including the tax or that the seller is paying the tax, the advertised price shall not be considered the selling price.

Where a buyer has failed to pay to the seller the tax imposed by this chapter and the seller has not paid the amount of the tax to the department, the department may, in its discretion, proceed directly against the buyer for collection of the tax, in which case a penalty of ten percent may be added to the amount of the tax for failure of the buyer to pay the same to the seller, regardless of when the tax may be collected by the department; and all of the provisions of chapter 82.32 RCW, including those relative to interest and penalties, shall apply in addition; and, for the sole purpose of applying the various provisions of chapter 82.32 RCW, the ((~~fifteenth~~)) twenty-fifth day of the month following the tax period in which the purchase was made shall be considered as the due date of the tax.

Sec. 3. RCW 82.32.090 and 1991 c 142 s 11 are each amended to read as follows:

(1) If payment of any tax due on a return to be filed by a taxpayer is not received by the department of revenue by the due date, there shall be assessed a penalty of five percent of the amount of the tax; and if the tax is not received within thirty days after the due date, there shall be assessed a total penalty of ten percent of the amount of the tax; and if the tax is not received within sixty days after the due date, there shall be assessed a total penalty of twenty percent of the amount of the tax. No penalty so added shall be less than five dollars.

(2) If payment of any tax assessed by the department of revenue is not received by the department by the due date specified in the notice, or any extension thereof, the department shall add a penalty of ten percent of the amount of the additional tax found due. No penalty so added shall be less than five dollars.

(3) If a warrant be issued by the department of revenue for the collection of taxes, increases, and penalties, there shall be added thereto a penalty of five percent of the amount of the tax, but not less than ten dollars.

(4) If the department finds that all or any part of a deficiency resulted from the disregard of specific written instructions as to reporting or tax liabilities, the department shall add a penalty of ten percent of the amount of the additional tax found due because of the failure to follow the instructions. A taxpayer disregards specific written instructions when the department of revenue has informed the taxpayer in writing of the taxpayer's tax obligations and the taxpayer fails to act in accordance with those instructions unless the department has not issued final instructions because the matter is under appeal pursuant to this chapter or departmental regulations. The department shall not assess the penalty under this section upon any taxpayer who has made a good faith effort to comply with the specific written instructions provided by the department to that taxpayer. Specific written instructions may be given as a part of a tax assessment, audit, determination, or closing agreement, provided that such specific written instructions shall apply only to the taxpayer addressed or referenced on such documents. Any specific written instructions by the department of revenue shall be clearly identified as such and shall inform the taxpayer that failure to follow the instructions may subject the taxpayer to the penalties imposed by this subsection.

(5) If the department finds that all or any part of the deficiency resulted from an intent to evade the tax payable hereunder, a further penalty of fifty percent of the additional tax found to be due shall be added.

(6) The aggregate of penalties imposed under this section for failure to pay a tax due on a return by the due date, late payment of any tax, increase, or penalty, or issuance of a warrant shall not exceed thirty-five percent of the tax due, or twenty dollars, whichever is greater.

(7) The department of revenue may not impose both the evasion penalty and the penalty for disregarding specific written instructions on the same tax found to be due.

Sec. 4. RCW 82.32.180 and 1989 c 378 s 23 are each amended to read as follows:

Any person, except one who has failed to keep and preserve books, records, and invoices as required in this chapter and chapter 82.24 RCW, having paid any tax as required and feeling aggrieved by the amount of the tax may appeal to the superior court of Thurston county, within the time limitation for a refund provided in chapter 82.32 RCW or, if an application for refund has been made to the department within that time limitation, then within thirty days after rejection of the application, whichever time limitation is later. In the appeal the taxpayer shall set forth the amount of the tax imposed upon the taxpayer which the taxpayer concedes to be the correct tax and the reason why the tax should be reduced or abated. The appeal shall be perfected by serving a copy of the notice of appeal upon the department within the time herein specified and by filing the original thereof with proof of service with the clerk of the superior court of Thurston county. ~~((Within ten days after filing the notice of appeal, the taxpayer shall file with the clerk of the superior court a good and sufficient surety bond payable to the state in the sum of two hundred dollars, conditioned to diligently prosecute the appeal and pay the state all costs that may be awarded if the appeal of the taxpayer is not sustained.))~~

The trial in the superior court on appeal shall be de novo and without the necessity of any pleadings other than the notice of appeal. The burden shall rest upon the taxpayer to prove that the tax as paid by the taxpayer is incorrect, either in whole or in part, and to establish the correct amount of the tax. In such proceeding the taxpayer shall be deemed the plaintiff, and the state, the defendant; and both parties shall be entitled to subpoena the attendance of witnesses as in other civil actions and to produce evidence that is competent, relevant, and material to determine the correct amount of the tax that should be paid by the taxpayer. Either party may seek appellate review in the same manner as other civil actions are appealed to the appellate courts.

It shall not be necessary for the taxpayer to protest against the payment of any tax or to make any demand to have the same refunded or to petition the director for a hearing in order to appeal to the superior court, but no court action or proceeding of any kind shall be maintained by the taxpayer to recover any tax paid, or any part thereof, except as herein provided.

The provisions of this section shall not apply to any tax payment which has been the subject of an appeal to the board of tax appeals with respect to which appeal a formal hearing has been elected.

Sec. 5. RCW 67.28.183 and 1988 c 61 s 2 are each amended to read as follows:

(1) The ~~((tax))~~ taxes levied ~~((by RCW 67.28.180 and 67.28.182))~~ under this chapter shall not apply to emergency lodging provided for homeless persons for a period of less than thirty consecutive days under a shelter voucher program administered by an eligible organization.

(2) For the purposes of this exemption, an eligible organization includes only cities, towns, and counties, or their respective agencies, and groups providing emergency food and shelter services.

Sec. 6. RCW 82.29A.050 and 1975-'76 2nd ex.s. c 61 s 5 are each amended to read as follows:

(1) The leasehold excise taxes provided for in RCW 82.29A.030 and 82.29A.040 shall be paid by the lessee to the lessor and the lessor shall collect such tax and remit the same to the department of revenue. The tax shall be payable at the same time as payments are due to the lessor for use of the property from which the leasehold interest arises, and in the case of payment of contract rent to a person other than the lessor, at the time of payment. The tax payment shall be accompanied by such information as the department of revenue may require. In the case of prepaid

contract rent the payment may be prorated in accordance with instructions of the department of revenue and the prorated portion of the tax shall be due, one-half not later than May 31 and the other half not later than November 30 each year.

(2) The lessor receiving taxes payable under the provisions of this chapter shall remit the same together with a return provided by the department, to the department of revenue on or before the ~~((fifteenth))~~ last day of the month following the month in which the tax is collected. The department may relieve any taxpayer or class of taxpayers from the obligation of filing monthly returns and may require the return to cover other reporting periods, but in no event shall returns be filed for a period greater than one year. The lessor shall be fully liable for collection and remittance of the tax. The amount of tax until paid by the lessee to the lessor shall constitute a debt from the lessee to the lessor. The tax required by this chapter shall be stated separately from contract rent, and if not so separately stated for purposes of determining the tax due from the lessee to the lessor and from the lessor to the department, the contract rent does not include the tax imposed by this chapter. Where a lessee has failed to pay to the lessor the tax imposed by this chapter and the lessor has not paid the amount of the tax to the department, the department may, in its discretion, proceed directly against the lessee for collection of the tax: PROVIDED, That taxes due where contract rent has not been paid shall be reported by the lessor to the department and the lessee alone shall be liable for payment of the tax to the department.

(3) Each person having a leasehold interest subject to the tax provided for in this chapter arising out of a lease of federally owned or federal trust lands shall report and remit the tax due directly to the department of revenue in the same manner and at the same time as the lessor would be required to report and remit the tax if such lessor were a state public entity.

NEW SECTION. Sec. 7. RCW 82.32.040 and 1971 ex.s. c 299 s 15 & 1961 c 15 s 82.32.040 are each repealed.

NEW SECTION. Sec. 8. This act shall take effect July 1, 1992.

On motion of Senator Owen, the following amendment to the Committee on Ways and Means amendment was adopted:

On page 7, after line 5 of the amendment, insert the following:

Sec. 6. RCW 82.29A.020 and 1986 c 285 s 1 are each amended to read as follows:

As used in this chapter the following terms shall be defined as follows, unless the context otherwise requires:

(1) "Leasehold interest" shall mean an interest in publicly owned real or personal property which exists by virtue of any lease, permit, license, or any other agreement, written or verbal, between the public owner of the property and a person who would not be exempt from property taxes if that person owned the property in fee, granting possession and use, to a degree less than fee simple ownership: PROVIDED, That no interest in personal property (excluding land or buildings) which is owned by the United States, whether or not as trustee, or by any foreign government shall constitute a leasehold interest hereunder when the right to use such property is granted pursuant to a contract solely for the manufacture or production of articles for sale to the United States or any foreign government. The term "leasehold interest" shall include the rights of use or occupancy by others of property which is owned in fee or held in trust by a public corporation, commission, or authority created under RCW 35.21.730 or 35.21.660 if the property is listed on or is within a district listed on any federal or state register of historical sites. The term "leasehold interest" shall not include road or utility easements or rights of access, occupancy or use granted solely for the purpose of removing materials or products purchased from a public owner or the lessee of a public owner.

(2) "Taxable rent" shall mean contract rent as defined in subsection (a) of this subsection in all cases where the lease or agreement has been established or renegotiated through competitive bidding, or negotiated or renegotiated in accordance with statutory requirements regarding the rent payable, or negotiated or renegotiated under circumstances, established by public record, clearly showing that the contract rent was the maximum attainable by the lessor: PROVIDED, That after January 1, 1986, with respect to any lease which has been in effect for ten years or more without renegotiation, taxable rent may be established by procedures set forth in subsection (b) of this subsection. All other leasehold interests shall be subject to the determination of taxable rent under the terms of subsection (b) of this subsection.

(a) "Contract rent" shall mean the amount of consideration due as payment for a leasehold interest, including: The total of cash payments made to the lessor or to another party for the benefit of the lessor according to the requirements of the lease or agreement, including any rents paid by a sublessee; expenditures for the protection of the lessor's interest when required by the terms of the lease or agreement; and expenditures for improvements to the property to the extent that such improvements become the property of the lessor. Where the consideration conveyed for the leasehold interest is made in combination with payment for concession or other rights granted by the lessor, only that portion of such payment which represents consideration for the leasehold interest shall be part of contract rent.

"Contract rent" shall not include: (i) Expenditures made by the lessee, which under the terms of the lease or agreement, are to be reimbursed by the lessor to the lessee or expenditures for improvements and protection made

pursuant to a lease or an agreement which requires that the use of the improved property be open to the general public and that no profit will inure to the lessee from the lease; (ii) expenditures made by the lessee for the replacement or repair of facilities due to fire or other casualty including payments for insurance to provide reimbursement for losses or payments to a public or private entity for protection of such property from damage or loss or for alterations or additions made necessary by an action of government taken after the date of the execution of the lease or agreement; (iii) improvements added to publicly owned property by a sublessee under an agreement executed prior to January 1, 1976, which have been taxed as personal property of the sublessee prior to January 1, 1976, or improvements made by a sublessee of the same lessee under a similar agreement executed prior to January 1, 1976, and such improvements shall be taxable to the sublessee as personal property; (iv) improvements added to publicly owned property if such improvements are being taxed as personal property to any person.

Any prepaid contract rent shall be considered to have been paid in the year due and not in the year actually paid with respect to prepayment for a period of more than one year. Expenditures for improvements with a useful life of more than one year which are included as part of contract rent shall be treated as prepaid contract rent and prorated over the useful life of the improvement or the remaining term of the lease or agreement if the useful life is in excess of the remaining term of the lease or agreement. Rent prepaid prior to January 1, 1976, shall be prorated from the date of prepayment.

With respect to a "product lease", the value of agricultural products received as rent shall be the value at the place of delivery as of the fifteenth day of the month of delivery; with respect to all other products received as contract rent, the value shall be that value determined at the time of sale under terms of the lease.

(b) If it shall be determined by the department of revenue, upon examination of a lessee's accounts or those of a lessor of publicly owned property, that a lessee is occupying or using publicly owned property in such a manner as to create a leasehold interest and that such leasehold interest has not been established through competitive bidding, or negotiated in accordance with statutory requirements regarding the rent payable, or negotiated under circumstances, established by public record, clearly showing that the contract rent was the maximum attainable by the lessor, the department may establish a taxable rent computation for use in determining the tax payable under authority granted in this chapter based upon the following criteria: (i) Consideration shall be given to rental being paid to other lessors by lessees of similar property for similar purposes over similar periods of time; (ii) consideration shall be given to what would be considered a fair rate of return on the market value of the property leased less reasonable deductions for any restrictions on use, special operating requirements or provisions for concurrent use by the lessor, another person or the general public.

(3) "Product lease" as used in this chapter shall mean a lease of property for use in the production of agricultural or marine products to the extent that such lease provides for the contract rent to be paid by the delivery of a stated percentage of the production of such agricultural or marine products to the credit of the lessor or the payment to the lessor of a stated percentage of the proceeds from the sale of such products.

(4) "Renegotiated" means a change in the lease agreement which changes the agreed time of possession, restrictions on use, the rate of the cash rental or of any other consideration payable by the lessee to or for the benefit of the lessor, other than any such change required by the terms of the lease or agreement, except that a lease for ten years or longer that calls for changes in rent on a set schedule of at least every five years shall be considered a renegotiated lease, if the change in rent is based on a standard state or federal index such as the consumer price index. In addition "renegotiated" shall mean a continuation of possession by the lessee beyond the date when, under the terms of the lease agreement, the lessee had the right to vacate the premises without any further liability to the lessor.

(5) "City" means any city or town.

Sec. 7. RCW 82.29A.130 and 1975-'76 2nd ex.s. c 61 s 13 are each amended to read as follows:

The following leasehold interests shall be exempt from taxes imposed pursuant to RCW 82.29A.030 and 82.29A.040:

(1) All leasehold interests constituting a part of the operating properties of any public utility which is assessed and taxed as a public utility pursuant to chapter 84.12 RCW.

(2) All leasehold interests in facilities owned or used by a school, college or university which leasehold provides housing for students and which is otherwise exempt from taxation under provisions of RCW 84.36.010 and 84.36.050.

(3) All leasehold interests of subsidized housing where the fee ownership of such property is vested in the government of the United States, or the state of Washington or any political subdivision thereof but only if income qualification exists for such housing.

(4) All leasehold interests used for fair purposes of a nonprofit fair association that sponsors or conducts a fair or fairs which receive support from revenues collected pursuant to RCW 67.16.100 and allocated by the director of the department of agriculture where the fee ownership of such property is vested in the government of the United States, the state of Washington or any of its political subdivisions: PROVIDED, That this exemption shall not apply to the leasehold

interest of any sublessee of such nonprofit fair association if such leasehold interest would be taxable if it were the primary lease.

(5) All leasehold interests in any property of any public entity used as a residence by an employee of that public entity who is required as a condition of employment to live in the publicly owned property.

(6) All leasehold interests held by enrolled Indians of lands owned or held by any Indian or Indian tribe where the fee ownership of such property is vested in or held in trust by the United States and which are not subleased to other than to a lessee which would qualify pursuant to this chapter, RCW 84.36.451 and 84.40.175.

(7) All leasehold interests in any real property of any Indian or Indian tribe, band, or community that is held in trust by the United States or is subject to a restriction against alienation imposed by the United States: PROVIDED, That this exemption shall apply only where it is determined that contract rent paid is greater than or equal to ninety percent of fair market rental, to be determined by the department of revenue using the same criteria used to establish taxable rent in RCW 82.29A.020(2)(b).

(8) All leasehold interests for which annual taxable rent is less than two hundred fifty dollars per year. For purposes of this subsection leasehold interests held by the same lessee in contiguous properties owned by the same lessor shall be deemed a single leasehold interest.

(9) All leasehold interests which give use or possession of the leased property for a continuous period of less than thirty days: PROVIDED, That for purposes of this subsection, successive leases or lease renewals giving substantially continuous use of possession of the same property to the same lessee shall be deemed a single leasehold interest: PROVIDED FURTHER, That no leasehold interest shall be deemed to give use or possession for a period of less than thirty days solely by virtue of the reservation by the public lessor of the right to use the property or to allow third parties to use the property on an occasional, temporary basis.

(10) All leasehold interests under month-to-month leases in residential units rented for residential purposes of the lessee pending destruction or removal for the purpose of constructing a public highway or building.

(11) All leasehold interests in any publicly owned real or personal property to the extent such leasehold interests arises solely by virtue of a contract for public improvements or work executed under the public works statutes of this state or of the United States between the public owner of the property and a contractor.

(12) All leasehold interests held by a lessee who would qualify for a senior citizen property tax exemption, if the leasehold property was held in fee simple ownership: PROVIDED, That a lessee who qualifies for a partial senior citizen property tax exemption shall receive a leasehold excise tax reduction of an equal percentage.

Sec. 8. RCW 82.29A.060 and 1975-'76 2nd ex.s. c 61 s 6 are each amended to read as follows:

All administrative provisions and appeal procedures in chapters 82.02 and 82.32 RCW, as now or hereafter amended shall be applicable to taxes imposed pursuant to this chapter: PROVIDED, That this section shall not authorize the issuance of any levy upon any property owned by the public lessor.

In selecting leasehold excise tax returns for audit the department of revenue shall give priority to any return an audit of which is specifically requested in writing by the county assessor or treasurer or other chief financial officer of any city or county affected by such return. Notwithstanding the provisions of RCW 82.32.330, findings of fact and determinations of the amount of taxable rent made pursuant to the provisions of this chapter shall be open to public inspection at all reasonable times.

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

MOTIONS

On motion of Senator Craswell, the following amendments by Senators Craswell and Hansen to the Committee on Ways and Means amendment were considered simultaneously and were adopted:

On page 8, after line 17 of the amendment, insert the following:

Sec. 7. RCW 82.04.300 and 1983 c 3 s 213 are each amended to read as follows:

This chapter shall apply to any person engaging in any business activity taxable under RCW 82.04.230, 82.04.240, 82.04.250, 82.04.260, 82.04.270, 82.04.280 and 82.04.290 other than those whose value of products, gross proceeds of sales, or gross income of the business is less than one thousand dollars per month: PROVIDED, That where one person engages in more than one business activity and the combined measures of the tax applicable to such businesses equal or exceed one thousand dollars per month, no exemption or deduction from the amount of tax is allowed by this section.

Any person claiming exemption under the provisions of this section may be required, according to rules adopted by the department, to file returns even though no tax may be due(~~(=PROVIDED, FURTHER, That)).~~ The department of revenue may allow exemptions, by general rule or regulation, in those instances in which quarterly, semiannual, or

annual returns are permitted. Exemptions for such periods shall be equivalent in amount to the total of exemptions for each month of a reporting period.

Sec. 8. RCW 82.32.030 and 1982 1st ex.s. c 4 s 1 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, if any person engages in any business or performs any act upon which a tax is imposed by the preceding chapters, he or she shall, ((whether taxable or not,)) under such rules ((and regulations)) as the department of revenue shall prescribe, apply for and obtain from the department a registration certificate upon payment of fifteen dollars. Such registration certificate shall be personal and nontransferable and shall be valid as long as the taxpayer continues in business and pays the tax accrued to the state. In case business is transacted at two or more separate places by one taxpayer, a separate registration certificate for each place at which business is transacted with the public shall be required, but, for such additional certificates no additional payment shall be required. Each certificate shall be numbered and shall show the name, residence, and place and character of business of the taxpayer and such other information as the department of revenue deems necessary and shall be posted in a conspicuous place at the place of business for which it is issued. Where a place of business of the taxpayer is changed, the taxpayer must return to the department the existing certificate, and a new certificate will be issued for the new place of business free of charge. No person required to be registered under this section shall engage in any business taxable hereunder without first being so registered ((in compliance with the provisions of this section, except that)). The department, by ((general regulation)) rule, may provide for the issuance of certificates of registration, without requiring payment, to temporary places of business ((without requiring payment)) or to persons who are exempt from tax under RCW 82.04.300.

(2) Registration under this section is not required if the following conditions are met:

(a) A person's value of products, gross proceeds of sales, or gross income of the business is below the tax reporting threshold provided in RCW 82.04.300;

(b) The person is not required to collect or pay to the department of revenue any other tax which the department is authorized to collect; and

(c) The person is not otherwise required to obtain a license subject to the master application procedure provided in chapter 19.02 RCW.

Renumber the sections consecutively.

On page 8, line 21 of the amendment, after "1992" insert ", except sections 7 and 8 of this act which shall take effect January 1, 1993"

On motion of Senator Talmadge, the following amendment to the Committee on Ways and Means amendment was adopted:

On page 8, after line 17 of the amendment, insert the following:

NEW SECTION. Sec. 7. A new section is added to chapter 82.08 RCW to read as follows:

The tax levied by RCW 82.08.020 shall not apply to sales of clothing when the following applies:

(1) The purchaser is a nonprofit corporation or association which is exempt from federal income taxation under the internal revenue code;

(2) The seller sells such clothing at cost to the purchaser; and

(3) The clothing is purchased solely for donation to low-income persons.

NEW SECTION. Sec. 8. A new section is added to chapter 82.12 RCW to read as follows:

The provisions of this chapter shall not apply in respect to the use of any article of clothing by a purchasing organization or its donees when the clothing has been obtained by purchase under the following conditions:

(1) The purchaser is a nonprofit corporation or association which is exempt from federal taxation under the internal revenue code;

(2) The seller has sold such clothing at cost to the purchaser; and

(3) The clothing has been purchased solely for donation to low-income persons.

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

MOTIONS

On motion of Senator Snyder, the following amendment to the Committee on Ways and Means amendment was adopted:

On page 8, after line 17 of the amendment, insert the following:

NEW SECTION. Sec. 7. A new section is added to chapter 82.04 RCW to read as follows:

This chapter shall not apply to the initial wholesale or retail sale in this state by commercial fishers of fish and shellfish caught outside the waters of this state. This exemption applies only to the sale of unprocessed fish, shellfish, and fish eggs.

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

On motion of Senator Wojahn, the following amendment by Senators Wojahn, Conner, Stratton, Saling, McMullen, McDonald, McCaslin, Bauer and Kreidler to the Committee on Ways and Means amendment was adopted:

On page 8, after line 17 of the amendment, insert the following:

NEW SECTION. Sec. 7. A new section is added to chapter 82.08 RCW to read as follows:

(1) The tax levied by RCW 82.08.020 shall not apply to sales to free hospitals of items reasonably necessary for the operation of, and provision of health care by, free hospitals.

(2) As used in this section, "free hospital" means a hospital that does not charge any patient for health care provided by the hospital.

NEW SECTION. Sec. 8. A new section is added to chapter 82.12 RCW to read as follows:

(1) The provisions of this chapter shall not apply in respect to the use by free hospitals of items reasonably necessary for the operation of, and provision of health care by, free hospitals.

(2) As used in this section, "free hospital" means a hospital that does not charge any patient for health care provided by the hospital.

Correct any internal references accordingly and renumber the sections consecutively.

The President declared the question before the Senate to be the adoption of the Committee on Ways and Means striking amendment, as amended, to Engrossed House Bill No. 2680.

The motion by Senator McDonald carried and the Committee on Ways and Means amendment, as amended, was adopted.

MOTION

On motion of Senator McDonald, the following title amendments were considered simultaneously and were adopted:

On page 1, line 2 of the title, after "taxes;" strike the remainder of the title and insert "amending RCW 82.04.170, 82.08.050, 82.32.090, 82.32.180, 67.28.183, and 82.29A.050; repealing RCW 82.32.040; and providing an effective date."

On page 9, line 6 of the title amendment, after "82.29A.050;" insert "adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW;"

On page 9, line 6 of the title amendment, after "82.29A.050;" insert "adding a new section to chapter 82.04 RCW;"

On page 9, line 6 of the title amendment, after "82.29A.050;" insert "adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW;"

On page 9, line 6 of the title amendment, strike "and 82.29A.050" and insert "82.29A.050, 82.04.300, and 82.32.030"

On page 9, line 7 of the title amendment, strike "an effective date" and insert "effective dates"

On page 9, line 6 of the title amendment, after "67.28.183," insert "82.29A.020, 82.29A.130, 82.29A.060,"

MOTION

On motion of Senator McDonald, Engrossed House Bill No. 2680, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 2680, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2680, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sumner, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 48.

Excused: Senator Matson - 1.

ENGROSSED HOUSE BILL NO. 2680, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1258, by House Committee on Health Care (originally sponsored by Representatives Day, Moyer, Prentice, Braddock, Paris and Orr) (by request of Department of Health)

Changing provisions relating to nursing home administration.

The bill was read the second time.

MOTIONS

Senator West moved that the following Committee on Health and Long-Term Care amendment be adopted:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 18.52.020 and 1991 c 3 s 116 are each amended to read as follows:

When used in this chapter, unless the context otherwise clearly requires:

(1) "Board" means the state board (~~of examiners for the licensing~~) of nursing home administrators representative of the professions and institutions concerned with the care of the chronically ill and infirm aged patients.

(2) "Secretary" means the secretary of health or the secretary's designee.

(3) "Nursing home" means any facility or portion thereof licensed under state law as a nursing home.

(4) "Nursing home administrator" means an individual (~~(in active administrative charge of nursing homes as defined herein, whether or not having an ownership interest in such homes, and although functions and duties may be shared with or delegated to other persons: PROVIDED HOWEVER, That)~~) qualified by education, experience, training, and examination to administer a nursing home. A nursing home administrator administering a nursing home must be in active administrative charge as defined by the board. Nothing in this definition or this chapter shall be construed to prevent any person, so long as he or she is otherwise qualified, from obtaining and maintaining a license even though he or she has not administered or does not continue to administer a nursing home.

NEW SECTION. Sec. 2. A new section is added to chapter 18.52 RCW to read as follows:

In addition to any other authority provided by law, the secretary shall have the following authority:

(1) To set all fees required in this chapter in accordance with RCW 43.70.250 which may include fees for approval of continuing competency, supervision of practical experience, all applications, verification, renewal, examination, and late penalties;

(2) To establish forms necessary to administer this chapter;

(3) To issue a license to any applicant who has met the education, training, and examination requirements for licensure and deny a license to applicants who do not meet the minimum qualifications for licensure, except that proceedings concerning the denial of licenses based on unprofessional conduct or impaired practice shall be governed by the uniform disciplinary act, chapter 18.130 RCW;

(4) To employ clerical, administrative, and investigative staff as needed to implement and administer this chapter and to employ individuals including those licensed under this chapter to serve as examiners or consultants as necessary to implement and administer this chapter; and

(5) To maintain the official department record of all applicants and licensees.

Sec. 3. RCW 18.52.030 and 1970 ex.s. c 57 s 3 are each amended to read as follows:

~~((On or after July 1, 1970))~~ Nursing homes operating within this state ((must)) shall be under the active, overall administrative charge and supervision of an on-site full-time administrator licensed as provided in this chapter. ((An administrator may delegate functions and duties to other persons.)) No person acting in any capacity, unless ((he is)) the holder of a nursing home administrator's license issued under this chapter, shall be charged with the overall responsibility to make decisions or direct actions involved in managing the internal operation of a nursing home, except as specifically delegated in writing by the administrator to identify a responsible person to act on the administrator's behalf when the administrator is absent. The administrator shall review the decisions upon the administrator's return and amend the decisions if necessary. The board shall define by rule the parameters for on-site full-time administrators in nursing homes with small resident populations and nursing homes in rural areas, or separately licensed facilities collocated on the same campus, as well as provide for the administrative requirements for nursing homes that are temporarily without administrators.

Sec. 4. RCW 18.52.040 and 1975 1st ex.s. c 97 s 1 are each amended to read as follows:

~~((There is hereby created a))~~ The state board of ((examiners for)) nursing home administrators ((which)) shall consist of nine members appointed by the governor. ((All members shall be representative of the professions and institutions concerned with the care and treatment of chronically ill or infirm elderly patients. However, at no time shall representatives of a single profession or a single institutional category compose a majority of the board membership. In addition, no member who is a noninstitutional representative shall have any direct financial interest in nursing homes while serving as a member of the board. For purposes of this section, nursing home administrators are considered representatives of institutions. Eight of the board's members shall be privately or self-employed persons who the governor finds have had at least four years of actual experience in the administration or overall management of licensed nursing homes in this state immediately prior to the governor's appointment of them to the board; or shall be representatives from the medical professions, or health care administration education, or persons with four years actual experience in the administration of the nursing home unit of a licensed hospital immediately preceding the governor's appointment of them to the board; and shall be privately or self-employed persons, or persons employed by educational institutions, whom the governor appoints because of their special knowledge or expertise in the field of long-term care or the care of the aged and chronically ill: PROVIDED, That one member shall be a citizen eligible for medicare who shall have no financial interest in or family ownership connection with nursing homes. Board members selected who meet any of the preceding qualifications may in addition be nurses, physicians or other persons with special health care training.)) Four members shall be persons licensed under this chapter who have at least four years actual experience in the administration of a licensed nursing home in this state immediately preceding appointment to the board and who are not employed by the state or federal government.

Four members shall be representatives of the health care professions providing medical or nursing services in nursing homes who are privately or self-employed; or shall be persons employed by educational institutions who have special knowledge or expertise in the field of health care administration, health care education or long-term care or both, or care of the aged and chronically ill.

One member shall be a resident of a nursing home or a family member of a resident or a person eligible for medicare. No member who is a nonadministrator representative shall have any direct or family financial interest in nursing homes while serving as a member of the board. The governor shall consult with and seek the recommendations of the appropriate state-wide business and professional organizations and societies primarily concerned with long term health care facilities in the course of considering his appointments to the board. Board members currently serving shall continue to serve until the expiration of their appointments.

Sec. 5. RCW 18.52.050 and 1970 ex.s. c 57 s 5 are each amended to read as follows:

Members of the board shall be citizens of the United States and residents of this state. ~~((Except for the initial appointments to the first board.))~~ All administrator members of the board shall be holders of licenses under this chapter. ((Three members of the board shall be appointed initially for terms of three years, three members shall be appointed for terms of two years, and three members shall be appointed for terms of one year. Thereafter)) The terms of all members shall be ((three)) five years. ((Members of the board may be removed by the governor for cause after appropriate notice and hearing.)) Any board member may be removed for just cause including a finding of fact of unprofessional conduct or impaired practice. The governor may appoint a new member to fill any vacancy on the board for the remainder of the unexpired term. No board member may serve more than two consecutive terms, whether full or partial. Board members shall serve until their successors are appointed. Board members shall be compensated in accordance with RCW

43.03.240 and shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060. The board may elect annually a chair and vice-chair to direct the meetings of the board. The board shall meet at least four times each year and may hold additional meetings as called by the secretary or the chair.

NEW SECTION. Sec. 6. A new section is added to chapter 18.52 RCW to read as follows:

In addition to any authority provided by law, the board shall have the following authority:

- (1) To adopt rules in accordance with chapter 34.05 RCW necessary to implement this chapter;
- (2) To prepare and administer or approve the preparation and administration of examinations for licensure;
- (3) To conduct a hearing on an appeal of a denial of license based on the applicant's failure to meet the minimum qualifications for licensure. The hearing shall be conducted pursuant to chapter 34.05 RCW;
- (4) To establish by rule the procedures for an appeal of an examination failure;
- (5) To adopt rules implementing a continuing competency program;
- (6) To issue subpoenas, statements of charges, statements of intent to deny licenses, and orders, and to delegate in writing to a designee to issue subpoenas; and
- (7) To issue temporary license permits under circumstances defined by the board.

NEW SECTION. Sec. 7. A new section is added to chapter 18.52 RCW to read as follows:

The department shall issue a license to any person applying for a nursing home administrator's license after July 1, 1993, who meets the following requirements:

- (1) Successful completion of the requirements for a baccalaureate degree from a recognized institution of higher learning: PROVIDED, That if education requirements are adopted by the federal government, the board may adopt rules requiring educational qualifications to meet those requirements;
- (2) Successful completion of a practical experience requirement as determined by the board;
- (3) Successful completion of examinations administered or approved by the board, or both, which shall be designed to test the candidate's competence to administer a nursing home;
- (4) At least twenty-one years of age; and
- (5) Not having engaged in unprofessional conduct as defined in RCW 18.130.180 or being unable to practice with reasonable skill and safety as defined in RCW 18.130.170. The board shall establish by rule what constitutes adequate proof of meeting the above requirements.

A limited license indicating the limited extent of authority to administer institutions certified by such church or denomination teaching religious or spiritual means for healing through prayer, shall be issued to individuals demonstrating membership in such church or denomination. However, nothing in this chapter shall be construed to require an applicant certified by any well established and generally recognized church or religious denomination teaching reliance on spiritual means alone to demonstrate proficiency in any medical techniques or to meet any medical educational qualifications or medical standards not in accord with the remedial care and treatment provided in such institutions.

Sec. 8. RCW 18.52.110 and 1991 c 3 s 120 are each amended to read as follows:

(1) Every holder of a nursing home administrator's license shall reregister (~~(it annually with the secretary)~~) on dates specified by the secretary (~~(by making application for reregistration on forms provided by the secretary)~~). Such (~~(reregistration)~~) relicensure shall be granted (~~(automatically)~~) upon receipt of a fee determined by the secretary as provided in RCW 43.70.250, and upon fulfilling the continuing competency requirement. In the event that any license is not reregistered (~~(within thirty days after the date for reregistration specified by the secretary)~~), the secretary (~~(shall, in accordance with rules prescribed by the board, give notice to the license holder, and)~~) may (~~(thereafter in accordance with rules prescribed by the board)~~) charge up to double the (~~(normal reregistration)~~) relicensure fee. In the event that the license of an individual is not (~~(reregistered)~~) relicensed within two years from the most recent date for (~~(reregistration)~~) relicensure it shall lapse and such individual must again apply for licensing and meet all requirements of this chapter for a new applicant. The board may prescribe rules for maintenance of a license at a reduced fee for temporary or permanent withdrawal or retirement from the active practice of nursing home administration.

(2) A condition of (~~(reregistration)~~) relicensure shall be the presentation of proof by the applicant that (~~(he or she has attended the number of classroom hours of approved educational programs, classes, seminars, or proceedings set by the board. The board shall have the power to approve programs, classes, seminars, or proceedings offered in this state or elsewhere by any accredited institution of higher learning or any national or local group or society if such programs, classes, seminars, or proceedings are reasonably related to the administration of nursing homes. The board shall establish rules providing that the applicant for reregistration may present such proofs yearly, or may obtain the cumulative number of required hours over a three year period and present such proofs over periods of three years. In no event shall the number of classroom hours required for any time period exceed the number of such board approved classroom hours reasonably available over such time period on an adult or continuing education basis to nonmatriculating participants in this state.~~)

~~(3) An individual may obtain and reregister a license under this chapter although he or she does not actively engage in nursing home administration. The licensee shall meet requirements set by the board to ensure the individual's continued competency)) the board requirement for continuing competency related to the administration of nursing homes has been met.~~

Sec. 9. RCW 18.52.130 and 1991 c 3 s 121 are each amended to read as follows:

The secretary may issue a nursing home administrator's license to anyone who holds a current administrator's license from another jurisdiction upon receipt of an application fee ((determined by the secretary as provided in RCW 43.70.250)) and an annual license fee, ((the secretary may issue a nursing home administrator's license, without examination, to any person who holds a current license as a nursing home administrator from another jurisdiction: PROVIDED, That the board finds that)) as provided in RCW 43.70.250, if the standards for licensing in such other jurisdiction are ((at least the substantial)) substantially equivalent ((of)) to those prevailing in this state, and that the applicant is otherwise qualified((-- In the event that there is developed a nationally recognized standard for the licensing of nursing home administrators which is in fact utilized in licensing procedures on a reasonably uniform basis the board may by rule or regulation provide for granting reciprocal licensing on a showing of compliance with such standard)) as determined by the board.

Sec. 10. RCW 18.52.140 and 1970 ex.s. c 57 s 14 are each amended to read as follows:

It shall be unlawful and constitute a gross misdemeanor for any person to act or serve in the capacity of a nursing home administrator unless he or she is the holder of a nursing home administrator's license issued in accordance with the provisions of this chapter: PROVIDED HOWEVER, That persons carrying out functions and duties delegated by a licensed administrator as defined in RCW 18.52.030 shall not be construed to be committing any unlawful act under this chapter.

NEW SECTION. Sec. 11. The following acts or parts of acts are each repealed:

(1) RCW 18.52.060 and 1991 c 3 s 117, 1984 c 287 s 40, 1979 c 158 s 45, 1975-'76 2nd ex.s. c 34 s 38, & 1970 ex.s. c 57 s 6;

(2) RCW 18.52.100 and 1991 c 3 s 119, 1987 c 150 s 33, 1977 ex.s. c 243 s 4, & 1970 ex.s. c 57 s 10; and

(3) RCW 18.52.170 and 1970 ex.s. c 57 s 19.

NEW SECTION. Sec. 12. RCW 18.52.070 and 1991 c 3 s 118, 1984 c 279 s 65, 1977 ex.s. c 243 s 2, 1975 1st ex.s. c 30 s 52, & 1970 ex.s. c 57 s 7 are each repealed, effective July 1, 1993.

Senator Madsen moved that the following amendment to the Committee on Health and Long-Term Care amendment be adopted:

On page 10, after line 19 of the amendment, insert the following:

NEW SECTION. Sec. 13. A new section is added to chapter 74.42 RCW to read as follows:

Each time a medicaid recipient is discharged from a medicaid provider's facility for the purpose of hospitalization, the provider shall hold open the recipient's bed for the recipient for a minimum of three days immediately following the day of discharge and shall not deny the recipient readmission and placement in the same bed vacated if sought during such three-day period following the day of discharge. If the medicaid recipient is eligible for medicare, the recipient may be readmitted to a bed in a medicare distinct part. In addition, the medicaid recipient may be readmitted to bed in a heavy care wing of the medicaid provider's facility, if the attending physician determines that the recipient's health status warrants the additional heavy care.

Sec. 14. RCW 74.46.620 and 1980 c 177 s 62 are each amended to read as follows:

(1) The department will reimburse a contractor for service rendered under the facility contract and billed in accordance with RCW 74.46.610.

(2) The amount paid will be computed using the appropriate rates assigned to the contractor, subject to the provisions of subsection (4) of this section.

(3) For each recipient, the department will pay an amount equal to the appropriate rates, multiplied by the number of patient days each rate was in effect, less the amount the recipient is required to pay for his or her care as set forth by RCW 74.46.630.

(4) If a recipient is discharged from the contractor's facility for the purpose of temporary hospitalization, the department shall reimburse at the facility-assigned rate, minus the amount the recipient is required to pay, for each day the recipient's bed is held vacant, for a maximum of four days, including the day of discharge. The four days a contractor's facility is reimbursed in full, for the purpose of temporary hospitalization, shall be considered part of the eighteen days maximum per year a resident can vacate the bed for social leave time. There shall be no reimbursement for a bed held vacant for a recipient unless:

(a) The recipient's facility had a minimum average occupancy rate of at least ninety-five percent, including hospitalized residents for whom beds were held vacant, during the calendar month immediately preceding the month of discharge; and

(b) The recipient is in fact readmitted to the facility to the same bed directly or is readmitted to a bed in the medicare distinct part or to the heavy care wing of the provider's facility as specified in section 13 of this act.

NEW SECTION. Sec. 15. A new section is added to chapter 74.46 RCW to read as follows:

The department shall develop and adopt rules to accurately keep record of a resident's social leave time and hospitalization time in compliance with RCW 74.46.620.

NEW SECTION. Sec. 16. The sum of six hundred thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1993, from the general fund--state to the department of social and health services for the purposes of this act.

POINT OF ORDER

Senator West: "Thank you, Mr. President. I would ask a ruling regarding the scope and object of this amendment to the committee amendment. It is clearly outside the scope of the underlying bill. While I am in sympathy with Senator Madsen--in fact this Senate passed a bill dealing with that very problem last year and the House promptly killed it. I think that it does not fit on this bill. Mr. President, also, I think it would be appropriate to take the next amendment, because I would have the same objection to it. It would give you time to review both at the same time."

Further debate ensued.

MOTION

On motion of Senator West, further consideration of the amendment by Senator Madsen on page 10, after line 19, to the Committee on Health and Long-Term Care amendment was deferred.

MOTION

Senator Wojahn moved that the following amendment by Senators Wojahn, Madsen, Rasmussen and Gaspard to the Committee on Health and Long-Term Care amendment be adopted:

On page 10, after line 19 of the amendment insert the following:

Sec. 13. RCW 43.190.030 and 1988 c 119 s 2 are each amended to read as follows:

There is created the office of the state long-term care ombudsman. The department of community development shall contract with a private nonprofit organization to provide long-term care ombudsman services as specified under, and consistent with, the federal older Americans act as amended, federal mandates, the goals of the state, and the needs of its citizens. The contract shall require that long-term care ombudsmen are placed or are available throughout the state at locations convenient to long-term care facility patients, with at least one such ombudsman being located in each county with a population over five hundred thousand. The department of community development shall ensure that all program and staff support necessary to enable the ombudsman to effectively protect the interests of residents, patients, and clients of all long-term care facilities is provided by the nonprofit organization that contracts to provide long-term care ombudsman services. The long-term care ombudsman program shall have the following powers and duties:

- (1) To provide services for coordinating the activities of long-term care ombudsmen throughout the state;
- (2) Carry out such other activities as the department of community development deems appropriate;
- (3) Establish procedures consistent with RCW 43.190.110 for appropriate access by long-term care ombudsmen to long-term care facilities and patients' records, including procedures to protect the confidentiality of the records and ensure that the identity of any complainant or resident will not be disclosed without the written consent of the complainant or resident, or upon court order;
- (4) Establish a state-wide uniform reporting system to collect and analyze data relating to complaints and conditions in long-term care facilities for the purpose of identifying and resolving significant problems, with provision for submission of such data to the department of social and health services and to the federal department of health and human services, or its successor agency, on a regular basis; and

(5) Establish procedures to assure that any files maintained by ombudsman programs shall be disclosed only at the discretion of the ombudsman having authority over the disposition of such files, except that the identity of any complainant or resident of a long-term care facility shall not be disclosed by such ombudsman unless:

(a) Such complainant or resident, or the complainant's or resident's legal representative, consents in writing to such disclosure; or

(b) Such disclosure is required by court order.

NEW SECTION. Sec. 14. The sum of fifty thousand dollars, or as much thereof as may be necessary, is appropriated from the general fund to the department of community development office of the state long-term care ombudsman for the purpose of contracts under RCW 43.190.030.

POINT OF ORDER

Senator West: "Mr. President, I would raise the question of scope and object on this amendment, too. Again, looking to the underlying bill, it basically is talking about how nursing home administrators are licensed, what they have to do in the process and what their responsibilities are on site for that administrator. This underlying amendment deals with the long-term care ombudsmen program and it is specific to Pierce County. It amends a totally different section of the law. Under this, we are only opening up the professional licensing section or Title 18. The amendment goes to Title 43 which is nursing home laws."

Further debate ensued.

MOTION

On motion of Senator Newhouse, further consideration of Substitute House Bill No. 1258 was deferred.

SECOND READING

HOUSE BILL NO. 2841, by Representatives Mitchell, Appelwick, Wood, Winsley, Broback, Paris, Miller, Brough, Former and Haugen

Exempting donated or worthless property from the uniform unclaimed property act.

The bill was read the second time.

MOTION

On motion of Senator McCaslin, the rules were suspended, House Bill No. 2841 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2841.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2841 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sumner, Sutherland, Talmadge, Thorsness, Vognil, von Reichbauer, West, Williams, Wojahn - 48.

Excused: Senator Matson - 1.

HOUSE BILL NO. 2841, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of House Bill No. 2633 and the pending amendment by Senators Hansen and Barr on page 2, line 22, deferred earlier today.

RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator Sutherland, the President finds that House Bill No. 2633 is a measure which requires local governments to encourage the use of private sector moderate-risk waste facilities under certain circumstances.

"The amendment proposed by Senators Hansen and Barr would prohibit the location of incinerators for extremely hazardous, hazardous, moderate risk or dangerous waste within five miles of commercial agricultural activities.

"The President, therefore, finds that the proposed amendment does change the scope and object of the bill and that the point of order is well taken."

The amendment by Senators Hansen and Barr on page 2, line 22, to House Bill No. 2633 was ruled out of order.

Debate ensued.

MOTION

On motion of Senator Metcalf, the rules were suspended, House Bill No. 2633 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2633.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2633 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

HOUSE BILL NO. 2633, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2867, by House Committee on Appropriations (originally sponsored by Representatives H. Sommers, Edmondson, Horn, Orr, Winsley, Jones, Paris, Wood, Bray and J. Kohl)

Authorizing reimbursement of certain medical insurance premiums to retired police officers and fire fighters.

The bill was read the second time.

MOTION

Senator Sutherland moved that the following amendment by Senators Sutherland and Bailey be adopted:

On page 5, after line 21, insert the following:

Sec. 4. RCW 41.05.080 and 1977 ex.s. c 136 s 6 are each amended to read as follows:

(1) Retired or disabled state employees, or employees of county, municipal, or other political subdivisions covered by this chapter who are retired, may continue their participation in insurance plans and contracts after retirement or disablement, under the qualifications, terms, conditions, and benefits set by the board: PROVIDED, That the rates charged such retired or disabled employees for health care will be developed from the same experience pool as active employees: PROVIDED FURTHER, That such retired or disabled employees shall bear the full cost of premiums required to provide such coverage except as provided under subsection (2) of this section: PROVIDED FURTHER, That such self pay rates will be established based on a separate rate for the employee, the spouse, and the children: PROVIDED FURTHER, That rates for a retired or disabled employee, spouse, or child who is eligible for and who elects to apply for medicare will be actuarially reduced to reflect the value of Part A and Part B of medicare. The term "retired state employees" for the purpose of this section shall include but not be limited to members of the legislature whether voluntarily or involuntarily leaving state office.

(2) Any corrections officer of the department of corrections who sustains an injury on the job as a result of an offender assault that results in total permanent physical and mental disability, or total permanent physical disability, may continue full participation under the state employees' health care insurance plan under the following conditions:

(a) The corrections officer sustained an injury on the job as a result of an offender assault that results in total permanent physical disability or total permanent mental and physical disability;

(b) The corrections officer received compensation for the disability under the industrial insurance laws of this state and received assault benefits for one full year;

(c) The corrections officer has received disability separation from the department of corrections;

(d) A determination of total permanent physical and mental disability or total permanent physical disability has been confirmed in writing independently by the corrections officer's attending physician and one other physician; and

(e) No other similar state or federal assistance is provided to the corrections officer for that purpose.

The determination by the physicians must be filed in writing to the department of labor and industries within sixty days following the last month the individual receives an assault benefits payment. This filing requirement is satisfied by filing a signed statement from the attending physician and another physician stating the date that the disability commenced and that the individual was unable to reenter the work force during the time of the disability and is unable to enter the work force in the future as a result of the assault. The department of labor and industries may examine any medical information related to the disability.

NEW SECTION. Sec. 5. This act applies to all correctional officers who meet the criteria established in section 4 of this act and whose assault benefits end any time after January 1, 1992. The full cost of the health care insurance premiums shall be covered by the state. In the event the individual who qualifies under this act is able to return to any kind of work that qualifies them for similar health care benefits, the health premiums paid for by the state shall cease.

Debate ensued.

POINT OF ORDER

Senator Rasmussen: "I was wondering if I could raise the question of scope and object on this proposed amendment so you could have time to study it? I would like to raise the question of scope and object. In looking at the amendment and I can agree certainly with the sponsor's intention, but at the same time the amendment is out of the scope, because this relates to the LEOFF system--police and firefighters--and it also is what has been going on until the attorney general raised the question--and the auditor. They don't have the statutory authority. This amendment certainly enlarges it considerably and I would urge you to look at it."

Further debate ensued.

MOTION

On motion of Senator Newhouse, further consideration of Substitute House Bill No. 2867 was deferred.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2262, by House Committee on Judiciary (originally sponsored by Representatives Appelwick, Padden, Wineberry, Riley, Tate, Wang, Roland, Winsley, Paris, May, Bowman, Orr and Van Luven) (by request of Department of Corrections, Department of Social and Health Services and Indeterminate Sentence Review Board)

Refining the community protection act of 1990.

The bill was read the second time.

MOTIONS

On motion of Senator Nelson, the following Committee on Law and Justice amendment was adopted:

On page 5, line 1, after "person was" strike "convicted" and insert "charged"

On motion of Senator Nelson, the rules were suspended, Engrossed Substitute House Bill No. 2262, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2262, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2262, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2262, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5953, by Senator Bailey

Relating to education.

MOTIONS

On motion of Senator Bailey, Substitute Senate Bill No. 5953 was substituted for Senate Bill No. 5953 and the substitute bill was placed on second reading and read the second time.

Senator Rinehart moved that the following amendments by Senators Rinehart and Gaspard be considered simultaneously and be adopted:

On page 2, after line 2, strike subsection (2).

On page 4, after line 6, strike all remaining sections.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senators Rinehart and Gaspard on page 2, after line 2, and page 4, after line 6, to Substitute Senate Bill No. 5953.

The motion by Senator Rinehart failed and the amendments were not adopted.

MOTION

Senator Talmadge moved that the following amendment be adopted:

On page 20, after line 17, insert the following:

**PART V
PROTECTION OF STUDENTS**

Sec. 501. RCW 28A.635.020 and 1981 c 36 s 1 are each amended to read as follows:

(1) It shall be unlawful for any person to willfully disobey the order of the chief administrative officer of a public school district, or of an authorized designee of any such administrator, to leave any motor vehicle, building, grounds or other property which is owned, operated or controlled by the school district or approved private school if the person so ordered is under the influence of alcohol or drugs, or is committing, threatens to imminently commit or incites another to imminently commit any act which would disturb or interfere with or obstruct any lawful task, function, process or procedure of the school district or approved private school or any lawful task, function, process or procedure of any student, official, employee or invitee of the school district or approved private school. The order of a school officer or designee acting pursuant to this subsection shall be valid if the officer or designee reasonably believes a person ordered to leave is under the influence of alcohol or drugs, is committing acts, or is creating a disturbance as provided in this subsection.

(2) It shall be unlawful for any person to refuse to leave public property immediately adjacent to a building, grounds or property which is owned, operated or controlled by a school district or approved private school when ordered to do so by a law enforcement officer if such person is engaging in conduct which creates a substantial risk of causing injury to any person, or substantial harm to property, or such conduct amounts to disorderly conduct under RCW 9A.84.030.

(3) It shall be unlawful for any person to interfere with school activities. Interfering with school activities means conduct committed while school is in session and the person is on public premises adjacent to or on the grounds of any public or approved private school and the person:

(a) Makes any noise or diversion that disturbs or tends to disturb the peace or good order of a school session or a class and the person is requested to leave by a school authority; or

(b) Fails, following a request to do so, to leave the premises or immediate vicinity of the public or approved private school while the school is in session at the request of a school authority if the person threatens to commit, or is initiating the commission by another of an act that would disrupt, impair, interfere with, or obstruct the lawful mission, process, procedures, or functions of the public or approved private school.

(4) Nothing in this section shall be construed to prohibit or penalize activity consisting of the lawful exercise of freedom of speech, freedom of press and the right to peaceably assemble and petition the government for a redress of grievances: PROVIDED, That such activity neither does or threatens imminently to materially disturb or interfere with or obstruct any lawful task, function, process or procedure of the school district, or any lawful task, function, process or procedure of any student, official, employee or invitee of the school district: PROVIDED FURTHER, That such activity

is not conducted in violation of a prohibition or limitation lawfully imposed by the school district upon entry or use of any motor vehicle, building, grounds or other property which is owned, operated or controlled by the school district.

((4)) (5) Any person guilty of violating this section shall be deemed guilty of a misdemeanor and, upon conviction therefor, shall be fined not more than five hundred dollars, or imprisoned in jail for not more than six months or both so fined and imprisoned.

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

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Talmadge on page 20, after line 17, to Substitute Senate Bill No. 5953.

The motion by Senator Talmadge failed and the amendment was not adopted.

MOTION

Senator Rinehart moved that the following amendments by Senators Rinehart and Gaspard be considered simultaneously and be adopted:

On page 20, after line 25, insert the following:

NEW SECTION. Sec. 503. If specific funding for the purposes of section 103 of this act, referencing section 103 of this act by bill and section number, is not provided by June 30, 1992, in the supplemental omnibus appropriations act, section 103 of this act shall be null and void.

On page 20, after line 25, insert the following:

NEW SECTION. Sec. 504. If specific funding for the purposes of section 301 of this act, referencing section 301 of this act by bill and section number, is not provided by June 30, 1992, in the supplemental omnibus appropriations act, section 301 of this act shall be null and void.

On page 20, after line 25, insert the following:

NEW SECTION. Sec. 505. If specific funding for the purposes of section 302 of this act, referencing section 302 of this act by bill and section number, is not provided by June 30, 1992, in the supplemental omnibus appropriations act, section 302 of this act shall be null and void.

On page 20, after line 25, insert the following:

NEW SECTION. Sec. 506. If specific funding for the purposes of section 401 of this act, referencing section 401 of this act by bill and section number, is not provided by June 30, 1992, in the supplemental omnibus appropriations act, section 401 of this act shall be null and void.

On page 20, after line 25, insert the following:

NEW SECTION. Sec. 503. If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1992, in the supplemental omnibus appropriations act, this act shall be null and void.

Debate ensued.

POINT OF INQUIRY

Senator Rinehart: "Senator Bailey, you stated that there are adequate budgetary protections in Senate Bill No. 5953. Could you enumerate what those adequate budgetary protections are?"

Senator Bailey: "Without going through a lot of paper--we did work with our staff, yours and my staff, the Education Committee, worked with Ways and Means people and their staff and Senator McDonald on getting this bill with adequate protection--as far as the Ways and Means staff is concerned, and as far as Senator McDonald's staff. We made extra precautions that we had this bill in good form and satisfactory to Senator McDonald. Senator Rinehart, I would like to also add that you and I both know that Senator McDonald is very careful in his deliberations in looking at these bills and it passed his approval."

Senator Rinehart: "It is of small comfort that the staff and Senator McDonald feel pretty good about this. There is still no definitive explanation about where any assurances might be that there is funding for any of this variety of hodge-podge programs that are put into the bill."

The President declared the question before the Senate to be the adoption of the five amendments by Senators Rinehart and Gaspard on page 20, after line 25, to Substitute Senate Bill No. 5953.

The motion by Senator Rinehart failed and the amendments were not adopted.

MOTION

On motion of Senator Bailey, the rules were suspended, Substitute Senate Bill No. 5953 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Bailey, does this bill contain a provision for year around schools?"

Senator Bailey: "No."

Senator Rasmussen: "I don't think the parents of the children are ready yet. Thank you."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5953.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5953 and the bill passed the Senate by the following vote: Yeas, 28; Nays, 21; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bluechel, Cantu, Craswell, Erwin, Hayner, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Oke, Patterson, Rasmussen, Roach, Saling, Sellar, L. Smith, Stratton, Sumner, Talmadge, Thorsness, von Reichbauer, West - 28.

Voting nay: Senators Bauer, Conner, Gaspard, Hansen, Jesernig, Kreidler, Madsen, McMullen, Moore, Murray, Niemi, Owen, Pelz, Rinehart, Skratek, A. Smith, Snyder, Sutherland, Vognild, Williams, Wojahn - 21.

SUBSTITUTE SENATE BILL NO. 5953, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2370, by House Committee on Judiciary (originally sponsored by Representatives Padden, Appelwick, Paris, Ludwig, Vance, Riley, Forner, Broback, D. Sommers, Inslee, Scott, R. Johnson, Franklin, Winsley, Mitchell and Bowman)

Requiring the registration of process servers.

The bill was read the second time.

MOTIONS

On motion of Senator Nelson, the following Committee on Law and Justice amendment was adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. (1) A person who serves legal process for a fee in the state of Washington shall register as a process server with the auditor of the county in which the process server resides or operates his or her principal place of business.

(2) The requirement to register under subsection (1) of this section does not apply to any of the following persons:

(a) A sheriff, deputy sheriff, marshal, constable, or government employee who is acting in the course of employment;

(b) An attorney or the attorney's employees, who are not serving process on a fee basis;

(c) A person who is court appointed to serve the court's process;

(d) An employee of a person who is registered under this section;

(e) A person who does not receive a fee or wage for serving process.

NEW SECTION. Sec. 2. A new section is added to chapter 36.22 RCW to read as follows:

(1) Each county auditor shall develop a registration process to register process servers required to register under section 1 of this act.

(2) The county auditor may collect an annual registration fee from the process server not to exceed ten dollars.

(3) The office of the administrator for the courts shall develop a registration form for the county auditors to use in the registration process for the purpose of identifying and locating the registrant, including the process server's name, birthdate, and social security number, and the process server's business name, business address, and business telephone number.

(4) The county auditor shall maintain a register of process servers and assign a number to each registrant. Upon renewal of the registration as required in section 3 of this act, the auditor shall continue to assign the same registration number. A successor entity composed of one or more registrants shall be permitted to transfer one or more registration numbers to the new entity.

NEW SECTION. Sec. 3. A process server required to register under section 1 of this act must renew the registration within one year of the date of the initial registration or when the registrant changes his or her name, the name of his or her business, business address, or business telephone number, whichever occurs sooner. If the renewal is required because of a change in the information identifying the process server, the process server must renew the registration within ten days of the date the identifying information changes. The process server shall pay the registration fee upon renewal.

NEW SECTION. Sec. 4. (1) A process server required to register under section 1 of this act shall indicate the process server's registration number and the process server's county of registration on any proof of service the process server signs.

(2) Employees of a process server required to register under section 1 of this act shall indicate the employer's registration number and the employer's county of registration on any proof of service the registrant's employee signs.

NEW SECTION. Sec. 5. (1) Except as provided in subsection (2) of this section, any person who is otherwise entitled to collect the costs of service of process shall not be entitled to collect those costs if the person does not use a process server who under this chapter either is required to register or is exempt from the registration requirement.

(2) The person may collect the costs of the service of process if the process server registers within forty-five days after serving the process.

(3) This section shall apply to all process served on or after August 1, 1992.

NEW SECTION. Sec. 6. Sections 1 and 3 through 5 of this act shall constitute a new chapter in Title 18 RCW.

NEW SECTION. Sec. 7. Nothing in this act modifies Superior Court Civil Rule 4.

On motion of Senator Nelson, the following title amendment was adopted:

On page 1, line 1 of the title, after "servers;" strike the remainder of the title and insert "adding a new chapter to Title 18 RCW; adding a new section to chapter 36.22 RCW; and creating a new section."

MOTION

On motion of Senator Nelson, the rules were suspended, Substitute House Bill No. 2370, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

MOTION

On motion of Senator Cantu, Senator Anderson was excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2370, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2370, as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sumner, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 48.

Excused: Senator Anderson - 1.

SUBSTITUTE HOUSE BILL NO. 2370, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Newhouse, the Senate returned to the fourth order of business.

MESSAGE FROM THE HOUSE

March 4, 1992

MR. PRESIDENT:

The House has passed:

SUBSTITUTE SENATE BILL NO. 6146,

ENGROSSED SENATE BILL NO. 6184,

SUBSTITUTE SENATE BILL NO. 6193,

SENATE BILL NO. 6199, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 6146,

ENGROSSED SENATE BILL NO. 6184,

SUBSTITUTE SENATE BILL NO. 6193,

SENATE BILL NO. 6199.

SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 6032,

ENGROSSED SUBSTITUTE SENATE BILL NO. 6132,

SUBSTITUTE SENATE BILL NO. 6306,

SUBSTITUTE SENATE BILL NO. 6327,

SENATE BILL NO. 6329.

SIGNED BY THE PRESIDENT

The President signed:
SENATE BILL NO. 6212,
ENGROSSED SENATE BILL NO. 6213,
SENATE BILL NO. 6226,
SUBSTITUTE SENATE BILL NO. 6241,
SENATE BILL NO. 6270,
SENATE BILL NO. 6295.

MOTION

At 11:05 a.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 11:42 a.m. by President Pritchard.

MOTION

At 11:42 a.m., on motion of Senator Newhouse, the Senate recessed until 1:00 p.m.

The Senate was called to order at 1:07 p.m. by President Pritchard.

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

REPORT OF STANDING COMMITTEE

March 4, 1992

ESHB 2552 Prime Sponsor, House Committee on Capital Facilities and Financing: Adopting the supplemental capital budget. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bauer, Bluechel, Cantu, Gaspard, Hayner, Matson, Newhouse, Rinehart, L. Smith, Talmadge and West.

MOTION

On motion of Senator Newhouse, the rules were suspended, Engrossed Substitute House Bill No. 2552 was advanced to second reading and placed on the second reading calendar.

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

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2263, by House Committee on Human Services (originally sponsored by Representatives Hargrove, Winsley, Prentice, H. Myers, Ludwig, Tate, Morris, Riley, Leonard and Orr) (by request of Department of Corrections)

Correcting references to state correctional facilities.

The bill was read the second time.

MOTION

On motion of Senator Newhouse, the rules were suspended, Substitute House Bill No. 2263 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2263.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2263 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 6; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Bluechel, Cantu, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Newhouse, Niemi, Oke, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sumner, Sutherland, Talmadge, Thorsness, von Reichbauer, West, Williams, Wojahn - 43.

Absent: Senators Barr, Conner, Moore, Nelson, Owen, Vognild - 6.

SUBSTITUTE HOUSE BILL NO. 2263, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Substitute House Bill No. 2867 and the pending amendment by Senators Sutherland and Bailey, on page 5, line 21, deferred earlier today.

MOTION

On motion of Senator Sutherland, and there being no objection, the amendment by Senators Sutherland and Bailey on page 5, line 21, to Substitute House Bill No. 2867 was withdrawn.

MOTION

On motion of Senator McDonald, Substitute House Bill No. 2867 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2867.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2867 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 2; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sumner, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 47.

Absent: Senators Bauer, Nelson - 2.

SUBSTITUTE HOUSE BILL NO. 2867, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2928, by House Committee on Revenue (originally sponsored by Representatives Fraser, Wynne, Belcher, Morris, Wang, Dellwo, Scott and Jones)

Modifying open space laws.

The bill was read the second time.

MOTIONS

On motion of Senator McDonald, the following Committee on Ways and Means amendment was adopted:

On page 19, line 24, after "(viii)" insert "preserve visual quality along highway, road, and street corridors or scenic vistas, (ix)"

On motion of Senator McDonald, the rules were suspended, Engrossed Substitute House Bill No. 2928, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

MOTION

On motion of Senator Anderson, Senator Nelson was excused.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2928, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2928, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sumner, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 48.

Excused: Senator Nelson - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2928, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2293, by House Committee on State Government (originally sponsored by Representatives Anderson, Bowman, Sheldon, McLean, D. Sommers, Forner, Ogden and Chandler)

Changing CPA licensing requirements.

The bill was read the second time.

MOTIONS

On motion of Senator McDonald, the following Committee on Ways and Means amendment was adopted:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 18.04.015 and 1983 c 234 s 2 are each amended to read as follows:

(1) It is the policy of this state and the purpose of this chapter:

~~((1))~~ (a) To promote the dependability of information which is used for guidance in financial transactions or for accounting for or assessing the status or performance of commercial and noncommercial enterprises, whether public, private or governmental; and

~~((2))~~ (b) To protect the public interest by requiring that:

~~((a))~~ (i) Persons ~~((engaged in the practice of public accounting be qualified))~~ who hold themselves out to the public as certified public accountants who offer to perform, or perform for clients, professional services, including but not limited to one or more kinds of services involving the use of accounting or auditing skills, including the issuance of "audit reports," "review reports," or "compilation reports" on financial statements, or one or more kinds of management advisory, or consulting services, the preparation of tax returns, or the furnishing of advice on tax matters, perform such services in a competent and professional manner;

~~((b))~~ (ii) A public authority be established that is competent to prescribe and assess the qualifications of certified public accountants ~~((be established))~~, including certificate holders who are not licensed for the practice of public accounting;

~~((c))~~ (iii) Persons other than certified public accountants refrain from using the words "audit," "review," and "compilation" when designating a report customarily prepared by someone knowledgeable in accounting; and

~~((d))~~ (iv) The use of accounting titles likely to confuse the public be prohibited.

(2) A purpose of chapter ..., Laws of 1992 (this act), revising provisions of chapter 234, Laws of 1983, is to clarify the authority of the board of accountancy with respect to the activities of persons holding certificates under this chapter. Furthermore, it is not the intent of chapter ..., Laws of 1992 (this act) to in any way restrict or limit the activities of persons not holding certificates under this chapter except as otherwise specifically restricted or limited by chapter 234, Laws of 1983.

Sec. 2. RCW 18.04.025 and 1986 c 295 s 1 are each amended to read as follows:

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

(1) "Board" means the board of accountancy created by RCW 18.04.035.

(2) "Certified public accountant" or "CPA" means a person holding a certified public accountant certificate ~~((issued under this chapter or the accountancy act of any state)).~~

(3) "State" includes the states of the United States, the District of Columbia, Puerto Rico, Guam, and the United States Virgin Islands.

(4) ~~((Opinions))~~ Reports on financial statements ~~((are))~~ means any reports or opinions prepared by certified public accountants, based on ~~((examinations))~~ services performed in accordance with generally accepted auditing standards, standards for attestation engagements, or standards for accounting and review services as to whether the presentation of information used for guidance in financial transactions or for accounting for or assessing the status or performance of commercial and noncommercial enterprises, whether public, private, or governmental, conforms with generally accepted accounting principles or other comprehensive bases of accounting.

(5) The "practice of public accounting" means performing ~~((services as one skilled in the knowledge and practice of public accounting and preparing reports designated as "audit reports," "review reports," and "compilation reports."))~~ or offering to perform by a person or firm holding itself out to the public as a licensee, for a client or potential client, one or more kinds of services involving the use of accounting or auditing skills, including the issuance of "audit reports," "review reports," or "compilation reports" on financial statements, or one or more kinds of management advisory, or consulting services, or the preparation of tax returns, or the furnishing of advice on tax matters. The "practice of public accounting" shall not include practices that are permitted under the provisions of RCW 18.04.350(6) by persons or firms not required to be licensed under this chapter.

(6) "Firm" means a sole proprietorship, a corporation, or a partnership.

(7) "CPE" means continuing professional education.

(8) "Certificate" means a certificate as a certified public accountant issued under this chapter, or a corresponding certificate issued by another state or foreign jurisdiction that is recognized in accordance with the reciprocity provisions of RCW 18.04.180 and section 18 of this act.

(9) "Licensee" means the holder of ~~((a certificate who also holds))~~ a valid license issued under this chapter.

(10) "License" means a biennial license to practice public accountancy issued to an individual or firm under this chapter.

(11) "Quality assurance review" means a process established by and conducted at the direction of the board of study, appraisal, or review of one or more aspects of the professional work of a person or firm in the practice of public accountancy, by a person or persons who hold certificates and who are not affiliated with the person or firm being reviewed.

(12) "Quality review" means a study, appraisal, or review of one or more aspects of the professional work of a person or firm in the practice of public accountancy, by a person or persons who hold certificates and who are not affiliated with the person or firm being reviewed, including a peer review, or any internal review or inspection intended to comply with quality control policies and procedures, but not including the "quality assurance review" under subsection (11) of this section.

(13) "Review committee" means any person carrying out, administering or overseeing a quality review authorized by the reviewee.

(14) "Rule" means any rule adopted by the board under authority of this chapter.

(15) "Holding out" means any representation to the public by the use of restricted titles as set forth in RCW 18.04.345 by a person or firm that the person or firm is a certified public accountant and that the person or firm offers to perform any professional services to the public as a certified public accountant. "Holding out" shall not affect or limit a person not required to hold a certificate under this chapter or a person or firm not required to hold a license under this chapter from engaging in practices identified in RCW 18.04.350(6).

Sec. 3. RCW 18.04.035 and 1986 c 295 s 2 are each amended to read as follows:

(1) There is created a board of accountancy for the state of Washington to be known as the Washington state board of accountancy. The board shall consist of ~~((five))~~ seven members appointed by the governor. Members of the board shall include four persons who hold valid certified public accountant certificates and have been in public practice as certified public accountants in this state continuously for the previous ten years and two persons who have held a valid certified public accountant's certificate in this state for at least ten years. The ~~((fifth))~~ seventh member shall be the public member and shall be a person who is qualified to judge whether the qualifications, activities, and professional practice of those regulated under this chapter conform with standards to protect the public interest.

(2) The members of the board of accountancy shall be appointed by the governor to a term of three years. Vacancies occurring during a term shall be filled by appointment for the unexpired term. Upon the expiration of a member's term of office, the member shall continue to serve until a successor has been appointed and has assumed office. The governor shall remove from the board any member whose certificate or license to practice has been revoked or suspended and may, after hearing, remove any member of the board for neglect of duty or other just cause. No person who has served two successive complete terms is eligible for reappointment. Appointment to fill an unexpired term is not considered a complete term. In order to stagger their terms, of the two new appointments made to the board upon the effective date of this act, the first appointed member shall serve a term of two years initially.

Sec. 4. RCW 18.04.045 and 1986 c 295 s 3 are each amended to read as follows:

(1) The board shall annually elect a ~~((chairman))~~ chair, a ~~((vice chairman))~~ vice-chair, and a secretary from its members.

~~((2)) ((The board may adopt and amend rules under chapter 34.05 RCW for the orderly conduct of its affairs and for the administration of this chapter.~~

~~((3))~~ A majority of the board constitutes a quorum for the transaction of business.

~~((4))~~ (3) The board shall have a seal which shall be judicially noticed.

~~((5))~~ (4) The board shall keep records of its proceedings, and of any proceeding in court arising from or founded upon this chapter. Copies of these records certified as correct under the seal of the board are admissible in evidence as tending to prove the content of the records.

~~((6))~~ (5) The governor shall appoint an executive director of the board, who shall serve at the pleasure of the governor. The executive director may employ such personnel as is appropriate for carrying out the purposes of this chapter. The executive director shall hold a Washington CPA certificate. The board may ~~((employ personnel and))~~ arrange for such volunteer assistance as it requires to perform its duties. Individuals or committees assisting the board ~~((under this subsection (6)))~~ constitute volunteers for purposes of chapter 4.92 RCW.

~~((7))~~ Each member of the board shall receive compensation as provided under RCW 18.04.080.

~~((8))~~ (6) The board shall file an annual report of its activities with the governor. The report shall include, but not be limited to, a statement of all receipts and disbursements. Upon request, the board shall mail a copy of each annual report to any member of the public.

(7) In making investigations concerning alleged violations of the provisions of this chapter and in all proceedings under RCW 18.04.295 or chapter 34.05 RCW, the board chair, or a member of the board, or a board designee

acting in the chair's place, may administer oaths or affirmations to witnesses appearing before the board, subpoena witnesses and compel their attendance, take testimony, and require that documentary evidence be submitted.

(8) The board may review the publicly available professional work of licensees on a general and random basis, without any requirement of a formal complaint or suspicion of impropriety on the part of any particular licensee. If as a result of such review the board discovers reasonable grounds for a more specific investigation, the board may proceed under its investigative and disciplinary rules.

Sec. 5. RCW 18.04.055 and 1986 c 295 s 4 are each amended to read as follows:

The board may adopt and amend rules under chapter 34.05 RCW for the orderly conduct of its affairs. The board shall prescribe rules consistent with this chapter as necessary to implement this chapter. Included may be:

- (1) Rules of procedure to govern the conduct of matters before the board;
- (2) Rules of professional conduct for all certificate and license holders, in order to establish and maintain high standards of competence and ~~((integrity in the profession))~~ ethics of certified public accountants including rules dealing with independence, integrity, objectivity, and freedom from conflicts of interest;
- (3) Rules specifying actions and circumstances deemed to constitute holding oneself out as a licensee in connection with the practice of public accountancy;
- (4) Rules specifying the manner and circumstances of the use of the titles "certified public accountant" and "CPA", by holders of certificates who do not also hold licenses under this chapter;
- (5) Educational requirements to ~~((set for an))~~ take the certified public accountant examination or for the issuance of the certificate or license of certified public accountant;
- ~~((4))~~ (6) Rules designed to ensure that certified public accountants' ~~((opinions))~~ reports on financial statements" meet the definitional requirements for that term as specified in RCW 18.04.025;
- ~~((5))~~ (7) Requirements for continuing professional education to maintain or improve the professional competence of certificate and license holders as a condition to maintaining their certificate or license to practice under RCW 18.04.215;
- ~~((6) Regulations))~~ (8) Rules governing sole proprietors, partnerships, and corporations practicing public accounting including, but not limited to, rules concerning their style, name, title, and affiliation with any other organization, and establishing reasonable practice standards to protect the public interest;
- ~~((7))~~ (9) The board may by rule implement a quality assurance review program as a means to monitor licensees' quality of practice and compliance with professional standards. The board may exempt from such program, licensees who undergo periodic ~~((peer))~~ quality reviews in programs of the American Institute of Certified Public Accountants, National Association of State Boards of Accountancy, or other programs recognized and approved by the board ~~((by rule));~~
- ~~((8))~~ (10) The board may by rule require firms to obtain professional liability insurance if in the board's discretion such insurance provides additional and necessary protection for the public; and
- ~~((9))~~ (11) Any other rule which the board finds necessary or appropriate to implement this chapter.

Sec. 6. RCW 18.04.065 and 1983 c 234 s 24 are each amended to read as follows:

The board shall set its fees at a level adequate to pay the costs of administering this chapter. Beginning in the 1993-95 biennium, all fees for certified public accountants' licenses, certificates, renewals of licenses, renewals of certificates, and delinquent filings received under the authority of this chapter shall be deposited in the certified public accountants' account created by RCW 18.04.105. Appropriation from such account shall be made only for the cost of administering the provisions of this chapter.

Sec. 7. RCW 18.04.105 and 1991 sp.s. c 13 s 20 are each amended to read as follows:

- (1) The certificate of "certified public accountant" shall be granted by the board to any person:
 - (a) Who is of good character. Good character, for purposes of this section, means lack of a history of dishonest or felonious acts. The board may refuse to grant a certificate on the ground of failure to satisfy this requirement only if there is a substantial connection between the lack of good character of the applicant and the professional responsibilities of a ~~((licensee))~~ certified public accountant and if the finding by the board of lack of good character is supported by a preponderance of evidence. When an applicant is found to be unqualified for a certificate because of a lack of good character, the board shall furnish the applicant a statement containing the findings of the board and a notice of the applicant's right of appeal;
 - (b) Who has met ~~((such))~~ the educational standards established by rule as the board determines to be appropriate; ~~((and))~~

The board may, in its discretion, waive the educational requirements for any person if it is satisfied through review of documentation of successful completion of an equivalency examination that the person's educational qualifications are an acceptable substitute for the requirements of (b) of this subsection; and

(c) Who has passed a written examination (~~(in accounting, auditing, and related subjects the board determines to be appropriate)~~).

(2) The examination described in subsection (1)(c) of this section shall be ~~(held by the board and shall take place as often as the board determines to be desirable, but at least once a year. The board may use all or any part of the examination or grading service of the American Institute of Certified Public Accountants or National Association of State Boards of Accountancy to assist it in performing its duties under this chapter)~~ in writing, shall be held twice a year, and shall test the applicant's knowledge of the subjects of accounting and auditing, and other related fields the board may specify by rule. The time for holding the examination is fixed by the board and may be changed from time to time. The board shall prescribe by rule the methods of applying for and taking the examination, including methods for grading papers and determining a passing grade required of an applicant for a certificate. The board shall to the extent possible see to it that the grading of the examination, and the passing grades, are uniform with those applicable to all other states. The board may make use of all or a part of the uniform certified public accountant examination and advisory grading service of the American Institute of Certified Public Accountants and may contract with third parties to perform administrative services with respect to the examination as the board deems appropriate to assist it in performing its duties under this chapter.

(3) ~~((The board may, by rule, provide for granting credit to a person for satisfactory completion of a written examination in any one or more of the subjects specified in subsection (1)(c) of this section given by the licensing authority in any other state. These rules shall include requirements the board determines to be appropriate in order that any examination approved as a basis for any credit shall, in the judgment of the board, be at least as thorough as the most recent examination given by the board at the time credit is granted))~~ An applicant is required to pass all sections of the examination provided for in subsection (2) of this section in order to qualify for a certificate. If at a given sitting of the examination an applicant passes two or more but not all sections, then the applicant shall be given credit for those sections that he or she passed, and need not take those sections again: PROVIDED, That:

(a) The applicant took all sections of the examination at that sitting;

(b) The applicant attained a minimum grade of fifty on each section not passed at that sitting;

(c) The applicant passes the remaining sections of the examination within six consecutive examinations given after the one at which the first sections were passed;

(d) At each subsequent sitting at which the applicant seeks to pass additional sections, the applicant takes all sections not yet passed; and

(e) In order to receive credit for passing additional sections in a subsequent sitting, the applicant attains a minimum grade of fifty on sections written but not passed on the sitting.

(4) ~~((The board may, by rule, prescribe the terms and conditions under which a person who passes the examination in one or more of the subjects indicated in subsection (1)(c) of this section may be reexamined in only the remaining subjects, giving credit for the subjects previously passed. It may also provide by rule for a reasonable waiting period for a person's reexamination in a subject he or she has failed. A person is entitled to any number of reexaminations, subject to this subsection and any other rules adopted by the board.~~

(5) ~~A person passing the examination in any one or more subjects specified in subsection (1)(c) of this section shall meet the educational requirements of subsection (1)(b) of this section in effect on the date the person successfully completes the requirements of subsection (1)(c) of this section. The board may provide, by rule, for exceptions to prevent what it determines to be undue hardship to applicants)~~ The board may waive or defer any of the requirements of subsection (3) of this section for candidates transferring conditional CPA exam credits from other states or for qualifying reciprocity certification applicants who met the conditioning requirements of the state or foreign jurisdiction issuing their original certificate.

~~((6))~~ (5) The board shall charge each applicant an examination fee for the initial examination under subsection (1) of this section, or for reexamination under subsection ~~((4))~~ (3) of this section for each subject in which the applicant is reexamined. The applicable fee shall be paid by the person at the time he or she applies for examination, reexamination, or evaluation of educational qualifications. Fees for examination, reexamination, or evaluation of educational qualifications shall be determined by the board under chapter 18.04 RCW. There is established in the state treasury an account to be known as the certified public accountants' account. All fees received from candidates to take any or all sections of the certified public accountant examination shall be used only for costs related to the examination.

~~((7))~~ (6) Persons who on June 30, 1986, held certified public accountant certificates previously issued under the laws of this state shall not be required to obtain additional certificates under this chapter, but shall otherwise be subject to this chapter. Certificates previously issued shall, for all purposes, be considered certificates issued under this chapter and subject to its provisions.

~~((8) Persons who held qualifications as licensed public accountants but who do not hold annual permits to practice on July 1, 1983, are not entitled to engage in the practice of public accounting under this chapter. No person shall use the term "licensed public accountant" or the designation "LPA."~~

~~(9))~~ (7) A certificate of a "certified public accountant" under this chapter is issued on a biennial basis with renewal subject to requirements of continuing professional education and payment of fees, prescribed by the board.

~~((10))~~ (8) The board shall adopt rules providing for continuing professional education for certified public accountants. The rules shall:

(a) Provide that a certified public accountant (~~(holding a certificate on July 1, 1986,))~~ shall verify to the board that he or she has completed at least ~~(ten days or)~~ an accumulation of eighty hours of continuing professional education during the last two-year period to maintain the certificate;

(b) Establish continuing professional education requirements;

(c) Establish when newly certificated public accountants shall verify that they have completed the required continuing professional education; and

(d) ~~(Establish proceedings for revocation, suspension, and reinstatement of certificates for failure to meet the continuing professional education requirement.~~

~~(11))~~ Provide that failure to furnish verification of the completion of the continuing professional education requirement ~~((constitutes grounds for revocation, suspension, or failure to renew the certificate))~~ shall make the certificate invalid and subject to reinstatement, unless the board determines that the failure was due to retirement, reasonable cause, or excusable neglect.

Sec. 8. RCW 18.04.180 and 1949 c 226 s 17 are each amended to read as follows:

The board shall ~~((authorize the issuance of a certificate as certified public accountant to any person who is the holder of a certificate, license, permit or degree authorizing him to practice as a certified public accountant in any state, territory, or possession of the United States, providing the requirements which such person has been called upon to meet in order to obtain such certificate, license, permit or degree were at least the equivalent of those for obtaining a certificate to practice as a certified public accountant in this state: AND PROVIDED, FURTHER, That such state, territory or possession makes similar provision to authorize a person who holds a valid certificate to practice in this state as a certified public accountant to practice in such state, territory or possession as a certified public accountant))~~ issue a certificate to a holder of a certificate issued by another state, or shall issue a certificate and license to a holder of a certificate/valid license issued by another state that entitles the holder to practice public accountancy, provided that:

(1) Such state makes similar provision to grant reciprocity to a holder of a certificate or certificate and valid license in this state; and

(2) The applicant meets the continuing professional education requirements of RCW 18.04.105(8); and

(3) If the application is for a certificate only:

(a) The applicant passed the examination required for issuance of his or her certificate with grades that would have been passing grades at that time in this state; and

(b) The applicant: Meets all current requirements in this state for issuance of a certificate at the time application is made; or at the time of the issuance of the applicant's certificate in the other state, met all the requirements then applicable in this state; or

(4) If the application is for a certificate and license:

(a) The applicant passed the examination required for issuance of his or her certificate with grades that would have been passing grades at that time in this state; and

(b) The applicant: Meets all current requirements in this state for issuance of a license at the time application is made; or at the time of the issuance of the applicant's license in the other state, met all the requirements then applicable in this state; or has had five years of experience within the ten years immediately preceding application in the practice of public accountancy that meets the requirements prescribed by the board.

Sec. 9. RCW 18.04.205 and 1986 c 295 s 9 are each amended to read as follows:

(1) Each office established or maintained in this state for the practice of public accounting in this state by a certified public accountant, or a partnership or corporation of certified public accountants, shall register with the board under this chapter biennially.

(2) Each office shall be under the direct supervision of a resident licensee holding a license ~~((to practice))~~ under RCW 18.04.215 who may be a sole proprietor, partner, principal shareholder, or a staff employee.

(3) The board shall by rule prescribe the procedure to be followed to register and maintain offices established in this state for the practice of public accounting.

(4) Fees for the registration of offices shall be determined by the board. Fees shall be paid by the applicant at the time the registration form is filed with the board.

Sec. 10. RCW 18.04.215 and 1986 c 295 s 10 are each amended to read as follows:

(1) Biennial licenses (~~(to engage in the practice of public accounting in this state)~~) shall be issued by the board:

(a) To holders of certificates as certified public accountants who have demonstrated, in accordance with rules issued by the board, one year of public accounting experience, or such other experience or employment which the board in its discretion regards as substantially equivalent and who, if their certificate was issued more than forty-eight months prior to application under this section, submit to the board satisfactory proof of having completed an accumulation of eighty hours of continuing professional education during the twenty-four months preceding the application;

(b) To firms under RCW 18.04.195, if all offices of the firm in this state are maintained and registered as required under RCW 18.04.205.

(2) ~~((All licenses to practice issued to persons born in an even numbered year expire on the last day of June of each even numbered year. All licenses to practice issued to persons born in an odd numbered year expire on the last day of June of each odd numbered year. Renewals of licenses to practice issued to individuals under subsection (1)(a) of this section shall be issued in accordance with subsection (4) of this section.))~~ The board shall, by rule, provide for a system of certificate and license renewal. Applicants for issuance or renewal of certificates or licenses shall, at the time of filing their applications, list with the board all states and foreign jurisdictions in which they hold or have applied for certificates, permits or licenses to practice.

(3) A certified public accountant who holds a permit or license issued by another state, and applies for a license in this state, may practice in this state from the date of filing a completed application with the board, until the board has acted upon the application provided the application is made prior to holding out as a certified public accountant in this state and no sanctions or investigations, deemed by the board to be pertinent to public accountancy, by other jurisdictions or agencies are in process.

(4) ~~((As a prerequisite to renewal of a license, a person practicing public accounting))~~ A certified public accountant shall submit to the board satisfactory proof of having completed ~~((ten days or))~~ an accumulation of eighty hours of continuing education recognized and approved by the board during the preceding two years. Failure to furnish this evidence as required ~~((constitutes grounds for revocation, suspension, or refusal to renew the license in a proceeding under RCW 18.04.295))~~ shall make the certificate invalid and subject to reinstatement procedures, unless the board determines the failure to have been due to retirement, reasonable cause, or excusable neglect.

The board in its discretion may renew a ~~((biennial))~~ certificate or license ~~((to practice))~~ despite failure to furnish evidence of compliance with requirements of continuing professional education upon condition that the applicant follow a particular program of continuing professional education. In issuing rules and individual orders with respect to continuing professional education requirements, the board, among other considerations, may rely upon guidelines and pronouncements of recognized educational and professional associations, may prescribe course content, duration, and organization, and may take into account the accessibility of continuing education to applicants and instances of individual hardship.

(5) Fees for ~~((biennial))~~ issuance or renewal of certificates and licenses ~~((to engage in the practice of public accounting))~~ in this state shall be determined by the board under chapter 18.04 RCW. Fees shall be paid by the applicant at the time the application form is filed with the board. The board, by rule, may provide for proration of fees for certificates and licenses issued between normal renewal dates.

Sec. 11. RCW 18.04.295 and 1986 c 295 s 11 are each amended to read as follows:

The board of accountancy shall have the power to revoke, suspend, ~~((or))~~ refuse to renew a certificate or license, and may impose a fine in an amount not to exceed one thousand dollars plus the board's investigative and legal costs in bringing charges against a certified public accountant, or impose conditions precedent to renewal of the certificate or license of any certified public accountant for any of the following causes:

(1) Fraud or deceit in obtaining a certificate as a certified public accountant, or in obtaining a license ~~((to practice public accounting under RCW 18.04.215));~~

(2) Dishonesty, fraud, or negligence ~~((in the practice of public accounting))~~ while representing oneself as a CPA;

(3) A violation of any provision of this chapter;

(4) A violation of a rule of professional conduct promulgated by the board under the authority granted by this chapter;

(5) Conviction of a crime or an act constituting a crime under:

(a) The laws of this state;

(b) The laws of another state, and which, if committed within this state, would have constituted a crime under the laws of this state; or

(c) Federal law;

(6) Cancellation, revocation, suspension, or refusal to renew the authority to practice as a certified public accountant by any other state for any cause other than failure to pay a fee or to meet the requirements of continuing education in the other state;

(7) Suspension or revocation of the right to practice matters relating to public accounting before any state or federal agency;

For purposes of subsections (6) and (7) of this section, a certified copy of such revocation, suspension, or refusal to renew shall be prima facie evidence;

(8) Failure to maintain compliance with the requirements for issuance, renewal, or reinstatement of the certificate or license, or to report changes to the board;

(9) Failure to cooperate with the board by:

(a) Failure to furnish any papers or documents requested or ordered by the board;

(b) Failure to furnish in writing a full and complete explanation covering the matter contained in the complaint filed with the board or the inquiry of the board;

(c) Failure to respond to subpoenas issued by the board, whether or not the recipient of the subpoena is the accused in the proceeding.

Sec. 12. RCW 18.04.305 and 1986 c 295 s 12 are each amended to read as follows:

The board of accountancy may revoke, suspend, or refuse to renew the license issued to a firm if at any time the firm does not meet the requirements of this chapter for licensing, or for any of the causes enumerated in RCW 18.04.295, or for any of the following additional causes:

(1) The revocation or suspension of the certificate as a certified public accountant or the revocation or suspension or refusal to renew the certificate or license of any partner or shareholder; or

(2) The revocation, suspension, or refusal to renew the license or permit of the firm, or any partner or shareholder thereof, to practice public accounting in any other state or foreign jurisdiction for any cause other than failure to pay a fee or to meet the requirements of continuing professional education in the other state or foreign jurisdiction.

Sec. 13. RCW 18.04.335 and 1986 c 295 s 14 are each amended to read as follows:

Upon application in writing and after hearing pursuant to notice, the board may:

(1) ~~(Reissue a certificate to a certified public accountant)~~ Modify the suspension of, or reissue a certificate or license to, an individual whose certificate has been revoked or suspended; or

(2) Modify the suspension of, or reissue ((any)) a license to ((practice which)) a firm whose license has been revoked, suspended, or which the board has refused to renew.

Sec. 14. RCW 18.04.345 and 1986 c 295 s 15 are each amended to read as follows:

(1) No person may ~~((hold himself or herself out to the public, or))~~ assume or use the designation "certified public accountant" or "CPA" or any other title, designation, words, letters, abbreviation, sign, card, or device tending to indicate that the person is a certified public accountant or CPA unless the person ~~((has received a))~~ holds a valid certificate as a certified public accountant((, holds a valid license to practice under RCW 18.04.215, and all of the person's offices in this state for the practice of public accounting are maintained and registered under RCW 18.04.205)).

(2) No person may hold himself or herself out to the public and assume or use the designation "certified public accountant" or "CPA" or any other title, designation, words, letters, abbreviation, sign, card, or devise tending to indicate that the person is a certified public accountant or CPA unless the person holds a valid certificate as a certified public accountant and holds a valid license to practice under RCW 18.04.215.

(3) No firm may hold itself out to the public, or assume or use the designation "certified public accountant" or "CPA" or any other title, designation, words, letters, abbreviation, sign, card, or device tending to indicate that the firm is composed of certified public accountants or CPAs, unless the firm is licensed under RCW 18.04.195, holds a valid license to practice under RCW 18.04.215, and all offices of the firm in this state for the practice of public accounting are maintained and registered under RCW 18.04.205.

~~((3))~~ (4) No person, partnership, or corporation may hold himself, herself, or itself out to the public, or assume or use along, or in connection with his, hers, or its name, or any other name the title or designation "certified accountant," "chartered accountant," "licensed accountant," "licensed public accountant," "public accountant," or any other title or designation likely to be confused with "certified public accountant" or any of the abbreviations "CA," "LA," "LPA," or "PA," or similar abbreviations likely to be confused with "CPA." However, nothing in this chapter prohibits use of the title "accountant" by any person regardless of whether the person has been granted a certificate or holds a license under this chapter.

~~((4))~~ (5) No person may sign, affix, or associate his or her name or any trade or assumed name used by the person in his or her business to any report designated as an "audit," "review," or "compilation," unless the person holds a biennial license to practice under RCW 18.04.215 and all of the person's offices in this state for the practice of public accounting are maintained and licensed under RCW 18.04.205.

~~((5))~~ (6) No person may sign, affix, or associate a firm name to any report designated as an "audit," "review," or "compilation," unless the firm is licensed under RCW 18.04.195 and 18.04.215, and all of its offices in this state for the practice of public accounting are maintained and registered under RCW 18.04.205.

~~((6))~~ (7) No person, partnership, or corporation not holding a license to practice under RCW 18.04.215 may hold himself, herself, or itself out to the public as an "auditor" with or without any other description or designation by use of such word on any sign, card, letterhead, or in any advertisement or directory.

~~((7) Nothing contained in this chapter prohibits any person who is the holder of a valid certified public accountant certificate from assuming or using the designation "certified public accountant" or "CPA" or any other title, designation, words, letters, sign, card, or device tending to indicate that the person is a certified public accountant.))~~

(8) No person may assume or use the designation "certified public accountant" or "CPA" in conjunction with names indicating or implying that there is a partnership or corporation, if there is in fact no bona fide partnership or corporation registered under RCW 18.04.195.

(9) No person, partnership, or corporation holding a license under RCW 18.04.215 may hold himself, herself, or itself out to the public in conjunction with the designation "and Associates" or "and Assoc." unless he or she has in fact a partner or employee who holds a license under RCW 18.04.215.

~~((10) No person, partnership, or corporation may hold himself, herself, or itself out to the public for the practice of public accounting unless the person, partnership, or corporation holds a license to practice under RCW 18.04.215 and all of his or its offices in this state are maintained and registered under RCW 18.04.205.))~~

Sec. 15. RCW 18.04.350 and 1986 c 295 s 16 are each amended to read as follows:

(1) Nothing in this chapter prohibits any person not a certified public accountant from serving as an employee of, or as assistant to, a certified public accountant or partnership composed of certified public accountants or corporation of certified public accountants holding a valid license under RCW 18.04.215. However, the employee or assistant shall not issue any accounting or financial statement over his or her name.

(2) Nothing in this chapter prohibits a certified public accountant registered in another state, or any accountant of a foreign country holding a certificate, degree or license which permits him to practice therein from temporarily practicing in this state on professional business incident to his regular practice.

(3) Nothing in this chapter prohibits a certified public accountant, a partnership, or corporation of certified public accountants, or any of their employees from disclosing any data in confidence to other certified public accountants, quality or peer review teams, partnerships, or corporations of public accountants or to the board or any of its employees engaged in conducting quality, quality assurance, or peer reviews, or any one of their employees in connection with quality or peer reviews of that accountant's accounting and auditing practice conducted under the auspices of recognized professional associations.

(4) Nothing in this chapter prohibits a certified public accountant, a partnership, or corporation of certified public accountants, or any of their employees from disclosing any data in confidence to any employee, representative, officer, or committee member of a recognized professional association, or to the board of accountancy, or any of its employees or committees in connection with a professional investigation held under the auspices of recognized professional associations or the board of accountancy.

(5) Nothing in this chapter prohibits any officer, employee, partner, or principal of any organization:

(a) From affixing his or her signature to any statement or report in reference to the affairs of the organization with any wording designating the position, title, or office which he or she holds in the organization; or

(b) From describing himself or herself by the position, title, or office he or she holds in such organization.

(6) Nothing in this chapter prohibits any person, or partnership or corporation composed of persons not holding a license under RCW 18.04.215 from offering or rendering to the public bookkeeping, accounting, ~~((and))~~ tax services, ~~((including))~~ the devising and installing of financial information systems, ((financial information or data, or preparing financial)) management advisory, or consulting services, the preparation of tax returns, or the furnishing of advice on tax matters, the preparation of financial statements, written statements describing how such financial statements were prepared, or similar services, provided that persons, partnerships, or corporations not holding a license under RCW 18.04.215 who offer or render these services do not designate any written statement as an "audit report," "review report," or "compilation report," do not issue any written statement which purports to express or disclaim an opinion on financial statements which have been audited, and do not issue any written statement which expresses assurance on financial statements which have been reviewed.

(7) Nothing in this chapter prohibits any act of or the use of any words by a public official or a public employee in the performance of his or her duties.

(8) Nothing contained in this chapter prohibits any person who holds only a valid certified public accountant certificate from assuming or using the designation "certified public accountant" or "CPA" or any other title, designation, words, letters, sign, card, or device tending to indicate the person is a certified public accountant, provided, that such person shall not hold himself or herself out to the public as engaged in the practice of public accounting unless that person holds a valid license in addition to the certificate under RCW 18.04.215.

Sec. 16. RCW 18.04.390 and 1986 c 295 s 18 are each amended to read as follows:

(1) In the absence of an express agreement between the certified public accountant and the client to the contrary, all statements, records, schedules, working papers, and memoranda made by a certified public accountant incident to or in the course of professional service to clients, except reports submitted by a certified public accountant to a client, are the property of the certified public accountant.

(2) No statement, record, schedule, working paper, or memorandum may be sold, transferred, or bequeathed without the consent of the client or his or her personal representative or assignee, to anyone other than one or more surviving partners, shareholders, or new partners or new shareholders of the accountant or corporation, or any combined or merged partnership or corporation, or successor in interest.

(3) A licensee shall furnish to the board or to his or her client or former client, upon request and reasonable notice:

(a) A copy of the licensee's working papers, to the extent that such working papers include records that would ordinarily constitute part of the client's records and are not otherwise available to the client; and

(b) Any accounting or other records belonging to, or obtained from or on behalf of, the client that the licensee removed from the client's premises or received for the client's account; the licensee may make and retain copies of such documents of the client when they form the basis for work done by him or her.

(4) Nothing in this section shall require a licensee to keep any work paper beyond the period prescribed in any other applicable statute.

Sec. 17. RCW 18.04.405 and 1986 c 295 s 19 are each amended to read as follows:

(1) A certified public accountant, a partnership or corporation of certified public accountants, or any of their employees shall not disclose any confidential information obtained in the course of a professional transaction except with the consent of the client or former client or as disclosure may be required by law, legal process, the standards of the profession, or as disclosure of confidential information is permitted by RCW 18.04.350 (3) and (4), 18.04.295(8), 18.04.390, and this section in connection with quality, quality assurance, or peer reviews ((and)), investigations, and any proceeding under chapter 34.05 RCW.

(2) This section shall not be construed as limiting the authority of this state or of the United States or an agency of this state, the board, or of the United States to subpoena and use such information in connection with any investigation, public hearing, or other proceeding, nor shall this section be construed as prohibiting a certified public accountant whose professional competence has been challenged in a court of law or before an administrative agency from disclosing confidential information as a part of a defense to the court action or administrative proceeding.

(3) The proceedings, records, and work papers of a review committee shall be privileged and shall not be subject to discovery, subpoena, or other means of legal process or introduction into evidence in any civil action, arbitration, administrative proceeding, or state accountancy board proceeding and no member of the review committee or person who was involved in the quality review process shall be permitted or required to testify in any such civil action, arbitration, administrative proceeding, or state accountancy board proceeding as to any matter produced, presented, disclosed, or discussed during or in connection with the quality review process, or as to any findings, recommendations, evaluations, opinions, or other actions of such committees, or any members thereof. Information, documents, or records that are publicly available are not to be construed as immune from discovery or use in any civil action, arbitration, administrative proceeding, or state accountancy board proceeding merely because they were presented or considered in connection with the quality review process.

NEW SECTION. Sec. 18. A new section is added to chapter 18.04 RCW to read as follows:

The board shall grant a certificate or license as a certified public accountant to a holder of a permit, license, or certificate issued by a foreign country's board, agency, or institute, provided that:

(1) The foreign country where the foreign permit, license, or certificate was issued is a party to an agreement on trade with the United States that encourages the mutual recognition of licensing and certification requirements for the provision of covered services by the parties under the trade agreement; and

(2) Such foreign country's board, agency, or institute makes similar provision to allow a person who holds a valid certificate issued by this state to obtain such foreign country's comparable permit, license, or certificate; and

(3) The foreign permit, license, or certificate:

(a) Was duly issued by such foreign country's board, agency, or institute that regulates the practice of public accountancy; and

(b) Is in good standing at the time of the application; and

(c) Was issued upon the basis of educational, examination, and ethical requirements substantially equivalent currently or at the time of issuance of the foreign permit, license, or certificate to those in this state; and

(4) The applicant has within the twenty-four months prior to application completed an accumulation of eighty hours of continuing professional education as required under RCW 18.04.105(8); and

(5) If the application is for a certificate:

(a) The applicant's foreign permit, license, or certificate was the type of permit, license, or certificate requiring the most stringent qualifications if, in the foreign country, more than one type of permit, license, or certificate is issued. This state's board shall decide which are the most stringent qualifications; and

(b) The applicant has passed a written examination or its equivalent, approved by the board, that tests knowledge in the areas of United States accounting principles, auditing standards, commercial law, income tax law, and Washington state rules of professional ethics; or

(6) If the application is for a certificate and license:

(a) The requirements of subsections (1) through (5) of this section are satisfied; and

(b) The applicant has within the five years prior to applying for the certificate and license under this section, demonstrated, in accordance with the rules issued by the board, one year of public accounting experience, within the foreign country where the foreign permit, license, or certificate was issued, equivalent to the experience required under RCW 18.04.215(1)(a) or such other experience or employment which the board in its discretion regards as substantially equivalent.

On motion of Senator Matson, the following title amendment was adopted:

On page 1, line 1 of the title, after "accounting;" strike the remainder of the title and insert "amending RCW 18.04.015, 18.04.025, 18.04.035, 18.04.045, 18.04.055, 18.04.065, 18.04.105, 18.04.180, 18.04.205, 18.04.215, 18.04.295, 18.04.305, 18.04.335, 18.04.345, 18.04.350, 18.04.390, and 18.04.405; and adding a new section to chapter 18.04 RCW."

MOTION

On motion of Senator Matson, the rules were suspended, Engrossed Substitute House Bill No. 2293, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2293, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2293, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sumner, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Wojahn - 47.

Voting nay: Senator Williams - 1.

Excused: Senator Nelson - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2293, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 2821, by Representatives Jones, Bowman, Kremen, Wynne, Rayburn, Hargrove, Basich, Scott, Ogden, Morris, Riley, Haugen, Sheldon, Rasmussen, J. Kohl, Franklin, Brekke and Brumsickle

Allowing communities closely associated with timber impact areas to be included in programs for dislocated forest products workers.

The bill was read the second time.

MOTION

On motion of Senator Newhouse, the rules were suspended, Engrossed House Bill No. 2821 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 2821.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2821 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

ENGROSSED HOUSE BILL NO. 2821, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2842, by House Committee on Local Government (originally sponsored by Representatives Haugen, Ferguson, Cantwell, Wilson, Morris, Forner, R. Meyers, Wood, Peery, Paris, Miller, Carlson, Wynne, Mitchell and Hochstatter)

Requiring consideration of previously imposed impact fees during environmental review.

The bill was read the second time.

MOTION

On motion of Senator McCaslin, the rules were suspended, Engrossed Substitute House Bill No. 2842 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2842.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2842 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2842, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1631, by House Committee on Appropriations (originally sponsored by Representatives Wineberry, McLean, Franklin, Anderson, Ballard, Ebersole, Ferguson, Miller, Hine, Horn, Prince, Prentice, Holland, O'Brien, May, Wang, Fuhrman, Belcher, Bowman, Heavey, Van Luven, Phillips, Paris, Hargrove, Lisk, Spanel, Moyer, Braddock, Brumsickle, R. Fisher, D. Sommers, Appelwick, Padden, R. Meyers, Peery, Tate, Jones, Betzoff, G. Cole, Dom, Grant, Ludwig, Valle, Rayburn, Sheldon, Riley, H. Myers, Pruitt, Nelson, Kremen, Zellinsky, Dellwo, Sprenkle, Jacobsen, Scott, Rust, Ogden, G. Fisher, Bray, Cantwell, Inslee, Brough, R. King, Winsley, Basich, Leonard, Locke, Orr, Cooper, Brekke, Rasmussen, P. Johnson and Casada)

Establishing in statute the commission on African-American affairs.

The bill was read the second time.

MOTION

On motion of Senator McDonald, the rules were suspended, Engrossed Substitute House Bill No. 1631 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

POINT OF INQUIRY

Senator Rasmussen: "Senator McDonald, pardon my curiosity, the Governor goes around and creates all of these political committees by executive order. How do they get funded? Where does he pull the money out of--his pocket or somebody else's or the taxpayer?"

Senator McDonald: "Senator Rasmussen, I'm not sure on this one if he started this out with his executive fund or not or simply established it by executive order and then asked for the funding in the budget. I would have to look into that. If you want to set the bill down, I can have that information for you if it is critical to your vote."

Senator Rasmussen: "No, it is not critical to my vote, Senator McDonald, but I would appreciate the knowledge because executives have a habit of creating things by executive order, as he did with sexual orientation. He said that all of his departments would have to obey the ruling on his sexual orientation, but no other elected officials. I am wondering about these. You may be a future executive and you may wonder what you can do with executive powers, too. That is what I am curious about--not that I don't have confidence in all Governors."

Senator McDonald: "I think truly, Senator Rasmussen, that the Governor has developed some bad habits. I hope to break him of that."

Further debate ensued.

MOTION

On motion of Senator Anderson, Senator McCaslin was excused.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1631.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1631 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 3; Absent, 1; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, Matson, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rinehart, Roach, Sellar, Skratek, A. Smith, Snyder, Stratton, Sumner, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 44.

Voting nay: Senators Barr, Rasmussen, Saling - 3.

Absent: Senator L. Smith - 1.

Excused: Senator McCaslin - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1631, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2814, by House Committee on Appropriations (originally sponsored by Representatives H. Sommers, Silver, Anderson, Locke and Winsley) (by request of Department of Information Services and Office of Financial Management)

Regarding state information technology.

The bill was read the second time.

MOTIONS

Senator Cantu moved that the following Committee on Ways and Means amendment be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. STATE STRATEGIC INFORMATION TECHNOLOGY PLAN AND PERFORMANCE REPORT.

(1) The department shall prepare a state strategic information technology plan which shall establish a state-wide mission, goals, and objectives for the use of information technology. The plan shall be developed in accordance with the standards and policies established by the board and shall be submitted to the board for review, modification as necessary, and approval. The department shall seek the advice of the board in the development of this plan.

The plan approved under this section shall be updated as necessary and submitted to the governor and the chairs and ranking minority members of the appropriations committees of the senate and the house of representatives.

(2) The department shall prepare a biennial state performance report on information technology based on agency performance reports required under section 2 of this act and other information deemed appropriate by the department. The report shall include, but not be limited to:

- (a) An evaluation of performance relating to information technology;
- (b) An assessment of progress made toward implementing the state strategic information technology plan;
- (c) An analysis of the success or failure, feasibility, progress, costs, and timeliness of implementation of major information technology projects under section 4 of this act;
- (d) Identification of benefits, cost avoidance, and cost savings generated by major information technology projects developed under section 4 of this act; and
- (e) An inventory of state information services, equipment, and proprietary software.

Copies of the report shall be distributed biennially to the governor and the chairs and ranking minority members of the appropriations committees of the senate and the house of representatives.

NEW SECTION. Sec. 2. AGENCY STRATEGIC INFORMATION TECHNOLOGY PLAN AND PERFORMANCE REPORT.

(1) Each agency shall develop an agency strategic information technology plan which establishes agency goals and objectives regarding the development and use of information technology. Plans shall include, but not be limited to, the following:

- (a) A statement of the agency's mission, goals, and objectives for information technology;
- (b) An explanation of how the agency's mission, goals, and objectives for information technology support and conform to the state strategic information technology plan developed under section 1 of this act;
- (c) Projects and resources required to meet the objectives of the plan; and
- (d) Where feasible, estimated schedules and funding required to implement identified projects.

(2) Plans developed under subsection (1) of this section shall be submitted to the department for review and forwarded along with the department's recommendations to the board for review and approval. The board may reject, require modification to, or approve plans as deemed appropriate by the board. Plans submitted under this subsection shall be updated and submitted for review and approval as necessary.

(3) Each agency shall prepare and submit to the department a biennial performance report. The report shall include:

- (a) An evaluation of the agency's performance relating to information technology;
- (b) An assessment of progress made toward implementing the agency strategic information technology plan;

and

- (c) An inventory of agency information services, equipment, and proprietary software.

(4) The department, with the approval of the board, shall establish standards, elements, form, and format for plans and reports developed under this section.

- (5) The board may exempt any agency from any or all of the requirements of this section.

NEW SECTION. Sec. 3. REVIEW OF FUNDING REQUESTS FOR INFORMATION TECHNOLOGY.

Upon request of the office of financial management, the department shall evaluate agency budget requests for major information technology projects identified under section 4 of this act. The department shall submit recommendations for funding all or part of such requests to the office of financial management.

The department, with the advice and approval of the office of financial management, shall establish criteria for the evaluation of agency budget requests under this section. Criteria shall include, but not be limited to: Feasibility of the proposed projects, consistency with state and agency strategic information technology plans, consistency with agency goals and objectives, costs, and benefits.

NEW SECTION. Sec. 4. PLANNING AND FUNDING OF MAJOR INFORMATION TECHNOLOGY PROJECTS.

(1) The department, with the approval of the board, shall establish standards and policies governing the planning, implementation, and evaluation of major information technology projects. The standards and policies shall:

(a) Establish criteria to identify projects which are subject to this section. Such criteria shall include, but not be limited to, significant anticipated cost, complexity, or state-wide significance of the project; and

(b) Establish a model process and procedures which agencies shall follow in developing and implementing project plans. Agencies may propose, for approval by the department, a process and procedures unique to the agency. The department may accept or require modification of such agency proposals or the department may reject such agency proposals and require use of the model process and procedures established under this subsection. Any process and procedures developed under this subsection shall require (i) distinct and identifiable phases upon which funding may be based, (ii) user validation of products through system demonstrations and testing of prototypes and deliverables, and (iii) other elements identified by the board.

Project plans and any agreements established under such plans shall be approved and mutually agreed upon by the director, the director of financial management, and the head of the agency proposing the project.

The director may terminate a major project if the director determines that the project is not meeting or is not expected to meet anticipated performance standards.

(2) The office of financial management shall establish policies and standards governing the funding of projects developed under this section. The policies and standards shall provide for:

(a) Funding of a project under terms and conditions mutually agreed to by the director, the director of financial management, and the head of the agency proposing the project. However, the office of financial management may require incremental funding of a project on a phase-by-phase basis whereby funds for a given phase of a project may be released only when the office of financial management determines, with the advice of the department, that the previous phase is satisfactorily completed;

(b) Acceptance testing of products to assure that products perform satisfactorily before they are accepted and final payment is made; and

- (c) Other elements deemed necessary by the office of financial management.

(3) The department shall evaluate projects at three stages of development as follows: (a) Initial needs assessment; (b) feasibility study including definition of scope, development of tasks and timelines, and estimated costs and benefits; and (c) final project implementation plan based upon available funding.

Copies of project evaluations conducted under this subsection shall be submitted to the office of financial management and the chairs, ranking minority members, and staff coordinators of the appropriations committees of the senate and house of representatives.

NEW SECTION. Sec. 5. In the case of institutions of higher education, the provisions of this chapter apply to business and administrative applications but do not apply to academic and research applications.

Sec. 6. RCW 43.105.017 and 1990 c 208 s 2 are each amended to read as follows:

It is the intent of the legislature that:

- (1) State government use voice, data, and video telecommunications technologies to:
 - (a) Transmit and increase access to live, interactive classroom instruction and training;
 - (b) Provide for interactive public affairs presentations, including a public forum for state and local issues;
 - (c) Facilitate communications and exchange of information among state and local elected officials and the general public;
 - (d) Enhance state-wide communications within state agencies; and
 - (e) Through the use of telecommunications, reduce time lost due to travel to in-state meetings;
- (2) Information be shared and administered in a coordinated manner, except when prevented by agency responsibilities for security, privacy, or confidentiality;
- (3) The primary responsibility for the management and use of information, information systems, telecommunications, equipment, software, and services rests with each agency head;
- (4) Resources be used in the most efficient manner and services be shared when cost-effective;
- (5) A structure be created to:
 - (a) Plan and manage telecommunications and computing networks;
 - (b) Increase agencies' awareness of information sharing opportunities; and
 - (c) Assist agencies in implementing such possibilities;
- (6) An acquisition process for equipment, proprietary software, and related services be established that meets the needs of the users, considers the exchange of information, and promotes fair and open competition;
- (7) To the greatest extent possible, major information technology projects be implemented on an incremental basis;

(8) The state maximize opportunities to exchange and share data and information by moving toward implementation of open system architecture based upon interface standards providing for application and data portability and interoperability;

(9) To the greatest extent possible, the state recognize any price performance advantages which may be available in midrange and personal computing architecture;

(10) The state improve recruitment, retention, and training of professional staff;

~~((8))~~ (11) Plans, proposals, and acquisitions for information services be reviewed from a financial and management perspective as part of the budget process; and

~~((9))~~ (12) State government adopt policies and procedures that maximize the use of existing video telecommunications resources, coordinate and develop video telecommunications in a manner that is cost-effective and encourages shared use, and ensure the appropriate use of video telecommunications to fulfill identified needs.

NEW SECTION. Sec. 7. A new section is added to chapter 43.88 RCW to read as follows:

FUNDING MAJOR INFORMATION TECHNOLOGY PROJECTS. The director of financial management shall establish policies and standards governing the funding of major information technology projects as required under section 4(2) of this act.

Sec. 8. RCW 43.105.032 and 1987 c 504 s 4 are each amended to read as follows:

There is hereby created the Washington state information services board. The board shall be composed of nine members. Seven members shall be appointed by the governor, ~~((and serving at the governor's pleasure as follows: Three representatives from cabinet agencies,))~~ one of which shall be a representative ~~((from))~~ of higher education, one of which shall be a representative ~~((from a noncabinet executive))~~ of an agency under a state-wide elected official other than the governor, and ~~((two representatives from))~~ one of which shall be a representative of the private sector. One member shall represent the judicial branch and be appointed by the chief justice of the supreme court. One member shall represent the legislative branch and shall be selected by the president of the senate and the speaker of the house of representatives. These members shall constitute the membership of the board with full voting rights. Members of the board shall serve at the pleasure of the appointing authority. The director shall be an ex officio, nonvoting member of the board. The board shall select a chairperson from among its members.

Vacancies shall be filled in the same manner that the original appointments were made.

A majority of the members of the board shall constitute a quorum for the transaction of business.

Members of the board shall be compensated for service on the board in accordance with RCW 43.03.240 and shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

Sec. 9. RCW 43.105.047 and 1987 c 504 s 6 are each amended to read as follows:

There is created the department of information services. The department shall be headed by a director appointed by the governor with the consent of the senate. The director shall serve at the governor's pleasure and shall receive such salary as determined by the governor. The director shall:

- (1) Appoint a confidential secretary and such deputy and assistant directors as needed to administer the department. However, the total number of deputy and assistant directors shall not exceed four;
- (2) Maintain and fund a planning component separate from the services component of the department;
- (3) Appoint, after consulting with the board, the assistant director for the planning component;
- (4) Appoint such professional, technical, and clerical assistants and employees as may be necessary to perform the duties imposed by this chapter;
- ~~((4))~~ (5) Report to the governor and the board any matters relating to abuses and evasions of this chapter; and
- ~~((5))~~ (6) Recommend statutory changes to the governor and the board.

Sec. 10. RCW 43.105.052 and 1990 c 208 s 7 are each amended to read as follows:

The department shall:

- (1) Perform all duties and responsibilities the board delegates to the department, including but not limited to:
 - (a) The review of agency acquisition plans and requests; and
 - (b) Implementation of state-wide and interagency policies, standards, and guidelines;
- (2) Make available information services to state agencies and local governments on a full cost-recovery basis.

These services may include, but are not limited to:

- (a) Telecommunications services for voice, data, and video;
- (b) Mainframe computing services;
- (c) Support for departmental and microcomputer evaluation, installation, and use;
- (d) Equipment acquisition assistance, including leasing, brokering, and establishing master contracts;
- (e) Facilities management services for information technology equipment, equipment repair, and maintenance service;
- (f) ~~((Negotiate [Negotiation]))~~ Negotiation with local cable companies and local governments to provide for connection to local cable services to allow for access to these public and educational channels in the state;
- (g) Office automation services;
- (h) System development services; and
- (i) Training.

These services are for discretionary use by customers and customers may elect other alternatives for service if those alternatives are more cost-effective or provide better service. Agencies may be required to use the backbone network portions of the telecommunications services during an initial start-up period not to exceed three years;

(3) Establish rates and fees for services provided by the department to assure that the services component of the department is self-supporting. A billing rate plan shall be developed for a two-year period to coincide with the budgeting process. The rate plan shall be subject to review at least annually by the customer oversight committees. The rate plan shall show the proposed rates by each cost center and will show the components of the rate structure as mutually determined by the department and the customer oversight committees. The same rate structure will apply to all user agencies of each cost center. The rate plan and any adjustments to rates shall be approved by the office of financial management. The services component shall not subsidize the operations of the planning component;

(4) With the advice of the information services board and agencies, develop ~~((and publish state-wide goals and objectives at least biennially))~~ a state strategic information technology plan and performance reports as required under section 1 of this act;

(5) Develop plans for the department's achievement of state-wide goals and objectives set forth in the state strategic information technology plan required under section 1 of this act. These plans shall address such services as telecommunications, central and distributed computing, local area networks, office automation, and end user computing. The department shall seek the advice of customer oversight committees and the board in the development of these plans;

(6) Under direction of the information services board and in collaboration with the department of personnel, the higher education personnel board, and other agencies as may be appropriate, develop training plans and coordinate training programs that are responsive to the needs of agencies;

(7) Identify opportunities for the effective use of information services and coordinate appropriate responses to those opportunities;

(8) Assess agencies' projects, acquisitions, plans, or overall information processing performance as requested by the board, agencies, the director of financial management, or the legislature. Agencies may be required to reimburse the department for agency-requested reviews;

(9) Develop planning, budgeting, and expenditure reporting requirements, in conjunction with the office of financial management, for agencies to follow;

(10) Assist the office of financial management with budgetary and policy review of agency plans for information services;

(11) Provide staff support from the planning component to the board for:

(a) Meeting preparation, notices, and minutes;

(b) Promulgation of policies, standards, and guidelines adopted by the board;

(c) Supervision of studies and reports requested by the board;

(d) Conducting reviews and assessments as directed by the board;

(12) Be the lead agency in coordinating video telecommunications services for all state agencies and develop, pursuant to board policies, standards and common specifications for leased and purchased telecommunications equipment. The department shall not evaluate the merits of school curriculum, higher education course offerings, or other education and training programs proposed for transmission and/or reception using video telecommunications resources. Nothing in this section shall abrogate or abridge the legal responsibilities of licensees of telecommunications facilities as licensed by the federal communication commission on March 27, 1990; and

(13) Perform all other matters and things necessary to carry out the purposes and provisions of this chapter.

Sec. 11. RCW 43.105.057 and 1990 c 208 s 13 are each amended to read as follows:

The department of information services and the information services board, respectively, shall adopt rules as necessary under chapter 34.05 RCW to implement the provisions of ((RCW 43.105.005, 43.105.017, 43.105.032, 43.105.041, 43.105.052, and section 5 of this act)) this chapter.

Sec. 12. RCW 43.131.353 and 1987 c 504 s 22 are each amended to read as follows:

The information services board and the department of information services and their powers and duties shall be terminated on June 30, ((1994)) 1996, as provided in RCW 43.131.354.

Sec. 13. RCW 43.131.354 and 1987 c 504 s 24 are each amended to read as follows:

~~((Chapter 43.105 RCW shall expire June 30, 1995.~~

~~Section 7, chapter 504, Laws of 1987 and RCW 41.06.094, as now or hereafter amended, are each repealed, effective June 30, 1995.))~~

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1997:

(1) RCW 41.06.094 and 1987 c 504 s 7;

(2) RCW 43.88.-- and 1992 c -- s 7 (section 7 of this act);

(3) RCW 43.105.005 and 1990 c 208 s 1 & 1987 c 504 s 1;

(4) RCW 43.105.017 and 1992 c -- s 6, 1990 c 208 s 2, & 1987 c 504 s 2 (section 6 of this act);

(5) RCW 43.105.020 and 1990 c 208 s 3, 1987 c 504 s 3, 1973 1st ex.s. c 219 s 3, & 1967 ex.s. c 115 s 2;

(6) RCW 43.105.032 and 1992 c -- s 8, 1987 c 504 s 4, 1984 c 287 s 86, 1975-'76 2nd ex.s. c 34 s 128, & 1973 1st ex.s. c 219 s 5 (section 8 of this act);

(7) RCW 43.105.041 and 1990 c 208 s 6, 1987 c 504 s 5, 1983 c 3 s 115, & 1973 1st ex.s. c 219 s 6;

(8) RCW 43.105.047 and 1992 c -- s 9 & 1987 c 504 s 6 (section 9 of this act);

(9) RCW 43.105.052 and 1992 c -- s 10, 1990 c 208 s 7, & 1987 c 504 s 8 (section 10 of this act);

(10) RCW 43.105.055 and 1987 c 504 s 9;

(11) RCW 43.105.057 and 1992 c -- s 11 & 1990 c 208 s 13 (section 11 of this act);

(12) RCW 43.105.060 and 1987 c 504 s 10, 1973 1st ex.s. c 219 s 9, & 1967 ex.s. c 115 s 6;

(13) RCW 43.105.070 and 1969 ex.s. c 212 s 4;

(14) RCW 43.105.080 and 1987 c 504 s 11, 1983 c 3 s 116, & 1974 ex.s. c 129 s 1;

(15) RCW 43.105.900 and 1973 1st ex.s. c 219 s 10;

(16) RCW 43.105.901 and 1987 c 504 s 25;

(17) RCW 43.105.902 and 1987 c 504 s 26;

(18) RCW 43.105.--- and 1992 c -- s 1 (section 1 of this act);

(19) RCW 43.105.--- and 1992 c -- s 2 (section 2 of this act);

(20) RCW 43.105.--- and 1992 c -- s 3 (section 3 of this act);

(21) RCW 43.105.--- and 1992 c -- s 4 (section 4 of this act); and

(22) RCW 43.105.--- and 1992 c -- s 5 (section 5 of this act).

NEW SECTION. Sec. 14. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 15. Sections 1 through 5 of this act are each added to chapter 43.105 RCW.

NEW SECTION. Sec. 16. Captions used in this act do not constitute any part of the law.

NEW SECTION. Sec. 17. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

On motion of Senator Cantu, the following amendment to the Committee on Ways and Means amendment was adopted:

On page 5, line 26, strike "chapter" and insert "act"

The President declared the question before the Senate to be the adoption of the Committee on Ways and Means striking amendment, as amended, to Substitute House Bill No. 2814.

Debate ensued.

The motion by Senator Cantu carried and the Committee on Ways and Means striking amendment, as amended, was adopted.

MOTIONS

On motion of Senator Cantu, the following title amendment was adopted:

On page 1, line 1 of the title, after "resources;" strike the remainder of the title and insert "amending RCW 43.105.017, 43.105.032, 43.105.047, 43.105.052, 43.105.057, 43.131.353, and 43.131.354; adding a new section to chapter 43.88 RCW; adding new sections to chapter 43.105 RCW; creating a new section; and declaring an emergency."

On motion of Senator Cantu, the rules were suspended, Substitute House Bill No. 2814, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

POINT OF INQUIRY

Senator Rasmussen: "Senator Cantu, I am all in favor of the bill, but I need a little bit more information though. You, essentially, are removing the control from the agencies, putting it in the Department of Information Services and the advisory board, but they will work with the agencies?"

Senator Cantu: "Senator Rasmussen, the agencies would prepare the plan--the strategic plan--the plan itself. It would then be reviewed by the Department of Information Services and by the Information Board as I understand the process of the way it is working. The agencies are very, very much involved. They are the ones that are responsible for it, but the Department of Information is the one. We're giving them the authority. If things don't work, we'll pull the plug."

Senator Rasmussen: "Then, the next question I would ask, the head of the Department of Information Services has the right of termination. The last director got terminated abruptly. If the new director would terminate something, would they be terminated also?"

Senator Cantu: "I don't know the answer to that, Senator Rasmussen. I guess it would determine the circumstance of that particular case."

Senator Rasmussen: "This is, hopeful. The next question, the Director of Information Services makes the determination. Does the legislative body, at any time, come in there before this final determination is made--to terminate a program?"

Senator Cantu: "Senator Rasmussen, the way the bill is written, we give the director of this agency the authority to terminate a project if it is not working and is not coming in within the schedule for cost considerations, we may or may not be in session at the time."

Senator Rasmussen: "Well, what legislative members are serving with the Information Services--Senator Madsen? I was on the original one with Governor Cherberg. That was the first time we started to control computers and then they moved over to Information Services. That is what I am wondering. Are their legislative members going to be giving advise through the director along with this board?"

Senator Cantu: "Senator, Ken Madsen is a current member of the board, so maybe he can help me address this. The Information Board, I believe, will be the one that does it. The bill does allow a legislative member to be appointed, that is correct."

Senator Rasmussen: "Well, I guess this question then will go to Senator Madsen. The last Director of Information Services was abruptly terminated. I switched from Senator Cantu to Senator Madsen. The question, Senator, is the last director of Information Services was terminated very abruptly. We have a new director. Do you anticipate that he or she will continue on the job very long--to terminate agency projects?"

REMARKS BY SENATOR MADSEN

Senator Madsen: "Well, Senator Rasmussen, it is the intent of the Information Services Board, which is a board that advises the Director of Information Services, that if a director does not pull the plug and we know there is a problem, then we may pull the plug on the director."

Senator Rasmussen: "I guess that answers it."

MOTION

On motion of Senator McCaslin, Senator Anderson was excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2814, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2814, as amended by the Senate, and the bill passed the Senate by the following vote:

Yeas, 44; Nays, 4; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Oke, Owen, Patterson, Pelz, Rasmussen, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sumner, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams - 44.

Voting nay: Senators Moore, Niemi, Rinehart, Wojahn - 4.

Excused: Senator Anderson - 1.

SUBSTITUTE HOUSE BILL NO. 2814, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2659, by House Committee on Local Government (originally sponsored by Representatives Cooper, Haugen, Ferguson, Rayburn, Wynne, Zellinsky, Horn, Bray and Wood)

Concerning public works contracts.

The bill was read the second time.

MOTION

Senator Matson moved that the following Committee on Governmental Operations amendment be adopted:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 60.28.010 and 1986 c 181 s 6 are each amended to read as follows:

~~((Contracts for public improvements or work, other than for professional services, by the state, or any county, city, town, district, board, or other public body, herein referred to as "public body", shall provide, and there shall be reserved by the public body from the moneys earned by the contractor on estimates during the progress of the improvement or work, a sum not to exceed five percent, said sum to be retained by the state, county, city, town, district, board, or other public body,))~~ Public improvement contracts shall provide, and public bodies shall reserve, a contract retainage not to exceed five percent of the moneys earned by the contractor as a trust fund for the protection and payment of: (a) The claims of any person ((or persons, mechanic, subcontractor or materialman who shall perform any labor upon such contract or the doing of said work, and all persons who shall supply such person or persons or subcontractors with provisions and supplies for the carrying on of such work, and)) arising under the contract; and (b) the state with respect to taxes imposed pursuant to Title 82 RCW which may be due from such contractor.

(2) Every person performing labor or furnishing supplies toward the completion of ((said improvement or work)) a public improvement contract shall have a lien upon ((said moneys so reserved)) moneys reserved by a public body under the provisions of a public improvement contract: PROVIDED, That such notice of the lien of such claimant shall be given ((in the manner and within the time)) as provided in RCW 39.08.030 ((as now existing and in accordance with any amendments that may hereafter be made thereto: PROVIDED FURTHER, That the board, council, commission, trustees, officer or body acting for the state, county or municipality or other public body; (a) at any time after fifty percent of the original contract work has been completed, if it finds that satisfactory progress is being made, may make any of the partial payments which would otherwise be subsequently made in full; but in no event shall the amount to be retained be reduced to less than five percent of the amount of the moneys earned by the contractor: PROVIDED, That))

(3) The contractor at any time may request ((that)) the contract retainage be reduced to one hundred percent of the value of the work remaining on the project((+and-(b))). Thirty days after completion and acceptance of all contract work other than landscaping, a public body may release and pay in full the amounts retained during the performance of the contract (other than continuing retention of five percent of the moneys earned for landscaping) subject to the provisions of RCW 60.28.020.

~~((2))~~ (4) The moneys reserved ((under the provisions of subsection (1) of this section,)) by a public body under the provisions of a public improvement contract, at the option of the contractor, shall be:

(a) Retained in a fund by the public body until thirty days following the final acceptance of said improvement or work as completed;

(b) Deposited by the public body in an interest bearing account in a bank, mutual savings bank, or savings and loan association, not subject to withdrawal until after the final acceptance of said improvement or work as completed, or until agreed to by both parties: PROVIDED, That interest on ((such account)) moneys reserved by a public body under the provision of a public improvement contract shall be paid to the contractor;

(c) Placed in escrow with a bank or trust company by the public body until thirty days following the final acceptance of said improvement or work as completed. When the moneys reserved are to be placed in escrow, the public body shall issue a check representing the sum of the moneys reserved payable to the bank or trust company and the contractor jointly. Such check shall be converted into bonds and securities chosen by the contractor and approved by the public body and such bonds and securities shall be held in escrow. Interest on such bonds and securities shall be paid to the contractor as the said interest accrues.

~~((3))~~ (5) The contractor or subcontractor may withhold payment of not more than five percent from the moneys earned by any subcontractor or sub-subcontractor or supplier contracted with by the contractor to provide labor, materials, or equipment to the public project. Whenever the contractor or subcontractor reserves funds earned by a subcontractor or sub-subcontractor or supplier, the contractor or subcontractor shall pay interest to the subcontractor or sub-subcontractor or supplier at a rate equal to that received by the contractor or subcontractor from reserved funds.

~~((4))~~ (6) With the consent of the public body the contractor may submit a bond for all or any portion of the ((amount of funds retained by the public body)) contract retainage in a form acceptable to the public body. Such bond and any proceeds therefrom shall be made subject to all claims and liens and in the same manner and priority as set forth for retained percentages in this chapter. The public body shall release the bonded portion of the retained funds to the contractor within thirty days of accepting the bond from the contractor. Whenever a public body accepts a bond in lieu

of retained funds from a contractor, the contractor shall accept like bonds from any subcontractors or suppliers from which the contractor has retained funds. The contractor shall then release the funds retained from the subcontractor or supplier to the subcontractor or supplier within thirty days of accepting the bond from the subcontractor or supplier.

~~((5))~~ (7) If the public body administering a contract, after a substantial portion of the work has been completed, finds that an unreasonable delay will occur in the completion of the remaining portion of the contract for any reason not the result of a breach thereof, it may, if the contractor agrees, delete from the contract the remaining work and accept as final the improvement at the stage of completion then attained and make payment in proportion to the amount of the work accomplished and in such case any amounts retained and accumulated under this section shall be held for a period of thirty days following such acceptance. In the event that the work shall have been terminated before final completion as provided in this section, the public body may thereafter enter into a new contract with the same contractor to perform the remaining work or improvement for an amount equal to or less than the cost of the remaining work as was provided for in the original contract without advertisement or bid. The provisions of this chapter 60.28 RCW shall be deemed exclusive and shall supersede all provisions and regulations in conflict herewith.

~~((6))~~ (8) Whenever the department of transportation has contracted for the construction of two or more ferry vessels, thirty days after completion and final acceptance of each ferry vessel, the department may release and pay in full the amounts retained in connection with the construction of such vessel subject to the provisions of RCW 60.28.020: PROVIDED, That the department of transportation may at its discretion condition the release of funds retained in connection with the completed ferry upon the contractor delivering a good and sufficient bond with two or more sureties, or with a surety company, in the amount of the retained funds to be released to the contractor, conditioned that no taxes shall be certified or claims filed for work on such ferry after a period of thirty days following final acceptance of such ferry; and if such taxes are certified or claims filed, recovery may be had on such bond by the department of revenue and the materialmen and laborers filing claims.

~~((7))~~ (9) Except as provided in subsection (1) of this section, reservation by a public body for any purpose from the moneys earned by a contractor by fulfilling its responsibilities under public improvement contracts is prohibited.

(10) Contracts on projects funded in whole or in part by farmers home administration and subject to farmers home administration regulations shall not be subject to subsections (1) through ~~((6))~~ (9) of this section.

(11) Unless the context clearly requires otherwise, the definitions in this subsection apply throughout this section.

(a) "Contract retainage" means an amount reserved by a public body from the moneys earned by a person under a public improvement contract.

(b) "Person" means a person or persons, mechanic, subcontractor, or materialperson who performs labor or provides materials for a public improvement contract, and any other person who supplies the person with provisions or supplies for the carrying on of a public improvement contract.

(c) "Public body" means the state, or a county, city, town, district, board, or other public body.

(d) "Public improvement contract" means a contract for public improvements or work, other than for professional services.

Debate ensued.

The President declared the question before the Senate to be the adoption of the Committee on Governmental Operations striking amendment to Substitute House Bill No. 2659.

The motion by Senator Matson carried and the Committee on Governmental Operations striking amendment was adopted.

MOTIONS

On motion of Senator McCaslin, the following title amendment was adopted:

On page 1, line 3 of the title, after "owner;" strike the remainder of the title and insert "and amending RCW 60.28.010."

On motion of Senator McCaslin, the rules were suspended, Substitute House Bill No. 2659, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2659, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2659, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sumner, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 48.

Excused: Senator Anderson - 1.

SUBSTITUTE HOUSE BILL NO. 2659, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1736, by House Committee on Commerce & Labor (originally sponsored by Representatives O'Brien, Fuhrman and R. King)

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

The bill was read the second time.

MOTIONS

Senator Matson moved that the following Committee on Commerce and Labor amendment be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 39.76 RCW to read as follows:

(1) Except as provided in RCW 39.76.020, every state agency, county, city, town, school district, board, commission, or any other public body shall pay interest at the highest rate allowed under RCW 19.52.025, on amounts due on written contracts for public works, personal services, goods and services, equipment, and travel, whenever the public body fails to make timely payment.

(2) For purposes of this section, payment shall be timely if:

(a) Except under (b), (c), or (d) of this subsection, a check or warrant is mailed or is available on the date specified for the amount specified in the applicable contract documents but not later than thirty days of receipt of a properly completed invoice or receipt of goods or services, whichever is later.

(b) On written contracts for public works, when part or all of a payment is going to be withheld for unsatisfactory performance or if the payment request made does not comply with the requirements of the contract, the public body shall notify the prime contractor in writing within eight working days after receipt of the payment request stating specifically why part or all of the payment is being withheld and what remedial actions must be taken by the prime contractor to receive the withheld amount.

(c) If the notification by the public body required by (b) of this subsection does not comply with the notice contents required under (b) of this subsection, the public body shall pay the interest under subsection (1) of this section from the ninth working day after receipt of the initial payment request until the contractor receives notice that does comply with the notice contents required under (b) of this subsection.

(d) If part or all of a payment is withheld under (b) of this subsection, the public body shall pay the withheld amount within thirty calendar days after the prime contractor satisfactorily completes the remedial actions identified in the notice. If the withheld amount is not paid within the thirty calendar days, the public body shall pay interest under subsection (1) of this section from the thirty-first calendar day until the date paid.

NEW SECTION. Sec. 2. (1) Contracts for public improvements or work, other than for professional services, by the state, or any county, city, town, school district, commission, district, board, or other public body, herein referred to as "public body", shall provide, and there shall be reserved by the public body from the moneys earned by the contractor on estimates during the progress of the improvement or work, a sum not to exceed five percent of the moneys

earned, this sum to be retained by the state, county, city, town, district, board, or other public body, as a trust fund for the protection and payment of any person or persons, mechanic, subcontractor or materialman who performs any labor upon such a contract or the doing of the work, and all persons who supply such a person or persons or subcontractors with provisions and supplies for the carrying on of the work, and the state with respect to taxes imposed pursuant to Title 82 RCW which may be due from the contractor. A public body may not, for any purpose, reserve or retain from the moneys earned by a contractor under a public improvement contract any sum exceeding the five percent amount permitted in this subsection. Every person performing labor or furnishing supplies toward the completion of the improvement or work has a lien upon the moneys so reserved: PROVIDED, That the notice of the lien of the claimant is given within forty-five days of completion of all of the contract work other than landscaping, and in the manner provided in RCW 39.08.030: PROVIDED FURTHER, That if the board, council, commission, trustees, officer, or body acting for the state, county, or municipality or other public body:

(a) At any time after fifty percent of the original contract work has been completed, finds that satisfactory progress is being made, may make any of the partial payments which would otherwise be subsequently made in full; but in no event may the amount to be retained be reduced to less than five percent of the amount of the moneys earned by the contractor;

(b) After completion of all contract work other than landscaping, the contractor may request that the public body release and pay in full the amounts retained during the performance of the contract, and sixty days thereafter the public body must release and pay in full the amounts retained (other than continuing retention of five percent of the moneys earned for landscaping) subject to the provisions of RCW 60.28.020, 60.28.050, and chapter 39.12 RCW; and

(c) Sixty days after completion of all contract work the public body must release and pay in full the amounts retained during the performance of the contract subject to the provisions of RCW 60.28.020, 60.28.050, and chapter 39.12 RCW.

(2) The moneys reserved under the provisions of subsection (1) of this section, at the option of the contractor, shall be:

(a) Retained in a fund by the public body until forty-five days following completion of all contract work;

(b) Deposited by the public body in an interest bearing account in a bank, mutual savings bank, or savings and loan association, not subject to withdrawal until forty-five days following completion of the improvement or work as completed, or until agreed to by both parties. Interest on the account shall be paid to the contractor; or

(c) Placed in escrow with a bank or trust company by the public body until forty-five days following completion of the improvement. When the moneys reserved are placed in escrow, the public body shall issue a check representing the sum of the moneys reserved payable to the bank or trust company and the contractor jointly. This check shall be converted into bonds and securities chosen by the contractor and approved by the public body and the bonds and securities shall be held in escrow. Interest on the bonds and securities shall be paid to the contractor as the interest accrues.

(3) The contractor or subcontractor may withhold payment of not more than five percent from the moneys earned by any subcontractor or sub-subcontractor or supplier contracted with by the contractor to provide labor, materials, or equipment to the public project. Whenever the contractor or subcontractor reserves funds earned by a subcontractor or sub-subcontractor or supplier, the contractor or subcontractor shall pay interest to the subcontractor or sub-subcontractor or supplier at a rate equal to that received by the contractor or subcontractor from reserved funds.

(4) With the consent of the public body the contractor may submit a bond for all or any portion of the amount of funds retained by the public body in a form acceptable to the public body. This bond and any proceeds therefrom are subject to all claims and liens and in the same manner and priority as set forth for retained percentages in this chapter. The public body shall release the bonded portion of the retained funds to the contractor within thirty days of accepting the bond from the contractor. Whenever a public body accepts a bond in lieu of retained funds from a contractor, the contractor shall accept like bonds from any subcontractors or suppliers from which the contractor has retained funds. The contractor shall then release the funds retained from the subcontractor or supplier to the subcontractor or supplier within thirty days of accepting the bond from the subcontractor or supplier.

(5) If the public body administering a contract, after a substantial portion of the work has been completed, finds that an unreasonable delay will occur in the completion of the remaining portion of the contract for any reason not the result of a breach thereof, it may, if the contractor agrees, delete from the contract the remaining work and accept as final the improvement at the stage of completion then attained and make payment in proportion to the amount of the work accomplished and in this case any amounts retained and accumulated under this section shall be held for a period of forty-five days following the completion. In the event that the work is terminated before final completion as provided in this section, the public body may thereafter enter into a new contract with the same contractor to perform the remaining work or improvement for an amount equal to or less than the cost of the remaining work as was provided for in the original

contract without advertisement or bid. The provisions of this chapter are exclusive and supersede all provisions and regulations in conflict herewith.

(6) Whenever the department of transportation has contracted for the construction of two or more ferry vessels, sixty days after completion of all contract work on each ferry vessel, the department must release and pay in full the amounts retained in connection with the construction of the vessel subject to the provisions of RCW 60.28.020 and chapter 39.12 RCW: PROVIDED, That the department of transportation may at its discretion condition the release of funds retained in connection with the completed ferry upon the contractor delivering a good and sufficient bond with two or more sureties, or with a surety company, in the amount of the retained funds to be released to the contractor, conditioned that no taxes shall be certified or claims filed for work on the ferry after a period of forty-five days following completion of the ferry; and if taxes are certified or claims filed, recovery may be had on the bond by the department of revenue and the materialmen and laborers filing claims.

(7) Contracts on projects funded in whole or in part by farmers home administration and subject to farmers home administration regulations are not subject to subsections (1) through (6) of this section.

NEW SECTION. Sec. 3. After the expiration of the forty-five day period, and after receipt of the department of revenue's certificate, and the public body is satisfied that the taxes certified as due or to become due by the department of revenue are discharged, and the claims of materialmen and laborers who have filed their claims, together with a sum sufficient to defray the cost of foreclosing the liens of such claims, and to pay attorneys' fees, have been paid, the public body may withhold from the remaining retained amounts for claims the public body may have against the contractor and shall pay the balance, if any, to the contractor the fund retained by it or release to the contractor the securities and bonds held in escrow.

If such taxes have not been discharged or the claims, expenses, and fees have not been paid, the public body shall either retain in its fund, or in an interest bearing account, or retain in escrow, at the option of the contractor, an amount equal to such unpaid taxes and unpaid claims together with a sum sufficient to defray the costs and attorney fees incurred in foreclosing the lien of such claims, and shall pay, or release from escrow, the remainder to the contractor.

NEW SECTION. Sec. 4. Upon completion of a contract, the state, county or other municipal officer charged with the duty of disbursing or authorizing disbursement or payment of such contracts shall forthwith notify the department of revenue of the completion of contracts over twenty thousand dollars. Such officer shall not make any payment from the retained percentage fund or release any retained percentage escrow account to any person, until he has received from the department of revenue a certificate that all taxes, increases and penalties due from the contractor, and all taxes due and to become due with respect to such contract have been paid in full or that they are, in the department's opinion, readily collectible without recourse to the state's lien on the retained percentage.

NEW SECTION. Sec. 5. A new section is added to chapter 39.04 RCW to read as follows:

(1) When payment is received by a contractor or subcontractor for work performed on a public work, the contractor or subcontractor shall pay to any subcontractor not later than ten days after the receipt of the payment, amounts allowed the contractor on account of the work performed by the subcontractor, to the extent of each subcontractor's interest therein.

(2) In the event of a good faith dispute over all or any portion of the amount due on a payment from the state or a municipality to the prime contractor, or from the prime contractor or subcontractor to a subcontractor, then the state or the municipality, or the prime contractor or subcontractor, may withhold no more than one hundred fifty percent of the disputed amount. Those not a party to a dispute are entitled to full and prompt payment of their portion of a draw, progress payment, final payment, or released retainage.

(3) In addition to all other remedies, any person from whom funds have been withheld in violation of this section shall be entitled to receive from the person wrongfully withholding the funds, for every month and portion thereof that payment including retainage is not made, interest at the highest rate allowed under RCW 19.52.025. In any action for the collection of funds wrongfully withheld, the prevailing party shall be entitled to costs of suit and reasonable attorneys' fees.

NEW SECTION. Sec. 6. (1) It is against public policy for any party to require any other party to waive any provision of this act.

(2) This act is to be liberally construed to provide security for all parties intended to be protected by its provisions.

NEW SECTION. Sec. 7. (1) Sections 1 through 6 of this act are applicable to all public works contracts entered into on or after September 1, 1992, relating to the construction of any work of improvement.

(2) RCW 39.76.010, 60.28.010, 60.28.020, and 60.28.050 are applicable to all public works contracts entered into prior to September 1, 1992, relating to the construction of any work of improvement.

NEW SECTION. Sec. 8. Sections 2 through 4 of this act are each added to chapter 60.28 RCW.

NEW SECTION. Sec. 9. This act shall take effect September 1, 1992.

On motion of Senator McMullen, the following amendment to the Committee on Commerce and Labor striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 39.76 RCW to read as follows:

(1) Except as provided in RCW 39.76.020, every state agency, county, city, town, school district, board, commission, or any other public body shall pay interest at the highest rate allowed under RCW 19.52.025, on amounts due on written contracts for public works, personal services, goods and services, equipment, and travel, whenever the public body fails to make timely payment.

(2) For purposes of this section, payment shall be timely if:

(a) Except as provided otherwise in this subsection, a check or warrant is mailed or is available on the date specified for the amount specified in the applicable contract documents but not later than thirty days of receipt of a properly completed invoice or receipt of goods or services, whichever is later. If a contract is funded by grant or federal money, the public body shall pay the prime contractor for satisfactory performance within thirty calendar days of the date the public body receives a payment request that complies with the contract or within thirty calendar days of the date the public body actually receives the grant or federal money, whichever is later.

(b) On written contracts for public works, when part or all of a payment is going to be withheld for unsatisfactory performance or if the payment request made does not comply with the requirements of the contract, the public body shall notify the prime contractor in writing within eight working days after receipt of the payment request stating specifically why part or all of the payment is being withheld and what remedial actions must be taken by the prime contractor to receive the withheld amount.

(c) If the notification by the public body required by (b) of this subsection does not comply with the notice contents required under (b) of this subsection, the public body shall pay the interest under subsection (1) of this section from the ninth working day after receipt of the initial payment request until the contractor receives notice that does comply with the notice contents required under (b) of this subsection.

(d) If part or all of a payment is withheld under (b) of this subsection, the public body shall pay the withheld amount within thirty calendar days after the prime contractor satisfactorily completes the remedial actions identified in the notice. If the withheld amount is not paid within the thirty calendar days, the public body shall pay interest under subsection (1) of this section from the thirty-first calendar day until the date paid.

(e)(i) If the prime contractor on a public works contract, after making a request for payment to the public body but before paying a subcontractor for the subcontractor's performance covered by the payment request, discovers that part or all of the payment otherwise due to the subcontractor is subject to withholding from the subcontractor under the subcontract for unsatisfactory performance, the prime contractor may withhold the amount as allowed under the subcontract. If the prime contractor withholds an amount under this subsection, the prime contractor shall:

(A) Give the subcontractor notice of the remedial actions that must be taken as soon as practicable after determining the cause for the withholding but before the due date for the subcontractor payment;

(B) Give the contracting officer of the public body a copy of the notice furnished to the subcontractor under (e)(i)(A) of this subsection; and

(C) Pay the subcontractor within eight working days after the subcontractor satisfactorily completes the remedial action identified in the notice.

(ii) If the prime contractor does not comply with the notice and payment requirements of (e)(i) of this subsection, the contractor shall pay the subcontractor interest on the withheld amount from the eighth working day at an interest rate that is equal to the amount set forth in subsection (1) of this section.

(3) For the purposes of this section:

(a) A payment is considered to be made when mailed or personally delivered to the party being paid.

(b) An invoice is considered to be received when it is date-stamped or otherwise marked as delivered. If the invoice is not date-stamped or otherwise marked as delivered, the date of the invoice is considered to be the date when the invoice is received.

NEW SECTION. Sec. 2. (1) Contracts for public improvements or work, other than for professional services, by the state, or any county, city, town, school district, commission, district, board, or other public body, herein referred to as "public body", shall provide, and there shall be reserved by the public body from the moneys earned by the contractor on estimates during the progress of the improvement or work, a sum not to exceed five percent of the moneys earned, this sum to be retained by the state, county, city, town, district, board, or other public body, as a trust fund for the protection and payment of any person or persons, mechanic, subcontractor or materialman who performs any labor upon such a contract or the doing of the work, and all persons who supply such a person or persons or subcontractors with provisions and supplies for the carrying on of the work, and the state with respect to taxes imposed pursuant to Title 82 RCW which may be due from the contractor. A public body may not, for any purpose, reserve or retain from the

moneys earned by a contractor under a public improvement contract any sum exceeding the five percent amount permitted in this subsection. Every person performing labor or furnishing supplies toward the completion of the improvement or work has a lien upon the moneys so reserved: PROVIDED, That the notice of the lien of the claimant is given within forty-five days of completion of all of the contract work other than landscaping, and in the manner provided in RCW 39.08.030: PROVIDED FURTHER, That if the board, council, commission, trustees, officer, or body acting for the state, county, or municipality or other public body:

(a) At any time after fifty percent of the original contract work has been completed, finds that satisfactory progress is being made, may make any of the partial payments which would otherwise be subsequently made in full; but in no event may the amount to be retained be reduced to less than five percent of the amount of the moneys earned by the contractor;

(b) After completion of all contract work other than landscaping, the contractor may request that the public body release and pay in full the amounts retained during the performance of the contract, and sixty days thereafter the public body must release and pay in full the amounts retained (other than continuing retention of five percent of the moneys earned for landscaping) subject to the provisions of chapters 39.12 and 60.28 RCW; and

(c) Sixty days after completion of all contract work the public body must release and pay in full the amounts retained during the performance of the contract subject to the provisions of chapters 39.12 and 60.28 RCW.

(2) The moneys reserved under the provisions of subsection (1) of this section, at the option of the contractor, shall be:

(a) Retained in a fund by the public body;

(b) Deposited by the public body in an interest bearing account in a bank, mutual savings bank, or savings and loan association. Interest on the account shall be paid to the contractor; or

(c) Placed in escrow with a bank or trust company by the public body. When the moneys reserved are placed in escrow, the public body shall issue a check representing the sum of the moneys reserved payable to the bank or trust company and the contractor jointly. This check shall be converted into bonds and securities chosen by the contractor and approved by the public body and the bonds and securities shall be held in escrow. Interest on the bonds and securities shall be paid to the contractor as the interest accrues.

(3) The contractor or subcontractor may withhold payment of not more than five percent from the moneys earned by any subcontractor or sub-subcontractor or supplier contracted with by the contractor to provide labor, materials, or equipment to the public project. Whenever the contractor or subcontractor reserves funds earned by a subcontractor or sub-subcontractor or supplier, the contractor or subcontractor shall pay interest to the subcontractor or sub-subcontractor or supplier at a rate equal to that received by the contractor or subcontractor from reserved funds.

(4) With the consent of the public body the contractor may submit a bond for all or any portion of the amount of funds retained by the public body in a form acceptable to the public body. This bond and any proceeds therefrom are subject to all claims and liens and in the same manner and priority as set forth for retained percentages in this chapter. The public body shall release the bonded portion of the retained funds to the contractor within thirty days of accepting the bond from the contractor. Whenever a public body accepts a bond in lieu of retained funds from a contractor, the contractor shall accept like bonds from any subcontractors or suppliers from which the contractor has retained funds. The contractor shall then release the funds retained from the subcontractor or supplier to the subcontractor or supplier within thirty days of accepting the bond from the subcontractor or supplier.

(5) If the public body administering a contract, after a substantial portion of the work has been completed, finds that an unreasonable delay will occur in the completion of the remaining portion of the contract for any reason not the result of a breach thereof, it may, if the contractor agrees, delete from the contract the remaining work and accept as final the improvement at the stage of completion then attained and make payment in proportion to the amount of the work accomplished and in this case any amounts retained and accumulated under this section shall be held for a period of forty-five days following the completion. In the event that the work is terminated before final completion as provided in this section, the public body may thereafter enter into a new contract with the same contractor to perform the remaining work or improvement for an amount equal to or less than the cost of the remaining work as was provided for in the original contract without advertisement or bid. The provisions of this chapter are exclusive and supersede all provisions and regulations in conflict herewith.

(6) Whenever the department of transportation has contracted for the construction of two or more ferry vessels, sixty days after completion of all contract work on each ferry vessel, the department must release and pay in full the amounts retained in connection with the construction of the vessel subject to the provisions of this chapter and chapter 39.12 RCW: PROVIDED, That the department of transportation may at its discretion condition the release of funds retained in connection with the completed ferry upon the contractor delivering a good and sufficient bond with two or more sureties, or with a surety company, in the amount of the retained funds to be released to the contractor, conditioned that no taxes shall be certified or claims filed for work on the ferry after a period of forty-five days following completion

of the ferry; and if taxes are certified or claims filed, recovery may be had on the bond by the department of revenue and the materialmen and laborers filing claims.

(7) Contracts on projects funded in whole or in part by farmers home administration and subject to farmers home administration regulations are not subject to subsections (1) through (6) of this section.

NEW SECTION. Sec. 3. After the expiration of the forty-five day period for filing a lien provided in section 2(1) of this act, and after receipt of the department of revenue's certificate, and the public body is satisfied that the taxes certified as due or to become due by the department of revenue are discharged, and the claims of materialmen and laborers who have filed their claims, together with a sum sufficient to defray the cost of foreclosing the liens of such claims, and to pay attorneys' fees, have been paid, the public body may withhold from the remaining retained amounts for claims the public body may have against the contractor and shall pay the balance, if any, to the contractor the fund retained by it or release to the contractor the securities and bonds held in escrow.

If such taxes have not been discharged or the claims, expenses, and fees have not been paid, the public body shall either retain in its fund, or in an interest bearing account, or retain in escrow, at the option of the contractor, an amount equal to such unpaid taxes and unpaid claims together with a sum sufficient to defray the costs and attorney fees incurred in foreclosing the lien of such claims, and shall pay, or release from escrow, the remainder to the contractor.

NEW SECTION. Sec. 4. Upon completion of a contract, the state, county or other municipal officer charged with the duty of disbursing or authorizing disbursement or payment of such contracts shall forthwith notify the department of revenue of the completion of contracts over twenty thousand dollars. Such officer shall not make any payment from the retained percentage fund or release any retained percentage escrow account to any person, until he has received from the department of revenue a certificate that all taxes, increases and penalties due from the contractor, and all taxes due and to become due with respect to such contract have been paid in full or that they are, in the department's opinion, readily collectible without recourse to the state's lien on the retained percentage.

NEW SECTION. Sec. 5. A new section is added to chapter 39.04 RCW to read as follows:

(1) When payment is received by a contractor or subcontractor for work performed on a public work, the contractor or subcontractor shall pay to any subcontractor not later than ten days after the receipt of the payment, amounts allowed the contractor on account of the work performed by the subcontractor, to the extent of each subcontractor's interest therein.

(2) In the event of a good faith dispute over all or any portion of the amount due on a payment from the state or a municipality to the prime contractor, or from the prime contractor or subcontractor to a subcontractor, then the state or the municipality, or the prime contractor or subcontractor, may withhold no more than one hundred fifty percent of the disputed amount. Those not a party to a dispute are entitled to full and prompt payment of their portion of a draw, progress payment, final payment, or released retainage.

(3) In addition to all other remedies, any person from whom funds have been withheld in violation of this section shall be entitled to receive from the person wrongfully withholding the funds, for every month and portion thereof that payment including retainage is not made, interest at the highest rate allowed under RCW 19.52.025. In any action for the collection of funds wrongfully withheld, the prevailing party shall be entitled to costs of suit and reasonable attorneys' fees.

NEW SECTION. Sec. 6. (1) The rights provided in this act may not be waived by the parties and a contract provision that provides for waiver of the rights provided in this act is void as against public policy.

(2) This act is to be liberally construed to provide security for all parties intended to be protected by its provisions.

NEW SECTION. Sec. 7. (1) Sections 1 through 6 of this act are applicable to all public works contracts entered into on or after September 1, 1992, relating to the construction of any work of improvement.

(2) RCW 39.76.010, 60.28.010, 60.28.020, and 60.28.050 are applicable to all public works contracts entered into prior to September 1, 1992, relating to the construction of any work of improvement.

NEW SECTION. Sec. 8. Sections 2 through 4 of this act are each added to chapter 60.28 RCW.

NEW SECTION. Sec. 9. This act shall take effect September 1, 1992.

The President declared the question before the Senate to be the adoption of the Committee on Commerce and Labor striking amendment, as amended, to Substitute House Bill No. 1736.

The Committee on Commerce and Labor striking amendment, as amended, was adopted.

MOTIONS

On motion of Senator Matson, the following title amendment was adopted:

On page 1, line 2 of the title, after "property;" strike the remainder of the title and insert "adding a new section to chapter 39.76 RCW; adding new sections to chapter 60.28 RCW; adding a new section to chapter 39.04 RCW; creating new sections; prescribing penalties; and providing an effective date."

On motion of Senator Matson, the rules were suspended, Substitute House Bill No. 1736, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1736, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1736, as amended by the Senate, and the bill passed the Senate by the following vote:

Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sumner, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 48.

Absent: Senator Sellar - 1.

SUBSTITUTE HOUSE BILL NO. 1736, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2501, by House Committee on Housing (originally sponsored by Representatives Wineberry, Ballard, Ogden, Mitchell, P. Johnson, Franklin, D. Sommers, Winsley, Paris, Van Luven, Bowman, Brough and Wynne)

Authorizing landlords' claims on tenants' property.

The bill was read the second time.

MOTIONS

On motion of Senator Nelson, the following Committee on Law and Justice amendment was adopted:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 69.50.505 and 1990 c 248 s 2 and 1990 c 213 s 12 are each reenacted and amended to read as follows:

- (a) The following are subject to seizure and forfeiture and no property right exists in them:
- (1) All controlled substances which have been manufactured, distributed, dispensed, acquired, or possessed in violation of this chapter or chapter 69.41 or 69.52 RCW, and all hazardous chemicals, as defined in RCW 64.44.010, used or intended to be used in the manufacture of controlled substances;
 - (2) All raw materials, products, and equipment of any kind which are used, or intended for use, in manufacturing, compounding, processing, delivering, importing, or exporting any controlled substance in violation of this chapter or chapter 69.41 or 69.52 RCW;
 - (3) All property which is used, or intended for use, as a container for property described in paragraphs (1) or (2);

(4) All conveyances, including aircraft, vehicles, or vessels, which are used, or intended for use, in any manner to facilitate the sale, delivery, or receipt of property described in paragraphs (1) or (2), except that:

(i) No conveyance used by any person as a common carrier in the transaction of business as a common carrier is subject to forfeiture under this section unless it appears that the owner or other person in charge of the conveyance is a consenting party or privy to a violation of this chapter or chapter 69.41 or 69.52 RCW;

(ii) No conveyance is subject to forfeiture under this section by reason of any act or omission established by the owner thereof to have been committed or omitted without the owner's knowledge or consent;

(iii) No conveyance is subject to forfeiture under this section if used in the receipt of only an amount of marijuana for which possession constitutes a misdemeanor under RCW 69.50.401(e);

(iv) A forfeiture of a conveyance encumbered by a bona fide security interest is subject to the interest of the secured party if the secured party neither had knowledge of nor consented to the act or omission; and

(v) When the owner of a conveyance has been arrested under this chapter or chapter 69.41 or 69.52 RCW the conveyance in which the person is arrested may not be subject to forfeiture unless it is seized or process is issued for its seizure within ten days of the owner's arrest;

(5) All books, records, and research products and materials, including formulas, microfilm, tapes, and data which are used, or intended for use, in violation of this chapter or chapter 69.41 or 69.52 RCW;

(6) All drug paraphernalia;

(7) All moneys, negotiable instruments, securities, or other tangible or intangible property of value furnished or intended to be furnished by any person in exchange for a controlled substance in violation of this chapter or chapter 69.41 or 69.52 RCW, all tangible or intangible personal property, proceeds, or assets acquired in whole or in part with proceeds traceable to an exchange or series of exchanges in violation of this chapter or chapter 69.41 or 69.52 RCW, and all moneys, negotiable instruments, and securities used or intended to be used to facilitate any violation of this chapter or chapter 69.41 or 69.52 RCW: PROVIDED, That a forfeiture of money, negotiable instruments, securities, or other tangible or intangible property encumbered by a bona fide security interest is subject to the interest of the secured party if, at the time the security interest was created, the secured party neither had knowledge of nor consented to the act or omission: PROVIDED FURTHER, That no personal property may be forfeited under this paragraph, to the extent of the interest of an owner, by reason of any act or omission which that owner establishes was committed or omitted without the owner's knowledge or consent; and

(8) All real property, including any right, title, and interest in the whole of any lot or tract of land, and any appurtenances or improvements which are being used with the knowledge of the owner for the manufacturing, compounding, processing, delivery, importing, or exporting of any controlled substance, or which have been acquired in whole or in part with proceeds traceable to an exchange or series of exchanges in violation of this chapter or chapter 69.41 or 69.52 RCW, if such activity is not less than a class C felony and a substantial nexus exists between the commercial production or sale of the controlled substance and the real property: PROVIDED, That:

(i) No property may be forfeited pursuant to this subsection, to the extent of the interest of an owner, by reason of any act or omission committed or omitted without the owner's knowledge or consent;

(ii) The bona fide gift of a controlled substance, legend drug, or imitation controlled substance shall not result in the forfeiture of real property;

(iii) The possession of marijuana shall not result in the forfeiture of real property unless the marijuana is possessed for commercial purposes, the amount possessed is five or more plants or one pound or more of marijuana, and a substantial nexus exists between the possession of marijuana and the real property. In such a case, the intent of the offender shall be determined by the preponderance of the evidence, including the offender's prior criminal history, the amount of marijuana possessed by the offender, the sophistication of the activity or equipment used by the offender, and other evidence which demonstrates the offender's intent to engage in commercial activity;

(iv) The unlawful sale of marijuana or a legend drug shall not result in the forfeiture of real property unless the sale was forty grams or more in the case of marijuana or one hundred dollars or more in the case of a legend drug, and a substantial nexus exists between the unlawful sale and the real property; and

(v) A forfeiture of real property encumbered by a bona fide security interest is subject to the interest of the secured party if the secured party, at the time the security interest was created, neither had knowledge of nor consented to the act or omission.

(b) Real or personal property subject to forfeiture under this chapter may be seized by any board inspector or law enforcement officer of this state upon process issued by any superior court having jurisdiction over the property. Seizure of real property shall include the filing of a lis pendens by the seizing agency. Real property seized under this section shall not be transferred or otherwise conveyed until ninety days after seizure or until a judgment of forfeiture is entered, whichever is later: PROVIDED, That real property seized under this section may be transferred or conveyed

to any person or entity who acquires title by foreclosure or deed in lieu of foreclosure of a security interest. Seizure of personal property without process may be made if:

(1) The seizure is incident to an arrest or a search under a search warrant or an inspection under an administrative inspection warrant;

(2) The property subject to seizure has been the subject of a prior judgment in favor of the state in a criminal injunction or forfeiture proceeding based upon this chapter;

(3) A board inspector or law enforcement officer has probable cause to believe that the property is directly or indirectly dangerous to health or safety; or

(4) The board inspector or law enforcement officer has probable cause to believe that the property was used or is intended to be used in violation of this chapter.

(c) In the event of seizure pursuant to subsection (b), proceedings for forfeiture shall be deemed commenced by the seizure. The law enforcement agency under whose authority the seizure was made shall cause notice to be served within fifteen days following the seizure on the owner of the property seized and the person in charge thereof and any person having any known right or interest therein, including any community property interest, of the seizure and intended forfeiture of the seized property. Service of notice of seizure of real property shall be made according to the rules of civil procedure. However, the state may not obtain a default judgment with respect to real property against a party who is served by substituted service absent an affidavit stating that a good faith effort has been made to ascertain if the defaulted party is incarcerated within the state, and that there is no present basis to believe that the party is incarcerated within the state. The notice of seizure in other cases may be served by any method authorized by law or court rule including but not limited to service by certified mail with return receipt requested. Service by mail shall be deemed complete upon mailing within the fifteen day period following the seizure.

(d) If no person notifies the seizing law enforcement agency in writing of the person's claim of ownership or right to possession of items specified in subsection (a)(4), (a)(7), or (a)(8) of this section within forty-five days of the seizure in the case of personal property and ninety days in the case of real property, the item seized shall be deemed forfeited. The community property interest in real property of a person whose spouse committed a violation giving rise to seizure of the real property may not be forfeited if the person did not participate in the violation.

(e) If any person notifies the seizing law enforcement agency in writing of the person's claim of ownership or right to possession of items specified in subsection (a)(2), (a)(3), (a)(4), (a)(5), (a)(6), (a)(7), or (a)(8) of this section within forty-five days of the seizure in the case of personal property and ninety days in the case of real property, the person or persons shall be afforded a reasonable opportunity to be heard as to the claim or right. The hearing shall be before the chief law enforcement officer of the seizing agency or the chief law enforcement officer's designee, except where the seizing agency is a state agency as defined in RCW 34.12.020(4), the hearing shall be before the chief law enforcement officer of the seizing agency or an administrative law judge appointed under chapter 34.12 RCW, except that any person asserting a claim or right may remove the matter to a court of competent jurisdiction if the aggregate value of the article or articles involved is more than five hundred dollars. The court to which the matter is to be removed shall be the district court when such aggregate value is ten thousand dollars or less of personal property. A hearing before the seizing agency and any appeal therefrom shall be under Title 34 RCW. In a court hearing between two or more claimants to the article or articles involved, the prevailing party shall be entitled to a judgment for costs and reasonable attorney's fees. In cases involving personal property, the burden of producing evidence shall be upon the person claiming to be the lawful owner or the person claiming to have the lawful right to possession of the property. In cases involving real property, the burden of producing evidence shall be upon the law enforcement agency. The burden of proof that the seized real property is subject to forfeiture shall be upon the law enforcement agency. The seizing law enforcement agency shall promptly return the article or articles to the claimant upon a determination by the administrative law judge or court that the claimant is the present lawful owner or is lawfully entitled to possession thereof of items specified in subsection (a)(2), (a)(3), (a)(4), (a)(5), (a)(6), (a)(7), or (a)(8) of this section.

(f) When property is forfeited under this chapter the board or seizing law enforcement agency may:

(1) Retain it for official use or upon application by any law enforcement agency of this state release such property to such agency for the exclusive use of enforcing the provisions of this chapter;

(2)(i) Sell that which is not required to be destroyed by law and which is not harmful to the public. The proceeds and all moneys forfeited under this title shall be used for payment of all proper expenses of the investigation leading to the seizure, including any money delivered to the subject of the investigation by the law enforcement agency, and of the proceedings for forfeiture and sale, including expenses of seizure, maintenance of custody, advertising, actual costs of the prosecuting or city attorney, and court costs. Money remaining after the payment of all expenses shall be distributed as follows:

(A) Twenty-five percent of the money derived from the forfeiture of real property and seventy-five percent of the money derived from the forfeiture of personal property shall be deposited in the general fund of the state, county,

and/or city of the seizing law enforcement agency and shall be used exclusively for the expansion or improvement of law enforcement services. These services may include the creation of reward funds for the purpose of rewarding informants who supply information leading to the arrest, prosecution and conviction of persons who violate laws relating to controlled substances. Such moneys shall not supplant preexisting funding sources;

(B) Twenty-five percent of money derived from the forfeiture of real property and twenty-five percent of money derived from the forfeiture of personal property shall be remitted to the state treasurer for deposit in the public safety and education account established in RCW 43.08.250;

(C) Until July 1, 1995, fifty percent of money derived from the forfeiture of real property shall be remitted to the state treasurer for deposit in the drug enforcement and education account under RCW 69.50.520, on and after July 1, 1995, the fifty percent of the money shall be remitted in the same manner as the twenty-five percent of the money remitted under (2)(i)(A) of this subsection; and

(D) If an investigation involves a seizure of moneys and proceeds having an aggregate value of less than five thousand dollars, the moneys and proceeds may be deposited in total in the general fund of the governmental unit of the seizing law enforcement agency and shall be appropriated exclusively for the expansion of narcotics enforcement services. Such moneys shall not supplant preexisting funding sources.

(ii) Money deposited according to this section must be deposited within ninety days of the date of final disposition of either the administrative seizure or the judicial seizure;

(3) Request the appropriate sheriff or director of public safety to take custody of the property and remove it for disposition in accordance with law; or

(4) Forward it to the drug enforcement administration for disposition.

(g) Controlled substances listed in Schedule I, II, III, IV, and V that are possessed, transferred, sold, or offered for sale in violation of this chapter are contraband and shall be seized and summarily forfeited to the state. Controlled substances listed in Schedule I, II, III, IV, and V, which are seized or come into the possession of the board, the owners of which are unknown, are contraband and shall be summarily forfeited to the board.

(h) Species of plants from which controlled substances in Schedules I and II may be derived which have been planted or cultivated in violation of this chapter, or of which the owners or cultivators are unknown, or which are wild growths, may be seized and summarily forfeited to the board.

(i) The failure, upon demand by a board inspector or law enforcement officer, of the person in occupancy or in control of land or premises upon which the species of plants are growing or being stored to produce an appropriate registration or proof that he is the holder thereof constitutes authority for the seizure and forfeiture of the plants.

(j) Upon the entry of an order of forfeiture of real property, the court shall forward a copy of the order to the assessor of the county in which the property is located. Orders for the forfeiture of real property shall be entered by the superior court, subject to court rules. Such an order shall be filed by the seizing agency in the county auditor's records in the county in which the real property is located.

(k) A landlord may assert a claim against proceeds from the sale of assets seized and forfeited under subsection (f)(2) of this section, only if:

(1) A law enforcement officer, while acting in his or her official capacity, directly caused damage to the complaining landlord's property while executing a search of a tenant's residence; and

(2) The landlord has applied any funds remaining in the tenant's deposit, to which the landlord has a right under chapter 59.18 RCW, to cover the damage directly caused by a law enforcement officer prior to asserting a claim under the provisions of this section;

(i) Only if the funds applied under (2) of this subsection are insufficient to satisfy the damage directly caused by a law enforcement officer, may the landlord seek compensation for the damage by filing a claim against the governmental entity under whose authority the law enforcement agency operates;

(ii) Only if the governmental entity denies or fails to respond to the landlord's claim within sixty days of the date of filing, may the landlord collect damages under this subsection by filing within thirty days of denial or the expiration of the sixty-day period, whichever occurs first, a claim with the seizing law enforcement agency.

(3) For any claim filed under (2) of this subsection, the law enforcement agency shall pay the claim unless the agency provides substantial proof that the landlord either:

(i) Knew or consented to actions of the tenant in violation of this chapter or chapter 69.41 or 69.52 RCW; or

(ii) Failed to respond to a notification of the illegal activity, provided by a law enforcement agency under RCW 59.18.075, within seven days of receipt of notification of the illegal activity.

(l) The landlord's claim for damages under subsection (k) of this section may not include a claim for loss of business and is limited to:

(1) Damage to tangible property and clean-up costs;

(2) The lesser of the cost of repair or fair market value of the damage directly caused by a law enforcement officer;

(3) The proceeds from the sale of the specific tenant's property seized and forfeited under subsection (f)(2) of this section; and

(4) The proceeds available after the seizing law enforcement agency satisfies all its expenses and costs related to the seizure and forfeiture of the tenant's property as provided by subsection (f)(2)(i) of this section.

(m) Subsections (k) and (l) of this section do not limit any other rights a landlord may have against a tenant to collect for damages. However, if a law enforcement agency satisfies a landlord's claim under subsection (k) of this section, the rights the landlord has against the tenant for damages directly caused by a law enforcement officer under the terms of the landlord and tenant's contract are subrogated to the law enforcement agency.

On motion of Senator Nelson, the following title amendment was adopted:

On page 1, line 1 of the title, after "property;" strike the remainder of the title and insert "and reenacting and amending RCW 69.50.505."

MOTION

On motion of Senator Nelson, the rules were suspended, Substitute House Bill No. 2501, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2501, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2501, as amended by the Senate, and the bill passed the Senate by the following vote:

Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sumner, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 48.

Voting nay: Senator Matson - 1.

SUBSTITUTE HOUSE BILL NO. 2501, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Anderson, Senator Bluechel was excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2639, by House Committee on Revenue (originally sponsored by Representatives Wang, Hine, Brumsickle, Horn, Heavey, Van Luven, Appelwick, Silver, Day, Padden, Sheldon, Franklin, Ogden, G. Fisher, Pruitt, Dellwo, Nelson, Haugen, Rasmussen, Spanel and Winsley)

Modifying the nonprofit homes for the aging property tax exemption.

The bill was read the second time.

MOTION

On motion of Senator Newhouse, the rules were suspended, Substitute House Bill No. 2639 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2639.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2639 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Sumner, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 47.

Absent: Senator Stratton - 1.

Excused: Senator Bluechel - 1.

SUBSTITUTE HOUSE BILL NO. 2639, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2568, by House Committee on Health Care (originally sponsored by Representatives Appelwick, Morris, Moyer and Paris)

Concerning health care information disclosure.

The bill was read the second time.

MOTION

On motion of Senator West, the following Committee on Health and Long-Term Care amendment was adopted:

On page 7, line 24, after "(k)" strike "To" and insert "In the case of a hospital or physician to"

There being no objection, the President deferred further consideration of Engrossed Substitute House Bill No. 2568.

SECOND READING

HOUSE BILL NO. 2374, by Representatives Kremen, Chandler, McLean, Winsley, Basich, Wood, Rayburn, Vance, Mitchell, Betrozoff, Dellwo, Grant, Pruitt, Ebersole, Spanel, Zellinsky, Ballard, Tate, R. King, Peery, Jacobsen, Leonard, Cantwell, Jones, G. Fisher, R. Johnson, Riley, Wang, Moyer, Franklin, Morton, Edmondson, Paris, Roland, J. Kohl, Fuhrman, Ludwig, Bray, Brekke, May, H. Myers, Rasmussen, O'Brien and Sheldon

Providing funding for senior volunteer programs.

The bill was read the second time.

MOTION

On motion of Senator Newhouse, the rules were suspended, House Bill No. 2374 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2374.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2374 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

HOUSE BILL NO. 2374, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1212, by House Committee on Education (originally sponsored by Representatives Peery, Brough, Ebersole, Vance, Winsley, Betrozoff, Pruitt and Orr)

Changing the dollar amounts for school district competitive bidding.

The bill was read the second time.

MOTION

Senator Bailey moved that the following Committee on Education amendment be adopted: Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 28A.335.190 and 1990 c 33 s 362 are each amended to read as follows:

(1) When, in the opinion of the board of directors of any school district, the cost of any ~~((furniture, supplies, equipment, building, improvements, or repairs, or other work or purchases, except books, will equal or exceed the sum of twenty))~~ purchase of furniture, equipment, or supplies, except books, will equal or exceed the sum of twenty thousand dollars, and when, in the opinion of the board of directors of any school district, the cost of any building, improvement, repair, or other public works project will equal or exceed the sum of fifty thousand dollars, complete plans and specifications for such work or purchases shall be prepared and notice by publication given in at least one newspaper of general circulation within the district, once each week for two consecutive weeks, of the intention to receive bids therefor and that specifications and other information may be examined at the office of the board or any other officially designated location: PROVIDED, That the board without giving such notice may make improvements or repairs to the property of the district through the shop and repair department of such district when the total of such improvements or repair does not exceed the sum of ~~((seventy))~~ twelve thousand five hundred dollars. The cost of any public work, improvement or repair for the purposes of this section shall be the aggregate of all amounts to be paid for labor, material, and equipment on one continuous or interrelated project where work is to be performed simultaneously or in close sequence. The bids shall be in writing and shall be opened and read in public on the date and in the place named in the notice and after being opened shall be filed for public inspection.

(2) Every purchase of furniture, equipment or supplies, except books, the cost of which is estimated to be in excess of ~~((seventy five hundred))~~ fifteen thousand dollars, shall be on a competitive basis. The board of directors shall establish a procedure for securing telephone and/or written quotations for such purchases. Whenever the estimated cost

is (~~from seventy five hundred~~)) more than fifteen thousand dollars (~~(up to)~~) and less than twenty thousand dollars, the procedure shall require quotations from at least three different sources to be obtained in writing or by telephone, and recorded for public perusal. Whenever the estimated cost is equal to or in excess of twenty thousand dollars, the public bidding process provided in subsection (1) of this section shall be followed.

(3) Every building, improvement, repair or other public works project, the cost of which is estimated to be in excess of (~~seventy~~) twelve thousand five hundred dollars, shall be on a competitive bid process. All such projects estimated to be less than (~~twenty~~) fifty thousand dollars may be awarded to a contractor on the small works roster. The small works roster shall be comprised of all responsible contractors who have requested to be on the list. The board of directors shall establish a procedure for securing telephone and/or written quotations from the contractors on the small works roster to assure establishment of a competitive price and for awarding contracts to the lowest responsible bidder. Such procedure shall require that a good faith effort be made to request quotations from all contractors on the small works roster who have indicated the capability of performing the kind of public works being contracted. Immediately after an award is made, the bid quotations obtained shall be recorded, open to public inspection, and available by telephone inquiry. The small works roster shall be revised at least once each year by publishing notice of such opportunity in at least one newspaper of general circulation in the district. Responsible contractors shall be added to the list at any time they submit a written request. Whenever the estimated cost of a public works project is (~~twenty~~) fifty thousand dollars or more, the public bidding process provided in subsection (1) of this section shall be followed.

(4) The contract for the work or purchase shall be awarded to the lowest responsible bidder as defined in RCW 43.19.1911 but the board may by resolution reject any and all bids and make further calls for bids in the same manner as the original call. On any work or purchase the board shall provide bidding information to any qualified bidder or the bidder's agent, requesting it in person.

(5) In the event of any emergency when the public interest or property of the district would suffer material injury or damage by delay, upon resolution of the board declaring the existence of such an emergency and reciting the facts constituting the same, the board may waive the requirements of this section with reference to any purchase or contract: PROVIDED, That an "emergency", for the purposes of this section, means a condition likely to result in immediate physical injury to persons or to property of the school district in the absence of prompt remedial action.

Debate ensued.

Senator Snyder demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the adoption of the Committee on Education striking amendment to Substitute House Bill No. 1212.

ROLL CALL

The Secretary called the roll and the committee amendment was not adopted by the following vote: Yeas, 23; Nays, 26; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bluechel, Cantu, Craswell, Erwin, Hayner, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Oke, Patterson, Saling, Sellar, L. Smith, Sumner, Thorsness, West - 23.

Voting nay: Senators Bauer, Conner, Gaspard, Hansen, Jesernig, Kreidler, Madsen, McMullen, Moore, Murray, Niemi, Owen, Pelz, Rasmussen, Rinehart, Roach, Skratek, A. Smith, Snyder, Stratton, Sutherland, Talmadge, Vognild, von Reichbauer, Williams, Wojahn - 26.

MOTION

Senator Newhouse moved that further consideration of Substitute House Bill No. 1212 be deferred.

POINT OF INQUIRY

Senator Gaspard: "Speaking on the motion to defer consideration of Substitute House Bill No. 1212, I guess I would at least ask the sponsor of that motion to give some indication of whether this bill will come before us again. If I don't have the assurances that it will come before us, I think we would ask to have a division on whether or not this bill shall be deferred."

Senator Newhouse: "My intent is that further consultation shall occur between the pros and cons to determine what should be the future course."

Senator Gaspard: "Mr. President, that is not a very reassuring statement from the floor leader. We would, therefore, not support the motion for the bill to be deferred."

Senator Newhouse demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the motion by Senator Newhouse to defer further consideration of Substitute House Bill No. 1212.

ROLL CALL

The Secretary called the roll and the motion by Senator Newhouse carried by the following vote: Yeas, 25; Nays, 24; Absent, 0; Excused, 0.

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

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

Further consideration of Substitute House Bill No. 1212 was deferred.

STATEMENT FOR THE JOURNAL

As a former history instructor, I feel strongly that the Holocaust should be a mandatory part of school history instruction. Had I been present for the vote, I would have voted 'for' this legislation, even though it falls short of actually requiring Holocaust study.

SENATOR PAM ROACH, 31st District

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2212, by House Committee on Education (originally sponsored by Representatives O'Brien, Jacobsen, Locke, Anderson, Wineberry, Jones and Nelson)

Encouraging study of the Holocaust.

The bill was read the second time.

MOTION

On motion of Senator Bailey, the rules were suspended, Substitute House Bill No. 2212 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

POINT OF INQUIRY

Senator Madsen: "Senator Bailey, would the last two Apple Cups be included in the curriculum?"

Senator Bailey: "I pass."

POINT OF INQUIRY

Senator Rasmussen: "Senator Bailey, how often do we specifically spell out what they have to include in the curriculum?"

Senator Bailey: "This does not, Senator Rasmussen, spell out specifically that it must be studied. It just says, 'may be studied.' We do that with a lot of issues."

Senator Rasmussen: "Well, the question probably relates to my next question which is, we mentioned the Holocaust which, of course, was terrible, but we should mention the Holocaust that President Bush caused when he stopped Schwarzkopf from going in there and getting Saddam Hussein, because there was a Holocaust on the Kurds and it is still going on. Do you think we ought to include that in the study, specifically? Maybe?"

Senator Bailey: "In the public testimony, there were several examples of issues that people thought we should study related to these types of atrocities."

Senator Rasmussen: "Yes, but this one is mentioned by name and if you would have put in President Bush stopping Schwarzkopf, we would all have known what you were talking about. He wanted to go in to Baghdad and President Bush said, 'no.' There is no argument about that, is there?"

Senator Bailey: "I urge your consideration of this bill, Senator."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2212.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2212 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 1; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sumner, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 46.

Voting nay: Senators Matson, Saling - 2.

Absent: Senator Roach - 1.

SUBSTITUTE HOUSE BILL NO. 2212, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2932, by Representatives Cantwell, Former, Rasmussen, Ludwig and Paris

Revising the Washington technology center.

The bill was read the second time.

MOTION

Senator Newhouse moved that the following Committee on Commerce and Labor amendment be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. Unless the context clearly requires otherwise, the definitions in this section apply throughout RCW 28B.20.285 and sections 3 through 6 of this act.

(1) "Technology center" means the Washington technology center, including the affiliated staff, faculty, facilities, and research centers operated by the technology center.

(2) "Board" means the board of directors of the Washington technology center.

(3) "High technology" or "technology" includes but is not limited to the modernization, miniaturization, integration, and computerization of electronic, hydraulic, pneumatic, laser, mechanical, robotics, nuclear, chemical, telecommunication, and other technological applications to enhance productivity in areas including but not limited to manufacturing, communications, medicine, bioengineering, and commerce.

Sec. 2. RCW 28B.20.285 and 1983 1st ex.s. c 72 s 11 are each amended to read as follows:

~~A Washington ((high technology)) technology center is created ((at the University of Washington. The Washington high technology center shall provide: (1) An interdisciplinary program to support major high technology education and research initiatives within the state; (2) the resources necessary for research and development programs in high technology; (3) quality training for advanced undergraduate and graduate students in high technology; and (4) interdisciplinary approaches to instruction and research in high technology fields.~~

~~The Washington high technology center shall be administered by the board of regents with the advice of the high technology coordinating board. The University of Washington shall make the facilities of the Washington high technology center available to other institutions of higher education when specific program needs so require)) to be a collaborative effort between the state's universities, private industry, and government. The technology center shall be headquartered at the University of Washington. The mission of the technology center shall be to perform and commercialize research on a state-wide basis that benefits the intermediate and long-term economic vitality of the state of Washington, and to develop and strengthen university-industry relationships through the conduct of research that is primarily of interest to Washington-based companies or state economic development programs. The technology center shall:~~

~~(1) Perform and/or facilitate research supportive of state science and technology objectives, particularly as they relate to state industries;~~

~~(2) Provide leading edge collaborative research and technology transfer opportunities primarily to state industries;~~

~~(3) Provide substantial opportunities for training undergraduate and graduate students through direct involvement in research and industry interactions;~~

~~(4) Emphasize and develop nonstate support of the technology center's research activities; and~~

~~(5) Provide a forum for effective interaction between the state's technology-based industries and its academic research institutions through promotion of faculty collaboration with industry, particularly within the state.~~

NEW SECTION. Sec. 3. (1) The technology center shall be administered by the board of directors of the technology center.

(2) The board shall consist of the following members: Fourteen members from among individuals who are associated with or employed by technology-based industries and have broad business experience and an understanding of high technology; eight members from the state's universities with graduate science and engineering programs; one member representing the state's regional universities; the executive director of the Spokane Intercollegiate Research and Technology Institute; the provost of the University of Washington; and the director of the state department of trade and economic development. The term of office for each board member, excluding the executive director of the Spokane Intercollegiate Research and Technology Institute, the provost of the University of Washington, and the director of the state department of trade and economic development, shall be three years. The executive director of the technology center shall be an ex-officio, nonvoting member of the board. The board shall meet at least quarterly. Board members shall be appointed by the governor based on the recommendations of the existing board of the technology center, the research universities, and the high technology industry.

(3) The duties of the board include:

(a) Developing the general operating policies for the technology center;

(b) Appointing the executive director of the technology center;

(c) Approving the annual operating budget of the technology center;

(d) Establishing priorities for the selection and funding of research projects that guarantee the greatest potential return on the state's investment;

(e) Approving and allocating funding for research projects conducted by the technology center, based on the recommendations of the advisory committees for each of the research centers;

(f) In cooperation with the department of trade and economic development, developing a biennial work plan and five-year strategic plan for the technology center that are consistent with the state-wide technology development and commercialization goals;

(g) Coordinating with the University of Washington, Washington State University, and other participating institutions of higher education in the development of training, research, and development programs to be conducted at the technology center that shall be targeted to meet industrial needs;

(h) Assisting the department of trade and economic development in the department's efforts to develop state science and technology public policies and coordinate publicly funded programs;

(i) Reviewing annual progress reports on funded research projects that are prepared by the advisory committees for each of the research centers;

(j) Providing an annual report to the governor and the legislature detailing the activities and performance of the technology center; and

(k) Contracting with the department of trade and economic development regarding expenditure of state-appropriated funds.

NEW SECTION. Sec. 4. The University of Washington, Washington State University, and other participating institutions of higher education shall provide the affiliated staff, faculty, and facilities required to support the operation of the technology center.

NEW SECTION. Sec. 5. The department of trade and economic development shall contract with and provide guidance to the technology center regarding expenditure of state-appropriated funds. The director of the department of trade and economic development shall not withhold funds appropriated for the technology center if the technology center complies with the provisions of its contract with the department of trade and economic development.

NEW SECTION. Sec. 6. The facilities of the technology center shall be made available to other institutions of higher education within the state when this would benefit specific program needs.

NEW SECTION. Sec. 7. A new section is added to chapter 43.131 RCW to read as follows:

The Washington technology center shall be terminated June 30, 1996, as provided in section 8 of this act.

NEW SECTION. Sec. 8. A new section is added to chapter 43.131 RCW to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30,

1997:

- (1) RCW 28B.20.--- and 1992 c --- s 1 (section 1 of this act);
- (2) RCW 28B.20.285 and 1992 c --- s 2 (section 2 of this act) and 1983 1st ex.s. c 72 s 11;
- (3) RCW 28B.20.--- and 1992 c --- s 3 (section 3 of this act);
- (4) RCW 28B.20.--- and 1992 c --- s 4 (section 4 of this act);
- (5) RCW 28B.20.--- and 1992 c --- s 5 (section 5 of this act); and
- (6) RCW 28B.20.--- and 1992 c --- s 6 (section 6 of this act).

NEW SECTION. Sec. 9. Sections 1 and 3 through 6 of this act are each added to chapter 28B.20 RCW.

MOTION

On motion of Senator Matson, further consideration of House Bill No. 2932 was deferred.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2502, by House Committee on Agriculture and Rural Development (originally sponsored by Representatives R. Johnson, Chandler, McLean, Rayburn, Miller, Paris, Lisk, Spanel, Rasmussen and P. Johnson) (by request of Department of Agriculture)

Changing provisions relating to organic agricultural products.

The bill was read the second time.

MOTION

Senator Barr moved that the following Committee on Agriculture and Water Resources amendments be considered simultaneously and be adopted:

On page 3, line 16, after "knows, or" insert "in the case of a producer or processor"

On page 7, line 11, after "products" insert "directly to consumers"

POINT OF INQUIRY

Senator Madsen: "Senator Barr, it was my understanding that the committee amendment included some lien law issues. Is that correct?"

Senator Barr: "No."

Senator Madsen: "There is no lien law in the organic gardening bill as it sits now on our desk?"

Senator Barr: "Not that I know of. No, there isn't."

The President declared the question before the Senate to be the adoption of the Committee on Agriculture and Water Resources amendments on page 3, line 16, and page 7, line 11, to Substitute House Bill No. 2502.

The motion by Senator Barr carried and the Committee on Agriculture and Water Resources amendments were adopted.

MOTION

Senator Newhouse moved that the following amendment by Senators Newhouse and Barr be adopted:

On page 13, after line 16, insert the following:

NEW SECTION. Sec. 15. A new section is added to chapter 60.13 RCW to read as follows:

A consignment of agricultural products by a producer to a handler who prepares the agricultural products for market for the account of, or as agent for the producer of the agricultural products does not vest in the handler any ownership interest in or to the products except to prepare the agricultural products for market for the account of, or as agent for the producer in accordance with the terms of the consignment.

If, without the express consent of the producer, a handler pledges or otherwise attempts to create a security interest in consigned agricultural products, such pledge or security interest is void as against the producer; and the producer's right, title, and interest in and to the agricultural products and the proceeds thereof remains in the producer free and clear of any such interest.

Nothing in this section impairs any right of any lien or security interest which a handler acquires or is entitled to pursuant to RCW 60.11.020(3), or pursuant to a written security agreement signed by the producer, nor shall any provision of this section impair the right of a handler to pledge or grant a security interest in the handler's statutory and consensual lien rights in and to an agricultural product and its proceeds.

Sec. 16. RCW 60.13.010 and 1991 c 174 s 2 are each amended to read as follows:

As used in this chapter, the terms defined in this section have the meanings indicated unless the context clearly requires otherwise.

(1) "Agricultural product" means any unprocessed horticultural, vermicultural and its byproducts, viticultural, berry, poultry, poultry product, grain, bee, or other agricultural products, and includes mint or mint oil processed by or for the producer thereof and hay and straw baled or prepared for market in any manner or form and livestock. When used in RCW 60.13.020, "agricultural product" means horticultural, viticultural, aquacultural, or berry products, hay and straw, milk and milk products, or turf and forage seed and applies only when such products are delivered to a processor or conditioner in an unprocessed form.

(2) "Conditioner," "consignor," "person," and "producer" have the meanings defined in RCW 20.01.010.

(3) "Delivers" means that a producer completes the performance of all contractual obligations with reference to the transfer of actual or constructive possession or control of an agricultural product to a processor or conditioner or preparer, regardless of whether the processor or conditioner or preparer takes physical possession.

(4) "Preparer" means a person engaged in the business of feeding livestock or preparing livestock products for market.

(5) "Processor" means any person, firm, company, or other organization that purchases agricultural products except milk and milk products from a consignor and that cans, freezes, dries, dehydrates, cooks, presses, powders, or otherwise processes those crops in any manner whatsoever for eventual resale, or that purchases or markets milk from a dairy producer and is obligated to remit payment to such dairy producer directly.

(6) "Commercial fisherman" means a person licensed to fish commercially for or to take food fish or shellfish or steelhead legally caught pursuant to executive order, treaty right, or federal statute.

(7) "Fish" means food fish or shellfish or steelhead legally caught pursuant to executive order, treaty right, or federal statute.

(8) "Handler" means a person, firm, company, or other organization that prepares an agricultural product for market for the account of, or as agent for, the producer of the agricultural product, the preparation including, but not limited to, receiving, storing, packing, marketing, selling, or delivering the agricultural product, and includes a person, firm, company, or other organization who takes delivery of the agricultural product from the producer of the agricultural product or from another handler. "Handler" does not include a person who solely transports the agricultural product from the producer to another person.

Sec. 17. RCW 60.11.010 and 1991 c 286 s 1 are each amended to read as follows:

As used in this chapter, the following terms have the meanings indicated unless the context clearly requires otherwise.

(1) "Crop" means all products of the soil either growing or cropped, cut, or gathered which require annual planting, harvesting, or cultivating. A crop does not include vegetation produced by the powers of nature alone, nursery stock, or vegetation intended as a permanent enhancement of the land itself.

(2) "Handler" means a person: Who prepares ~~((an orchard))~~ a crop for market for the account of, or as agent for, the producer of the crop, which preparation includes, but is not limited to, receiving, storing, packing, marketing, selling, or delivering ~~((the orchard))~~ a crop; and who takes delivery of the crop from the producer of the crop or from another handler. "Handler" does not include a person who solely transports the crop from the producer to another person.

(3) "Landlord" means a person who leases or subleases to a tenant real property upon which crops are growing or will be grown.

~~(4) ("Orchard crop" means cherries, peaches, nectarines, plums or prunes, pears, apricots, and apples.~~

~~(5))~~ "Secured party" and "security interest" have the same meaning as used in the Uniform Commercial Code, Title 62A RCW.

~~((6))~~ (5) "Supplier" includes, but is not limited to, a person who furnishes seed, furnishes and/or applies commercial fertilizer, pesticide, fungicide, weed killer, or herbicide, including spraying and dusting, upon the land of the grower or landowner, or furnishes any work or labor upon the land of the grower or landowner including tilling, preparing for the growing of crops, sowing, planting, cultivating, cutting, digging, picking, pulling, or otherwise harvesting any crop grown thereon, or in gathering, securing, or housing any crop grown thereon, or in threshing any grain or hauling to any warehouse any crop or grain grown thereon.

~~((7))~~ (6) "Lien debtor" means the person who is obligated or owes payment or other performance. If the lien debtor and the owner of the collateral are not the same person, "lien debtor" means the owner of the collateral.

~~((8))~~ (7) "Lien holder" means a person who, by statute, has acquired a lien on the property of the lien debtor, or such person's successor in interest.

Sec. 18. RCW 60.11.020 and 1991 c 286 s 2 are each amended to read as follows:

(1) A landlord whose lease or other agreement with the tenant provides for cash rental payment shall have a lien upon all crops grown upon the demised land in which the landlord has an interest for no more than one year's rent due or to become due within six months following harvest. A landlord with a crop share agreement has an interest in the growing crop which shall not be encumbered by crop liens except as provided in subsections (2) and (3) of this section.

(2) A supplier shall have a lien upon all crops for which the supplies are used or applied to secure payment of the purchase price of the supplies and/or services performed: PROVIDED, That the landlord's interest in the crop shall only be subject to the lien for the amount obligated to be paid by the landlord if prior written consent of the landlord is obtained or if the landlord has agreed in writing with the tenant to pay or be responsible for a portion of the supplies and/or services provided by the lien holder.

(3) A handler shall have a lien on all ~~((orchard))~~ crops delivered by the lien debtor or another handler to the handler and on all proceeds of the ~~((orchard))~~ crops for: (a) All customary charges for the ordinary and necessary handling of the crop, including but not limited to charges for transporting, receiving, inspecting, materials and supplies furnished, washing, waxing, sorting, packing, storing, promoting, marketing, selling, advertising, insuring, or otherwise

handling the lien debtor's crop; and (b) reasonable cooperative per unit retainages, and for all governmental or quasi-governmental assessments imposed by statute, ordinance, or government regulation. Charges shall not include direct or indirect advances or extensions of credit to ~~((~~the~~))~~ a lien debtor.

Sec. 19. RCW 60.11.030 and 1991 c 286 s 3 are each amended to read as follows:

(1) Upon filing, the liens described in RCW 60.11.020 (1) and (2) shall attach to the crop for all sums then and thereafter due and owing the lien holder and shall continue in all identifiable cash proceeds of the crop.

(2) Upon the delivery of ~~((an orchard))~~ a crop by the lien debtor, without the necessity of filing, the lien for charges as set forth in RCW 60.11.020(3) shall attach to the delivered crop and shall continue in both the crop and all proceeds of the crop.

POINT OF ORDER

Senator Madsen: "I reluctantly ask the President to review this amendment, relative to its scope and object of the underlying bill. Just quickly, the amendment by Senators Newhouse and Barr essentially deals with the priority of liens within an agricultural string. The underlying bill deals with organic gardening which is labeling and so forth. They obviously are in conflict as to the scope and object and I ask you to rule this amendment out of order."

MOTION

On motion of Senator Newhouse, further consideration of Substitute House Bill No. 2502 was deferred.

There being no objection, the Senate resumed consideration of House Bill No. 2932 and the pending Committee on Commerce and Labor striking amendment, deferred earlier today.

The President declared the question before the Senate to be the adoption of the Committee on Commerce and Labor striking amendment to House Bill No. 2932.

The Committee on Commerce and Labor striking amendment was adopted.

MOTIONS

On motion of Senator Bluechel, the following title amendment was adopted:

On page 1, line 1 of the title, after "center;" strike the remainder of the title and insert "amending RCW 28B.20.285; adding new sections to chapter 28B.20 RCW; and adding new sections to chapter 43.131 RCW."

On motion of Senator Bluechel, the rules were suspended, House Bill No. 2932, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2932, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2932, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

HOUSE BILL NO. 2932, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1481, by House Committee on Health Care (originally sponsored by Representatives May, Hine, Ballard, R. Johnson, Betrozoff, Spanel, Broback, Rasmussen, Wood, Brumsickle, Neher, Leonard, Ferguson, Day, Lisk, Cooper, Brough, Prentice, Former, Basich, Paris, Holland, G. Fisher, Horn, Sprenkle, Dellwo, Moyer, Grant, Braddock, Bowman, Heavey, Kremen, Cantwell, Winsley, Zellinsky, Silver, Franklin, Pruitt, Inslee, Edmondson, Sheldon, McLean, Riley, Wynne, Rayburn, Wilson and Orr)

Amending the natural death act.

The bill was read the second time.

MOTION

Senator West moved that the following Committee on Health and Long-Term Care amendment be adopted:

Strike everything after the enacting clause and insert the following:

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

The legislature finds that adult persons have the fundamental right to control the decisions relating to the rendering of their own ~~((medical))~~ health care, including the decision to have life-sustaining ~~((procedures))~~ treatment withheld or withdrawn in instances of a terminal condition or permanent unconscious condition.

The legislature further finds that modern medical technology has made possible the artificial prolongation of human life beyond natural limits.

The legislature further finds that, in the interest of protecting individual autonomy, such prolongation of ~~((life))~~ the process of dying for persons with a terminal condition or permanent unconscious condition may cause loss of patient dignity, and unnecessary pain and suffering, while providing nothing medically necessary or beneficial to the patient. The legislature further believes that physicians and nurses should not withhold or unreasonably diminish pain medication for patients in a terminal condition where the primary intent of providing such medication is to alleviate pain and maintain or increase the patient's comfort.

The legislature further finds that there exists considerable uncertainty in the medical and legal professions as to the legality of terminating the use or application of life-sustaining ~~((procedures))~~ treatment where the patient having the capacity to make health care decisions has voluntarily ~~((and in sound mind))~~ evidenced a desire that such ~~((procedures))~~ treatment be withheld or withdrawn.

In recognition of the dignity and privacy which patients have a right to expect, the legislature hereby declares that the laws of the state of Washington shall recognize the right of an adult person to make a written directive instructing such person's physician to withhold or withdraw life-sustaining ~~((procedures))~~ treatment in the event of a terminal condition or permanent unconscious condition. The legislature also recognizes that a person's right to control his or her health care may be exercised by an authorized representative who validly holds the person's durable power of attorney for health care.

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

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

(1) "Adult person" means a person who has attained the age of majority as defined in RCW 26.28.010 and 26.28.015, and who has the capacity to make health care decisions.

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

~~((2))~~ (3) "Directive" means a written document voluntarily executed by the declarer ((in accordance with the requirements)) generally consistent with the guidelines of RCW 70.122.030.

~~((3))~~ (4) "Health facility" means a hospital as defined in RCW ~~((70.38.020(7)))~~ 70.41.020(2) or a nursing home as defined in RCW ~~((70.38.020(8)))~~ 18.51.010, a home health agency or hospice agency as defined in RCW 70.126.010, or a boarding home as defined in RCW 18.20.020.

~~((4))~~ (5) "Life-sustaining ~~((procedure))~~ treatment" means any medical or surgical ~~((procedure or intervention which utilizes))~~ intervention that uses mechanical or other artificial means, including artificially provided nutrition and hydration, to sustain, restore, or ~~((supplant))~~ replace a vital function, which, when applied to a qualified patient, would serve only to ~~((artificially))~~ prolong the ~~((moment of death and where, in the judgment of the attending physician, death is imminent whether or not such procedures are utilized))~~ process of dying. "Life-sustaining ~~((procedure))~~ treatment" shall not include the administration of medication or the performance of any medical ~~((procedure))~~ or surgical intervention deemed necessary solely to alleviate pain.

(6) "Permanent unconscious condition" means an incurable and irreversible condition in which the patient is medically assessed within reasonable medical judgment as having no reasonable probability of recovery from an irreversible coma or a persistent vegetative state.

~~((5))~~ (7) "Physician" means a person licensed under chapters 18.71 or 18.57 RCW.

~~((6))~~ (8) "Qualified patient" means an adult person who is a patient diagnosed (and certified) in writing to (be afflicted with) have a terminal condition by ((two physicians one of whom shall be)) the patient's attending physician, who ((have)) has personally examined the patient, or a patient who is diagnosed in writing to be in a permanent unconscious condition in accordance with accepted medical standards by two physicians, one of whom is the patient's attending physician, and both of whom have personally examined the patient.

~~((7))~~ (9) "Terminal condition" means an incurable and irreversible condition caused by injury, disease, or illness, ~~((which, regardless of the application of life sustaining procedures, would))~~ that, within reasonable medical judgment, ~~((produce))~~ will cause death within a reasonable period of time in accordance with accepted medical standards, and where the application of life-sustaining ~~((procedures))~~ treatment serves only to ~~((postpone the moment of death of the patient))~~ prolong the process of dying.

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

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

(1) Any adult person may execute a directive directing the withholding or withdrawal of life-sustaining ~~((procedures))~~ treatment in a terminal condition or permanent unconscious condition. The directive shall be signed by the declarer in the presence of two witnesses not related to the declarer by blood or marriage and who would not be entitled to any portion of the estate of the declarer upon declarer's decease under any will of the declarer or codicil thereto then existing or, at the time of the directive, by operation of law then existing. In addition, a witness to a directive shall not be the attending physician, an employee of the attending physician or a health facility in which the declarer is a patient, or any person who has a claim against any portion of the estate of the declarer upon declarer's decease at the time of the execution of the directive. The directive, or a copy thereof, shall be made part of the patient's medical records retained by the attending physician, a copy of which shall be forwarded by the custodian of the records to the health facility ~~((upon the withdrawal of life sustaining procedures))~~ when the withholding or withdrawal of life-support treatment is contemplated. The directive ~~((shall))~~ may be ~~((essentially))~~ in the following form, but in addition may include other specific directions:

~~((DIRECTIVE TO PHYSICIANS))~~

Directive made this ____ day of _____ Health Care Directive
(month, year).

I _____, ~~((being of sound mind))~~ having the capacity to make health care decisions, willfully, and voluntarily make known my desire that my ~~((life))~~ dying shall not be artificially prolonged under the circumstances set forth below, and do hereby declare that:

(a) If at any time I should ~~((have an incurable injury, disease, or illness certified))~~ be diagnosed in writing to be in a terminal condition by ~~((two physicians))~~ the attending physician, or in a permanent unconscious condition by two physicians, and where the application of life-sustaining ~~((procedures))~~ treatment would serve only to artificially prolong the ~~((moment of my death and where my physician determines that my death is imminent whether or not life-sustaining procedures are utilized))~~ process of my dying, I direct that such ~~((procedures))~~ treatment be withheld or withdrawn, and that I be permitted to die naturally. I understand by using this form that a terminal condition means an incurable and irreversible condition caused by injury, disease, or illness, that would within reasonable medical judgment cause death within a reasonable period of time in accordance with accepted medical standards, and where the application of life-sustaining treatment would serve only to prolong the process of dying. I further understand in using this form that a permanent unconscious condition means an incurable and irreversible condition in which I am medically assessed within reasonable medical judgment as having no reasonable probability of recovery from an irreversible coma or a persistent vegetative state.

(b) In the absence of my ability to give directions regarding the use of such life-sustaining ((procedures)) treatment, it is my intention that this directive shall be honored by my family and physician(s) as the final expression of my legal right to refuse medical or surgical treatment and I accept the consequences ((from)) of such refusal. If another person is appointed to make these decisions for me, whether through a durable power of attorney or otherwise, I request that the person be guided by this directive and any other clear expressions of my desires.

(c) If I am diagnosed to be in a terminal condition or in a permanent unconscious condition (check one):

I DO want to have artificially provided nutrition and hydration.

I DO NOT want to have artificially provided nutrition and hydration.

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

~~((d))~~ (e) I understand the full import of this directive and I am emotionally and mentally ((competent)) capable to make the health care decisions contained in this directive.

(f) I understand that before I sign this directive, I can add to or delete from or otherwise change the wording of this directive and that I may add to or delete from this directive at any time and that any changes shall be consistent with Washington state law or federal constitutional law to be legally valid.

(g) It is my wish that every part of this directive be fully implemented. If for any reason any part is held invalid it is my wish that the remainder of my directive be implemented.

Signed.....

City, County, and State of Residence

The declarer has been personally known to me and I believe him or her to be ~~((of sound mind))~~ capable of making health care decisions.

Witness.....

Witness.....

(2) Prior to ((effectuating a directive)) withholding or withdrawing life-sustaining treatment, the diagnosis of a terminal condition by ((two physicians)) the attending physician or the diagnosis of a permanent unconscious state by two physicians shall be ((verified)) entered in writing((, attached to the directive,)) and made a permanent part of the patient's medical records.

(3) A directive executed in another political jurisdiction is valid to the extent permitted by Washington state law and federal constitutional law.

NEW SECTION. Sec. 4. If a qualified patient capable of making health care decisions indicates that he or she wishes to die at home, the patient shall be discharged as soon as reasonably possible. The health care provider or facility has an obligation to explain the medical risks of an immediate discharge to the qualified patient. If the provider or facility complies with the obligation to explain the medical risks of an immediate discharge to a qualified patient, there shall be no civil or criminal liability for claims arising from such discharge.

NEW SECTION. Sec. 5. Any physician, health care provider acting under the direction of a physician, or health facility and its personnel who participate in good faith in the withholding or withdrawal of life-sustaining treatment from a qualified patient in accordance with the requirements of this chapter, shall be immune from legal liability, including civil, criminal, or professional conduct sanctions, unless otherwise negligent.

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

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

(2) The attending physician or health facility shall inform a patient or patient's authorized representative of the existence of any policy or practice that would preclude the honoring of the patient's directive at the time the physician or facility becomes aware of the existence of such a directive. If the patient, after being informed of such policy or directive, chooses to retain the physician or facility, the physician or facility with the patient or the patient's representative shall prepare a written plan to be filed with the patient's directive that sets forth the physician's or facilities' intended actions should the patient's medical status change so that the directive would become operative. The physician or facility under this subsection has no obligation to honor the patient's directive if they have complied with the requirements of this subsection, including compliance with the written plan required under this subsection.

(3) The directive shall be conclusively presumed, unless revoked, to be the directions of the patient regarding the withholding or withdrawal of life-sustaining ((procedures)) treatment. No physician, ((and no licensed)) health facility, or health personnel acting in good faith ((under the direction of a physician,)) with the directive or in accordance with the written plan in subsection (2) of this section shall be criminally or civilly liable for failing to effectuate the directive of the qualified patient pursuant to this subsection. ((If the physician refuses to effectuate the directive, such physician

shall make a good faith effort to transfer the qualified patient to another physician who will effectuate the directive of the qualified patient.)

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

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

(2) The making of a directive pursuant to RCW 70.122.030 shall not restrict, inhibit, or impair in any manner the sale, procurement, or issuance of any policy of life insurance, nor shall it be deemed to modify the terms of an existing policy of life insurance. No policy of life insurance shall be legally impaired or invalidated in any manner by the withholding or withdrawal of life-sustaining (~~(procedures)~~) treatment from an insured qualified patient, notwithstanding any term of the policy to the contrary.

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

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

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

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

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

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

Nothing in this chapter shall be construed to condone, authorize, or approve mercy killing or physician-assisted suicide, or to permit any affirmative or deliberate act or omission to end life other than to permit the natural process of dying.

NEW SECTION. Sec. 11. This chapter shall not be construed as providing the exclusive means by which individuals may make decisions regarding their health treatment, including but not limited to, the withholding or withdrawal of life-sustaining treatment, nor limiting the means provided by case law more expansive than this act.

NEW SECTION. Sec. 12. Any person or health facility may assume that a directive complies with this chapter and is valid.

NEW SECTION. Sec. 13. A directive executed anytime before the effective date of this act which generally complies with this act is effective under this act.

NEW SECTION. Sec. 14. A new section is added to chapter 43.70 RCW to read as follows:

The department of health shall adopt guidelines and protocols for how emergency medical personnel shall respond when summoned to the site of an injury or illness for the treatment of a person who has signed a written directive or durable power of attorney requesting that he or she not receive futile emergency medical treatment.

NEW SECTION. Sec. 15. RCW 70.122.050 and 1979 c 112 s 6 are each repealed.

NEW SECTION. Sec. 16. Sections 4, 5, and 11 through 13 of this act are each added to chapter 70.122 RCW.

NEW SECTION. Sec. 17. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

MOTION

Senator Linda Smith moved that the following amendment to the Committee on Health and Long-Term Care amendment be adopted:

On page 2, line 2 delete "having the capacity to make health care decisions"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Linda Smith on page 2, line 2, to the Committee on Health and Long-Term Care striking amendment to Substitute House Bill No. 1481.

The motion by Senator Linda Smith failed and the amendment to the committee amendment was not adopted.

MOTION

Senator Linda Smith moved that the following amendments to the Committee on Health and Long-Term Care amendment be considered simultaneously be adopted:

- On page 1, line 11, after "life-sustaining" strike "~~((procedures))~~ treatment" and insert "procedures"
- On page 2, line 1, after "life-sustaining" strike "~~((procedures))~~ treatment" and insert "procedures"
- On page 2, line 4, after "such" strike "~~((procedures))~~ treatment" and insert "procedures"
- On page 2, line 9, after "life-sustaining" strike "~~((procedures))~~ treatment" and insert "procedures"
- On page 3, line 3, after "Life-sustaining" strike "~~((procedures))~~ treatment" and insert "procedures"
- On page 3, line 11, after "Life-sustaining" strike "~~((procedures))~~ treatment" and insert "procedures"
- On page 4, line 4, after "life-sustaining" strike "~~((procedures))~~ treatment" and insert "procedures"
- On page 4, line 12, after "life-sustaining" strike "~~((procedures))~~ treatment" and insert "procedures"
- On page 5, line 14, after "life-sustaining" strike "~~((procedures))~~ treatment" and insert "procedures"
- On page 5, line 18, after "such" strike "~~((procedures))~~ treatment" and insert "procedures"
- On page 5, line 24, after "sustaining" strike "treatment" and insert "procedures"
- On page 6, line 2, after "life-sustaining" strike "~~((procedures))~~ treatment" and insert "procedures"
- On page 7, line 6, after "life-sustaining" "life-sustaining" strike "~~((procedures))~~ treatment" and insert "procedures"
- On page 8, line 6, after "life-sustaining" strike "~~((procedures))~~ treatment" and insert "procedures"
- On page 8, line 29, after "life-sustaining" strike "~~((procedures))~~ treatment" and insert "procedures"
- On page 9, beginning on line 12, after "life-sustaining" strike "~~((procedures))~~ treatment" and insert "procedures"
- On page 9, beginning on line 21, after "life-sustaining" strike "~~((procedures))~~ treatment" and insert "procedures"
- On page 10, beginning on line 3, after "life-sustaining" strike "~~((procedures))~~ treatment" and insert "procedures"
- On page 11, line 4, after "life-sustaining" strike "treatment" and insert "procedures"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator Linda Smith on pages 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11, to the Committee on Health and Long-Term Care striking amendment to Substitute House Bill No. 1481.

The motion by Senator Linda Smith failed and the amendments to the committee amendment were not adopted on a rising vote.

MOTION

Senator Linda Smith moved that the following amendments to the Committee on Health and Long-Term Care amendment be considered simultaneously be adopted:

- On page 1, line 13 of the amendment, strike "or permanent unconscious condition".
 - On page 1, beginning on line 19 of the amendment, strike "or permanent unconscious condition".
 - On page 2, line 10 of the amendment, strike "or permanent unconscious condition".
- Debate ensued.

POINT OF ORDER

Senator Anderson: "Mr. President, a point of order. Have we been under the three minute rule up to now?"

REPLY BY THE PRESIDENT

President Pritchard: "We have been."

Further debate ensued.

Senator Linda Smith demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the adoption of the amendments by Senator Linda Smith on page 1, lines 13 and 19, and page 2, line 10, to the Committee on Health and Long-Term Care striking amendment to Substitute House Bill No. 1481.

ROLL CALL

The Secretary called the roll and the amendments to the committee amendment were not adopted by the following vote: Yeas, 19; Nays, 29; Absent, 1; Excused, 0.

Voting yea: Senators Amondson, Anderson, Cantu, Craswell, Erwin, Hayner, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Oke, Rasmussen, Roach, Sellar, L. Smith, Sumner, Thorsness, von Reichbauer - 19.

Voting nay: Senators Bailey, Barr, Bauer, Bluechel, Conner, Gaspard, Hansen, Jesernig, Kreidler, Madsen, McMullen, Moore, Murray, Niemi, Owen, Patterson, Pelz, Rinehart, Saling, Skratek, A. Smith, Snyder, Stratton, Sutherland, Talmadge, Vognild, West, Williams, Wojahn - 29.

Absent: Senator Matson - 1.

MOTION

Senator Linda Smith moved that the following amendment to the Committee on Health and Long-Term Care amendment be adopted:

On page 2, line 10, after "condition" strike all materials through and including "care," on line 13, and insert ", except that decisions to remove hydration and nutrition may not be made in the absence of clear and convincing evidence that such removal was the patient's clearly expressed desire."

Debate ensued.

Senator Linda Smith demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Linda Smith on page 2, line 10, to the Committee on Health and Long-Term Care striking amendment to Substitute House Bill No. 1481.

ROLL CALL

The Secretary called the roll and the amendment to the committee amendment was not adopted by the following vote: Yeas, 18; Nays, 29; Absent, 2; Excused, 0.

Voting yea: Senators Amondson, Anderson, Cantu, Craswell, Erwin, Hayner, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Oke, Rasmussen, Sellar, L. Smith, Sumner, Thorsness, von Reichbauer - 18.

Voting nay: Senators Bailey, Barr, Bauer, Bluechel, Conner, Gaspard, Hansen, Jesernig, Kreidler, Madsen, McMullen, Moore, Murray, Niemi, Owen, Patterson, Pelz, Rinehart, Roach, Saling, Skratek, A. Smith, Snyder, Stratton, Sutherland, Talmadge, Vognild, Williams, Wojahn - 29.

Absent: Senators Matson, West - 2.

MOTION

Senator Linda Smith moved that the following amendment to the Committee on Health and Long-Term Care amendment be adopted:

On page 3, line 8, after "to" strike ((artificially)) and insert "artificially"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Linda Smith on page 3, line 8, to the Committee on Health and Long-Term Care striking amendment to Substitute House Bill No. 1481.

The motion by Senator Linda Smith failed and the amendment to the committee amendment was not adopted.

MOTION

Senator Linda Smith moved that the following amendment to the Committee on Health and Long-Term Care amendment be adopted:

On page 3, beginning on line 9, strike "~~((moment of death and where, in the judgment of the attending physician, death is imminent whether or not such procedures are utilized))~~ process of dying" and insert "moment of death and where, in the judgment of the attending physician, death is imminent whether or not such procedures are utilized"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Linda Smith on page 3, beginning on line 9, to the Committee on Health and Long-Term Care striking amendment to Substitute House Bill No. 1481.

The motion by Senator Linda Smith failed and the amendment to the committee amendment was not adopted.

MOTION

Senator Craswell moved that the following amendments to the Committee on Health and Long-Term Care amendment be considered simultaneously and be adopted:

On page 3, line 16, after "medically assessed" insert "by a board-certified neurologist following a minimum observation period of three years" and on line 17, strike "within reasonable medical judgment"

On page 3, line 18, after "persistent vegetative state" insert ", following a minimum observation period of three years"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator Craswell on page 3, lines 16 and 18, to the Committee on Health and Long-Term Care striking amendment to Substitute House Bill No. 1481.

The motion by Senator Craswell failed and the amendments to the committee amendment were not adopted.

MOTION

Senator Craswell moved that the following amendments to the Committee on Health and Long-Term Care amendment be considered simultaneously and be adopted:

On page 3, line 29, after "incurable" strike "and irreversible"

On page 3, line 30, after "illness," strike "~~((which, regardless of the application of life sustaining procedures, would))~~" and insert "which, regardless of the application of life sustaining procedures, would"

On page 4, line 2, at the beginning of the line, strike "that"

On page 4, line 2, after "judgment," strike "~~((produce))~~ will cause" and insert "produce"

On page 4, line 3, strike "within a reasonable period of time in accordance with accepted medical standards"

On page 4, line 4, strike "~~((procedures))~~ treatment" and insert "procedures"

On page 4, line 5, strike "serves" and insert "serve"

On page 4, line 5, strike "~~((postpone the moment of death of the patient))~~ prolong the process of dying" and insert "postpone the moment of death of the patient"

Debate ensued.

Senator Rasmussen demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the adoption of the amendments by Senator Craswell on page 3, lines 29 and 30, page 4, lines 2, 3, 4 and 5, to the Committee on Health and Long-Term Care striking amendment to Substitute House Bill No. 1481.

ROLL CALL

The Secretary called the roll and the amendments to the committee amendment were not adopted by the following vote: Yeas, 20; Nays, 27; Absent, 2; Excused, 0.

Voting yea: Senators Amondson, Anderson, Cantu, Craswell, Erwin, Hayner, McCaslin, McDonald, Metcalf, Nelson, Oke, Owen, Rasmussen, Roach, Sellar, L. Smith, Stratton, Sumner, Thorsness, von Reichbauer - 20.

Voting nay: Senators Bailey, Barr, Bauer, Bluechel, Conner, Gaspard, Hansen, Jesernig, Kreidler, Madsen, Matson, McMullen, Moore, Murray, Niemi, Patterson, Pelz, Rinehart, Saling, Skratek, A. Smith, Snyder, Sutherland, Talmadge, Vognild, Williams, Wojahn - 27.

Absent: Senators Newhouse, West - 2.

MOTION

Senator Craswell moved that the following amendment to the Committee on Health and Long-Term Care amendment be adopted:

On page 11, line 1, strike section 11 in its entirety.

Debate ensued.

Senator Thorsness demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Craswell on page 11, line 1, to the Committee on Health and Long-Term Care striking amendment to Substitute House Bill No. 1481.

ROLL CALL

The Secretary called the roll and the amendment to the committee amendment was not adopted by the following vote: Yeas, 23; Nays, 26; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Cantu, Craswell, Erwin, Hayner, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Oke, Patterson, Rasmussen, Roach, Sellar, L. Smith, Stratton, Sumner, Thorsness, von Reichbauer, West - 23.

Voting nay: Senators Bailey, Barr, Bauer, Bluechel, Conner, Gaspard, Hansen, Jesernig, Kreidler, Madsen, McMullen, Moore, Murray, Niemi, Owen, Pelz, Rinehart, Saling, Skratek, A. Smith, Snyder, Sutherland, Talmadge, Vognild, Williams, Wojahn - 26.

MOTION

Senator Craswell moved that the following amendment to the Committee on Health and Long-Term Care amendment be adopted:

On page 11, line 11, strike section 14 in its entirety.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Craswell on page 11, line 11, to the Committee on Health and Long-Term Care striking amendment to Substitute House Bill No. 1481.

The motion by Senator Craswell failed and the amendment to the committee amendment was not adopted.

MOTION

Senator Linda Smith moved that the following amendment to the Committee on Health and Long-Term Care amendment be adopted:

On page 2, line 25, after "declarer" strike "~~((in accordance with the requirements))~~ generally consistent with the guidelines" and insert "in accordance with the requirements"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Linda Smith on page 2, line 25, to the Committee on Health and Long-Term Care striking amendment to Substitute House Bill No. 1481.

The motion by Senator Linda Smith failed and the committee amendment was not adopted.

MOTION

Senator Linda Smith moved that the following amendment to the Committee on Health and Long-Term Care amendment be adopted:

On page 3, line 1, after "70.126.010" strike "or a boarding home as define in RCW 18.20.020" and insert "adult family homes as defined in RCW 70.128.010(1)"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Linda Smith on page 3, line 1, to the Committee on Health and Long-Term Care striking amendment to Substitute House Bill No. 1481.

The motion by Senator Linda Smith failed and the committee amendment was not adopted.

MOTION

Senator Linda Smith moved that the following amendment to the Committee on Health and Long-Term Care amendment be adopted:

On page 3, line 23, after "by" strike "~~((two physicians one of whom shall be))~~" and insert "two physicians one of whom shall be"

MOTION

On motion of Senator Linda Smith, and there being no objection, the amendment on page 3, line 23, to the Committee on Health and Long-Term Care amendment to Substitute House Bill No. 1481 was withdrawn.

MOTION

Senator Linda Smith moved that the following amendment to the Committee on Health and Long-Term Care amendment be adopted:

On page 3, line 24, after "physician," strike "who ~~((have))~~ has personally examined the patient, or a patient who is diagnosed in writing to be in a permanent unconscious condition in accordance with accepted medical standards by two physicians, one of whom is the patient's attending physician, and both of whom have personally examined the patient" on line 28, and insert "and one of whom shall be a board-certified neurologist, both of whom shall have personally examined the patient. The second physician need not be a board-certified neurologist if the attending physician is a board-certified neurologist."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Linda Smith on page 3, line 24, to the Committee on Health and Long-Term Care striking amendment to Substitute House Bill No. 1481.

The motion by Senator Linda Smith failed and the committee amendment was not adopted.

MOTION

Senator Sumner moved that the following amendment to the Committee on Health and Long-Term Care amendment be adopted:

On page 3, after line 28 of the amendment, insert the following:

"Any diagnosis of terminal condition or permanent unconscious condition, and any determination of imminent death shall be confirmed unanimously in writing by a panel of three physicians none of whom have shared financial interests in their respective medical practices before a person is a qualified patient. The panel shall not include any physician making the original diagnosis or determination."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Sumner on page 3, line 28, to the Committee on Health and Long-Term Care striking amendment to Substitute House Bill No. 1481.

The motion by Senator Sumner failed and the committee amendment was not adopted.

MOTION

Senator Linda Smith moved that the following amendment to the Committee on Health and Long-Term Care amendment be adopted:

On page 5, line 1, strike "~~((shall))~~ may be ~~((essentially))~~" and insert "shall be essentially"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Linda Smith on page 5, line 1, to the Committee on Health and Long-Term Care striking amendment to Substitute House Bill No. 1481.

The motion by Senator Linda Smith failed and the committee amendment was not adopted.

MOTION

Senator Craswell moved that the following amendment to the Committee on Health and Long-Term Care amendment be adopted:

On page 5, line 3, strike all material through page 7, line 4 of the amendment and insert:

~~((DIRECTIVE TO PHYSICIANS-~~

~~Directive made this ____ day of _____ (month, year),~~

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

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

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

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

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

Signed.....

~~City, County, and State of Residence~~

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

Witness.....

Witness.....))

DIRECTIVE TO PHYSICIANS

Directive made this ____ day of _____ (month, year).

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

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

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

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

(d) If I am certified to be in a terminal condition and it is determined that my death is imminent then: (Check only one, and initial)

I DO want to receive artificially provided nutrition or hydration.

I DO NOT want to receive artificially provided nutrition or hydration.

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

(f) I understand that my chances of waking up from a persistent vegetative state are fifty-eight percent in the first three years and almost nonexistent thereafter.

(g) I am aware that removal of artificial nutrition and hydration will cause me to die of dehydration.

Signed.....

City, County, and State of Residence

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

Witness.....

Witness.....

Debate ensued.

Senator Rasmussen demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Craswell on page 5, line 3, to the Committee on Health and Long-Term Care striking amendment to Substitute House Bill No. 1481.

ROLL CALL

The Secretary called the roll and the amendment to the committee amendment was not adopted by the following vote: Yeas, 21; Nays, 28; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Cantu, Craswell, Erwin, Hayner, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Oke, Rasmussen, Roach, Sellar, L. Smith, Sumner, Thorsness, von Reichbauer, West - 21.

Voting nay: Senators Bailey, Barr, Bauer, Bluechel, Conner, Gaspard, Hansen, Jesernig, Kreidler, Madsen, McMullen, Moore, Murray, Niemi, Owen, Patterson, Pelz, Rinehart, Saling, Skratek, A. Smith, Snyder, Stratton, Sutherland, Talmadge, Vognild, Williams, Wojahn - 28.

MOTION

Senator Linda Smith moved that the following amendments to the Committee on Health and Long-Term Care amendment be considered simultaneously and adopted:

On page 6, line 7, after "for me" strike ", whether"

On page 6, line 7, after "power of attorney" strike "or otherwise"

Debate ensued.

POINT OF INQUIRY

Senator Thorsness: "Senator Kreidler, I'm not trying to set you up Mike, but would you give me a couple of examples of what 'or otherwise' would mean, as far as some legal document or a written document, because I am confused on this also? I really don't know what that would mean."

Senator Kreidler: "Thank you, by being very definitive as to what types of instrument written or otherwise are going to be recognized as the type of instrument--when you are very specific in statute, you don't give flexibility to other types of situations, whether it be verbal, or whether it be other types of written types of information that has been exchanged. They are not recognized necessarily as being very specifically living will types of material, but it is a clear indication of a person's wishes. You're giving the flexibility that that person's wishes can be recognized without getting very specific as to durable power of attorney or living will, as such, being signed. You have the ability here to recognize other ways of which the individual has communicated of what they wanted to have done."

Further debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator Linda Smith on page 6, line 7, to the Committee on Health and Long-Term Care striking amendment to Substitute House Bill No. 1481.

The motion by Senator Linda Smith failed and the amendments to the committee amendment were not adopted.

MOTION

Senator Linda Smith moved that the following amendment to the Committee on Health and Long-Term Care amendment be adopted:

On page 3, line 11, after "dying." insert "Life sustaining procedures shall not be withheld or withdrawn if the intent or the result of withholding or withdrawing such procedures is to cause, or is the cause of the death of a qualified patient."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Linda Smith on page 3, line 11, to the Committee on Health and Long-Term Care striking amendment to Substitute House Bill No. 1481.

The motion by Senator Linda Smith failed and the amendment to the committee amendment was not adopted.

MOTION

Senator Linda Smith moved that the following amendment to the Committee on Health and Long-Term Care amendment be adopted:

On page 8, line 3, strike all of section 6, and insert the following:

NEW SECTION. Sec. 6. Any physician, health care provider acting under the direction of a physician, or health facility and its personnel who participate in good faith in the withholding or withdrawal of life-sustaining procedures from a qualified patient in accordance with the requirements of this chapter shall be immune from civil liability or professional conduct sanctions unless otherwise negligent.

A physician, health facility, or health personnel, who withholds or withdraws life-sustaining procedures from a qualified patient who has indicated in his or her directive that he or she wants to receive such treatment shall not be immune from criminal or civil liability for failing to effectuate the directive of the qualified patient pursuant to this chapter.

No physician, health facility, or health personnel, acting in good faith and who otherwise complies with the requirements of this chapter, who provides life-sustaining procedures to a person who is under his or her immediate and temporary care shall be criminally or civilly liable for failing to effectuate the directive of the qualified patient pursuant to this chapter.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Linda Smith on page 8, line 3, to the Committee on Health and Long-Term Care striking amendment to Substitute House Bill No. 1481.

The motion by Senator Linda Smith failed and the amendment to the committee amendment was not adopted.

MOTION

Senator Cantu moved that the following amendment by Senators Cantu and West to the Committee on Health and Long-Term Care amendment be adopted:

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

"(4) No nurse, physician, or other health care practitioner may be required by law or contract in any circumstances to participate in the withholding or withdrawal of life-sustaining treatment if such person objects to so doing. No person may be discriminated against in employment or professional privileges because of the person's participation or refusal to participate in the withholding or withdrawal of life-sustaining treatment."

Debate ensued.

POINT OF INQUIRY

Senator Talmadge: "Senator Cantu, is it your intent with this amendment to overrule the holding of the State Supreme Court in the case of Farnam versus CRISTA Ministries?"

Senator Cantu: "I cannot answer that, Senator Talmadge."

Further debate ensued.

Senator Cantu demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Cantu and West on page 9, line 9, to the Committee on Health and Long-Term Care striking amendment to Substitute House Bill No. 1481.

ROLL CALL

The Secretary called the roll and the amendment to the committee amendment was adopted by the following vote: Yeas, 28; Nays, 21; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bluechel, Cantu, Craswell, Erwin, Hansen, Hayner, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Oke, Patterson, Rasmussen, Roach, Saling, Sellar, L. Smith, Stratton, Sumner, Thorsness, von Reichbauer, West - 28.

Voting nay: Senators Bauer, Conner, Gaspard, Jesernig, Kreidler, Madsen, McMullen, Moore, Murray, Niemi, Owen, Pelz, Rinehart, Skratek, A. Smith, Snyder, Sutherland, Talmadge, Vognild, Williams, Wojahn - 21.

MOTION

Senator McCaslin moved that the following amendment to the Committee on Health and Long-Term Care amendment be adopted:

On page 12, after line 2 of the amendment, insert the following:

NEW SECTION. Sec. 18. This act shall be submitted to the people for their adoption and ratification, or rejection, at the next succeeding general election to be held in this state, in accordance with Article II, section 1 of the state Constitution, as amended, and the laws adopted to facilitate the operation thereof.

Debate ensued.

Senator McCaslin demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator McCaslin on page 12, after line 2, to the Committee on Health and Long-Term Care striking amendment to Substitute House Bill No. 1481.

ROLL CALL

The Secretary called the roll and the amendment to the committee amendment was not adopted by the following vote: Yeas, 23; Nays, 26; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Cantu, Craswell, Erwin, Hansen, Hayner, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Oke, Patterson, Rasmussen, Roach, Sellar, L. Smith, Sumner, Thorsness, von Reichbauer, West - 23.

Voting nay: Senators Bailey, Barr, Bauer, Bluechel, Conner, Gaspard, Jesernig, Kreidler, Madsen, McMullen, Moore, Murray, Niemi, Owen, Pelz, Rinehart, Saling, Skratek, A. Smith, Snyder, Stratton, Sutherland, Talmadge, Vognild, Williams, Wojahn - 26.

MOTION

Senator Craswell moved that the following amendment by Senators Craswell, Linda Smith and Rasmussen to the Committee on Health and Long-Term Care amendment be adopted:

On page 1, at the beginning of the amendment, strike the entire amendment and title amendment and insert the following:

Sec. 1. RCW 70.122.020 and 1979 c 112 s 3 are each amended to read as follows:

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

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

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

(3) "Health facility" means a hospital as defined in RCW ((70.38.020(7))) 70.41.020(2) or a nursing home as defined in RCW ((70.38.020(8))) 18.51.010, a home health agency or hospice agency as defined in RCW 70.126.010, or a boarding home as defined in RCW 18.20.020.

(4) "Life-sustaining procedure" means any medical or surgical procedure or intervention, including artificially provided nutrition or hydration, which utilizes mechanical or other artificial means to sustain, restore, or supplant a vital

function, which, when applied to a qualified patient, would serve only to artificially prolong the moment of death and where, in the judgment of the attending physician, death is imminent whether or not such procedures are utilized. "Life-sustaining procedure" shall not include the administration of medication or the performance of any medical procedure deemed necessary to alleviate pain.

(5) "Physician" means a person licensed under chapters 18.71 or 18.57 RCW.

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

(7) "Terminal condition" means an incurable condition caused by injury, disease, or illness, which, regardless of the application of life-sustaining procedures, would, within reasonable medical judgment, produce death, and where the application of life-sustaining procedures serve only to postpone the moment of death of the patient.

(8) "Adult person" means a person attaining the age of majority as defined in RCW 26.28.010 and 26.28.015. Sec. 2. RCW 70.122.030 and 1979 c 112 s 4 are each amended to read as follows:

(1) Any adult person may execute a directive directing the withholding or withdrawal of life-sustaining procedures in a terminal condition. The directive shall be signed by the declarer in the presence of two witnesses not related to the declarer by blood or marriage and who would not be entitled to any portion of the estate of the declarer upon declarer's decease under any will of the declarer or codicil thereto then existing or, at the time of the directive, by operation of law then existing. In addition, a witness to a directive shall not be the attending physician, an employee of the attending physician or a health facility in which the declarer is a patient, or any person who has a claim against any portion of the estate of the declarer upon declarer's decease at the time of the execution of the directive. The directive, or a copy thereof, shall be made part of the patient's medical records retained by the attending physician, a copy of which shall be forwarded to the health facility upon the withdrawal of life-sustaining procedures. The directive shall be essentially in the following form, but in addition may include other specific directions:

DIRECTIVE TO PHYSICIANS

Directive made this day of (month, year).

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

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

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

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

(d) If I am certified to be in a terminal condition and it is determined that my death is imminent then: (Check only one, and initial)

 I DO want to receive artificially provided nutrition or hydration.

 I DO NOT want to receive artificially provided nutrition or hydration.

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

Signed.....

City, County, and State of Residence

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

Witness.....

Witness.....

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

Sec. 3. RCW 70.122.060 and 1979 c 112 s 7 are each amended to read as follows:

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

(2) The attending physician or health facility shall inform a patient or patient's authorized representative of the existence of any policy or practice of not withholding or withdrawing life-sustaining procedures that would preclude the honoring of the patient's directive at the time the physician or facility becomes aware of the existence of such a directive. If the patient, after being informed of such policy or practice of not withholding or withdrawing life-sustaining procedures, chooses to retain the physician or facility, the physician or facility with the patient or the patient's representative shall prepare a written plan to be filed with the patient's directive that sets forth the physician's or facilities' intended actions should the patient's medical status change so that the directive would become operative. The physician or facility under this subsection has no obligation to honor the patient's directive to withhold or withdraw life-sustaining procedures if they have complied with the requirements of this subsection, including compliance with the written plan required under this subsection.

(3) The directive shall be conclusively presumed, unless revoked, to be the directions of the patient regarding the withholding or withdrawal of life-sustaining procedures. No physician, ((and no licensed)) health facility, or health personnel acting in good faith ((under the direction of a physician,)) with the directive or in accordance with the written plan in subsection (2) of this section shall be criminally or civilly liable for failing to effectuate the directive of the qualified patient pursuant to this subsection. ((If the physician refuses to effectuate the directive, such physician shall make a good faith effort to transfer the qualified patient to another physician who will effectuate the directive of the qualified patient.))

(4) No nurse, physician, or other health care practitioner may be required by law or contract in any circumstances to participate in the withholding or withdrawal of life-sustaining treatment if such person objects to so doing. No person may be discriminated against in employment or professional privileges because of the person's participation or refusal to participate in the withholding or withdrawal of life-sustaining treatment.

NEW SECTION. Sec. 4. Any determination of imminent death shall be confirmed unanimously in writing by a panel of three physicians before a person is a qualified patient. The panel shall not include any physician making the original determination.

NEW SECTION. Sec. 5. If a qualified patient is mentally competent and requests in writing that he or she wishes to die at home, or a physician certifies in writing that the patient is mentally competent and has clearly indicated that he or she wishes to die at home, the patient shall be discharged as soon as possible. The physician, health care provider, or facility has an obligation to explain the medical risks of an immediate discharge to the qualified patient. If the physician, health care provider, or facility complies with the obligation to explain the medical risks of an immediate discharge to a qualified patient, there shall be no civil or criminal liability for claims arising from such discharge.

NEW SECTION. Sec. 6. Any physician, health care provider acting under the direction of a physician, or health facility and its personnel who participate in good faith in the withholding or withdrawal of life-sustaining procedures from a qualified patient in accordance with the requirements of this chapter, shall be immune from civil liability or professional conduct sanctions unless otherwise negligent.

A physician, health facility, or health personnel, who withholds or withdraws life-sustaining procedures from a qualified patient who has indicated in their directive they want to receive such treatment shall not be immune from criminal or civil liability for failing to effectuate the directive of the qualified patient pursuant to this chapter.

No physician, health facility, or health personnel, acting in good faith and who otherwise complies with the requirements of this chapter, who provides life-sustaining procedures to a person who is under their immediate and temporary care shall be criminally or civilly liable for failing to effectuate the directive of the qualified patient pursuant to this chapter.

NEW SECTION. Sec. 7. Nothing in this chapter shall be construed to limit or expand the right of any person, other than an adult person who has executed a valid directive pursuant to the provisions of this chapter, to direct that life-sustaining procedures be withheld or withdrawn from any person.

NEW SECTION. Sec. 8. RCW 70.122.050 and 1979 c 112 s 6 are each repealed.

NEW SECTION. Sec. 9. Sections 4 through 7 of this act are each added to chapter 70.122 RCW.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Craswell, Linda Smith and Rasmussen on page 1, at the beginning of the amendment to the Committee on Health and Long-Term Care striking amendment to Substitute House Bill No. 1481.

The motion by Senator Craswell failed and the amendment to the committee amendment was not adopted.

The President declared the question before the Senate to be the adoption of the Committee on Health and Long-Term Care striking amendment, as amended, to Substitute House Bill No. 1481.

The Committee on Health and Long-Term Care amendment, as amended, to Substitute House Bill No. 1481 was adopted.

MOTIONS

On motion of Senator West, the following title amendment was adopted:

On page 1, line 1 of the title, after "act;" strike the remainder of the title and insert "amending RCW 70.122.010, 70.122.020, 70.122.030, 70.122.060, 70.122.070, 70.122.080, 70.122.090, and 70.122.100; adding a new section to chapter 43.70 RCW; adding new sections to chapter 70.122 RCW; and repealing RCW 70.122.050."

On motion of Senator West, the rules were suspended, Substitute House Bill No. 1481, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1481, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1481, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 28; Nays, 21; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Barr, Bauer, Bluechel, Conner, Gaspard, Hansen, Jesernig, Kreidler, Madsen, McMullen, Moore, Murray, Niemi, Owen, Pelz, Rinehart, Saling, Skratek, A. Smith, Snyder, Stratton, Sutherland, Talmadge, Vognild, West, Williams, Wojahn - 28.

Voting nay: Senators Amondson, Anderson, Cantu, Craswell, Erwin, Hayner, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Oke, Patterson, Rasmussen, Roach, Sellar, L. Smith, Sumner, Thorsness, von Reichbauer - 21.

SUBSTITUTE HOUSE BILL NO. 1481, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6089, by Senators West, Kreidler, Patterson, Bailey, Vognild, Madsen, Talmadge, Johnson and McMullen (by request of Governor Gardner)

Enacting comprehensive health care reform.

The bill was read the second time.

MOTION

Senator West moved that the following Committee on Ways and Means amendment be adopted:

Strike everything after the enacting clause and insert the following:

PART I - HEALTH CARE COST AND ACCESS COMMISSION

NEW SECTION. Sec. 1. DUTIES AND RESPONSIBILITIES. In addition to the duties and responsibilities specified in House Concurrent Resolution No. 4443 adopted by the legislature in 1990, the health care cost and access commission authorized therein shall in its report to the legislature and the governor on November 1, 1992, make recommendations on the following:

(1) Recommend proposed alternative uniform benefit plans that the legislature should consider, including estimates of the cost of each alternative plan and recommendations on copayments, deductibles, and premium sharing that should be included; and

(2) Analyze the effects and implications of the Employee's Retirement Income Security Act (ERISA) self-funding provisions and the need for changes in federal law.

PART II - BASIC HEALTH PLAN

Sec. 2. RCW 70.47.010 and 1987 1st ex.s. c 5 s 3 are each amended to read as follows:

(1) The legislature finds that:

(a) A significant percentage of the population of this state does not have reasonably available insurance or other coverage of the costs of necessary basic health care services;

(b) This lack of basic health care coverage is detrimental to the health of the individuals lacking coverage and to the public welfare, and results in substantial expenditures for emergency and remedial health care, often at the expense of health care providers, health care facilities, and all purchasers of health care, including the state; and

(c) The use of managed health care systems has significant potential to reduce the growth of health care costs incurred by the people of this state generally, and by low-income pregnant women who are an especially vulnerable population, along with their children, and who need greater access to managed health care.

(2) The purpose of this chapter is to provide or make available necessary basic health care services in an appropriate setting to working persons and others who lack coverage, at a cost to these persons that does not create barriers to the utilization of necessary health care services. To that end, this chapter establishes a program to be made available to those residents under sixty-five years of age not otherwise eligible for medicare with gross family income at or below ~~((two))~~ three hundred percent of the federal poverty guidelines who share in a portion of the cost or who pay the full cost of receiving basic health care services from a managed health care system.

(3) It is not the intent of this chapter to provide health care services for those persons who are presently covered through private employer-based health plans, nor to replace employer-based health plans. Further, it is the intent of the legislature to expand, wherever possible, the availability of private health care coverage and to discourage the decline of employer-based coverage.

~~(4) ((The program authorized under this chapter is strictly limited in respect to the total number of individuals who may be allowed to participate and the specific areas within the state where it may be established. All such restrictions or limitations shall remain in full force and effect until quantifiable evidence based upon the actual operation of the program, including detailed cost benefit analysis, has been presented to the legislature and the legislature, by specific act at that time, may then modify such limitations))~~

(a) It is the purpose of this chapter to acknowledge the initial success of this program that has (i) assisted thousands of families in their search for affordable health care; (ii) demonstrated that low-income uninsured families are willing to pay for their own health care coverage to the extent of their ability to pay; and (iii) proved that local health care providers are willing to enter into a public/private partnership as they configure their own professional and business relationships into a managed care system.

(b) As a consequence, the legislature intends to make the program available to individuals with incomes below three hundred percent of federal poverty guidelines within the state who reside in communities where the plan is operational and who collectively or individually wish to exercise the opportunity to purchase health care coverage through the program if it is done at no cost to the state. It is also the intent of the legislature to allow employers and other financial sponsors to assist such individuals purchase health care through the program.

Sec. 3. RCW 70.47.020 and 1987 1st ex.s. c 5 s 4 are each amended to read as follows:

As used in this chapter:

(1) "Washington basic health plan" or "plan" means the system of enrollment and payment on a prepaid capitated basis for basic health care services, administered by the plan administrator through participating managed health care systems, created by this chapter.

(2) "Administrator" means the Washington basic health plan administrator.

(3) "Managed health care system" means any health care organization, including health care providers, insurers, health care service contractors, health maintenance organizations, or any combination thereof, that provides directly or by contract basic health care services, as defined by the administrator and rendered by duly licensed providers, on a prepaid capitated basis to a defined patient population enrolled in the plan and in the managed health care system.

(4) "Enrollee" means an individual, or an individual plus the individual's spouse and/or dependent children, all under the age of sixty-five and not otherwise eligible for medicare, who resides in an area of the state served by a managed health care system participating in the plan, ~~((whose gross family income at the time of enrollment does not exceed twice the federal poverty level as adjusted for family size and determined annually by the federal department of health and human services,))~~ who chooses to obtain basic health care coverage from a particular managed health care system in return for periodic payments to the plan. Nonsubsidized enrollees shall be considered enrollees unless otherwise specified.

(5) "Nonsubsidized enrollee" means an enrollee who pays the full premium for participation in the plan and shall not be eligible for any subsidy from the plan.

(6) "Subsidy" means the difference between the amount of periodic payment the administrator makes, from funds appropriated from the basic health plan trust account, to a managed health care system on behalf of an enrollee plus the administrative cost to the plan of providing the plan to that enrollee, and the amount determined to be the enrollee's responsibility under RCW 70.47.060(2).

~~((6))~~ (7) "Premium" means a periodic payment, based upon gross family income and determined under RCW 70.47.060(2), which an enrollee makes to the plan as consideration for enrollment in the plan.

~~((7))~~ (8) "Rate" means the per capita amount, negotiated by the administrator with and paid to a participating managed health care system, that is based upon the enrollment of enrollees in the plan and in that system.

Sec. 4. RCW 70.47.030 and 1991 sp.s. c 13 s 68 and 1991 sp.s. c 4 s 1 are each reenacted and amended to read as follows:

(1) The basic health plan trust account is hereby established in the state treasury. ~~((All))~~ Any nongeneral fund-state funds collected for this program shall be deposited in the basic health plan trust account and may be expended without further appropriation. Moneys in the account shall be used exclusively for the purposes of this chapter, including payments to participating managed health care systems on behalf of enrollees in the plan and payment of costs of administering the plan. After July 1, 1991, the administrator shall not expend or encumber for an ensuing fiscal period amounts exceeding ninety-five percent of the amount anticipated to be spent for purchased services during the fiscal year.

(2) The basic health plan subscription account is created in the custody of the state treasurer. All receipts from amounts due under RCW 70.47.060 (10) and (11) shall be deposited into the account. Funds in the account shall be used exclusively for the purposes of this chapter, including payments to participating managed health care systems on behalf of enrollees in the plan and payment of costs of administering the plan. The account is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures.

(3) The administrator shall take every precaution to see that none of the funds in the separate accounts created in this section or that any premiums paid either by subsidized or nonsubsidized enrollees are commingled in any way, except that the administrator may combine funds designated for administration of the plan into a single administrative account.

Sec. 5. RCW 70.47.060 and 1991 sp.s. c 4 s 2 and 1991 c 3 s 339 are each reenacted and amended to read as follows:

The administrator has the following powers and duties:

(1) To design and from time to time revise a schedule of covered basic health care services, including physician services, inpatient and outpatient hospital services, and other services that may be necessary for basic health care, which enrollees in any participating managed health care system under the Washington basic health plan shall be entitled to receive in return for premium payments to the plan. The schedule of services shall emphasize proven preventive and primary health care, shall include all services necessary for prenatal, postnatal, and well-child care, and shall include a separate schedule of basic health care services for children, eighteen years of age and younger, for those enrollees who choose to secure basic coverage through the plan only for their dependent children. In designing and revising the schedule of services, the administrator shall consider the guidelines for assessing health services under the mandated benefits act of 1984, RCW 48.42.080, and such other factors as the administrator deems appropriate.

(2) To design and implement a structure of periodic premiums due the administrator from enrollees that is based upon gross family income, giving appropriate consideration to family size as well as the ages of all family members. The enrollment of children shall not require the enrollment of their parent or parents who are eligible for the plan.

(a) An employer or other financial sponsor may, with the approval of the administrator, pay the premium on behalf of any enrollee, by arrangement with the enrollee and through a mechanism acceptable to the administrator, but in no case shall the payment made on behalf of the enrollee exceed eighty percent of total premiums due from the enrollee.

(b) Premiums due from nonsubsidized enrollees, who are not otherwise eligible to be enrollees, shall be in an amount equal to the cost charged by the managed health care system provider to the state for the plan plus the administrative cost of providing the plan to those enrollees.

(3) To design and implement a structure of nominal copayments due a managed health care system from enrollees. The structure shall discourage inappropriate enrollee utilization of health care services, but shall not be so costly to enrollees as to constitute a barrier to appropriate utilization of necessary health care services.

(4) To design and implement, in concert with a sufficient number of potential providers in a discrete area, an enrollee financial participation structure, separate from that otherwise established under this chapter, that has the following characteristics:

(a) Nominal premiums that are based upon ability to pay, but not set at a level that would discourage enrollment;

(b) A modified fee-for-services payment schedule for providers;

(c) Coinsurance rates that are established based on specific service and procedure costs and the enrollee's ability to pay for the care. However, coinsurance rates for families with incomes below one hundred twenty percent of the federal poverty level shall be nominal. No coinsurance shall be required for specific proven prevention programs, such as prenatal care. The coinsurance rate levels shall not have a measurable negative effect upon the enrollee's health status; and

(d) A case management system that fosters a provider-enrollee relationship whereby, in an effort to control cost, maintain or improve the health status of the enrollee, and maximize patient involvement in her or his health care decision-making process, every effort is made by the provider to inform the enrollee of the cost of the specific services and procedures and related health benefits.

The potential financial liability of the plan to any such providers shall not exceed in the aggregate an amount greater than that which might otherwise have been incurred by the plan on the basis of the number of enrollees multiplied by the average of the prepaid capitated rates negotiated with participating managed health care systems under RCW 70.47.100 and reduced by any sums charged enrollees on the basis of the coinsurance rates that are established under this subsection.

(5) To limit enrollment of persons who qualify for subsidies so as to prevent an overexpenditure of appropriations for such purposes. Whenever the administrator finds that there is danger of such an overexpenditure, the administrator shall close enrollment until the administrator finds the danger no longer exists.

(6)(a) To limit the payment of a subsidy to an enrollee, as defined in RCW 70.47.020, whose gross family income at the time of enrollment does not exceed twice the federal poverty level adjusted for family size and determined annually by the federal department of health and human services.

(b) To limit participation of nonsubsidized enrollees in the plan to those whose family incomes at the time of enrollment does not exceed three times the federal poverty level adjusted for family size and determined annually by the federal department of health and human services.

(7) To adopt a schedule for the orderly development of the delivery of services and availability of the plan to residents of the state, subject to the limitations contained in RCW 70.47.080.

In the selection of any area of the state for the initial operation of the plan, the administrator shall take into account the levels and rates of unemployment in different areas of the state, the need to provide basic health care coverage to a population reasonably representative of the portion of the state's population that lacks such coverage, and the need for geographic, demographic, and economic diversity.

~~((Before July 1, 1988, the administrator shall endeavor to secure participation contracts with managed health care systems in discrete geographic areas within at least five congressional districts.~~

~~((7))~~ (8) To solicit and accept applications from managed health care systems, as defined in this chapter, for inclusion as eligible basic health care providers under the plan. The administrator shall endeavor to assure that covered basic health care services are available to any enrollee of the plan from among a selection of two or more participating managed health care systems. In adopting any rules or procedures applicable to managed health care systems and in its dealings with such systems, the administrator shall consider and make suitable allowance for the need for health care services and the differences in local availability of health care resources, along with other resources, within and among the several areas of the state.

~~((8))~~ (9) To receive periodic premiums from enrollees, deposit them in the basic health plan operating account, keep records of enrollee status, and authorize periodic payments to managed health care systems on the basis of the number of enrollees participating in the respective managed health care systems.

~~((9))~~ (10) To accept applications from individuals residing in areas served by the plan, on behalf of themselves and their spouses and dependent children, for enrollment in the Washington basic health plan, to establish appropriate minimum-enrollment periods for enrollees as may be necessary, and to determine, upon application and at least annually thereafter, or at the request of any enrollee, eligibility due to current gross family income for sliding scale premiums. An enrollee who remains current in payment of the sliding-scale premium, as determined under subsection (2) of this section, and whose gross family income has risen above ~~((twice))~~ three times the federal poverty level, may continue

enrollment unless and until the enrollee's gross family income has remained above ~~((twice))~~ three times the poverty level for six consecutive months, by making payment at the unsubsidized rate required for the managed health care system in which he or she may be enrolled plus the administrative cost of providing the plan to that enrollee. No subsidy may be paid with respect to any enrollee whose current gross family income exceeds twice the federal poverty level or, subject to RCW 70.47.110, who is a recipient of medical assistance or medical care services under chapter 74.09 RCW. If a number of enrollees drop their enrollment for no apparent good cause, the administrator may establish appropriate rules or requirements that are applicable to such individuals before they will be allowed to re-enroll in the plan.

~~((40))~~ (11) To accept applications from small business owners on behalf of themselves and their employees, spouses, and dependents who reside in an area served by the plan. The administrator may require all or the substantial majority of the eligible employees of such businesses to enroll in the plan and establish those procedures necessary to facilitate the orderly enrollment of groups in the plan and into a managed health care system. Such businesses shall have less than fifty employees and enrollment shall be limited to those not otherwise eligible for medicare, whose gross family income at the time of enrollment does not exceed three times the federal poverty level as adjusted for family size and determined by the federal department of health and human services, who wish to enroll in the plan at no cost to the state and choose to obtain the basic health care coverage and services from a managed care system participating in the plan. The administrator shall adjust the amount determined to be due on behalf of or from all such enrollees whenever the amount negotiated by the administrator with the participating managed health care system or systems is modified or the administrative cost of providing the plan to such enrollees changes. No enrollee of a small business group shall be eligible for any subsidy from the plan and at no time shall the administrator allow the credit of the state or funds from the trust account to be used or extended on their behalf.

(12) To accept applications from individuals residing in areas serviced by the plan, on behalf of themselves and their spouses and dependent children, under sixty-five years of age and not otherwise eligible for medicare, whose gross family income at the time of enrollment does not exceed three times the federal poverty level as adjusted for family size and determined by the federal department of health and human services, who wish to enroll in the plan at no cost to the state and choose to obtain the basic health care coverage and services from a managed care system participating in the plan. Any such nonsubsidized enrollees must pay the amount negotiated by the administrator with the participating managed health care system and the administrative cost of providing the plan to such nonsubsidized enrollees and shall not be eligible for any subsidy from the plan.

(13) To determine the rate to be paid to each participating managed health care system in return for the provision of covered basic health care services to enrollees in the system. Although the schedule of covered basic health care services will be the same for similar enrollees, the rates negotiated with participating managed health care systems may vary among the systems. In negotiating rates with participating systems, the administrator shall consider the characteristics of the populations served by the respective systems, economic circumstances of the local area, the need to conserve the resources of the basic health plan trust account, and other factors the administrator finds relevant. In determining the rate to be paid to a contractor, the administrator shall strive to assure that the rate does not result in adverse cost shifting to other private payers of health care.

~~((41))~~ (14) To monitor the provision of covered services to enrollees by participating managed health care systems in order to assure enrollee access to good quality basic health care, to require periodic data reports concerning the utilization of health care services rendered to enrollees in order to provide adequate information for evaluation, and to inspect the books and records of participating managed health care systems to assure compliance with the purposes of this chapter. In requiring reports from participating managed health care systems, including data on services rendered enrollees, the administrator shall endeavor to minimize costs, both to the managed health care systems and to the administrator. The administrator shall coordinate any such reporting requirements with other state agencies, such as the insurance commissioner and the department of health, to minimize duplication of effort.

~~((42))~~ (15) To monitor the access that state residents have to adequate and necessary health care services, determine the extent of any unmet needs for such services or lack of access that may exist from time to time, and make such reports and recommendations to the legislature as the administrator deems appropriate.

~~((43))~~ (16) To evaluate the effects this chapter has on private employer-based health care coverage and to take appropriate measures consistent with state and federal statutes that will discourage the reduction of such coverage in the state.

~~((44))~~ (17) To develop a program of proven preventive health measures and to integrate it into the plan wherever possible and consistent with this chapter.

~~((45))~~ (18) To provide, consistent with available resources, technical assistance for rural health activities that endeavor to develop needed health care services in rural parts of the state.

Sec. 6. RCW 70.47.080 and 1987 1st ex.s. c 5 s 10 are each amended to read as follows:

On and after July 1, 1988, the administrator shall accept for enrollment applicants eligible to receive covered basic health care services from the respective managed health care systems which are then participating in the plan. ~~((The administrator shall not allow the total enrollment of those eligible for subsidies to exceed thirty thousand.))~~

Thereafter, ~~((total))~~ the average monthly enrollment of those eligible for subsidies during any biennium shall not exceed the number established by the legislature in any act appropriating funds to the plan, and total subsidized enrollment shall not result in expenditures that exceed the total amount that has been made available by the legislature in any act appropriating funds to the plan.

~~((Before July 1, 1988, the administrator shall endeavor to secure participation contracts from managed health care systems in discrete geographic areas within at least five congressional districts of the state and in such manner as to allow residents of both urban and rural areas access to enrollment in the plan. The administrator shall make a special effort to secure agreements with health care providers in one such area that meets the requirements set forth in RCW 70.47.060(4).))~~

The administrator shall at all times closely monitor growth patterns of enrollment so as not to exceed that consistent with the orderly development of the plan as a whole, in any area of the state or in any participating managed health care system. The annual or biennial enrollment limitations derived from operation of the plan under this section do not apply to nonsubsidized enrollees as defined in RCW 70.47.020(6).

Sec. 7. RCW 70.47.120 and 1987 1st ex.s. c 5 s 14 are each amended to read as follows:

In addition to the powers and duties specified in RCW 70.47.040 and 70.47.060, the administrator has the power to enter into contracts for the following functions and services:

(1) With public or private agencies, to assist the administrator in her or his duties to design or revise the schedule of covered basic health care services, and/or to monitor or evaluate the performance of participating managed health care systems.

(2) With public or private agencies, to provide technical or professional assistance to health care providers, particularly public or private nonprofit organizations and providers serving rural areas, who show serious intent and apparent capability to participate in the plan as managed health care systems.

(3) With public or private agencies, including health care service contractors registered under RCW 48.44.015, and doing business in the state, for marketing and administrative services in connection with participation of managed health care systems, enrollment of enrollees, billing and collection services to the administrator, and other administrative functions ordinarily performed by health care service contractors, other than insurance except that the administrator may purchase or arrange for the purchase of reinsurance, or self-insure for reinsurance, on behalf of its participating managed health care systems. Any activities of a health care service contractor pursuant to a contract with the administrator under this section shall be exempt from the provisions and requirements of Title 48 RCW.

NEW SECTION. Sec. 8. SUNSET REPEALED. The following acts or parts of acts are each repealed:

(1) RCW 43.131.355 and 1987 1st ex.s. c 5 s 24; and

(2) RCW 43.131.356 and 1987 1st ex.s. c 5 s 25.

PART III - BASIC HEALTH PLAN ENROLLMENT EXPANSION

NEW SECTION. Sec. 9. BASIC HEALTH PLAN ENROLLMENT EXPANSION. The state basic health plan is authorized to expand the number of state-subsidized enrollments from up to twenty-four thousand, as is specified in 1991-93 biennial operating budget, section 230, chapter 16, Laws of 1991 sp. sess., to an enrollment limit of up to sixty-four thousand. If specific funding for the purposes of this section, referencing this act by bill number, is not provided by June 30, 1992, in the omnibus appropriations act, this section shall become null and void.

PART IV - HEALTH DATA COLLECTION

Sec. 10. RCW 70.170.010 and 1989 1st ex.s. c 9 s 501 are each amended to read as follows:

(1) The legislature finds and declares that there is a need for health care information that helps the general public understand health care issues and how they can be better consumers and that is useful to purchasers, payers, and providers in making health care choices, determining and monitoring the quality of health care services and ~~((negotiating payments))~~ making health care purchasing decisions. It is the purpose and intent of this chapter to establish a ~~((hospital))~~ personal health services data collection, storage, and retrieval system which supports these data needs and which also provides public officials and others engaged in the development of state health policy, the purchasing of health care services, and the monitoring of the health care system for quality the information necessary for the analysis of health care issues.

(2) The legislature finds that rising health care costs and access to health care services are of vital concern to the people of this state. It is, therefore, essential that strategies be explored that moderate health care costs and promote access to health care services.

(3) The legislature further finds that access to health care is among the state's goals and the provision of such care should be among the purposes of health care providers and facilities. Therefore, the legislature intends that charity care requirements and related enforcement provisions for hospitals be explicitly established.

(4) The lack of reliable statistical information about the delivery of charity care is a particular concern that should be addressed. ~~((It is the))~~ A purpose ((and intent)) of this chapter is to require hospitals to provide, and report to the state, charity care to persons with acute care needs, and to have a state agency both monitor and report on the relative commitment of hospitals to the delivery of charity care services, as well as the relative commitment of public and private purchasers or payers to charity care funding.

(5) It is further the intent of this chapter to designate the department of health as depository agency for personal health data collected pursuant to goals established in this section.

Sec. 11. RCW 70.170.030 and 1989 1st ex.s. c 9 s 503 are each amended to read as follows:

(1) There is created the health care access and cost control council within the department of health consisting of the following: The director of the department of labor and industries; the administrator of the health care authority; the secretary of social and health services; the administrator of the basic health plan; a person representing the governor on matters of health policy; the secretary of health; and ~~((one member from the public at large to be selected by the governor who shall represent individual consumers of health care))~~ five public members, to be selected by the governor, comprised of two health care providers, two payers of health care services, and one member from the public-at-large who shall represent individual consumers of health care. The public member-at-large shall not have any fiduciary obligation to any health care facility or any financial interest in the provision of health care services. Members employed by the state shall serve without pay and participation in the council's work shall be deemed performance of their employment. The public members shall be compensated in accordance with RCW 43.03.240 and shall be reimbursed for related travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(2) A member of the council designated by the governor shall serve as chairman. The council shall elect a vice-chairman from its members biennially. Meetings of the council shall be held as frequently as its duties require. The council shall keep minutes of its meetings and adopt procedures for the governing of its meetings, minutes, and transactions.

(3) ~~((Four))~~ Seven members shall constitute a quorum, but a vacancy on the council shall not impair its power to act. No action of the council shall be effective unless ~~((four))~~ seven members concur therein.

Sec. 12. RCW 70.170.040 and 1989 1st ex.s. c 9 s 504 are each amended to read as follows:

(1) In order to advise the department and the board of health in preparing executive request legislation and the state health report according to RCW 43.20.050, and, in order to ~~((represent the public interest))~~ assist the department to establish a depository of personal health services data, the council shall monitor and evaluate ~~((hospital and related))~~ health care services consistent with RCW 70.170.010. In fulfilling its responsibilities, the council shall have complete access to all the department's data and information systems.

(2) The council shall advise the department on the hospital and health care services data collection system required by this chapter.

(3) The council, in addition to participation in the development of the state health report, shall, from time to time, report to the governor and the appropriate committees of the legislature with proposed changes in ~~((hospital and related))~~ health care services, consistent with the findings in RCW 70.170.010.

(4) The department ~~((may))~~ shall undertake, with advice from the council and within available funds, the following studies and activities:

(a) Recommendations regarding health care cost containment, and the assurance of access and maintenance of adequate standards of care;

(b) Analysis of the effects of various payment methods on health care access and costs;

(c) The utility of the certificate of need program and related health planning process;

(d) Methods of permitting the inclusion of advance medical technology on the health care system, while controlling inappropriate use;

(e) The appropriateness of allocation of health care services;

(f) Professional liabilities on health care access and costs, to include:

(i) Quantification of the financial effects of professional liability on health care reimbursement;

(ii) Determination of the effects, if any, of nonmonetary factors upon the availability of, and access to, appropriate and necessary basic health services such as, but not limited to, prenatal and obstetrical care; and

(iii) Recommendation of proposals that would mitigate cost and access impacts associated with professional liability.

~~((The department shall report its findings and recommendations to the governor and the appropriate committees of the legislature not later than July 1, 1991.))~~ (g) Strategies to engage in data collection activities necessary to pursue the objectives established under RCW 70.170.010;

(h) Strategies to standardize and coordinate existing state agency health care data systems necessary to pursue objectives established under RCW 70.170.010; and

(i) Strategies, to the extent possible, to develop data sharing activities between the public and private sectors on personal health data and to incorporate such data into the data repository consistent with objectives established under RCW 70.170.010.

PART V - PRACTICE PARAMETERS AND RISK MANAGEMENT PROTOCOLS

NEW SECTION. Sec. 13. LEGISLATIVE INTENT. The legislature finds that improving the quality of health services provided by health care professionals is an important public policy objective. It is in the public's interest to assure that health care professionals utilize diagnostic procedures and treatments that are appropriate and efficacious.

The legislature further finds that the state of health care technology and knowledge is increasingly advancing to the state where it is possible to assess the effectiveness and appropriateness of specific treatments and measure the quality of health care provided to individuals. Such advances will permit a more systematic monitoring and evaluation of services delivered by health care professionals towards the goals of assuring appropriate and effective utilization of such services.

The legislature finds and declares that practice guidelines or parameters and risk management protocols can be an effective means for assuring appropriate and efficacious treatments. Public policy should be established to encourage their development and use.

NEW SECTION. Sec. 14. DEPARTMENT ACTIVITIES. The department shall consult with health care providers, purchasers, health professional regulatory authorities under RCW 18.130.040, appropriate research and clinical experts, and consumers of health care services to identify specific practice areas where practice parameters and risk management protocols can reasonably be developed. The department shall make a report, including recommendations for legislation, to the governor and appropriate legislative committees in the senate and house of representatives by December 15, 1992, on the following:

- (1) The health care services where practice parameters and risk management protocols can reasonably be developed given the current state of knowledge;
- (2) The use of practice parameters and risk management protocols in quality assurance and as standards in malpractice litigation;
- (3) Practical issues involved in developing practice parameters and risk management protocols, including needed data bases and monitoring capabilities;
- (4) Appropriate roles for the public and private interests in the development and implementation of practice parameters and risk management protocols, including the role of health professional credentialing and disciplinary authorities, purchasers, consumers, health care research institutions, and others; and
- (5) A strategy for the development of practice parameters and risk management protocols.

PART VI - HEALTH CARE MALPRACTICE REFORM

Sec. 15. RCW 7.70.070 and 1975-'76 2nd ex.s. c 56 s 12 are each amended to read as follows:

The court shall, in any action under this chapter, determine the reasonableness of each party's fixed attorneys fees. The court shall take into consideration the following:

- (1) The time and labor required, the novelty and difficulty of the questions involved, and the skill requisite to perform the legal service properly;
- (2) The likelihood, if apparent to the client, that the acceptance of the particular employment will preclude other employment by the lawyer;
- (3) The fee customarily charged in the locality for similar legal services;
- (4) The amount involved and the results obtained;
- (5) The time limitations imposed by the client or by the circumstances;
- (6) The nature and length of the professional relationship with the client;
- (7) The experience, reputation, and ability of the lawyer or lawyers performing the services(;
- ~~(8) Whether the fee is fixed or contingent).~~

NEW SECTION. Sec. 16. CONTINGENT ATTORNEYS' FEES LIMITED. (1) As used in this section:

(a) "Contingency fee agreement" means an agreement that an attorney's fee is dependent or contingent, in whole or in part, upon successful prosecution or settlement of a claim or action, or upon the amount of recovery.

(b) "Properly chargeable disbursements" means reasonable expenses incurred and paid by an attorney on a client's behalf in prosecuting or settling a claim or action.

(c) "Recovery" means the amount to be paid to an attorney's client as a result of a settlement or money judgment.

(2) In a claim or action filed under this chapter for personal injury or wrongful death based upon the alleged conduct of another, if an attorney enters into a contingency fee agreement with his or her client and if a money judgment is awarded to the attorney's client or the claim or action is settled, the attorney's fee shall not exceed the amounts set forth in (a) and (b) of this subsection:

(a) Not more than forty percent of the first five thousand dollars recovered, then not more than thirty-five percent of the amount more than five thousand dollars but less than twenty-five thousand dollars, then not more than twenty-five percent of the amount of twenty-five thousand dollars or more but less than two hundred fifty thousand dollars, then not more than twenty percent of the amount of two hundred fifty thousand dollars or more but less than five hundred thousand dollars, and not more than ten percent of the amount of five hundred thousand dollars or more.

(b) As an alternative to (a) of this subsection, not more than one-third of the first two hundred fifty thousand dollars recovered, not more than twenty percent of an amount more than two hundred fifty thousand dollars but less than five hundred thousand dollars, and not more than ten percent of an amount more than five hundred thousand dollars.

(3) The fees allowed in subsection (2) of this section are computed on the net sum of the recovery after deducting from the recovery the properly chargeable disbursements. In computing the fee, the costs as taxed by the court are part of the amount of the money judgment. In the case of a recovery payable in installments, the fee is computed using the present value of the future payments.

(4) A contingency fee agreement made by an attorney with a client must be in writing and must be executed at the time the client retains the attorney for the claim or action that is the basis for the contingency fee agreement. An attorney who fails to comply with this subsection is barred from recovering a fee in excess of the lowest fee available under subsection (2) of this section, but the other provisions of the contingency fee agreement remain enforceable.

(5) An attorney shall provide a copy of a contingency fee agreement to the client at the time the contingency fee agreement is executed. An attorney shall include his or her usual and customary hourly rate of compensation in a contingency fee agreement.

(6) An attorney who enters into a contingency fee agreement that violates subsection (2) of this section is barred from recovering a fee in excess of the attorney's reasonable actual attorney fees based on his or her usual and customary hourly rate of compensation, up to the lowest amount allowed under subsection (2) of this section, but the other provisions of the contingency fee agreement remain enforceable.

NEW SECTION. Sec. 17. LEGISLATIVE INTENT. The legislature finds that in *Sofie v. Fibreboard Corp.*, 112 Wn.2d 636 (1989), the Washington state supreme court struck down the limit on noneconomic damages enacted by the legislature in 1986, because the court found that the statutory limitation on noneconomic damages interfered with the jury's province to determine damages, and thus violated a plaintiff's constitutionally protected right to trial by jury.

The legislature further finds that reforms in existing law for actions involving fault are necessary and proper to avoid catastrophic economic consequences for state and local governmental entities as well as private individuals and businesses.

Therefore, the legislature declares that to remedy the economic inequities which may arise from *Sofie*, defendants in actions involving fault should be held financially liable in closer proportion to their respective degree of fault. To treat them differently is unfair and inequitable.

It is further the intent of the legislature to partially eliminate causes of action based on joint and several liability as provided by this act for the purpose of reducing costs associated with the civil justice system.

NEW SECTION. Sec. 18. JOINT AND SEVERAL LIABILITY RESTRICTIONS. (1) For the purposes of this section, the term "economic damages" means objectively verifiable monetary losses, including medical expenses, loss of earnings, burial costs, cost of obtaining substitute domestic services, loss of employment, and loss of business or employment opportunities. "Economic damages" does not include subjective, nonmonetary losses such as pain and suffering, mental anguish, emotional distress, disability and disfigurement, inconvenience, injury to reputation, humiliation, destruction of the parent-child relationship, the nature and extent of an injury, loss of consortium, society, companionship, support, love, affection, care, services, guidance, training, instruction, and protection.

(2) In all actions involving fault of more than one entity, the trier of fact shall determine the percentage of the total fault which is attributable to every entity which caused the claimant's injuries, including the claimant or person suffering personal injury, defendants, third-party defendants, entities released by the claimant, entities immune from liability to the claimant and entities with any other individual defense against the claimant. Judgment shall be entered against each defendant except those who have been released by the claimant or are immune from liability to the claimant or have prevailed on any other individual defense against the claimant in an amount which represents that party's

proportionate share of the claimant's total damages. The liability of each defendant shall be several only and shall not be joint except:

(a) A party shall be responsible for the fault of another person or for payment of the proportionate share of another party where both were acting in concert or when a person was acting as an agent or servant of the party.

(b) If the trier of fact determines that the claimant or party suffering bodily injury was not at fault, the defendants against whom judgment is entered shall be jointly and severally liable for the sum of their proportionate shares of the claimant's economic damages.

(3) If a defendant is jointly and severally liable under one of the exceptions listed in subsection (2)(a) or (b) of this section, such defendant's rights to contribution against another jointly and severally liable defendant, and the effect of settlement by either such defendant, shall be determined under RCW 4.22.040, 4.22.050, and 4.22.060.

NEW SECTION. Sec. 19. CERTIFICATE OF MERIT REQUIRED. (1) The claimant's attorney shall file the certificate specified in subsection (2) of this section within thirty days of filing or service, whichever occurs later, for any action for damages arising out of injuries resulting from health care by a person regulated by a disciplinary authority in the state of Washington to practice a health care profession under RCW 18.130.040 or by the state board of pharmacy under chapter 18.64 RCW.

(2) The certificate issued by the claimant's attorney shall declare:

(a) That the attorney has reviewed the facts of the case;

(b) That the attorney has consulted with at least one qualified expert who holds a license, certificate, or registration issued by this state or another state in the same profession as that of the defendant, who practices in the same specialty or subspecialty as the defendant, and who the attorney reasonably believes is knowledgeable in the relevant issues involved in the particular action;

(c) The identity of the expert and the expert's license, certification, or registration;

(d) That the expert is willing and available to testify to admissible facts or opinions; and

(e) That the attorney has concluded on the basis of such review and consultation that there is reasonable and meritorious cause for the filing of such action.

(3) Where a certificate is required under this section, and where there are multiple defendants, the certificate or certificates must state the attorney's conclusion that on the basis of review and expert consultation, there is reasonable and meritorious cause for the filing of such action as to each defendant.

(4) The provisions of this section shall not be applicable to a plaintiff who is not represented by an attorney.

(5) Violation of this section shall be grounds for either dismissal of the case or sanctions against the attorney, or both, as the court deems appropriate.

NEW SECTION. Sec. 20. EFFECTIVE DATE. Section 19 of this act applies to all actions for damages arising out of injuries resulting from health care filed on or after July 1, 1992.

NEW SECTION. Sec. 21. LEGISLATIVE INTENT. The legislature finds and declares that:

(1) The willingness of volunteer health care providers to offer their services has been increasingly deterred by a perception that they put personal assets at risk in the event of tort actions seeking damages arising from their activities as volunteers;

(2) The contributions of programs, activities, and services to communities is diminished and worthwhile programs, activities, and services are deterred by the unwillingness of volunteer health care providers to serve either as volunteers or as officers, directors, or trustees of nonprofit public and private organizations;

(3) It is in the public interest to strike a balance between the right of a person to seek redress for injury and the right of an individual health care provider to freely give of his or her time and energy without compensation as a volunteer in service to his or her community without fear of personal liability for acts undertaken in good faith absent willful or wanton conduct on the part of the volunteer; and

(4) This chapter is intended to encourage volunteer health care providers to contribute their services for the good of their communities and at the same time provide a reasonable basis for redress of claims which may arise relating to those services.

NEW SECTION. Sec. 22. DEFINITIONS. Unless the context clearly requires otherwise, the definitions in this section apply throughout sections 23 and 24 of this act.

(1) "Volunteer" is a person regulated by a disciplinary authority in the State of Washington to practice a health care profession under RCW 18.130.040, or by the state board of pharmacy under chapter 18.64 RCW, providing health care services for a nonprofit organization, a nonprofit corporation, a hospital, or a governmental entity without compensation, other than reimbursement for actual expenses incurred. The term includes a volunteer serving as a director, officer, trustee, or direct service volunteer.

(2) "Nonprofit organization" is any organization that is exempt from taxation pursuant to section 501(c) of the Internal Revenue Code, 26 U.S.C. Sec. 501(c), as amended.

(3) "Nonprofit corporation" is any corporation that is defined as a nonprofit corporation under Title 24 RCW or that is exempt from taxation pursuant to section 501(a) of the Internal Revenue Code, 26 U.S.C. Sec. 501(a).

(4) "Governmental entity" is any county, city, town, municipality, school district, governmental unit, other special district, similar entity, or any association, authority, board, commission, division, office, officer, task force, or other agency of the state.

NEW SECTION. Sec. 23. VOLUNTEER HEALTH CARE PROVIDER IMMUNITY. (1) Any volunteer shall be immune from civil liability in any action on the basis of any act or omission of a volunteer resulting in damage or injury if:

(a) The volunteer was acting in good faith and within the scope of the volunteer's official functions and duties for a nonprofit organization, a nonprofit corporation, hospital, or a governmental entity; and

(b) The damage or injury was not caused by willful and wanton misconduct by the volunteer.

(2) In any suit against a nonprofit organization, nonprofit corporation, or a hospital for civil damages based upon the negligent act or omission of a volunteer, proof of such act or omission shall be sufficient to establish the responsibility of the organization therefor under the doctrine of respondeat superior, notwithstanding the immunity granted to the volunteer with respect to any act or omission included under subsection (1) of this section.

NEW SECTION. Sec. 24. INJURIES ARISING FROM AUTO ACCIDENTS NOT EXEMPTED. Notwithstanding section 23 of this act, a plaintiff may sue and recover civil damages from a volunteer based upon a negligent act or omission involving the operation of a motor vehicle during an activity, except that the amount recovered from such volunteer may not exceed the limits of applicable insurance coverage maintained by or on behalf of such volunteer with respect to the negligent operation of a motor vehicle in such circumstances.

NEW SECTION. Sec. 25. APPLICATION. Sections 21 through 24 of this act apply to all causes of action commenced on or after the effective date of this section, regardless of when the cause of action may have arisen. To this extent, sections 21 through 24 of this act apply retroactively, but in all other respects sections 21 through 24 of this act apply prospectively.

PART VII - HEALTH CARE PROVIDER CONFLICT OF FINANCIAL INTEREST

NEW SECTION. Sec. 26. LEGISLATIVE INTENT. The legislature finds that there is a growing practice of health care professionals having financial interest in laboratory and other services. The legislature further finds that such practices may result in overutilization of health care services and excessive costs to individuals, third-party payers, and the health care system.

The legislature declares that the notification of patients and third-party payers about these referral practices can make them more aware of such practices and allow payers to track providers who through referrals overutilize services for financial reasons.

Sec. 27. RCW 19.68.010 and 1973 1st ex.s. c 26 s 1 are each amended to read as follows:

It shall be unlawful for any person, firm, corporation or association, whether organized as a cooperative, or for profit or nonprofit, to pay, or offer to pay or allow, directly or indirectly, to any person licensed by the state of Washington to engage in the practice of medicine and surgery, drugless treatment in any form, dentistry, or pharmacy and it shall be unlawful for such person to request, receive or allow, directly or indirectly, a rebate, refund, commission, unearned discount or profit by means of a credit or other valuable consideration in connection with the referral of patients to any person, firm, corporation or association, or in connection with the furnishings of medical, surgical or dental care, diagnosis, treatment or service, on the sale, rental, furnishing or supplying of clinical laboratory supplies or services of any kind, drugs, medication, or medical supplies, or any other goods, services or supplies prescribed for medical diagnosis, care or treatment: **PROVIDED**, That ownership of a financial interest in any firm, corporation or association which furnishes any kind of clinical laboratory or other services prescribed for medical, surgical, or dental diagnosis shall not be prohibited under this section where (1) the referring practitioner affirmatively discloses to the patient and the patient's insurer in writing, the fact that such practitioner has a financial interest in such firm, corporation, or association; (2) the referring practitioner provides the patient with a list of effective alternative facilities, informs the patient that he or she has the option to use one of the alternative facilities, and assures the patient that he or she will not be treated differently by the referring practitioner if the patient chooses one of the alternative facilities; and (3) that such firm, corporation, or association shall also notify the insurer at the time of billing for said services.

Any person violating the provisions of this section is guilty of a misdemeanor.

PART VIII - STANDARDIZED HEALTH CARE INSURANCE CLAIM FORMS

NEW SECTION. Sec. 28. A new section is added to chapter 48.20 RCW to read as follows:

APPLICATION TO DISABILITY INSURANCE POLICIES. (1) After January 1, 1994, all disability insurance policies that provide coverage for hospital or medical expenses shall use for all billing purposes in either paper or

electronic format either the health care financing administration (HCFA) 1500 form, or its successor, or the uniform billing (UB) 82 form, or its successor. For billing purposes, this subsection does not apply to pharmacists, dentists, home health/nursing services, eyeglasses, transportation, or vocational services.

(2) As of January 1, 1994, the forms developed under section 37 of this act shall be used by providers of health care and carriers under this chapter.

NEW SECTION. Sec. 29. A new section is added to chapter 48.21 RCW to read as follows:

APPLICATION TO DISABILITY INSURANCE POLICIES. (1) After January 1, 1994, all group disability insurance policies that provide coverage for hospital or medical expenses shall use for all billing purposes in either paper or electronic format either the health care financing administration (HCFA) 1500 form, or its successor, or the uniform billing (UB) 82 form, or its successor. For billing purposes, this subsection does not apply to pharmacists, dentists, home health/nursing services, eyeglasses, transportation, or vocational services.

(2) As of January 1, 1994, the forms developed under section 37 of this act shall be used by providers of health care and carriers under this chapter.

NEW SECTION. Sec. 30. A new section is added to chapter 48.44 RCW to read as follows:

APPLICATION TO HEALTH CARE INSURANCE CONTRACTS. (1) After January 1, 1994, all health care insurance contracts that provide coverage for hospital or medical expenses shall use for all billing purposes in either paper or electronic format either the health care financing administration (HCFA) 1500 form, or its successor, or the uniform billing (UB) 82 form, or its successor. For billing purposes, this subsection does not apply to pharmacists, dentists, home health/nursing services, eyeglasses, transportation, or vocational services.

(2) As of January 1, 1994, the forms developed under section 37 of this act shall be used by providers of health care and carriers under this chapter.

NEW SECTION. Sec. 31. A new section is added to chapter 48.46 RCW to read as follows:

APPLICATION TO HEALTH MAINTENANCE AGREEMENTS. (1) After January 1, 1994, all health maintenance agreements that provide coverage for hospital or medical expenses shall use for all billing purposes in either paper or electronic format either the health care financing administration (HCFA) 1500 form, or its successor, or the uniform billing (UB) 82 form, or its successor. For billing purposes, this subsection does not apply to pharmacists, dentists, home health/nursing services, eyeglasses, transportation, or vocational services.

(2) As of January 1, 1994, the forms developed under section 37 of this act shall be used by providers of health care and carriers under this chapter.

NEW SECTION. Sec. 32. A new section is added to chapter 48.84 RCW to read as follows:

APPLICATION TO LONG-TERM CARE PROVIDERS. (1) After January 1, 1994, all providers of long-term care that provide coverage for hospital or medical expenses shall use for all billing purposes in either paper or electronic format either the health care financing administration (HCFA) 1500 form, or its successor, or the uniform bill (UB) 82 form, or its successor. For billing purposes, this subsection does not apply to pharmacists, dentists, home health/nursing services, eyeglasses, transportation, or vocational services.

(2) As of January 1, 1994, the forms developed under section 37 of this act shall be used by providers of health care and carriers under this chapter.

NEW SECTION. Sec. 33. A new section is added to chapter 41.05 RCW to read as follows:

APPLICATION TO STATE HEALTH CARE AUTHORITY. After July 1, 1994, the health care financing administration (HCFA) 1500 form, or its successor, and the uniform billing (UB) 82 form, or its successor, shall be used in either paper or electronic format for state-paid health care services provided through the health care authority. The forms developed under section 37 of this act shall be used for billing purposes for pharmacists, dentists, home health/nursing services, eyeglasses, transportation, or vocational services.

NEW SECTION. Sec. 34. A new section is added to chapter 43.20A RCW to read as follows:

APPLICATION TO MEDICAID PROGRAM. After July 1, 1994, the health care financing administration (HCFA) 1500 form, or its successor, and the uniform billing (UB) 82 form, or its successor, shall be used in either paper or electronic format for state-paid health care services provided by the department. The forms developed under section 37 of this act shall be used for billing purposes for pharmacists, dentists, home health/nursing services, eyeglasses, transportation, or vocational services.

NEW SECTION. Sec. 35. A new section is added to Title 51 RCW to read as follows:

APPLICATION TO LABOR AND INDUSTRIES. After July 1, 1994, the health care financing administration (HCFA) 1500 form, or its successor, and the uniform billing (UB) 82 form, or its successor, shall be used in either paper or electronic format for state-paid health care services provided under this title. The forms developed under section 37 of this act shall be used for billing purposes for pharmacists, dentists, home health/nursing services, eyeglasses, transportation, or vocational services.

NEW SECTION. Sec. 36. APPLICATION TO BASIC HEALTH PLAN. After July 1, 1994, the health care financing administration (HCFA) 1500 form, or its successor, and the uniform billing (UB) 82 form, or its successor, shall be used in either paper or electronic format for state-paid health care services provided under the basic health plan. The forms developed under section 37 of this act shall be used for billing purposes for pharmacists, dentists, home health/nursing services, eyeglasses, transportation, or vocational services.

NEW SECTION. Sec. 37. A new section is added to chapter 41.05 RCW to read as follows:

JOINT AGENCY RULES. By January 1, 1993, the basic health plan administrator, the health care authority administrator, the secretary of social and health services, and the director of the department of labor and industries shall jointly develop and adopt by rule in paper and electronic format billing forms to be used by pharmacists, dentists, home health/nursing services, eyeglasses, transportation, and vocational services. These forms shall be made available to providers of health care coverage licensed under chapters 48.20, 48.21, 48.44, 48.46, and 48.84 RCW.

PART IX - HEALTH INSURANCE PREMIUMS TAX EXEMPTION

Sec. 38. RCW 48.14.022 and 1987 c 431 s 23 are each amended to read as follows:

(1) The taxes imposed in RCW 48.14.020 do not apply to premiums collected or received for policies of insurance issued under RCW 48.41.010 through 48.41.210.

(2) Until July 1, 1994, the taxes imposed in RCW 48.14.020 do not apply to premiums collected or received for policies of insurance issued under RCW 48.21.045.

(3) In computing tax due under RCW 48.14.020, there may be deducted from taxable premiums the amount of any assessment against the taxpayer under RCW 48.41.010 through 48.41.210. Any portion of the deduction allowed in this section which cannot be deducted in a tax year without reducing taxable premiums below zero may be carried forward and deducted in successive years until the deduction is exhausted.

PART X - SMALL BUSINESS HEALTH CARE INSURANCE REFORM

NEW SECTION. Sec. 39. SHORT TITLE. This chapter shall be known and may be cited as the small employer health insurance availability act.

NEW SECTION. Sec. 40. PURPOSE. The purpose and intent of this chapter is to promote the availability of health insurance coverage to small employers regardless of the health status or claims experience, to prevent abusive rating practices, to require disclosure of rating practices to purchasers, to establish rules regarding renewability of coverage, to establish limitation on the use of preexisting condition exclusions, to provide for development of a basic health benefit plan to be offered to all small employers, to provide for establishment of an allocation program, and to improve the overall fairness and efficiency of the small group health insurance market.

This chapter is not intended to provide a solution to the problem of affordability of health care or health insurance.

NEW SECTION. Sec. 41. DEFINITIONS. As used in this chapter:

(1) "Actuarial certification" means a written statement by a member of the American academy of actuaries, or other individual acceptable to the commissioner, that a small employer carrier is in compliance with the provisions of section 43 of this act, based upon the person's examination, including a review of the appropriate records and of the actuarial assumptions and methods used by the small employer carrier in establishing premium rates for applicable health benefit plans.

(2) "Allocating carrier" means a small employer carrier participating in the allocation program under section 46 of this act.

(3) "Base premium rate" means, as to a rating period, the lowest premium rate charged or that could have been charged under the rating system by the small employer carrier to small employers with similar case characteristics for health benefit plans with the same or similar coverage.

(4) "Basic health benefit plan" means a lower cost health benefit plan developed under section 47 of this act.

(5) "Board" means the board of directors of the Washington state health insurance pool, as established by chapter 48.41 RCW.

(6) "Carrier" means any entity that provides health insurance in Washington state. For the purposes of this chapter, carrier includes an insurance company, health care service contractor, fraternal benefit society, health maintenance organization, multiple employer welfare arrangements, or any person or entity that writes, issues, or administers health benefit plans in Washington state.

(7) "Case characteristics" means demographic or other objective characteristics of a small employer that are considered by the small employer carrier in the determination of premium rates for the small employer, provided that claim experience, health status, and duration of coverage shall not be case characteristics for the purposes of this chapter.

(8) "Commissioner" means the insurance commissioner as defined in RCW 48.02.010.

- (9) "Committee" means the health benefit plan committee created under section 47 of this act.
- (10) "Dependent" means the spouse or an unmarried child under the age of nineteen years or an unmarried child who is a full-time student under the age of twenty-three years who is financially dependent upon an eligible employee or a child of any age who is medically certified as disabled and dependent of an eligible employee.
- (11) "Eligible employee" means an employee who works on a full-time basis and has a normal work week of thirty or more hours, who has met any applicable requirement of the employer as to the period of employment before an employee is eligible for health benefits coverage. The term includes a sole proprietor, a partner of a partnership, and an independent contractor, if the sole proprietor, partner, or independent contractor is included as an employee under a health benefit plan of a small employer, but does not include an employee who works on a part-time, temporary, or substitute basis.
- (12) "Established geographic service area" means a geographical area, as approved by the commissioner and based on the carrier's certificate of authority to transact business in Washington state, within which the carrier is authorized to provide coverage.
- (13) "Health benefit plan" means any hospital or medical policy or certificate, health care service contract, health maintenance organization subscriber contract, plan provided by a multiple employer welfare arrangement, or plan provided by any other benefit arrangement subject to this chapter. The term does not include accident only, credit, dental, vision, medicare supplement, long-term care, or disability income insurance, coverage issued as a supplement to liability insurance, workers' compensation or similar insurance, or automobile medical payment insurance.
- (14) "Index rate" means, as to a rating period for small employers with similar case characteristics, the arithmetic average of the applicable base premium rate and corresponding highest premium rate.
- (15) "Late enrollee" means an eligible employee or dependent who requests enrollment in a health benefit plan of a small employer following the initial enrollment period provided under the terms of the health benefit plan, provided that such initial enrollment period is a period of at least thirty days. However, an eligible employee or dependent shall not be considered a late enrollee if:
- (a) The individual meets each of the following:
 - (i) The individual was covered under qualifying previous coverage at the time the individual was eligible to enroll;
 - (ii) The individual lost coverage under qualifying previous coverage as a result of termination of employment or eligibility, the involuntary termination of the qualifying previous coverage, death of a spouse, or divorce;
 - (iii) The individual requests enrollment within thirty days after termination of the qualifying previous coverage;
 - (b) The individual is employed by an employer that offers multiple health benefit plans and the individual elects a different plan during an open enrollment period; or
 - (c) A court has ordered coverage be provided for a spouse or minor or dependent child under a covered employee's health benefit plan and request for enrollment is made within thirty days after issuance of the court order.
- (16) "New business premium rate" means, as to a rating period, the lowest premium rate charged or offered, or which could have been charged or offered, by the small employer carrier to small employers with similar case characteristics for newly issued health benefit plans with the same or similar coverage.
- (17) "Plan of operation" means the plan of operation of the allocation program established under section 46 of this act.
- (18) "Premium" means all moneys paid by a small employer and eligible employees as a condition of receiving coverage from a small employer carrier, including any fees or other contributions associated with the health benefit plan.
- (19) "Program" means the Washington small employer allocation program established under section 46 of this act.
- (20) "Rating period" means the calendar year period for which premium rates established by a small employer carrier are presumed to be in effect.
- (21) "Restricted network provision" means any provision of a health benefit plan that conditions the payment of benefits, in whole or in part, on the use of health care providers that have entered into a contractual arrangement with the carrier pursuant to chapter 48.44 or 48.46 RCW to provide health care services to covered individuals.
- (22) "Small employer" means any person, firm, corporation, partnership, or association that is actively engaged in business that, on at least fifty percent of its working days during the preceding calendar quarter, employed at least three unrelated eligible employees but no more than twenty-five eligible employees, the majority of whom were employed within Washington state. In determining the number of eligible employees, companies that are affiliated companies, or that are eligible to file a combined tax return for purposes of state taxation, shall be considered one employer.
- (23) "Small employer carrier" means any carrier that offers health benefit plans covering eligible employees of one or more small employers in Washington state.

(24) "Affiliate" or "affiliated" means any entity or person who directly or indirectly through one or more intermediaries, controls or is controlled by, or is under common control with, a specified entity or person.

(25) "Qualifying previous coverage" and "qualifying existing coverage" mean benefits or coverage provided under:

(a) Medicare or medicaid;

(b) An employer-based health insurance or health benefit arrangement that provides benefits similar to or exceeding benefits provided under the basic health benefit plan that is subject to the insurance regulations of Washington state; or

(c) An individual health insurance policy, including coverage issued by an insurance company, health care service contractor, fraternal benefit society, health maintenance organization, multiple employer welfare arrangement, or any person or entity that writes, issues, or administers health benefit plans in Washington state, that provides benefits similar to or exceeding benefits provided under the basic health benefit plan, provided that such policy has been in effect for a period of at least six months.

NEW SECTION. Sec. 42. APPLICABILITY AND SCOPE. This chapter shall apply to any health benefit plan that provides coverage to the employees of a small employer in Washington state if any of the following conditions are met:

(1) Any portion of the premium or benefits is paid by or on behalf of the small employer;

(2) An eligible employee or dependent is reimbursed, whether through wage adjustments or otherwise, by or on behalf of the small employer for any portion of the premium; or

(3) The health benefit plan is treated by the employer or any of the eligible employees or dependents as part of a plan or program for the purposes of section 162, section 125, or section 106 of the United States Internal Revenue Code.

(4)(a) Except as provided in (b) of this subsection, for the purposes of this chapter, carriers that are affiliated companies or that are eligible to file a consolidated tax return shall be treated as one carrier and any restrictions or limitations imposed by this chapter shall apply as if all health benefit plans issued to small employers in Washington state by such affiliated carriers were issued by one carrier.

(b) An affiliated carrier that is a health maintenance organization having a certificate of registration under chapter 48.46 RCW may be considered a separate carrier for the purposes of this chapter.

(c) Unless otherwise authorized by the commissioner, a small employer carrier shall not enter into one or more ceding arrangements with respect to health benefit plans issued to small employers in Washington state if such arrangements would result in less than fifty percent of the insurance obligation or risk for such health benefit plans being retained by the ceding carrier.

NEW SECTION. Sec. 43. RESTRICTIONS RELATING TO PREMIUM RATES. (1) Premium rates for health benefit plans subject to this chapter shall be subject to the following provisions:

(a) The premium rates charged during a rating period to small employers with similar case characteristics for the same or similar coverage, or the rates that could be charged to such employers under the rating system, shall not vary from the index rate by more than twenty-five percent of the index rate.

(b) The percentage increase in the premium rate charged to a small employer for a new rating period may not exceed the sum of the following:

(i) The percentage change in the new business premium rate measured from the first day of the prior rating period to the first day of the new rating period. In the case of a health benefit plan into which the small employer carrier is no longer enrolling new small employers, the small employer carrier shall use the percentage change in the base premium rate, provided that such change does not exceed, on a percentage basis, the change in the new business premium rate for the most similar health benefit plan into which the small employer carrier is actively enrolling new small employers;

(ii) Any adjustment, not to exceed fifteen percent annually and adjusted pro rata for rating periods of less than one year, due to the claim experience, health status, and duration of coverage of the employees or dependents of the small employer as determined from the small employer carrier's rate manual; and

(iii) Any adjustment due to change in coverage or change in the case characteristics of the small employer, as determined from the small employer carrier's rate manual.

(c) Adjustments in rates for claim experience, health status, and duration of coverage shall not be charged to individual employees or dependents. Any such adjustment shall be applied uniformly to the rates charged for all employees and dependents of the small employer.

(d) A small employer carrier may utilize industry as a case characteristic in establishing premium rates, provided that the highest rate factor associated with any industry classification shall not exceed the lowest rate factor associated with any industry classification by more than fifteen percent.

(e) In the case of health benefit plans issued prior to the effective date of this act, a premium rate for a rating period may exceed the ranges set forth in (a) of this subsection for a period of three years following the effective date of this act. In such cases, the percentage increase in the premium rate charged to a small employer for a new rating period shall not exceed the sum of the following:

(i) The percentage change in the new business premium rate measured from the first day of the prior rating period to the first day of the new rating period. In the case of a health benefit plan into which the small employer carrier is no longer enrolling new small employers, the small employer carrier shall use the percentage change in the base premium rate, provided that such change does not exceed, on a percentage basis, the change in the new business premium rate for the most similar health benefit plan into which the small employer carrier is actively enrolling new small employers;

(ii) Any adjustment due to change in coverage or change in the case characteristics of the small employer, as determined from the small employer carrier's rate manual.

(f)(i) Small employer carriers shall apply rating factors, including case characteristics, consistently with respect to all small employers. Rating factors shall produce premiums for identical groups that differ only by amounts attributable to plan design and do not reflect differences due to the nature of the groups assumed to select particular health benefit plans.

(ii) A small employer carrier shall treat all health benefit plans issued or renewed in the same calendar month as having the same rating period.

(g) For the purposes of this subsection, a health benefit plan that utilizes a restricted provider network shall not be considered similar coverage to a health benefit plan that does not utilize such a network, provided that utilization of the restricted provider network results in substantial differences in claims costs.

(h) A small employer carrier shall not use case characteristics other than age, gender, industry, geographic area, family composition, and group size without prior approval of the commissioner.

(i) The commissioner may establish regulations to implement the provisions of this section and to assure that rating practices used by small employer carriers are consistent with the purposes of this chapter, including:

(i) Assuring that differences in rates charged for health benefit plans by small employer carriers are reasonable and reflect objective differences in plan design, not including differences due to the nature of the groups assumed to select particular health benefit plans; and

(ii) Prescribing the manner in which case characteristics may be used by small employer carriers.

(2) A small employer carrier shall not transfer a small employer involuntarily into or out of a health benefit plan. A small employer carrier shall not offer to transfer a small employer into or out of a health benefit plan unless such offer is made to transfer all small employers with the same health benefit plan without regard to case characteristics, claim experience, health status, or duration of coverage.

(3) The commissioner may suspend for a specified period the application of subsection (1)(a) of this section as to the premium rates applicable to one or more small employers of a small employer carrier for one or more rating periods upon a finding by the small employer carrier and a finding by the commissioner either that the suspension is reasonable in light of the financial condition of the small employer carrier or that the suspension would enhance the efficiency and fairness of the marketplace for small employer health insurance.

(4) In connection with the offering for sale of any health benefit plan to a small employer, a small employer carrier shall make a reasonable disclosure, as part of its solicitation and sales materials, of all of the following:

(a) The extent to which premium rates for a specified small employer are established or adjusted based upon the actual or expected variation in claims costs or actual or expected variation in health status of the employees of the small employer and their dependents;

(b) The provisions of the health benefit plan concerning the small employer carrier's right to change premium rates and factors, other than claim experience, that affect changes in premium rates;

(c) The provision relating to renewability of policies and contracts; and

(d) The provisions relating to any preexisting condition.

(5)(a) Each small employer carrier shall maintain at its principal place of business a complete and detailed description of its rating practices and renewal underwriting practices, including information and documentation that demonstrate that its rating methods and practices are based upon commonly accepted actuarial assumptions and are in accordance with sound actuarial principles.

(b) Each small employer carrier shall file with the commissioner annually on or before March 15 an actuarial certification certifying that the carrier is in compliance with this chapter and that the rating methods of the small employer carrier are actuarially sound. Such certification shall be in a form and manner, and shall contain such information, as specified by the commissioner. A copy of the certification shall be retained by the small employer carrier at its principal place of business.

(c) A small employer carrier shall make the information and documentation described in (a) of this subsection available to the commissioner upon request. Except in cases of violations of this chapter, the information shall be considered proprietary and trade secret information and shall not be subject to disclosure by the commissioner to persons outside of the office except as agreed to by the small employer carrier or as ordered by a court of competent jurisdiction.

NEW SECTION. Sec. 44. RENEWABILITY OF COVERAGE. (1) A health benefit plan subject to this chapter shall be renewable with respect to all eligible employees and dependents, at the option of the small employer, except in any of the following cases:

- (a) Nonpayment of required premiums;
- (b) Fraud or misrepresentation by the small employer or, with respect to coverage of individual insureds, the insureds or their representatives;
- (c) Noncompliance with the carrier's minimum participation requirements;
- (d) Noncompliance with the carrier's employer contribution requirements;
- (e) Repeated misuse of a provider network provision;
- (f) The small employer carrier elects to not renew all of its health benefit plans issued to small employers in Washington state. In such a case the carrier shall:

- (i) Provide advance notice of its decision under this subsection (1)(f)(i) to the commissioner; and
- (ii) Provide notice of the decision not to renew coverage to all affected small employers and to the commissioner in each state in which an affected covered individual is known to reside at least one hundred eighty days prior to the nonrenewal of any health benefit plan by the carrier. Notice to the commissioner under this subsection (1)(f)(ii) shall be provided at least three working days prior to the notice to the affected small employers; or
- (g) The commissioner finds that the continuation of the coverage would:
 - (i) Not be in the best interests of the policyholders or certificate holders; or
 - (ii) Impair the carrier's ability to meet its contractual obligations.

In such instance the commissioner shall assist affected small employers in finding replacement coverage.

(2) A small employer carrier that elects not to renew a health benefit plan under subsection (1)(f) of this section shall be prohibited from writing new business in the small employer market in Washington state for a period of five years from the date of notice to the commissioner.

(3) In the case of a small employer carrier doing business in one established geographic service area of the state, the rules set forth in this section shall apply only to the carrier's operations in such service area.

NEW SECTION. Sec. 45. GENERAL SMALL EMPLOYER CARRIER REQUIREMENTS. (1) A health benefit plan covering small employers shall comply with the following provisions:

(a) A small employer carrier shall file with the commissioner, in a form and manner prescribed by the commissioner, the basic health benefit plans to be used by the carrier. A health benefit plan filed pursuant to this subsection (1)(a) may be used by a small employer carrier beginning thirty days after it is filed unless the commissioner disapproves its use.

(b) A health benefit plan shall not deny, exclude, or limit benefits for a covered individual for losses incurred more than six months following the effective date of the individual's coverage due to a preexisting condition. A health benefit plan shall not define a preexisting condition more restrictively than:

- (i) A condition that would have caused an ordinarily prudent person to seek medical advice, diagnosis, care, or treatment during the six months immediately preceding the effective date of coverage;
- (ii) A condition for which medical advice, diagnosis, care, or treatment was recommended or received during the six months immediately preceding the effective date of coverage; or
- (iii) A pregnancy existing on the effective date of coverage.

(c) A health benefit plan shall waive any time period applicable to a preexisting condition exclusion or limitation period with respect to particular services for the period of time an individual was previously covered by qualifying previous coverage that provided benefits with respect to such services, provided that the qualifying previous coverage was continuous to a date not less than thirty days prior to the effective date of the new coverage. This subsection (1)(c) does not preclude application of any waiting period applicable to all new enrollees under the health benefit plan.

(d) A health benefit plan may exclude coverage for late enrollees for the greater of twelve months or for a twelve-month preexisting condition exclusion, provided that if both a period of exclusion from coverage and a preexisting condition exclusion are applicable to a late enrollee, the combined period shall not exceed twelve months from the date the individual enrolls for coverage under the health benefit plan.

(e)(i) Except as provided in (iv) of this subsection (1)(e), requirements used by a small employer carrier in determining whether to provide coverage to a small employer, including requirements for minimum participation of

eligible employees and minimum employer contributions, shall be applied uniformly among all small employers with the same number of eligible employees applying for coverage or receiving coverage from the small employer carrier.

(ii) A small employer carrier may vary application of minimum participation requirements and minimum employer contribution requirements only by the size of the small employer group.

(iii)(A) Except as provided in (iii)(B) of this subsection (1)(e), in applying minimum participation requirements with respect to a small employer, a small employer carrier shall not consider employees or dependents who have qualifying existing coverage in determining whether the applicable percentage of participation is met.

(B) With respect to a small employer with ten or fewer eligible employees, a small employer carrier may consider employees or dependents who have coverage under another health benefit plan sponsored by such small employer in applying minimum participation requirements.

(iv) A small employer carrier shall not increase any requirement for minimum employee participation or any requirement for minimum employer contribution applicable to a small employer at any time after the small employer has been accepted for coverage.

(f)(i) If a small employer carrier offers coverage to a small employer, the small employer carrier shall offer coverage to all of the eligible employees of the small employer and their dependents. A small employer carrier shall not offer coverage to only certain individuals in a small employer group or to only part of the group, except in the case of late enrollees as provided in (e) of this subsection.

(ii) A small employer carrier shall not modify a basic health benefit plan with respect to a small employer or any eligible employee or dependent through riders, endorsements, or otherwise, to restrict or exclude coverage for certain diseases or medical conditions otherwise covered by the basic health benefit plan.

(2)(a) Every small employer carrier shall, as a condition of transacting business in Washington state with small employers, actively offer to small employers at least a basic health benefit plan.

(b)(i) A small employer carrier shall issue at least a basic health benefit plan to any eligible small employer that applies to such a plan and agrees to make the required premium payments and to satisfy the other reasonable provisions of the health benefit plan not inconsistent with this chapter.

(ii) An allocating small employer carrier shall issue at least the basic health benefit plan or an approved minimum benefit plan to any eligible small employer that applies to such a plan and agrees to make the required premium payments and to satisfy the other reasonable provisions of the health benefit plan not inconsistent with this chapter, until the carrier's allotment of high-risk individuals has been met under section 46 of this act.

(c) A small employer is eligible under subsection (2)(b) of this section if it employed at least three unrelated eligible employees within Washington state on at least fifty percent of its working days during the preceding calendar quarter.

(d) For purposes of establishing continued small employer eligibility under this chapter, a small employer carrier may reassess the size of the covered employer on the anniversary date of the employer's policy. Coverage under this chapter may be discontinued if the small employer no longer meets the size requirements provided for in this chapter. However, if a small employer falls below the minimum size, coverage must be continued for a period of at least one year before the small employer carrier can discontinue coverage under this chapter, provided that the small employer continues to fall below the minimum group size requirements of this chapter.

(e) The provisions of this subsection shall be effective one hundred eighty days after the commissioner's approval of the basic health benefit plan developed under section 47 of this act, provided that if the small employer allocation program created under section 46 of this act is not yet in operation on such date, the provisions of this subsection shall be effective on the date that such program begins operation.

NEW SECTION. Sec. 46. SMALL EMPLOYER ALLOCATION PROGRAM. (1) All small employer carriers issuing health benefit plans in this state on and after the effective date of this act shall be required to meet the requirements of this section as a condition of authority to transact business in Washington state.

(2) There is created a nonprofit entity to be known as the Washington small employer allocation program. All small employer carriers issuing health benefit plans in Washington state on and after the effective date of this act shall be allocating carriers in the program.

(3) The program shall operate subject to the supervision and control of the board of the Washington health insurance pool, as established by chapter 48.41 RCW.

(4) Within sixty days of the effective date of this act, each small employer carrier shall make a filing with the commissioner containing the carrier's net health insurance premium derived from health benefit plans issued to small employers in this state in the previous calendar year.

(5) Within one hundred eighty days after the appointment of the initial board, the board shall submit to the commissioner a plan of operation and thereafter any amendments thereto necessary or suitable, to assure the fair, reasonable, and equitable administration of the program. The commissioner may, after notice and hearing, approve the

plan of operation if the commissioner determines that it is required to assure the fair, reasonable, and equitable administration of the program and provides for the sharing of program gains or losses on an equitable and proportionate basis in accordance with the provisions of this section. The plan of operation shall become effective upon approval in writing by the commissioner.

(6) If the board fails to submit a suitable plan of operation within one hundred eighty days after its appointment, the commissioner shall, after notice and hearing, adopt a temporary plan of operation. The commissioner shall amend or rescind any plan adopted under this section at the time a plan of operation is submitted by the board and approved by the commissioner.

(7) The plan of operation shall:

(a) Establish procedures for handling and accounting of program assets and moneys and for an annual fiscal reporting to the commissioner;

(b) Establish procedures for selecting an administering carrier and setting forth the powers and duties of the administering carrier;

(c) Establish procedures for assigning allotments of high-risk individuals and small employers among small employer carriers in accordance with the provisions of this chapter;

(d) Establish procedures for collecting assessments from all members subject to assessment to provide for administrative expenses incurred or estimated to be incurred for the period for which the assessment is made; and

(e) Provide for any additional matters necessary for the implementation and administration of the program.

(8) The program shall have the general powers and authority granted under the laws of Washington state to insurance companies, health care service contractors, and health maintenance organizations licensed to transact business, except the power to issue health benefit plans directly to either groups or individuals. In addition thereto, the program shall have the specific authority to:

(a) Enter into contracts as are necessary or proper to carry out the provisions and purposes of this section, including the authority, with the approval of the commissioner, to enter into contracts with similar programs of other states for the point performance of common functions or with persons or other organizations for the performance of administrative functions;

(b) Sue or be sued, including taking any legal actions necessary or proper for recovering any assessments and penalties for, on behalf of, or against the program or any allocating carriers;

(c) Establish rules, conditions, and procedures pertaining to its functions under this chapter;

(d) Assess allocating carriers in accordance with the provisions of subsection (12) of this section, and to make interim assessment as may be reasonable and necessary for organizational and interim operating expenses. Any interim assessments shall be credited as offsets against any regular assessments due following the close of the fiscal year;

(e) Appoint appropriate legal, actuarial, and other committees as necessary to provide technical assistance in the operation of the program, policy and other contract design, and any other function within the authority of the program;

(f) Borrow money to effect the purposes of the program. Any notes or other evidence of indebtedness of the program not in default shall be legal investments for carriers and may be carried as admitted assets;

(g) Perform other functions necessary and proper to carry out its responsibilities under this chapter.

(9) The board shall establish procedures, as part of the plan of operation, for determining allotments of high-risk individuals and small employers among all allocating carriers. Such procedures shall be designed to assure a fair allocation of risks among allocating small employer carriers. The procedures shall include the following:

(a) A method by which the board shall estimate each year the total number of high-risk individuals in small employer groups that will be identified and used for determining carrier allotments under this subsection during the year. The board shall develop a uniform definition of a high-risk individual based on standardized medical underwriting criteria for purposes of this section.

(b) A method by which the program shall assign to each small employer carrier a target number of high-risk individuals. The target number for a small employer carrier shall bear the same proportional relationship to the total number of high-risk individuals estimated under (a) of this subsection as the small employer carrier's annual net premiums for coverage of small employers bears to the annual net premiums of all small employer carriers for coverage of small employers. In the case of a small employer carrier with an established geographic services area, the board may adjust the target number of high-risk individuals to account for the carrier's increased or decreased exposure resulting from the allocation.

(c) A procedure by which the program shall determine the number of high-risk eligible employees and dependents of each small employer that constitutes the carrier's allotment of high-risk individuals and small employers.

(d) A procedure by which small employers that are identified as high risk may select an allocating carrier from a list in the program. The procedure shall provide for the small employer to be allocated to choose among allocating carriers unless, as a result of the addition of the small employer, the carrier's target number determined under (b) of this

subsection would be exceeded. A small employer that is rejected by the carrier that it initially selects shall make selections from a list of allocating carriers that have not yet met their allotments of high-risk individuals and small employers.

(e) A procedure by which the board shall determine, as for each calendar year, the extent to which the average claims costs incurred by a small employer carrier for providing coverage to high-risk individuals, whether allocated or identified in that year or any preceding year, is greater or less than the average claims cost incurred by small employer carriers for providing coverage to all high-risk individuals, whether allocated in that calendar year or any preceding year, that have been allocated or identified under the program.

(i) The procedure shall provide for the board to adjust the target number for a small employer carrier for the subsequent year if the average claims cost incurred by such carrier from providing coverage to high-risk individuals is either more or less, by at least the applicable percentage determined in (e)(ii) of this subsection, than the average claims cost for all high-risk individuals allocated under the program.

(ii) The procedure shall provide for the board to determine a percentage amount for the purpose of (e)(i) of this subsection. In determining such percentage, the board shall balance the following objectives:

(A) Achieving an equitable distribution among small employer carriers of the claims costs of high-risk individuals;

(B) Efficient administration of the program; and

(C) Providing incentive for small employer carriers to manage the care of high-risk individuals allotted under the program.

(10) The board shall periodically evaluate the program to assure equity in the distribution of allotted small employers. The board, subject to the approval of the commissioner, shall have the authority to make adjustments to the procedures established pursuant to this subsection to further the goal of equitable distribution of allocated small employers.

(11) A small employer carrier shall not be required to accept small employers that are not located within their established geographic service area or areas.

(12)(a) Following the close of each fiscal year, the administering carrier shall determine the program expenses of the administration. The net expense for the year shall be recouped by assessment on the allocating carriers. The administering carrier also shall determine the claims expense for allocated small employers for each small employer carrier for the basic health benefit plan, on an annual basis, using information collected from carriers under subsection (15) of this section.

(b) Assessments to cover the administrative expenses of the program shall be apportioned by the board among allocating carriers in proportion to their respective shares of the total premiums earned from health benefit plans issued to small employers in Washington state by all allocating carriers during the calendar year coinciding with or ending during the fiscal year of the program. Premiums earned by allocating carriers that are less than an amount determined by the board to justify the cost of assessment collection shall not be considered for purposes of determining assessments.

(c) Each allocating carrier's assessment shall be determined annually by the board based on annual statements and other reports deemed necessary by the board and filed by the allocating carrier with board.

(d) The plan of operation shall provide for the imposition of an interest penalty for late payment of assessments.

(e) An allocating carrier may seek from the commissioner a deferment from all or part of its assessment if payment of the assessment would place the allocating carrier in a financially impaired condition. The commissioner shall make such a determination and allow all or part of the assessment deferral. If all or part of an assessment against an allocating carrier is deferred, the amount deferred shall be assessed against the other allocating carriers in a manner set forth in this subsection. The allocating carrier receiving the deferment shall remain liable to the program for the amount deferred.

(13) Except as provided in subsection (11) of this section, allocating carriers shall accept application from all small employers until their allotments for high-risk individuals are met, as determined by the board pursuant to subsection (9) of this section. The allocating carrier shall offer all small employers a benefit plan that at least offers the benefits contained in the basic health benefit plan. An allocating carrier may also offer to small employers coverage that is more comprehensive than that required by this chapter.

(14) An allocating carrier shall not be required to provide coverage to small employers under this section for any period of time for which the commissioner determines that the participation in the program could place the small employer carrier in a financially impaired condition. In such instances, such small employer carriers will be prohibited from accepting application from any small employer until the commissioner determines that the carrier can accept small employers allocated from the program.

(15) Each allocating carrier shall file with the commissioner, in a form and manner to be prescribed by the commissioner, an annual report. The report shall state the small employer carrier's net premium for new small employer

coverage written in the previous twelve-month period. The report also shall state the number of small employers with high-risk individuals that meet the standard underwriting criteria for high-risk individuals, the claims expenses for these high-risk individuals, the names and number of the small employers that canceled or terminated coverage with it during the preceding calendar year, and the reasons for such cancellations or terminations, if known. The report shall be filed on or before March 1 for the preceding calendar year. A copy of the report shall be provided to the board.

(16) Neither the participation in the program, the establishment of procedures, nor any other joint or collective action required by this chapter shall be the basis of any legal action, criminal or civil liability, or penalty against the program or any allocating carrier either jointly or separately.

(17) The program shall be exempt from any and all taxes.

(18) The board, as part of the plan of operation, shall develop standards setting forth the manner and levels of compensation to be paid to producers for the sale of basic health benefit plans. In establishing such standards, the board shall take into consideration: The need to assure the broad availability of coverages, the objectives of the program, the time and effort expended in placing the coverage, the need to provide ongoing service to the small employer, the levels of compensations currently used in the industry, and the overall costs of coverage to small employers selecting these plans.

NEW SECTION. Sec. 47. HEALTH BENEFIT PLAN COMMITTEE. (1) The commissioner shall appoint a health benefit plan committee. The committee shall be composed of representatives from small employer carriers, including insurance companies, health care service contractors, health maintenance organizations, other carriers, small employers, employees, health care providers, and producers.

(2) The committee shall recommend the form and level of coverage to be made available by small employer carriers under sections 45 and 46 of this act.

(3)(a) The committee shall recommend benefit levels, cost sharing levels, exclusions, and limitations for the basic health benefit plan. The committee shall also design a basic health benefit plan that contains benefit and cost sharing levels that are consistent with the basic method of operation and benefits of health maintenance organizations, including any restrictions imposed by federal law.

(b) The committee shall submit the health benefit plan described in (a) of this subsection to the commissioner for approval within one hundred eighty days after the appointment of the committee.

(c)(i) A small employer carrier shall file with the commissioner, in a format and manner prescribed by the commissioner, the basic health benefit plan to be used by the carrier. A health benefit plan filed pursuant to this subsection (3)(c)(i) may be used by a small employer carrier beginning thirty days after it is filed unless the commissioner disapproves its use.

(ii) The commissioner at any time may, after providing written notice and an opportunity for a hearing to the small employer carrier, disapprove the continued use by a small employer carrier of a basic health benefit plan on the grounds that the plan does not meet the requirements of this subsection.

NEW SECTION. Sec. 48. PERIODIC MARKET EVALUATION. (1) The board, in consultation with members of the committee, shall study and report at least every three years to the commissioner on the effectiveness of this chapter. The report shall analyze the effectiveness of the chapter in promoting rate stability, product availability, and coverage affordability. The report may contain recommendations for actions to improve the overall effectiveness, efficiency, and fairness of the small group health insurance market place. The report shall address whether carriers and producers are fairly and actively marketing and issuing health benefit plans to small employers in fulfillment of the purposes of this chapter. The report may contain recommendations for market conduct or other regulatory standards or actions.

(2) The board shall commission an actuarial study, by an independent actuary approved by the commissioner, within the first three years of the operation of the program to evaluate and measure the relative risks being assumed by differing types of small employer carriers as a result of this chapter.

NEW SECTION. Sec. 49. WAIVER OF CERTAIN STATE LAWS. No law requiring the coverage of a health care service or benefit, or requiring the reimbursement, utilization, or inclusion of a specific category of licensed health care practitioner, shall apply to a basic health benefit plan issued pursuant to this chapter.

NEW SECTION. Sec. 50. ADMINISTRATIVE PROCEDURES. The commissioner may issue rules to implement this chapter.

NEW SECTION. Sec. 51. STANDARDS TO ASSURE FAIR MARKETING. (1) An allocating small employer carrier that denies coverage to a small employer on the basis of standard medical underwriting criteria established by the board of the program as applied to the small employer's employees or dependents shall provide notice to the small employer, in a form and manner prescribed by the commissioner, of the potential availability of coverage through the allocation program.

(2) A small employer carrier shall provide reasonable compensation, as provided under the plan of operation of the program, to a producer, if any, for placing small employers with the small employer carrier through the program.

(3) No small employer carrier shall terminate, fail to renew, or limit its contract or agreement of representation with a producer because the producer has placed small employers with the small employer carrier.

(4) No small employer carrier or producer shall induce or otherwise encourage a small employer to separate or otherwise exclude an employee from health coverage or benefits provided in connection with the employee's employment.

(5) Denial by an allocating small employer carrier of an application for coverage from a small employer shall be consistent with the provisions of section 46 of this act, shall be in writing, and shall state the reason or reasons for the denial.

(6) The commissioner may adopt by rule additional standards to provide for the availability of health benefit plans to small employers through the program.

(7)(a) A violation of this section by a small employer carrier or producer shall be an unfair trade practice under chapter 48.30 RCW.

(b) If a small employer carrier enters into a contract, agreement, or other arrangement with a third-party administrator to provide administrative, marketing, or the other services related to the offering of health benefit plans to small employers in Washington state, the third-party administrator shall be subject to this section as if it were a small employer carrier.

NEW SECTION. Sec. 52. APPLICATION OF CHAPTER TO CHAPTERS 48.20, 48.21, AND 48.44 RCW. This chapter applies to carriers regulated under chapters 48.21, 48.44, and 48.46 RCW.

PART XI - MISCELLANEOUS

NEW SECTION. Sec. 53. EFFECTIVE DATE. Sections 39 through 52 of this act shall take effect January 1, 1993.

NEW SECTION. Sec. 54. Sections 39 through 53 of this act shall constitute a new chapter in Title 48 RCW.

NEW SECTION. Sec. 55. CODIFICATION INSTRUCTIONS. Sections 9 and 36 of this act are each added to chapter 70.47 RCW.

NEW SECTION. Sec. 56. CODIFICATION INSTRUCTIONS. Sections 13 and 14 of this act shall constitute a new chapter in Title 18 RCW.

NEW SECTION. Sec. 57. CODIFICATION INSTRUCTIONS. Sections 16 through 25 of this act are each added to chapter 7.70 RCW.

NEW SECTION. Sec. 58. CAPTIONS NOT LAW. Captions as used in this act constitute no part of the law.

NEW SECTION. Sec. 59. SEVERABILITY. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 60. NULL AND VOID PROVISIONS. If specific funding for the purpose of sections 10 through 14 of this act, referencing this act by bill number, is not provided by June 30, 1992, in the omnibus appropriations act, those sections of this act shall be null and void.

NEW SECTION. Sec. 61. NULL AND VOID PROVISIONS. If specific funding for the purpose of sections 39 through 53 of this act, referencing this act by bill number, is not provided by June 30, 1992, in the omnibus appropriations act, those sections of this act shall be null and void.

POINT OF ORDER

Senator McMullen: "A point of order, Mr. President. I would ask the President to give a ruling on the scope and object on this committee amendment to the original bill. The original bill deals with the establishment of a system of health care delivery. In the amendment provided--the committee amendment--specifically the striking amendment from the Ways and Means Committee--there are several sections that deal with the tort law that we have discussed in conjunction with health care. The original bill had no such provision. The original bill contained no provision which would affect the remedies available under law to someone who was injured by the negligent act of a health care provider. This amendment has several sections dealing specifically with that and what we would suggest is that these sections expand the scope and object of the original bill

considerably, especially since Title 4 RCW and Chapter 7.70 RCW, which are part of these amendments, were not in the original bill. I would ask the President for a ruling thereon."

Further debate ensued.

MOTION

On motion of Senator Newhouse, further consideration of Senate Bill No. 6089 was deferred.

President Pro Tempore Craswell assumed the Chair.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2394, by House Committee on Judiciary (originally sponsored by Representatives Appelwick, Padden and Orr)

Establishing limitations for jurors.

The bill was read the second time.

MOTION

On motion of Senator Nelson, the rules were suspended, Substitute House Bill No. 2394 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2394.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2394 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 3; Excused, 0.

Voting yeas: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hayner, Jesernig, Kreidler, Madsen, Matson, McCaslin, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 46.

Absent: Senators Hansen, McDonald, Sumner - 3.

SUBSTITUTE HOUSE BILL NO. 2394, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2490, by House Committee on Judiciary (originally sponsored by Representatives Padden, Morris, D. Sommers, Hochstatter, Forner, Brough, Broback, Silver, Fuhrman, Horn, P. Johnson, Bowman, Wynne, Morton, Carlson, Chandler, Mitchell and Tate)

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

The bill was read the second time.

MOTION

On motion of Senator Nelson, the rules were suspended, Engrossed Substitute House Bill No. 2490 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

POINT OF INQUIRY

Senator Rasmussen: "Senator Nelson, we recently had a person released from Monroe. They took him to the door in shackles and let him out up there, I understand, and he then came down to Tacoma and murdered this woman--a seventy-four year old woman--an innocent victim. Would this bill do anything to allow them to keep that person in Monroe? I don't understand leaving the shackles on him right up to the door of the prison and then taking them off and letting him out."

Senator Nelson: "I'm not familiar with the exact circumstances in which you are describing, but we do have, now, within the statutes, especially for sex offenders--if you will recall--the ability for the department in concert with the prosecutors to require involuntary placement of individuals who may be of danger to the community. There are other circumstances that perhaps in the example that you have used, where we would have had the court involved, now directing the exact whereabouts of the person who will continue to be under the direction of the Department of Corrections. That would have helped, perhaps. I'm just not aware of the exact circumstances that you are describing."

Senator Rasmussen: "I'll get the facts of that case to you, Senator. Thank you."

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2490.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2490 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2490, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Engrossed Substitute House Bill No. 2274 and the pending amendment by Senator Anderson on page 2, line 7, to the Committee on Commerce and Labor striking amendment, deferred March 4, 1992.

The President Pro Tempore declared the question before the Senate to be the adoption of the Committee on Commerce and Labor striking amendment to Engrossed Substitute House Bill No. 2274.

The Committee on Commerce and Labor striking amendment was adopted.

POINT OF ORDER

Senator Anderson: "Madam President, a point of order. I believe that I had an amendment to the committee amendment."

PERSONAL PRIVILEGE

Senator McCaslin: "A point of personal privilege. The President of the Senate occasionally raps the gavel. Then, of course, he withdraws the rap, so that things are still open and above and I would suggest that you unrap your gavel, so that this can be figured out. That was a very fast gavel and I want to congratulate you for your strength and your ability to react immediately to something. I would appreciate it, unless there is objection from the Senate, that you withdraw the rap."

REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Craswell: "Thank you, Senator McCaslin. We are just trying to figure out how to unrap that gavel. The Chair was in error. There are several amendments--floor amendments."

MOTION

On motion of Senator Anderson, and there being no objection, the amendment on page 2, line 7, to the Committee on Commerce and Labor striking amendment to Engrossed Substitute House Bill No. 2274 was withdrawn.

MOTION

Senator Oke moved that the following amendment to the Committee on Commerce and Labor striking amendment be adopted:

On page 1, line 6, after "employer" insert "with more than five hundred employees"

The President Pro Tempore informed Senator Oke that the amendment on page 1, line 6, was an amendment to the bill and not to the Committee on Commerce and Labor amendment.

MOTION

On motion of Senator Oke, and there being no objection, the amendment on page 1, line 6, was withdrawn.

MOTION

Senator Anderson moved that the following amendment to the Committee on Commerce and Labor striking amendment be adopted:

On page 2, line 7 of the amendment, after "requirement" insert "including qualifications or requirements implemented by the employer to prevent respiratory disease in connection with RCW 51.32.185"

PARLIAMENTARY INQUIRY

Senator Snyder: "Madam President, I just have a point of inquiry here. I am a little bit confused. You unrapped the gavel and at that point, the committee striking amendment had still been adopted. Is that right--the striking amendment--and we did not reconsider that--"

REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Craswell: "With the leave of the body, we unrapped the gavel to go back to having the committee striking amendment before us. We are now amending the striking amendment."

Senator Snyder: "Without reconsidering? The unrap of the gavel took care of all of that? Is that a new ruling? Thank you."

President Pro Tempore Craswell: "If there is no objection, that is what we did. If you object, we can go back."

Further debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Anderson on page 2, line 7, to the Committee on Commerce and Labor striking amendment to Engrossed Substitute House Bill No. 2274.

The motion by Senator Anderson failed and the amendment to the committee amendment was not adopted on a rising vote.

There being no objection, the President Pro Tempore deferred further consideration of Engrossed Substitute House Bill No. 2274.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2672, by House Committee on Revenue (originally sponsored by Representatives Wang, Ebersole, Ballard, Brumsickle and Wynne)

Initiating a study of the tax status of cellular communications.

The bill was read the second time.

MOTION

On motion of Senator Thorsness, the rules were suspended, Substitute House Bill No. 2672 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2672.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2672 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sumner, Sutherland, Talmadge, Thorsness, von Reichbauer, West, Williams, Wojahn - 48.

Absent: Senator Vognild - 1.

SUBSTITUTE HOUSE BILL NO. 2672, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2686, by House Committee on Commerce and Labor (originally sponsored by Representatives Kremen, Heavey and Fuhrman)

Regulating contractor registration and licensing.

The bill was read the second time.

MOTIONS

On motion of Senator Matson, the following Committee on Commerce and Labor amendments were considered simultaneously and adopted:

On page 2, line 20, after "department" strike "shall" and insert "may"

On page 4, line 26, after "department" strike "shall" and insert "may"

On motion of Senator Matson, the rules were suspended, Substitute House Bill No. 2686, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

MOTIONS

On motion of Senator Murray, Senators Vognild and Wojahn were excused.

On motion of Senator McCaslin, Senators Anderson, Bluechel and Patterson were excused.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2686, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2686, as amended by the Senate, and the bill passed the Senate by the following vote:

Yeas, 42; Nays, 0; Absent, 2; Excused, 5.

Voting yea: Senators Amondson, Bailey, Bauer, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, Snyder, Stratton, Sumner, Sutherland, Talmadge, Thorsness, von Reichbauer, West, Williams - 42.

Absent: Senators Barr, L. Smith - 2.

Excused: Senators Anderson, Bluechel, Patterson, Vognild, Wojahn - 5.

SUBSTITUTE HOUSE BILL NO. 2686, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

President Pritchard assumed the Chair.

There being no objection, the Senate resumed consideration of Senate Bill No. 6089 and the pending Committee on Ways and Means amendment, deferred earlier today.

MOTION

On motion of Senator McMullen, and there being no objection, the point of order on the Committee on Ways and Means amendment to Senate Bill No. 6089 was withdrawn.

MOTION

Senator Madsen moved that the following amendments by Senators Madsen and Kreidler to the Committee on Ways and Means striking amendment be considered simultaneously and be adopted:

On page 2, line 4 of the amendment, after "included;" strike "and"

On page 2, line 7 of the amendment, after "law" insert ";

(3) In addition, the health care commission has the duty to examine the following and report to the legislature on recommendations for legislation:

(a) In order to meet the health needs of the citizenry, it is critical to organize the foundation for financing and providing community-based long-term care and support services through an integrated, comprehensive system that promotes human dignity and recognizes the individuality of all functionally disabled persons. This system shall be available, accessible, and responsive to all citizens based upon an assessment of their functional disabilities. The legislature recognizes that families, volunteers, and community organizations are absolutely essential for delivery of effective and efficient community-based, long-term care and support services and that this private and public service infrastructure should be supported and strengthened. Further, it is important to provide secured benefits assurance in perpetuity without requiring family or program beneficiary impoverishment for service eligibility.

(b) Recognizing that financial stability is essential to success of a comprehensive long-term care system and that current and future demands are exceeding available financial resources, a dedicated fund comprised of state general funds, matching federal funds, public insurance funds, and sliding fee contributions by program beneficiaries needs be established.

(c) It is the intent of this chapter that the Washington state legislature develop a program and financial structure for the functionally disabled as suggested in this section and adopt the necessary legislation no later than the adjournment of the 1994 regular session of the legislature"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senators Madsen and Kreidler on page 2, lines 4 and 7, to the Committee on Ways and Means striking amendment to Senate Bill No. 6089.

The motion by Senator Madsen carried and the amendments to the committee amendment were adopted.

MOTION

Senator Talmadge moved that the following amendment to the Committee on Ways and Means striking amendment be adopted:

On page 2, after line 7 of the amendment, insert the following:

NEW SECTION, Sec. 2. The health care commission, with the assistance of the insurance commissioner, shall conduct an examination of private long-term care insurance. The commission and the commissioner shall jointly appoint a committee to examine and propose recommendations to the legislature on joint underwriting for private long-term care insurance.

Renumber remaining sections consecutively and correct internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Talmadge on page 2, line 7, to the Committee on Ways and Means striking amendment to Senate Bill No. 6089.

The motion by Senator Talmadge carried and the amendment to the committee amendment was adopted.

MOTION

Senator Adam Smith moved that the following amendments to the Committee on Ways and Means striking amendment be considered simultaneously and be adopted:

On page 22, after line 2 of the amendment, insert the following:

NEW SECTION. Sec. 15. A new section is added to chapter 7.70 RCW to read as follows:

(1) As used in this section, "public hazard" means an instrumentality, including but not limited to any device, instrument, procedure, product, or a condition of a device, instrument, procedure, or product used in the provision of health care, that:

- (a) Presents a real and substantial potential for repetition of the harm inflicted; or
- (b) Involves a single incident which affected or was likely to affect many people.

As used in this section, the term "procedure" does not include acts or procedures by licensed professionals acting within the scope of their licenses.

(2) Except as provided in this section, no court shall enter an order or judgment which has the purpose or effect of concealing a public hazard or any relevant information or material concerning a public hazard, nor shall the court enter an order or judgment that has the purpose or effect of concealing any information or material that is relevant to the public's knowledge or understanding of a public hazard.

(3) Any portion of an agreement or contract that has the purpose or effect of concealing a public hazard, relevant information or material concerning a public hazard, or information or material that is relevant to the public's knowledge or understanding of a public hazard, is void, contrary to public policy, and may not be enforced. A party to the agreement or contract may bring a declaratory action pursuant to this section to determine whether an agreement or contract conceals a public hazard and is void.

(4)(a) In any declaratory or other civil action, a party may bring a motion for a temporary order restraining disclosure to the public or to third parties information or material about the party making the motion which is known to another party or which is sought from the party making the motion by another party. Upon good cause shown the court shall examine in camera the information or material sought to be protected. The court may in the court's discretion issue a temporary order restraining a party or parties from disseminating the protected information or material to the public or third parties. The temporary order shall terminate upon the entry of a final order or judgment or a dismissal of the action.

(b) In any final order or judgment entered in any declaratory or other civil action, if the court finds that all or portions of the information or material sought to be protected is relevant to the public's knowledge or understanding of a public hazard, the court shall require disclosure of the information or material. If the court finds that all or a portion of the information or material sought to be protected is not relevant to the public's knowledge or understanding of the public hazard, the court shall require the information to be sealed and may include in the final order or judgment provisions restraining any or all parties from disclosing the information which is protected.

(5)(a) Any third party, including but not limited to representatives of news media, has standing to contest a motion, order, judgment, agreement, or contract that allegedly conceals a public hazard. The third party may challenge the motion by intervention during the court action or the third party may bring a declaratory action pursuant to this section to determine whether the agreement, contract, order, or judgment conceals a public hazard.

(b) The third party must (i) establish the existence of a public hazard; (ii) establish that the public hazard was a subject within the agreement, contract, order, or judgment; and (iii) establish a basis for a reasonable belief by the third party that the agreement, contract, order, or judgment concealed the public hazard in violation of sections 15 through 17 of this act.

(c) If the court finds that the third party has met the requirements of (b) of this subsection, the court shall order the defendant to produce the information or material for an in camera review by the court. The court shall determine whether the information or material protected under the agreement, contract, order, or judgment conceals a public hazard in violation of sections 15 through 17 of this act. Upon review, the court shall issue an order regarding dissemination of the information or material in accordance with subsection (4)(b) of this section.

(d) The court may award reasonable attorneys' fees and actual costs to the prevailing party in an action under this subsection (5).

NEW SECTION. Sec. 16. A new section is added to chapter 7.70 RCW to read as follows:

Any person who violates an order either publishing or sealing information or material issued under sections 15 through 17 of this act, shall be in contempt of court. The court shall award attorneys' fees and costs incurred in enforcing the order plus actual damages against the party who violated the order.

NEW SECTION. Sec. 17. A new section is added to chapter 7.70 RCW to read as follows:

Any party who attempts to condition an agreement or contract upon another party's agreement to conceal an instrumentality that the party knows or reasonably should have known is a public hazard or any party who enters into an agreement or contract that conceals an instrumentality that the party knows or reasonably should have known is a public hazard shall be in violation of the consumer protection act, chapter 19.86 RCW. If the party is an insurance company then the insurance company shall also be in violation of RCW 48.30.010.

NEW SECTION. Sec. 18. A new section is added to chapter 7.70 RCW to read as follows:

Sections 15 through 17 of this act shall apply to all agreements, contracts, orders, and judgments entered on or after the effective date of this act.

NEW SECTION. Sec. 19. A new section is added to chapter 4.16 RCW to read as follows:

An action for declaratory relief or other civil action brought pursuant to sections 15 through 17 of this act to determine whether an agreement, contract, order, or judgment conceals a public hazard in violation of sections 15 through 17 of this act must be brought within three years of entry of the order or judgment or three years from the date the parties entered into the agreement or contract.

Renumber remaining sections and correct internal references.

On page 64, after line 21 of the amendment, insert the following:

NEW SECTION. Sec. 53. Sections 15 through 19 of this act shall take effect July 1, 1992.

Renumber remaining sections and correct internal references.

Debate ensued.

POINT OF ORDER

Senator Nelson: "Mr. President, I rise to a point of order that these amendments are beyond the scope and object of the bill. If one looks at the citation used for a new section, which is Chapter 7.70, you will find that that particular area of our statutes deals with actions for injuries from health care and yet in this amendment, if one looks at line 16 through 18, it says, 'As used in this section, the term procedure does not include acts or procedures by licensed professionals acting within the scope of their licenses.' We are really trying to get at protective orders through a measure that was addressed by this body and now attempting to get in the protective order arena again and to try and overcome Rule 26 within the Supreme Court Rules. These amendments are beyond the scope and object of the health care package."

Further debate ensued.

MOTION

On motion of Senator Newhouse and there being no objection, further consideration of the amendments by Senator Adam Smith on page 22, after line 2, and page 64, after line 21, was deferred.

President Pro Tempore Craswell assumed the Chair.

MOTION

Senator McMullen moved that the following amendments to the Committee on Ways and Means striking amendment be considered simultaneously and be adopted:

Beginning on page 22, after line 2 of the amendment, strike all material through page 28, line 3

Renumber the remaining sections and correct internal references.

On page 65, beginning on line 5 of the amendment, strike "sections 16 through 25" and insert "sections 21 through 25"

Renumber remaining sections and correct internal references.

Debate ensued.

Senator McMullen demanded a roll call and the demand was sustained.

The President Pro Tempore declared the question before the Senate to be the roll call on the adoption of the amendments by Senator McMullen beginning on page 22, after line 2, and page 65, beginning on line 5, to the Committee on Ways and Means striking amendment to Senate Bill No. 6089.

ROLL CALL

The Secretary called the roll and the amendments to the committee amendment were not adopted by the following vote: Yeas, 21; Nays, 26; Absent, 1; Excused, 1.

Voting yea: Senators Bauer, Conner, Gaspard, Hansen, Jesemig, Kreidler, Madsen, McMullen, Moore, Murray, Niemi, Pelz, Rinehart, Skratek, A. Smith, Snyder, Sutherland, Talmadge, Vognild, Williams, Wojahn - 21.

Voting nay: Senators Amondson, Bailey, Barr, Bluechel, Cantu, Craswell, Erwin, Hayner, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Oke, Owen, Patterson, Roach, Saling, Sellar, L. Smith, Stratton, Sumner, Thorsness, von Reichbauer, West - 26.

Absent: Senator Rasmussen - 1.

Excused: Senator Anderson - 1.

MOTIONS

On motion of Senator McMullen, the following amendment to the Committee on Ways and Means striking amendment was adopted:

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

NEW SECTION. Sec. 17. A new section is added to chapter 7.70 RCW to read as follows:

Sections 16 and 17 of this act shall apply to causes of action which arise on or after July 1, 1992.

Renumber remaining section consecutively and correct internal references accordingly

On motion of Senator McMullen, the following amendment to the Committee on Ways and Means striking amendment was adopted:

On page 26, after line 25, insert the following:

"(4) This section shall apply to causes of action which arise on or after July 1, 1992."

MOTION

Senator Vognild moved that the following amendment by Senators Vognild and West to the Committee on Ways and Means striking amendment be adopted:

On page 64, after line 20 of the amendment, insert the following:

Sec. 53. RCW 70.42.080 and 1989 c 386 s 9 are each amended to read as follows:

A test site shall have a designated test site supervisor who shall (~~meet the~~) hold an appropriate health care professional license granted by the state of Washington or certification granted by a nationally recognized clinical laboratory science certification organization. Test site supervisor qualifications shall be determined by the department in rule. The designated test site supervisor shall be responsible for the testing functions of the test site.

Renumber the remaining sections and correct internal references.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senators Vognild and West on page 64, after line 20, to the Committee on Ways and Means striking amendment to Senate Bill No. 6089.

The motion by Senator Vognild carried and the amendment to the committee striking amendment was adopted.

MOTION

Senator Talmadge moved that the following amendment to the Committee on Ways and Means striking amendment be adopted:

On page 64, after line 21 of the amendment, insert the following:

NEW SECTION. Sec. 53. The legislative budget committee shall conduct a study, either directly or by contract, to determine the desirability and feasibility of consolidating the following programs, services, and funding sources into any scheme for universal access to health care and cost containment that may be adopted by the legislature:

- (1) Medical services of the workers' compensation program of the department of labor and industries;
- (2) Developmental disabilities, mental health, and long-term care programs of the department of social and health services;
- (3) State and federal veterans' health services; and
- (4) Civilian health and medical program of the uniformed services (CHAMPUS) of the federal department of defense and other federal agencies.

The report shall be made to the governor and the appropriate committees of the legislature by July 1, 1993. Renumber remaining sections and correct internal references.

POINT OF INQUIRY

Senator Saling: "Senator Talmadge, do you have any idea of what the cost might be for the Legislative Budget Committee to undertake the study that you propose?"

Senator Talmadge: "I do not, Senator, but I think it is a worthwhile study if we are talking about the magnitude of cost of health care--the cost of providing for universal access to health care. These issues should be addressed as offsets to the costs of participants in a universal health care program, if there was a study worthy of LBC, and I don't know what the specific cost of it will be, but I would leave it to the executive committee of that august committee."

Further debate ensued.

Senator Talmadge demanded a roll call and the demand was sustained.

MOTION

On motion of Senator Roach, Senator McCaslin was excused.

The President Pro Tempore declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Talmadge on page 64, after line 21, to the Committee on Ways and Means striking amendment to Senate Bill No. 6089.

ROLL CALL

The Secretary called the roll and the amendment to the committee amendment was adopted by the following vote: Yeas, 24; Nays, 23; Absent, 0; Excused, 2.

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

Voting nay: Senators Amondson, Bailey, Barr, Bluechel, Cantu, Craswell, Erwin, Hayner, Matson, McDonald, Metcalf, Nelson, Newhouse, Oke, Patterson, Roach, Saling, Sellar, L. Smith, Sumner, Thorsness, von Reichbauer, West - 23.

Excused: Senators Anderson, McCaslin - 2.

President Pritchard assumed the Chair.

There being no objection, the Senate resumed consideration of the pending amendments by Senator Adam Smith on page 22, after line 2, and page 64, after line 21, to the Committee on Ways and Means striking amendment, deferred earlier today.

RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator Nelson, the President finds that the committee amendment to Senate Bill No. 6089 is comprehensive and wide-ranging and deals with many aspects of health care reform including actions for injuries resulting from health care.

"The amendments by Senator Adam Smith to the committee amendment also address actions for injuries resulting from health care.

"The President, therefore, finds that the proposed amendments do not change the scope and object of the bill and the point of order is not well taken."

The amendments by Senator Adam Smith on page 22, after line 2, and page 64, after line 21, to the Committee on Ways and Means striking amendment to Senate Bill No. 6089 were ruled in order.

Senator Adam Smith demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Adam Smith on page 22, after line 2, and page 64, after line 21, to the Committee on Ways and Means striking amendment to Senate Bill No. 6089.

ROLL CALL

The Secretary called the roll and the amendments to the committee amendment were not adopted by the following vote: Yeas, 24; Nays, 24; Absent, 0; Excused, 1.

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

Voting nay: Senators Amondson, Anderson, Bailey, Barr, Bluechel, Cantu, Craswell, Erwin, Hayner, Matson, McDonald, Metcalf, Nelson, Newhouse, Oke, Patterson, Roach, Saling, Sellar, L. Smith, Stratton, Sumner, Thorsness, West - 24.

Excused: Senator McCaslin - 1.

MOTION

Senator West moved that the following amendment to the Committee on Ways and Means striking amendment be adopted:

On page 1, line 7 of the amendment, strike the remainder of the amendment and title amendment and insert the following:

PART I - HEALTH CARE COST AND ACCESS COMMISSION

NEW SECTION. Sec. 1. DUTIES AND RESPONSIBILITIES. In addition to the duties and responsibilities specified in House Concurrent Resolution No. 4443 adopted by the legislature in 1990, the health care cost and access commission authorized therein shall in its report to the legislature and the governor on November 1, 1992, include the following:

(1) Proposed alternative uniform health care benefit plans that the legislature should consider, including estimates of the cost of each alternative plan and recommendations on the amount of enrollee copayments, deductibles, and premium sharing that should be required;

(2) An analysis of the effects and implications of the federal Employee's Retirement Income Security Act (ERISA) self-funding provisions on health care costs and the need for changes in federal law;

(3) Proposed optional strategies and administrative approaches for addressing in an ongoing manner such health care system issues as: Controlling health care services and administrative costs; using high cost medical technologies; assuring health care quality; assuring local and state level capabilities with respect to health promotion, disease and injury prevention interventions; and expanding health care services to the uninsured. The recommendations shall not be limited to proposing that an independent state commission perform such responsibilities and authorities and the recommendations shall identify optional configurations of existing private and governmental entities that could perform such functions in an effective and coordinated manner. Such strategies shall assure meaningful involvement and review by relevant public and private interests including the legislature;

(4) Evaluation of the use of a voucher payment system for medicaid enrollees to enable the purchase of private insurance. The evaluation shall include an analysis of the potential availability of private insurance for this population, strategies to make private group insurance more available, strategies to encourage the use of managed care, strategies to allow the categorically needy portions of the medicaid population to use vouchers should it be deemed financially inappropriate for the medically needy population, and recommendations on the need for federal Title XIX medicaid waivers to allow this population to use vouchers; and

(5) Proposed optional strategies that allow for the establishment of annual health care expenditure targets to encourage the purchase and use of appropriate and effective personal health care services.

PART II - BASIC HEALTH PLAN

Sec. 2. RCW 70.47.010 and 1987 1st ex.s. c 5 s 3 are each amended to read as follows:

(1) The legislature finds that:

(a) A significant percentage of the population of this state does not have reasonably available insurance or other coverage of the costs of necessary basic health care services;

(b) This lack of basic health care coverage is detrimental to the health of the individuals lacking coverage and to the public welfare, and results in substantial expenditures for emergency and remedial health care, often at the expense of health care providers, health care facilities, and all purchasers of health care, including the state; and

(c) The use of managed health care systems has significant potential to reduce the growth of health care costs incurred by the people of this state generally, and by low-income pregnant women who are an especially vulnerable population, along with their children, and who need greater access to managed health care.

(2) The purpose of this chapter is to provide or make available necessary basic health care services in an appropriate setting to working persons and others who lack coverage, at a cost to these persons that does not create barriers to the utilization of necessary health care services. To that end, this chapter establishes a program to be made available to those residents under sixty-five years of age not otherwise eligible for medicare with gross family income at or below ~~((two))~~ three hundred percent of the federal poverty guidelines, except as provided for in RCW 70.47.060(11)(b), who share in a portion of the cost or who pay the full cost of receiving basic health care services from a managed health care system.

(3) It is not the intent of this chapter to provide health care services for those persons who are presently covered through private employer-based health plans, nor to replace employer-based health plans. Further, it is the intent of the legislature to expand, wherever possible, the availability of private health care coverage and to discourage the decline of employer-based coverage.

(4) ~~((The program authorized under this chapter is strictly limited in respect to the total number of individuals who may be allowed to participate and the specific areas within the state where it may be established. All such restrictions or limitations shall remain in full force and effect until quantifiable evidence based upon the actual operation of the program, including detailed cost benefit analysis, has been presented to the legislature and the legislature, by specific act at that time, may then modify such limitations))~~

(a) It is the purpose of this chapter to acknowledge the initial success of this program that has (i) assisted thousands of families in their search for affordable health care; (ii) demonstrated that low-income uninsured families are willing to pay for their own health care coverage to the extent of their ability to pay; and (iii) proved that local health care providers are willing to enter into a public/private partnership as they configure their own professional and business relationships into a managed care system.

(b) As a consequence, the legislature intends to make the program available to individuals in the state with incomes below three hundred percent of federal poverty guidelines, except as provided for in RCW 70.47.060(11)(b), who reside in communities where the plan is operational and who collectively or individually wish to exercise the opportunity to purchase health care coverage through the program if it is done at no cost to the state. It is also the intent of the

legislature to allow employers and other financial sponsors to financially assist such individuals purchase health care through the program.

Sec. 3. RCW 70.47.020 and 1987 1st ex.s. c 5 s 4 are each amended to read as follows:

As used in this chapter:

(1) "Washington basic health plan" or "plan" means the system of enrollment and payment on a prepaid capitated basis for basic health care services, administered by the plan administrator through participating managed health care systems, created by this chapter.

(2) "Administrator" means the Washington basic health plan administrator.

(3) "Managed health care system" means any health care organization, including health care providers, insurers, health care service contractors, health maintenance organizations, or any combination thereof, that provides directly or by contract basic health care services, as defined by the administrator and rendered by duly licensed providers, on a prepaid capitated basis to a defined patient population enrolled in the plan and in the managed health care system.

(4) "Enrollee" means an individual, or an individual plus the individual's spouse and/or dependent children, all under the age of sixty-five and not otherwise eligible for medicare, who resides in an area of the state served by a managed health care system participating in the plan, ~~((whose gross family income at the time of enrollment does not exceed twice the federal poverty level as adjusted for family size and determined annually by the federal department of health and human services,))~~ who chooses to obtain basic health care coverage from a particular managed health care system in return for periodic payments to the plan. Nonsubsidized enrollees shall be considered enrollees unless otherwise specified.

(5) "Nonsubsidized enrollee" means an enrollee who pays the full premium for participation in the plan and shall not be eligible for any subsidy from the plan.

(6) "Subsidy" means the difference between the amount of periodic payment the administrator makes, from funds appropriated from the basic health plan trust account, to a managed health care system on behalf of an enrollee plus the administrative cost to the plan of providing the plan to that enrollee, and the amount determined to be the enrollee's responsibility under RCW 70.47.060(2).

~~((6))~~ (7) "Premium" means a periodic payment, based upon gross family income and determined under RCW 70.47.060(2), which an enrollee makes to the plan as consideration for enrollment in the plan.

~~((7))~~ (8) "Rate" means the per capita amount, negotiated by the administrator with and paid to a participating managed health care system, that is based upon the enrollment of enrollees in the plan and in that system.

Sec. 4. RCW 70.47.030 and 1991 sp.s. c 13 s 68 and 1991 sp.s. c 4 s 1 are each reenacted and amended to read as follows:

(1) The basic health plan trust account is hereby established in the state treasury. ~~((All))~~ Any nongeneral fund-state funds collected for this program shall be deposited in the basic health plan trust account and may be expended without further appropriation. Moneys in the account shall be used exclusively for the purposes of this chapter, including payments to participating managed health care systems on behalf of enrollees in the plan and payment of costs of administering the plan. After July 1, 1991, the administrator shall not expend or encumber for an ensuing fiscal period amounts exceeding ninety-five percent of the amount anticipated to be spent for purchased services during the fiscal year.

(2) The basic health plan subscription account is created in the custody of the state treasurer. All receipts from amounts due under RCW 70.47.060 (11) and (12) shall be deposited into the account. Funds in the account shall be used exclusively for the purposes of this chapter, including payments to participating managed health care systems on behalf of enrollees in the plan and payment of costs of administering the plan. The account is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures.

(3) The administrator shall take every precaution to see that none of the funds in the separate accounts created in this section or that any premiums paid either by subsidized or nonsubsidized enrollees are commingled in any way, except that the administrator may combine funds designated for administration of the plan into a single administrative account.

Sec. 5. RCW 70.47.060 and 1991 sp.s. c 4 s 2 and 1991 c 3 s 339 are each reenacted and amended to read as follows:

The administrator has the following powers and duties:

(1) To design and from time to time revise a schedule of covered basic health care services, including physician services, inpatient and outpatient hospital services, and other services that may be necessary for basic health care, which enrollees in any participating managed health care system under the Washington basic health plan shall be entitled to receive in return for premium payments to the plan. The schedule of services shall emphasize proven preventive and primary health care, shall include all services necessary for prenatal, postnatal, and well-child care, and shall include a separate schedule of basic health care services for children, eighteen years of age and younger, for those enrollees who choose to secure basic coverage through the plan only for their dependent children. In designing and revising the

schedule of services, the administrator shall consider the guidelines for assessing health services under the mandated benefits act of 1984, RCW 48.42.080, and such other factors as the administrator deems appropriate.

(2) To design and implement a structure of periodic premiums due the administrator from enrollees that is based upon gross family income, giving appropriate consideration to family size as well as the ages of all family members. The enrollment of children shall not require the enrollment of their parent or parents who are eligible for the plan.

(a) An employer or other financial sponsor may, with the approval of the administrator, pay the premium on behalf of any enrollee, by arrangement with the enrollee and through a mechanism acceptable to the administrator, but in no case shall the payment made on behalf of the enrollee exceed eighty percent of total premiums due from the enrollee.

(b) Premiums due from nonsubsidized enrollees, who are not otherwise eligible to be enrollees, shall be in an amount equal to the cost charged by the managed health care system provider to the state for the plan plus the administrative cost of providing the plan to those enrollees.

(3) To design and implement a structure of nominal copayments due a managed health care system from enrollees. The structure shall discourage inappropriate enrollee utilization of health care services, but shall not be so costly to enrollees as to constitute a barrier to appropriate utilization of necessary health care services.

(4) To design and implement, in concert with a sufficient number of potential providers in a discrete area, an enrollee financial participation structure, separate from that otherwise established under this chapter, that has the following characteristics:

(a) Nominal premiums that are based upon ability to pay, but not set at a level that would discourage enrollment;

(b) A modified fee-for-services payment schedule for providers;

(c) Coinsurance rates that are established based on specific service and procedure costs and the enrollee's ability to pay for the care. However, coinsurance rates for families with incomes below one hundred twenty percent of the federal poverty level shall be nominal. No coinsurance shall be required for specific proven prevention programs, such as prenatal care. The coinsurance rate levels shall not have a measurable negative effect upon the enrollee's health status; and

(d) A case management system that fosters a provider-enrollee relationship whereby, in an effort to control cost, maintain or improve the health status of the enrollee, and maximize patient involvement in her or his health care decision-making process, every effort is made by the provider to inform the enrollee of the cost of the specific services and procedures and related health benefits.

The potential financial liability of the plan to any such providers shall not exceed in the aggregate an amount greater than that which might otherwise have been incurred by the plan on the basis of the number of enrollees multiplied by the average of the prepaid capitated rates negotiated with participating managed health care systems under RCW 70.47.100 and reduced by any sums charged enrollees on the basis of the coinsurance rates that are established under this subsection.

(5) To limit enrollment of persons who qualify for subsidies so as to prevent an overexpenditure of appropriations for such purposes. Whenever the administrator finds that there is danger of such an overexpenditure, the administrator shall close enrollment until the administrator finds the danger no longer exists.

(6)(a) To limit the payment of a subsidy to an enrollee, as defined in RCW 70.47.020, whose gross family income at the time of enrollment does not exceed twice the federal poverty level adjusted for family size and determined annually by the federal department of health and human services.

(b) Except as provided for in subsection (11)(b) of this section, to limit participation of nonsubsidized enrollees in the plan to those whose family incomes at the time of enrollment does not exceed three times the federal poverty level adjusted for family size and determined annually by the federal department of health and human services.

(7) To adopt a schedule for the orderly development of the delivery of services and availability of the plan to residents of the state, subject to the limitations contained in RCW 70.47.080.

In the selection of any area of the state for the initial operation of the plan, the administrator shall take into account the levels and rates of unemployment in different areas of the state, the need to provide basic health care coverage to a population reasonably representative of the portion of the state's population that lacks such coverage, and the need for geographic, demographic, and economic diversity.

~~((Before July 1, 1988, the administrator shall endeavor to secure participation contracts with managed health care systems in discrete geographic areas within at least five congressional districts.~~

~~(7))~~ (8) To solicit and accept applications from managed health care systems, as defined in this chapter, for inclusion as eligible basic health care providers under the plan. The administrator shall endeavor to assure that covered basic health care services are available to any enrollee of the plan from among a selection of two or more participating managed health care systems. In adopting any rules or procedures applicable to managed health care systems and in its

dealings with such systems, the administrator shall consider and make suitable allowance for the need for health care services and the differences in local availability of health care resources, along with other resources, within and among the several areas of the state.

~~((8))~~ (9) To receive periodic premiums from enrollees, deposit them in the basic health plan operating account, keep records of enrollee status, and authorize periodic payments to managed health care systems on the basis of the number of enrollees participating in the respective managed health care systems.

~~((9))~~ (10) To accept applications from individuals residing in areas served by the plan, on behalf of themselves and their spouses and dependent children, for enrollment in the Washington basic health plan, to establish appropriate minimum-enrollment periods for enrollees as may be necessary, and to determine, upon application and at least annually thereafter, or at the request of any enrollee, eligibility due to current gross family income for sliding scale premiums. Except as provided for in subsection (11)(b) of this section, an enrollee who remains current in payment of the sliding-scale premium, as determined under subsection (2) of this section, and whose gross family income has risen above ~~((twice))~~ three times the federal poverty level, may continue enrollment unless and until the enrollee's gross family income has remained above ~~((twice))~~ three times the poverty level for ~~((six))~~ eighteen consecutive months, by making payment at the unsubsidized rate required for the managed health care system in which he or she may be enrolled plus the administrative cost of providing the plan to that enrollee. No subsidy may be paid with respect to any enrollee whose current gross family income exceeds twice the federal poverty level or, subject to RCW 70.47.110, who is a recipient of medical assistance or medical care services under chapter 74.09 RCW. If a number of enrollees drop their enrollment for no apparent good cause, the administrator may establish appropriate rules or requirements that are applicable to such individuals before they will be allowed to re-enroll in the plan.

~~((10))~~ (11)(a) To accept applications from small business owners on behalf of themselves and their employees, spouses, and dependent children who reside in an area served by the plan. The administrator may require all or the substantial majority of the eligible employees of such businesses to enroll in the plan and establish those procedures necessary to facilitate the orderly enrollment of groups in the plan and into a managed health care system. For the purposes of this subsection, an employee means an individual who regularly works for the employer for at least twenty hours per week. Such businesses shall have less than fifty employees and enrollment shall be limited to those not otherwise eligible for medicare, whose gross family income at the time of enrollment does not exceed three times the federal poverty level as adjusted for family size and determined by the federal department of health and human services, who wish to enroll in the plan at no cost to the state and choose to obtain the basic health care coverage and services from a managed care system participating in the plan. The administrator shall adjust the amount determined to be due on behalf of or from all such enrollees whenever the amount negotiated by the administrator with the participating managed health care system or systems is modified or the administrative cost of providing the plan to such enrollees changes. No enrollee of a small business group shall be eligible for any subsidy from the plan and at no time shall the administrator allow the credit of the state or funds from the trust account to be used or extended on their behalf.

(b) Notwithstanding income limitations provided for in (a) of this subsection, when seventy-five percent or more of employees in a small business at the time of enrollment have gross family incomes that do not exceed three times the federal poverty level as adjusted for family size and determined by the federal department of health and human services, all employees in the small business will be eligible for enrollment under this subsection. The plan shall annually require participating small businesses enrolled under this subsection (11)(b) to provide evidence of gross family incomes of enrolled employees for purposes of determining continued eligibility of such employees under this subsection (11)(b). To minimize the burden and cost of complying with this reporting requirement, the plan shall accept documentation from the small business that provides such information as may be required by other state agencies. Should more than twenty-five percent of employees of an enrolled small business be found to have gross family incomes exceeding three times the federal poverty level, the plan shall notify the small business that those employees are no longer eligible for enrollment and shall dis-enroll these employees eighteen months after the notification. The remaining employees of such small businesses who have gross family incomes below three times the federal poverty level will continue to be eligible enrollees under (a) of this subsection.

(12) To accept applications from individuals residing in areas serviced by the plan, on behalf of themselves and their spouses and dependent children, under sixty-five years of age and not otherwise eligible for medicare, whose gross family income at the time of enrollment does not exceed three times the federal poverty level as adjusted for family size and determined by the federal department of health and human services, who wish to enroll in the plan at no cost to the state and choose to obtain the basic health care coverage and services from a managed care system participating in the plan. Any such nonsubsidized enrollees must pay the amount negotiated by the administrator with the participating managed health care system and the administrative cost of providing the plan to such nonsubsidized enrollees and shall not be eligible for any subsidy from the plan.

(13) To determine the rate to be paid to each participating managed health care system in return for the provision of covered basic health care services to enrollees in the system. Although the schedule of covered basic health care services will be the same for similar enrollees, the rates negotiated with participating managed health care systems may vary among the systems. In negotiating rates with participating systems, the administrator shall consider the characteristics of the populations served by the respective systems, economic circumstances of the local area, the need to conserve the resources of the basic health plan trust account, and other factors the administrator finds relevant. In determining the rate to be paid to a contractor, the administrator shall strive to assure that the rate does not result in adverse cost shifting to other private payers of health care.

~~((11))~~ (14) To monitor the provision of covered services to enrollees by participating managed health care systems in order to assure enrollee access to good quality basic health care, to require periodic data reports concerning the utilization of health care services rendered to enrollees in order to provide adequate information for evaluation, and to inspect the books and records of participating managed health care systems to assure compliance with the purposes of this chapter. In requiring reports from participating managed health care systems, including data on services rendered enrollees, the administrator shall endeavor to minimize costs, both to the managed health care systems and to the administrator. The administrator shall coordinate any such reporting requirements with other state agencies, such as the insurance commissioner and the department of health, to minimize duplication of effort.

~~((12))~~ (15) To monitor the access that state residents have to adequate and necessary health care services, determine the extent of any unmet needs for such services or lack of access th0 and recommendations to the legislature as the administrator deems appropriate.

~~((13))~~ (16) To evaluate the effects this chapter has on private employer-based health care coverage and to take appropriate measures consistent with state and federal statutes that will discourage the reduction of such coverage in the state.

~~((14))~~ (17) To develop a program of proven preventive health measures and to integrate it into the plan wherever possible and consistent with this chapter.

~~((15))~~ (18) To provide, consistent with available resources, technical assistance for rural health activities that endeavor to develop needed health care services in rural parts of the state.

Sec. 6. RCW 70.47.080 and 1987 1st ex.s. c 5 s 10 are each amended to read as follows:

On and after July 1, 1988, the administrator shall accept for enrollment applicants eligible to receive covered basic health care services from the respective managed health care systems which are then participating in the plan. ~~((The administrator shall not allow the total enrollment of those eligible for subsidies to exceed thirty thousand.))~~

Thereafter, ~~((total))~~ the average monthly enrollment of those eligible for subsidies during any biennium shall not exceed the number established by the legislature in any act appropriating funds to the plan, and total subsidized enrollment shall not result in expenditures that exceed the total amount that has been made available by the legislature in any act appropriating funds to the plan.

~~((Before July 1, 1988, the administrator shall endeavor to secure participation contracts from managed health care systems in discrete geographic areas within at least five congressional districts of the state and in such manner as to allow residents of both urban and rural areas access to enrollment in the plan. The administrator shall make a special effort to secure agreements with health care providers in one such area that meets the requirements set forth in RCW 70.47.060(4).))~~

The administrator shall at all times closely monitor growth patterns of enrollment so as not to exceed that consistent with the orderly development of the plan as a whole, in any area of the state or in any participating managed health care system. The annual or biennial enrollment limitations derived from operation of the plan under this section do not apply to nonsubsidized enrollees as defined in RCW 70.47.020(5).

Sec. 7. RCW 70.47.120 and 1987 1st ex.s. c 5 s 14 are each amended to read as follows:

In addition to the powers and duties specified in RCW 70.47.040 and 70.47.060, the administrator has the power to enter into contracts for the following functions and services:

(1) With public or private agencies, to assist the administrator in her or his duties to design or revise the schedule of covered basic health care services, and/or to monitor or evaluate the performance of participating managed health care systems.

(2) With public or private agencies, to provide technical or professional assistance to health care providers, particularly public or private nonprofit organizations and providers serving rural areas, who show serious intent and apparent capability to participate in the plan as managed health care systems.

(3) With public or private agencies, including health care service contractors registered under RCW 48.44.015, and doing business in the state, for marketing and administrative services in connection with participation of managed health care systems, enrollment of enrollees, billing and collection services to the administrator, and other administrative functions ordinarily performed by health care service contractors, other than insurance except that the administrator may

purchase or arrange for the purchase of reinsurance, or self-insure for reinsurance, on behalf of its participating managed health care systems. Any activities of a health care service contractor pursuant to a contract with the administrator under this section shall be exempt from the provisions and requirements of Title 48 RCW.

NEW SECTION. Sec. 8. SUNSET REPEALED. The following acts or parts of acts are each repealed:

(1) RCW 43.131.355 and 1987 1st ex.s. c 5 s 24; and

(2) RCW 43.131.356 and 1987 1st ex.s. c 5 s 25.

NEW SECTION. Sec. 9. A new section is added to chapter 74.09 RCW to read as follows:

FEDERAL WAIVER FOR STATE MEDICAID PROGRAM.

(1) The department shall negotiate with the United States congress and the federal department of health and human services to obtain a waiver of provisions of the medicaid statute, Title XIX of the federal social security act to permit medicaid eligible individuals to:

(a) Enroll in the state basic health plan and receive the benefits offered to basic health plan enrollees; and

(b) Participate financially in purchasing health care benefits through such means as premium sharing, copayments, and deductibles provided that such contributions will be implemented in a manner to encourage the appropriate use of effective medical care services and do not serve as a barrier to receiving necessary medical care services.

(2) The department shall report to the appropriate policy and fiscal standing committees of the senate and house of representatives by October 31, 1992, on the progress of such negotiations.

Sec. 10. RCW 70.47.115 and 1991 c 315 s 22 are each amended to read as follows:

(1) The administrator, when specific funding is provided and where feasible, shall make the basic health plan available (~~to dislocated forest products workers and their families~~) in timber impact areas. The administrator shall prioritize making the plan available under this section to the timber impact areas meeting the following criteria, as determined by the employment security department: (a) A lumber and wood products employment location quotient at or above the state average; (b) a direct lumber and wood products job loss of one hundred positions or more; and (c) an annual unemployment rate twenty percent above the state average.

(2) (~~Dislocated forest products workers~~) Persons assisted under this section shall meet the requirements of enrollee as defined in RCW 70.47.020(4).

(3) For purposes of this section, (~~(a) "dislocated forest products worker" means a forest products worker who: (i)(A) Has been terminated or received notice of termination from employment and is unlikely to return to employment in the individual's principal occupation or previous industry because of a diminishing demand for his or her skills in that occupation or industry; or (B) is self employed and has been displaced from his or her business because of the diminishing demand for the business's services or goods; and (ii) at the time of last separation from employment, resided in or was employed in a timber impact area; (b) "forest products worker" means a worker in the forest products industries affected by the reduction of forest fiber enhancement, transportation, or production. The workers included within this definition shall be determined by the employment security department, but shall include workers employed in the industries assigned the major group standard industrial classification codes "24" and "26" and the industries involved in the harvesting and management of logs, transportation of logs and wood products, processing of wood products, and the manufacturing and distribution of wood processing and logging equipment.~~)

~~The commissioner may adopt rules further interpreting these definitions. For the purposes of this subsection, "standard industrial classification code" means the code identified in RCW 50.29.025(6)(e); and (e)) "timber impact area" means a county having a population of less than five hundred thousand, or a city or town located within a county having a population of less than five hundred thousand, and meeting two of the following three criteria, as determined by the employment security department, for the most recent year such data is available: ((i)) (a) A lumber and wood products employment location quotient at or above the state average; ((ii)) (b) projected or actual direct lumber and wood products job losses of one hundred positions or more, except counties having a population greater than two hundred thousand but less than five hundred thousand must have direct lumber and wood products job losses of one thousand positions or more; or ((iii)) (c) an annual unemployment rate twenty percent or more above the state average.~~

PART III - USE OF ORGANIZED DELIVERY SYSTEMS BY STATE EMPLOYEES

Sec. 11. RCW 41.05.011 and 1990 c 222 s 2 are each amended to read as follows:

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

(1) "Administrator" means the administrator of the authority.

(2) "State purchased health care" or "health care" means medical and health care, pharmaceuticals, and medical equipment purchased with state and federal funds by the department of social and health services, the department of health, the basic health plan, the state health care authority, the department of labor and industries, the department of corrections, the department of veterans affairs, and local school districts.

- (3) "Authority" means the Washington state health care authority.
- (4) "Insuring entity" means an insurance carrier as defined in chapter 48.21 or 48.22 RCW, a health care service contractor as defined in chapter 48.44 RCW, or a health maintenance organization as defined in chapter 48.46 RCW.
- (5) "Flexible benefit plan" means a benefit plan that allows employees to choose the level of health care coverage provided and the amount of employee contributions from among a range of choices offered by the authority.
- (6) "Employee" includes all full-time and career seasonal employees of the state, whether or not covered by civil service; elected and appointed officials of the executive branch of government, including full-time members of boards, commissions, or committees; and includes any or all part-time and temporary employees under the terms and conditions established under this chapter by the authority; justices of the supreme court and judges of the court of appeals and the superior courts; and members of the state legislature or of the legislative authority of any county, city, or town who are elected to office after February 20, 1970. "Employee" also includes employees of a county, municipality, or other political subdivision of the state if the legislative authority of the county, municipality, or other political subdivision of the state seeks and receives the approval of the authority to provide any of its insurance programs by contract with the authority, as provided in RCW 41.04.205, and employees of a school district if the board of directors of the school district seeks and receives the approval of the authority to provide any of its insurance programs by contract with the authority as provided in RCW 28A.400.350.

(7) "Board" means the state employees' benefits board established under RCW 41.05.055.

(8) "Organized delivery system" means a health care organization, composed of health care providers, health care facilities, insurers, health care service contractors, health maintenance organizations, or a combination thereof, that provides directly or by contract, an employee health benefits plan under this chapter to a defined group of employees, for a prepaid, capitated rate on or after July 1, 1992. Health care practitioners participating in an organized delivery system shall be financially at risk for health care services by the patients of such system, or the employer of such health care practitioners shall be financially at risk for such services.

NEW SECTION. Sec. 12. A new section is added to chapter 41.05 RCW to read as follows:

LEGISLATIVE INTENT. The legislature finds that:

- (1) The rising costs of state purchased health care is an unsustainable burden to state government;
- (2) State employee health benefits comprise a substantial portion of state health care expenditures;
- (3) There are financial incentives that can be implemented to encourage prudent patient utilization of health care services; and
- (4) Organized delivery system health care can be an effective way to efficiently and cost-effectively deliver appropriate health care services.

The legislature declares additional incentives should be developed to encourage state employees to enroll in organized delivery systems.

Sec. 13. RCW 41.05.065 and 1988 c 107 s 8 are each amended to read as follows:

(1) The board shall study all matters connected with the provision of health care coverage, life insurance, liability insurance, accidental death and dismemberment insurance, and disability income insurance or any of, or a combination of, the enumerated types of insurance for employees and their dependents on the best basis possible with relation both to the welfare of the employees and to the state: PROVIDED, That liability insurance shall not be made available to dependents.

(2) The state employees' benefits board shall develop employee benefit plans that include comprehensive health care benefits for all employees. In developing these plans, the board shall consider the following elements:

- (a) Methods of maximizing cost containment while ensuring access to quality health care;
- (b) Development of provider arrangements that encourage cost containment and ensure access to quality care, including but not limited to prepaid delivery systems and prospective payment methods;
- (c) Wellness incentives that focus on proven strategies, such as smoking cessation, exercise, and automobile and motorcycle safety;

(d) Utilization review procedures including, but not limited to prior authorization of services, hospital inpatient length of stay review, requirements for use of outpatient surgeries and second opinions for surgeries, review of invoices or claims submitted by service providers, and performance audit of providers; and

(e) Effective coordination of benefits.

(3) The board shall design benefits and determine the terms and conditions of employee participation and coverage, including establishment of eligibility criteria.

(4) The board shall utilize financial incentives to encourage employee enrollments in organized delivery systems. To encourage income equity, employee financial contributions may be structured on a sliding-scale basis based upon the income of the employee. These incentives shall result in a target of at least seventy-five percent enrollment of employees and retirees in organized delivery systems by July 1994.

The board may authorize premium contributions for an employee and the employee's dependents in a manner that encourages the use of cost-efficient organized delivery systems. ~~((Such authorization shall require a vote of five members of the board for approval.))~~

(5) Employees may choose participation in only one of the health care benefit plans developed by the board.

(6) The board shall review plans proposed by insurance carriers that desire to offer property insurance and/or accident and casualty insurance to state employees through payroll deduction. The board may approve any such plan for payroll deduction by carriers holding a valid certificate of authority in the state of Washington and which the board determines to be in the best interests of employees and the state. The board shall promulgate rules setting forth criteria by which it shall evaluate the plans.

(7) The board shall report to the appropriate policy and fiscal committees of the legislature by December 1, 1994, on the following:

(a) The progress in meeting the organized delivery system target enrollment rate established in subsection (4) of this section and recommendations for increasing future participation above the target rate; and

(b) The impact on the growth of state employee benefit costs as the result of establishing organized delivery system target rates and required financial incentives to encourage enrollment in cost-efficient organized delivery systems.

PART IV - HEALTH DATA COLLECTION

Sec. 14. RCW 70.170.010 and 1989 1st ex.s. c 9 s 501 are each amended to read as follows:

(1) The legislature finds and declares that there is a need for health care information that helps the general public understand health care issues and how they can be better consumers and that is useful to purchasers, payers, and providers in making health care choices, determining and monitoring the quality of health care services, and ~~((negotiating payments))~~ making health care purchasing decisions. It is the purpose and intent of this chapter to establish a hospital data collection, storage, and retrieval system which supports these data needs and which also provides public officials and others engaged in the development of state health policy the information necessary for the analysis of health care issues.

(2) The legislature finds that rising health care costs and access to health care services are of vital concern to the people of this state. It is, therefore, essential that strategies be explored that moderate health care costs and promote access to health care services.

(3) The legislature further finds that access to health care is among the state's goals and the provision of such care should be among the purposes of health care providers and facilities. Therefore, the legislature intends that charity care requirements and related enforcement provisions for hospitals be explicitly established.

(4) The lack of reliable statistical information about the delivery of charity care is a particular concern that should be addressed. It is the purpose and intent of this chapter to require hospitals to provide, and report to the state, charity care to persons with acute care needs, and to have a state agency both monitor and report on the relative commitment of hospitals to the delivery of charity care services, as well as the relative commitment of public and private purchasers or payers to charity care funding.

(5) The intent of the information collection activities authorized under this chapter is to insure that:

(a) A comprehensive data system that meets the objectives of this section be developed in the most efficient, accurate, and unbiased manner possible;

(b) All public and private providers and purchasers of health care services regularly supply the types of relevant data necessary to insure a complete, comprehensive, and accurate data system;

(c) The data system shall not by design or operation result in any provider or purchaser of health care being placed at a competitive advantage over any other provider or purchasing of health care;

(d) Providers, health care purchasers, consumers, public agencies, and others have equal access to the system's data; and

(e) Providers, health care purchasers, consumers, public agencies, and others have access to useful information developed from the system's data that enables them to make the comparative decisions necessary to fulfill the health care purchasing, provider selection, and quality assurance objectives set forth in this section.

Sec. 15. RCW 70.170.020 and 1989 1st ex.s. c 9 s 502 are each amended to read as follows:

As used in this chapter:

(1) "Council" means the health care access and cost control council created by this chapter.

(2) "Department" means department of health.

(3) "Hospital" means any health care institution which is required to qualify for a license under RCW 70.41.020(2); or as a psychiatric hospital under chapter 71.12 RCW.

(4) "Secretary" means secretary of health.

(5) "Charity care" means necessary hospital health care rendered to indigent persons, to the extent that the persons are unable to pay for the care or to pay deductibles or co-insurance amounts required by a third-party payer, as determined by the department.

(6) "Sliding fee schedule" means a hospital-determined, publicly available schedule of discounts to charges for persons deemed eligible for charity care; such schedules shall be established after consideration of guidelines developed by the department.

(7) "Special studies" means studies which have not been funded through the department's biennial or other legislative appropriations.

(8) "Health care" means all care, goods, technologies, or services provided to persons by providers of care intended to ascertain, improve, or maintain the health of such persons. It specifically includes the care, goods, technologies, or services of health care practitioners, programs, facilities, or other health care entities regulated by Title 18 or 70 RCW.

(9) "Providers" means all health care practitioners, programs, facilities, or other health care entities regulated pursuant to Title 18 or 70 RCW.

(10) "Health care payors" includes all state health care payment programs; all disability insurers, health care service contractors, and health maintenance organizations subject to the jurisdiction of the insurance commissioner pursuant to Title 48 RCW; and all employers who provide health care benefits to employees through self-insurance.

(11) "Reporters" means providers and health care payors.

Sec. 16. RCW 70.170.030 and 1989 1st ex.s. c 9 s 503 are each amended to read as follows:

(1) There is created the health care access and cost control council within the department of health consisting of the following: The director of the department of labor and industries; the administrator of the health care authority; the secretary of social and health services; the administrator of the basic health plan; a person representing the governor on matters of health policy; the secretary of health; and ~~((one member from the public at large to be selected by the governor who shall represent individual consumers of health care. The public member shall not have any fiduciary obligation to any health care facility or any financial interest in the provision of health care services.))~~ nine public members. Public members shall be appointed by the governor with consent of the senate. In selecting public members, the governor shall assure that the council collectively has the technical expertise in health care data systems design, data collection, and other technical areas relevant to the design and operation of a health care data system and also reflects the perspectives of the users and reporters of data. In its confirmation of gubernatorial nomination, the senate should verify the technical qualifications of appointments. Public members shall serve two-year terms and the governor shall designate four of the initial appointees to serve one-year terms in order to provide staggered terms; thereafter all public members shall serve two-year terms. All persons appointed to fill vacancies shall be appointed in the same manner as the persons they are replacing. Members employed by the state shall serve without pay and participation in the council's work shall be deemed performance of their employment. The public members shall be compensated in accordance with RCW 43.03.240 and shall be reimbursed for related travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(2) A member of the council designated by the governor shall serve as chairman. The council shall elect a vice-chairman from its members biennially. Meetings of the council shall be held as frequently as its duties require. The council shall keep minutes of its meetings and adopt procedures for the governing of its meetings, minutes, and transactions.

(3) ~~((Four))~~ Eight members shall constitute a quorum, but ~~((a vacancy on the council shall not impair its power to act))~~ at least four of that number shall be public members. No action of the council shall be effective unless four members concur therein.

Sec. 17. RCW 70.170.040 and 1989 1st ex.s. c 9 s 504 are each amended to read as follows:

(1) In order to advise the department and the board of health in preparing executive request legislation and the state health report according to RCW 43.20.050, and, in order to represent the public interest, the council shall monitor and evaluate hospital and related health care services consistent with RCW 70.170.010. In fulfilling its responsibilities, the council shall have complete access to all the department's data and information systems.

(2) The council shall advise the department on the ~~((hospital))~~ health care data collection system required by this chapter.

(3) The council, in addition to participation in the development of the state health report, shall, from time to time, report to the governor and the appropriate committees of the legislature with proposed changes in hospital and related health care services, consistent with the findings in RCW 70.170.010.

~~((4))~~ The department may undertake, with advice from the council and within available funds, the following studies:

~~(a) Recommendations regarding health care cost containment, and the assurance of access and maintenance of adequate standards of care;~~

- ~~(b) Analysis of the effects of various payment methods on health care access and costs;~~
~~(c) The utility of the certificate of need program and related health planning process;~~
~~(d) Methods of permitting the inclusion of advance medical technology on the health care system, while controlling inappropriate use;~~
~~(e) The appropriateness of allocation of health care services;~~
~~(f) Professional liabilities on health care access and costs, to include:~~
~~(i) Quantification of the financial effects of professional liability on health care reimbursement;~~
~~(ii) Determination of the effects, if any, of nonmonetary factors upon the availability of, and access to, appropriate and necessary basic health services such as, but not limited to, prenatal and obstetrical care; and~~
~~(iii) Recommendation of proposals that would mitigate cost and access impacts associated with professional liability.~~

~~The department shall report its findings and recommendations to the governor and the appropriate committees of the legislature not later than July 1, 1991.)~~

Sec. 18. RCW 70.170.050 and 1989 1st ex. s. c 9 s 505 are each amended to read as follows:

The ~~((department))~~ council shall have the authority to respond to requests ~~((of others))~~ for data, special studies, or analysis. The ~~((department))~~ council may require ~~((such sponsors to pay))~~ payment of any or all of the reasonable costs associated with such requests that might be approved, but in no event may costs directly associated with any such special study be charged against the funds generated by the assessment authorized under ~~((RCW 70.170.080))~~ section 20 of this act.

Sec. 19. RCW 70.170.070 and 1989 1st ex. s. c 9 s 507 are each amended to read as follows:

(1) Every person who shall violate or knowingly aid and abet the violation of RCW 70.170.060 (5) or (6), ~~((70.170.080))~~ section 20 of this act, or 70.170.100, or any valid orders or rules adopted pursuant to these sections, or who fails to perform any act which it is herein made his or her duty to perform, shall be guilty of a misdemeanor. Following official notice to the accused by the department of the existence of an alleged violation, each day of noncompliance upon which a violation occurs shall constitute a separate violation. Any person violating the provisions of this chapter may be enjoined from continuing such violation. The department has authority to levy civil penalties not exceeding one thousand dollars for violations of this chapter and determined pursuant to this section.

(2) Every person who shall violate or knowingly aid and abet the violation of RCW 70.170.060 (1) or (2), or any valid orders or rules adopted pursuant to such section, or who fails to perform any act which it is herein made his or her duty to perform, shall be subject to the following criminal and civil penalties:

(a) For any initial violations: The violating person shall be guilty of a misdemeanor, and the department may impose a civil penalty not to exceed one thousand dollars as determined pursuant to this section.

(b) For a subsequent violation of RCW 70.170.060 (1) or (2) within five years following a conviction: The violating person shall be guilty of a misdemeanor, and the department may impose a penalty not to exceed three thousand dollars as determined pursuant to this section.

(c) For a subsequent violation with intent to violate RCW 70.170.060 (1) or (2) within five years following a conviction: The criminal and civil penalties enumerated in (a) of this subsection; plus up to a three-year prohibition against the issuance of tax exempt bonds under the authority of the Washington health care facilities authority; and up to a three-year prohibition from applying for and receiving a certificate of need.

(d) For a violation of RCW 70.170.060 (1) or (2) within five years of a conviction under (c) of this subsection: The criminal and civil penalties and prohibition enumerated in (a) and (b) of this subsection; plus up to a one-year prohibition from participation in the state medical assistance or medical care services authorized under chapter 74.09 RCW.

(3) The provisions of chapter 34.05 RCW shall apply to all noncriminal actions undertaken by the department of health, the department of social and health services, and the Washington health care facilities authority pursuant to chapter 9, Laws of 1989 1st ex. sess. (this act).

NEW SECTION. Sec. 20. A new section is added to chapter 70.170 RCW to read as follows:

The council shall fund the creation and maintenance of the data base and studies provided for in RCW 70.170.100 and 70.170.110 from a surcharge levied on the data acquired in whatever manner it deems to be efficient and fair by rule. No such assessment shall amount to more than four one-hundredths of one percent of the gross billed amount for the service that is the subject matter of the data. The council may accept gifts, donations, grants, and other funds received by the council. All moneys collected under this section shall be deposited by the state treasurer in the health care data collection account which is hereby created in the state treasury. This account is the successor to the hospital data collection account, the balance of which shall be placed in the health care data collection account. The council may also charge, receive, and dispense funds or authorize any contractor or outside sponsor to charge for and reimburse the costs associated with special studies as specified in RCW 70.170.050.

Any amounts raised by the collection of assessments provided for in this section that are not required to meet appropriations in the budget act for the current fiscal year shall be available to the council in succeeding years.

Sec. 21. RCW 70.170.100 and 1990 c 269 s 12 are each amended to read as follows:

(1) The ~~((department))~~ council is responsible for the development, implementation, and custody of a state-wide ~~((hospital))~~ health care data system. As part of the design stage for development of the system, the ~~((department))~~ council shall undertake a needs assessment of the types of, and format for, ~~((hospital))~~ health care data needed by consumers, purchasers, ~~((payers, hospitals))~~ health care payors, providers, and state government as consistent with the intent of this chapter. The ~~((department))~~ council shall identify a set of ~~((hospital))~~ health care data elements and report specifications which satisfy these needs. The council shall ~~((review the design of the data system and may direct the department to))~~ contract with a private vendor ~~((for assistance in the design of the data system))~~ in the state of Washington for all work to be performed under this section. The data elements, specifications, and other ~~((design))~~ distinguishing, features of this data system shall be made available for public review and comment and shall be published, with comments, as the ~~((department's first))~~ council's data plan by ~~((January 1, 1990))~~ July 1, 1993.

~~((2))~~ ~~((Subsequent to the initial development of the data system as published as the department's first data plan, revisions to the data system shall be considered through the department's development of a biennial data plan, as proposed to, and funded by, the legislature through the biennial appropriations process. Costs of data activities outside of these data plans except for special studies shall be funded through legislative appropriations.~~

~~((3))~~ In designing the state-wide ~~((hospital))~~ health care data system and any data plans, the ~~((department))~~ council shall identify ~~((hospital))~~ health care data elements relating to ~~((both hospital finances))~~ health care costs, the quality of health care services and ((the) use of ((services by patients)) health care by consumers. Data elements ~~((relating to hospital finances))~~ shall be reported ~~((by hospitals))~~ as the council directs by reporters in conformance with a uniform ~~((system of))~~ reporting ~~((as specified by the department and shall))~~ system established by the council, which shall be adopted by reporters. In the case of hospitals this includes data elements identifying each hospital's revenues, expenses, contractual allowances, charity care, bad debt, other income, total units of inpatient and outpatient services, and other financial information reasonably necessary to fulfill the purposes of this chapter, for hospital activities as a whole and, as feasible and appropriate, for specified classes of hospital purchasers and payers. Data elements relating to use of hospital services by patients shall, at least initially, be the same as those currently compiled by hospitals through inpatient discharge abstracts ~~((and reported to the Washington state hospital commission)).~~ The council shall permit reporting by electronic transmission or hard copy as is practical and economical to reporters.

~~((4))~~ ~~((3))~~ The state-wide ~~((hospital))~~ health care data system shall be uniform in its identification of reporting requirements for ~~((hospitals))~~ reporters across the state to the extent that such uniformity is ~~((necessary))~~ useful to fulfill the purposes of this chapter. Data reporting requirements may reflect differences ~~((in hospital size; urban or rural location; scope, type, and method of providing service; financial structure; or other pertinent distinguishing factors))~~ that involve pertinent distinguishing features as determined by the council by rule. So far as ~~((possible))~~ is practical, the data system shall be coordinated with any requirements of the trauma care data registry as authorized in RCW 70.168.090, the federal department of health and human services in its administration of the medicare program, ~~((and))~~ the state in its role of gathering public health statistics, or any other payor program of consequence, so as to minimize any unduly burdensome reporting requirements imposed on ~~((hospitals))~~ reporters.

~~((5))~~ ~~((4))~~ In identifying financial reporting requirements under the state-wide ~~((hospital))~~ health care data system, the ~~((department))~~ council may require both annual reports and condensed quarterly reports from reporters, so as to achieve both accuracy and timeliness in reporting, but shall craft such requirements with due regard of the data reporting burdens of reporters.

~~((6))~~ ~~((In designing the initial state wide hospital data system as published in the department's first data plan, the department shall review all existing systems of hospital financial and utilization reporting used in this state to determine their usefulness for the purposes of this chapter, including their potential usefulness as revised or simplified.~~

~~((7))~~ ~~((Until such time as the state wide hospital data system and first data plan are developed and implemented and hospitals are able to comply with reporting requirements, the department shall require hospitals to continue to submit the hospital financial and patient discharge information previously required to be submitted to the Washington state hospital commission. Upon publication of the first data plan, hospitals shall have a reasonable period of time to comply with any new reporting requirements and, even in the event that new reporting requirements differ greatly from past requirements, shall comply within two years of July 1, 1989.~~

~~((8))~~ ~~((5))~~ The ~~((hospital))~~ health care data collected ~~((and)),~~ maintained, and studied by the ~~((department))~~ council shall be available for retrieval in original or processed form to public and private requestors within a reasonable period of time after the date of request. The cost of retrieving data for state officials and agencies shall be funded through the state general appropriation. The cost of retrieving data for individuals and organizations engaged in research or private

use of data or studies shall be funded by a fee schedule developed by the ~~((department which))~~ council that reflects the direct cost of retrieving the data or study in the requested form.

(6) All persons subject to this chapter shall comply with council requirements established by rule in the acquisition of data. The council shall each December 1 of even-numbered years report to the senate and house of representatives policy committees on health care on the status of the data system, the level of participation by payor and provider groups and recommended statutory changes necessary to meet the objectives established in this chapter.

Sec. 22. RCW 70.170.110 and 1989 1st ex.s. c 9 s 511 are each amended to read as follows:

The ~~((department shall provide, or))~~ council may contract with a private ~~((entity to provide, hospital analyses and reports))~~ vendor in the state of Washington to provide any studies or reports it chooses to conduct consistent with the purposes of this chapter. ((Prior to release, the department shall provide affected hospitals with an opportunity to review and comment on reports which identify individual hospital data with respect to accuracy and completeness, and otherwise shall focus on aggregate reports of hospital performance. These reports shall)) The department may perform such studies or any other studies consistent with the purposes of this chapter. These reports may include:

(1) Consumer guides on purchasing ~~((hospital care services and))~~ or consuming health care and publications providing verifiable and useful comparative information to ((consumers on hospitals and hospital)) the public on health care services and the quality of health care providers;

(2) Reports for use by classes of purchasers, ~~((payers))~~ health care payors, and providers as specified for content and format in the state-wide data system and data plan; ((and))

(3) Reports on relevant ~~((hospital))~~ health care policy ((issues)) including the distribution of hospital charity care obligations among hospitals; absolute and relative rankings of Washington and other states, regions, and the nation with respect to expenses, net revenues, and other key indicators; ~~((hospital))~~ provider efficiencies; and the effect of medicare, medicaid, and other public health care programs on rates paid by other purchasers of ((hospital)) health care; and

(4) Any other reports the council deems useful to assist the public in understanding the prudent and cost-effective use of the health care delivery system.

NEW SECTION. Sec. 23. A new section is added to chapter 70.170 RCW to read as follows:

The council shall by rule adopt a uniform approach to health care claims processing, information requirements, definition of terms coding, and submission and payment mechanisms to be used by all providers and health care payors subject to this chapter.

NEW SECTION. Sec. 24. RCW 70.170.080 and 1991 sp.s. c 13 s 71 and 1989 1st ex.s. c 9 s 508 are each repealed.

PART V - PRACTICE PARAMETERS AND RISK MANAGEMENT PROTOCOLS

NEW SECTION. Sec. 25. LEGISLATIVE INTENT. The legislature finds that improving the quality of health services provided by health care professionals is an important public policy objective. It is in the public's interest to assure that health care professionals utilize diagnostic procedures and treatments that are appropriate and efficacious.

The legislature further finds that the state of health care technology and knowledge is increasingly advancing to the point where it is possible to assess the effectiveness and appropriateness of specific treatments and measure the quality of health care services provided to individuals. Such advances will permit a more systematic monitoring and evaluation of services delivered by health care professionals towards the goals of assuring appropriate and effective utilization of such services.

The legislature finds and declares that practice guidelines or parameters and risk management protocols can be an effective means for assuring appropriate and efficacious treatments. Public policy should be established to encourage their development and use.

NEW SECTION. Sec. 26. DEPARTMENT ACTIVITIES. The department of health shall consult with health care providers, purchasers, health professional regulatory authorities under RCW 18.130.040, appropriate research and clinical experts, and consumers of health care services to identify specific practice areas where practice parameters and risk management protocols can reasonably be developed. The department shall make a report, including recommendations for legislation, to the governor and appropriate legislative committees in the senate and house of representatives by December 15, 1992, on the following:

(1) The health care services where practice parameters and risk management protocols can reasonably be developed given the current state of knowledge;

(2) The use of practice parameters and risk management protocols in quality assurance and as standards in malpractice litigation;

(3) Practical issues involved in developing practice parameters and risk management protocols, including needed data bases and monitoring capabilities;

(4) Appropriate roles for the public and private interests in the development and implementation of practice parameters and risk management protocols, including the role of health professional credentialing and disciplinary authorities, purchasers, consumers, health care research institutions, and others; and

(5) A strategy for the development of practice parameters and risk management protocols.

PART VI - HEALTH CARE MALPRACTICE REFORM

Sec. 27. RCW 7.70.070 and 1975-'76 2nd ex.s. c 56 s 12 are each amended to read as follows:

The court shall, in any action under this chapter, determine the reasonableness of each party's fixed attorneys fees. The court shall take into consideration the following:

(1) The time and labor required, the novelty and difficulty of the questions involved, and the skill requisite to perform the legal service properly;

(2) The likelihood, if apparent to the client, that the acceptance of the particular employment will preclude other employment by the lawyer;

(3) The fee customarily charged in the locality for similar legal services;

(4) The amount involved and the results obtained;

(5) The time limitations imposed by the client or by the circumstances;

(6) The nature and length of the professional relationship with the client;

(7) The experience, reputation, and ability of the lawyer or lawyers performing the services((;

~~(8) Whether the fee is fixed or contingent)).~~

NEW SECTION. Sec. 28. CONTINGENT ATTORNEYS' FEES LIMITED.

(1) As used in this section:

(a) "Contingency fee agreement" means an agreement that an attorney's fee is dependent or contingent, in whole or in part, upon successful prosecution or settlement of a claim or action, or upon the amount of recovery.

(b) "Properly chargeable disbursements" means reasonable expenses incurred and paid by an attorney on a client's behalf in prosecuting or settling a claim or action.

(c) "Recovery" means the amount to be paid to an attorney's client as a result of a settlement or money judgment.

(2) In a claim or action filed under this chapter for personal injury or wrongful death based upon the alleged conduct of another, if an attorney enters into a contingency fee agreement with his or her client and if a money judgment is awarded to the attorney's client or the claim or action is settled, the attorney's fee shall not exceed the amounts set forth in (a) and (b) of this subsection:

(a) Not more than forty percent of the first five thousand dollars recovered, then not more than thirty-five percent of the amount more than five thousand dollars but less than twenty-five thousand dollars, then not more than twenty-five percent of the amount of twenty-five thousand dollars or more but less than two hundred fifty thousand dollars, then not more than twenty percent of the amount of two hundred fifty thousand dollars or more but less than five hundred thousand dollars, and not more than ten percent of the amount of five hundred thousand dollars or more.

(b) As an alternative to (a) of this subsection, not more than one-third of the first two hundred fifty thousand dollars recovered, not more than twenty percent of an amount more than two hundred fifty thousand dollars but less than five hundred thousand dollars, and not more than ten percent of an amount more than five hundred thousand dollars.

(3) The fees allowed in subsection (2) of this section are computed on the net sum of the recovery after deducting from the recovery the properly chargeable disbursements. In computing the fee, the costs as taxed by the court are part of the amount of the money judgment. In the case of a recovery payable in installments, the fee is computed using the present value of the future payments.

(4) A contingency fee agreement made by an attorney with a client must be in writing and must be executed at the time the client retains the attorney for the claim or action that is the basis for the contingency fee agreement. An attorney who fails to comply with this subsection is barred from recovering a fee in excess of the lowest fee available under subsection (2) of this section, but the other provisions of the contingency fee agreement remain enforceable.

(5) An attorney shall provide a copy of a contingency fee agreement to the client at the time the contingency fee agreement is executed. An attorney shall include his or her usual and customary hourly rate of compensation in a contingency fee agreement.

(6) An attorney who enters into a contingency fee agreement that violates subsection (2) of this section is barred from recovering a fee in excess of the attorney's reasonable actual attorney fees based on his or her usual and customary hourly rate of compensation, up to the lowest amount allowed under subsection (2) of this section, but the other provisions of the contingency fee agreement remain enforceable.

NEW SECTION. Sec. 29. LEGISLATIVE INTENT. The legislature finds that in *Sofie v. Fibreboard Corp.*, 112 Wn.2d 636 (1989), the Washington state supreme court struck down the limit on noneconomic damages enacted by

the legislature in 1986, because the court found that the statutory limitation on noneconomic damages interfered with the jury's province to determine damages, and thus violated a plaintiff's constitutionally protected right to trial by jury.

The legislature further finds that reforms in existing law for actions involving fault are necessary and proper to avoid catastrophic economic consequences for state and local governmental entities as well as private individuals and businesses.

Therefore, the legislature declares that to remedy the economic inequities which may arise from *Sofie*, defendants in actions involving fault should be held financially liable in closer proportion to their respective degree of fault. To treat them differently is unfair and inequitable.

It is further the intent of the legislature to partially eliminate causes of action based on joint and several liability as provided by this act for the purpose of reducing costs associated with the civil justice system.

NEW SECTION. Sec. 30. JOINT AND SEVERAL LIABILITY RESTRICTIONS.

(1) For the purposes of this section, the term "economic damages" means objectively verifiable monetary losses, including medical expenses, loss of earnings, burial costs, cost of obtaining substitute domestic services, loss of employment, and loss of business or employment opportunities. "Economic damages" does not include subjective, nonmonetary losses such as pain and suffering, mental anguish, emotional distress, disability and disfigurement, inconvenience, injury to reputation, humiliation, destruction of the parent-child relationship, the nature and extent of an injury, loss of consortium, society, companionship, support, love, affection, care, services, guidance, training, instruction, and protection.

(2) In all actions involving fault of more than one entity, the trier of fact shall determine the percentage of the total fault which is attributable to every entity which caused the claimant's injuries, including the claimant or person suffering personal injury, defendants, third-party defendants, entities released by the claimant, entities immune from liability to the claimant and entities with any other individual defense against the claimant. Judgment shall be entered against each defendant except those who have been released by the claimant or are immune from liability to the claimant or have prevailed on any other individual defense against the claimant in an amount which represents that party's proportionate share of the claimant's total damages. The liability of each defendant shall be several only and shall not be joint except:

(a) A party shall be responsible for the fault of another person or for payment of the proportionate share of another party where both were acting in concert or when a person was acting as an agent or servant of the party.

(b) If the trier of fact determines that the claimant or party suffering bodily injury was not at fault, the defendants against whom judgment is entered shall be jointly and severally liable for the sum of their proportionate shares of the claimant's economic damages.

(3) If a defendant is jointly and severally liable under one of the exceptions listed in subsection (2)(a) or (b) of this section, such defendant's rights to contribution against another jointly and severally liable defendant, and the effect of settlement by either such defendant, shall be determined under RCW 4.22.040, 4.22.050, and 4.22.060.

NEW SECTION. Sec. 31. CERTIFICATE OF MERIT REQUIRED.

(1) The claimant's attorney shall file the certificate specified in subsection (2) of this section within thirty days of filing or service, whichever occurs later, for any action for damages arising out of injuries resulting from health care by a person regulated by a disciplinary authority in the state of Washington to practice a health care profession under RCW 18.130.040 or by the state board of pharmacy under chapter 18.64 RCW.

(2) The certificate issued by the claimant's attorney shall declare:

(a) That the attorney has reviewed the facts of the case;

(b) That the attorney has consulted with at least one qualified expert who holds a license, certificate, or registration issued by this state or another state in the same profession as that of the defendant, who practices in the same specialty or subspecialty as the defendant, and who the attorney reasonably believes is knowledgeable in the relevant issues involved in the particular action;

(c) The identity of the expert and the expert's license, certification, or registration;

(d) That the expert is willing and available to testify to admissible facts or opinions; and

(e) That the attorney has concluded on the basis of such review and consultation that there is reasonable and meritorious cause for the filing of such action.

(3) Where a certificate is required under this section, and where there are multiple defendants, the certificate or certificates must state the attorney's conclusion that on the basis of review and expert consultation, there is reasonable and meritorious cause for the filing of such action as to each defendant.

(4) The provisions of this section shall not be applicable to a plaintiff who is not represented by an attorney.

(5) Violation of this section shall be grounds for either dismissal of the case or sanctions against the attorney, or both, as the court deems appropriate.

NEW SECTION. Sec. 32. EFFECTIVE DATE. Section 31 of this act applies to all actions for damages arising out of injuries resulting from health care filed on or after July 1, 1992.

NEW SECTION. Sec. 33. LEGISLATIVE INTENT. There are a number of retired physicians who wish to provide, or are providing, health care services to low-income patients without compensation. However, the cost of obtaining malpractice insurance is a burden that is deterring them from donating their time and services in treating the health problems of the poor. The necessity of maintaining malpractice insurance for those in practice is a significant reality in today's litigious society.

A program to alleviate the onerous costs of malpractice insurance for retired physicians providing uncompensated health care services to low-income patients will encourage philanthropy and augment state resources in providing for the health care needs of those who have no access to basic health care services.

An estimated sixteen percent of the nonelderly population do not have health insurance and lack access to even basic health care services. This is especially problematic for low-income persons who are young and who are either unemployed or have entry-level jobs without health care benefits. The majority of the uninsured, however, are working adults, and some twenty-nine percent are children.

The legislature declares that sections 34 and 35 of this act will increase the availability of primary care to low-income persons and is in the interest of the public health and safety.

NEW SECTION. Sec. 34. A new section is added to chapter 43.70 RCW to read as follows:

LIABILITY INSURANCE PURCHASE PROGRAM.

(1) The department may establish a program to purchase and maintain liability malpractice insurance for retired physicians who provide primary health care services at community clinics. The following conditions shall apply to the program:

(a) Primary health care services shall be provided at community clinics that are public or private tax-exempt corporations;

(b) Primary health care services provided at such clinics shall be offered to low-income patients based on their ability to pay;

(c) Retired physicians providing health care services shall not receive compensation for their services; and

(d) The department shall contract only with a liability insurer authorized to offer liability malpractice insurance in the state.

(2) This section and section 35 of this act shall not be interpreted to require a liability insurer to provide coverage to a physician should the insurer determine that coverage should not be offered to a physician because of past claims experience or for other appropriate reasons.

(3) The state and its employees who operate the program shall be immune from any civil or criminal action involving claims against clinics or physicians that provided health care services under this section or section 35 of this act. This protection of immunity shall not extend to any clinic or physician participating in the program.

(4) The department may monitor the claims experience of retired physicians covered by liability insurers contracting with the department.

(5) The department may provide liability insurance under this section and section 35 of this act only to the extent funds are provided for this purpose by the legislature.

NEW SECTION. Sec. 35. A new section is added to chapter 43.70 RCW to read as follows:

PROGRAM PARTICIPATION CONDITIONS. The department may establish by rule the conditions of participation in the liability insurance program by retired physicians at clinics utilizing retired physicians for the purposes of this section and section 34 of this act. These conditions shall include, but not be limited to, the following:

(1) The participating physician associated with the clinic shall hold a valid license to practice medicine and surgery in this state and otherwise be in conformity with current requirements for licensure as a retired physician, including continuing education requirements;

(2) The participating physician shall limit the scope of practice in the clinic to primary care. Primary care shall be limited to noninvasive procedures and shall not include obstetrical care, or any specialized care and treatment. Noninvasive procedures include injections, suturing of minor lacerations, and incisions of boils or superficial abscesses;

(3) The provision of liability insurance coverage shall not extend to acts outside the scope of rendering medical services pursuant to this section and section 34 of this act;

(4) The participating physician shall limit the provision of health care services to low-income persons provided that clinics may, but are not required to, provide means tests for eligibility as a condition for obtaining health care services;

(5) The participating physician shall not accept compensation for providing health care services from patients served pursuant to this section and section 34 of this act, nor from clinics serving these patients. "Compensation" shall mean any remuneration of value to the participating physician for services provided by the physician, but shall not be

construed to include any nominal copayments charged by the clinic, nor reimbursement of related expenses of a participating physician authorized by the clinic in advance of being incurred; and

(6) The use of mediation or arbitration for resolving questions of potential liability may be used, however any mediation or arbitration agreement format shall be expressed in terms clear enough for a person with a sixth grade level of education to understand, and on a form no longer than one page in length.

PART VII - HEALTH CARE PROVIDER CONFLICT OF FINANCIAL INTEREST

NEW SECTION. Sec. 36. LEGISLATIVE INTENT. The legislature finds that there is a growing practice of health care professionals having financial interest in laboratory and other services. The legislature further finds that such practices may result in overutilization of health care services and excessive costs to individuals, third-party payers, and the health care system.

The legislature declares that the notification of patients and third-party payers about these referral practices can make them more aware of such practices and allow payers to track providers who through referrals overutilize services for financial reasons.

Sec. 37. RCW 19.68.010 and 1973 1st ex.s. c 26 s 1 are each amended to read as follows:

It shall be unlawful for any person, firm, corporation or association, whether organized as a cooperative, or for profit or nonprofit, to pay, or offer to pay or allow, directly or indirectly, to any person licensed by the state of Washington to engage in the practice of medicine and surgery, drugless treatment in any form, dentistry, or pharmacy and it shall be unlawful for such person to request, receive or allow, directly or indirectly, a rebate, refund, commission, unearned discount or profit by means of a credit or other valuable consideration in connection with the referral of patients to any person, firm, corporation or association, or in connection with the furnishings of medical, surgical or dental care, diagnosis, treatment or service, on the sale, rental, furnishing or supplying of clinical laboratory supplies or services of any kind, drugs, medication, or medical supplies, or any other goods, services or supplies prescribed for medical diagnosis, care or treatment: **PROVIDED, That ownership of a financial interest in any firm, corporation or association which furnishes any kind of clinical laboratory or other services prescribed for medical, surgical, or dental diagnosis shall not be prohibited under this section where (1) the referring practitioner affirmatively discloses to the patient in writing, the fact that such practitioner has a financial interest in such firm, corporation, or association; and (2) the referring practitioner provides the patient with a list of effective alternative facilities, informs the patient that he or she has the option to use one of the alternative facilities, and assures the patient that he or she will not be treated differently by the referring practitioner if the patient chooses one of the alternative facilities.**

Any person violating the provisions of this section is guilty of a misdemeanor.

NEW SECTION. Sec. 38. A new section is added to chapter 18.130 RCW to read as follows:

CONFLICT OF INTEREST STANDARDS. The secretary of health, in consultation with the health care disciplinary authorities under RCW 18.130.040(2)(b), shall establish standards prohibiting or restricting provider investments and referrals that present a conflict of interest resulting from inappropriate financial gain for the provider or his or her immediate family. These standards are not intended to inhibit the efficient operation of managed health care systems. The secretary shall report to the health policy committees of the senate and house of representatives by June 30, 1993, on the development of the standards and any recommended statutory changes necessary to implement the standards.

PART VIII - STANDARDIZED HEALTH CARE INSURANCE CLAIM FORMS

NEW SECTION. Sec. 39. A new section is added to chapter 48.20 RCW to read as follows:
APPLICATION TO DISABILITY INSURANCE POLICIES.

(1) After January 1, 1994, all disability insurance policies that provide coverage for hospital or medical expenses shall use for all billing purposes in either paper or electronic format either the health care financing administration (HCFA) 1500 form, or its successor, or the uniform billing (UB) 82 form, or its successor. For billing purposes, this subsection does not apply to pharmacists, dentists, eyeglasses, transportation, or vocational services.

(2) As of January 1, 1994, the forms developed under section 48 of this act shall be used by providers of health care and carriers under this chapter.

NEW SECTION. Sec. 40. A new section is added to chapter 48.21 RCW to read as follows:
APPLICATION TO GROUP DISABILITY INSURANCE POLICIES.

(1) After January 1, 1994, all group disability insurance policies that provide coverage for hospital or medical expenses shall use for all billing purposes in either paper or electronic format either the health care financing administration (HCFA) 1500 form, or its successor, or the uniform billing (UB) 82 form, or its successor. For billing purposes, this subsection does not apply to pharmacists, dentists, eyeglasses, transportation, or vocational services.

(2) As of January 1, 1994, the forms developed under section 48 of this act shall be used by providers of health care and carriers under this chapter.

NEW SECTION. Sec. 41. A new section is added to chapter 48.44 RCW to read as follows:
APPLICATION TO HEALTH CARE INSURANCE CONTRACTS.

(1) After January 1, 1994, all health care insurance contracts that provide coverage for hospital or medical expenses shall use for all billing purposes in either paper or electronic format either the health care financing administration (HCFA) 1500 form, or its successor, or the uniform billing (UB) 82 form, or its successor. For billing purposes, this subsection does not apply to pharmacists, dentists, eyeglasses, transportation, or vocational services.

(2) As of January 1, 1994, the forms developed under section 48 of this act shall be used by providers of health care and carriers under this chapter.

NEW SECTION. Sec. 42. A new section is added to chapter 48.46 RCW to read as follows:
APPLICATION TO HEALTH MAINTENANCE AGREEMENTS.

(1) After January 1, 1994, all health maintenance agreements that provide coverage for hospital or medical expenses shall use for all billing purposes in either paper or electronic format either the health care financing administration (HCFA) 1500 form, or its successor, or the uniform billing (UB) 82 form, or its successor. For billing purposes, this subsection does not apply to pharmacists, dentists, eyeglasses, transportation, or vocational services.

(2) As of January 1, 1994, the forms developed under section 48 of this act shall be used by providers of health care and carriers under this chapter.

NEW SECTION. Sec. 43. A new section is added to chapter 48.84 RCW to read as follows:
APPLICATION TO LONG-TERM CARE PROVIDERS.

(1) After January 1, 1994, all providers of long-term care that provide coverage for hospital or medical expenses shall use for all billing purposes in either paper or electronic format either the health care financing administration (HCFA) 1500 form, or its successor, or the uniform bill (UB) 82 form, or its successor. For billing purposes, this subsection does not apply to pharmacists, dentists, eyeglasses, transportation, or vocational services.

(2) As of January 1, 1994, the forms developed under section 48 of this act shall be used by providers of health care and carriers under this chapter.

NEW SECTION. Sec. 44. A new section is added to chapter 41.05 RCW to read as follows:
APPLICATION TO STATE HEALTH CARE AUTHORITY. After July 1, 1994, the health care financing

administration (HCFA) 1500 form, or its successor, and the uniform billing (UB) 82 form, or its successor, shall be used in either paper or electronic format for state-paid health care services provided through the health care authority. The forms developed under section 48 of this act shall be used for billing purposes for pharmacists, dentists, eyeglasses, transportation, or vocational services.

NEW SECTION. Sec. 45. A new section is added to chapter 74.09 RCW to read as follows:

APPLICATION TO THE MEDICAL ASSISTANCE PROGRAM. After July 1, 1994, the health care financing administration (HCFA) 1500 form, or its successor, and the uniform billing (UB) 82 form, or its successor, shall be used in either paper or electronic format for state-paid health care services provided by the department. The forms developed under section 48 of this act shall be used for billing purposes for pharmacists, dentists, eyeglasses, transportation, or vocational services.

NEW SECTION. Sec. 46. A new section is added to Title 51 RCW to read as follows:

APPLICATION TO LABOR AND INDUSTRIES. After July 1, 1994, the health care financing administration (HCFA) 1500 form, or its successor, and the uniform billing (UB) 82 form, or its successor, shall be used in either paper or electronic format for state-paid health care services provided under this title. The forms developed under section 48 of this act shall be used for billing purposes for pharmacists, dentists, eyeglasses, transportation, or vocational services.

NEW SECTION. Sec. 47. APPLICATION TO BASIC HEALTH PLAN. After July 1, 1994, the health care financing administration (HCFA) 1500 form, or its successor, and the uniform billing (UB) 82 form, or its successor, shall be used in either paper or electronic format for state-paid health care services provided under the basic health plan. The forms developed under section 48 of this act shall be used for billing purposes for pharmacists, dentists, eyeglasses, transportation, or vocational services.

NEW SECTION. Sec. 48. A new section is added to chapter 70.170 RCW to read as follows:

JOINT AGENCY RULES. By January 1, 1993, the council shall develop and adopt by rule in paper and electronic format billing forms to be used by pharmacists, dentists, eyeglasses, transportation, and vocational services. These forms shall be made available to providers of health care coverage licensed under chapters 48.20, 48.21, 48.44, 48.46, and 48.84 RCW.

**PART IX - INCENTIVES TO PARTICIPATE AS A PROVIDER
IN THE MEDICAID PROGRAM**

NEW SECTION. Sec. 49. LEGISLATIVE INTENT. The legislature finds that:

- (1) The number of persons without access, or with increasingly limited access, to health care services continues to grow; and
- (2) The state's medical assistance program continues to provide necessary services to low-income Washington residents.

The legislature finds and declares that incentives need to be developed for health care providers to accept and retain medical assistance patients.

Sec. 50. RCW 41.04.250 and 1981 c 256 s 2 are each amended to read as follows:

"Employee" as used in this section and RCW 41.04.260 includes all full-time, part-time and career seasonal employees of the state, a county, a municipality, or other political subdivision of the state, whether or not covered by civil service; elected and appointed officials of the executive branch of the government, including full-time members of boards, commissions, or committees; justices of the supreme court and judges of the court of appeals and of the superior and district courts; ~~(and)~~ members of the state legislature or of the legislative authority of any county, city, or town; and, for the sole purpose of participating in the deferred compensation program, an individual licensed health care providers who are independent contractors with the department of social and health services to provide care to medical assistance recipients under chapter 74.09 RCW.

The state, through the committee for deferred compensation created in RCW 41.04.260, and any county, municipality, or other political subdivision of the state acting through its principal supervising official or governing body is authorized to contract with an employee to defer a portion of that employee's income, which deferred portion shall in no event exceed the amount allowable under 26 U.S.C. Sec. 457, and deposit or invest such deferred portion in a credit union, savings and loan association, bank, or mutual savings bank or purchase life insurance, shares of an investment company, or fixed and/or variable annuity contracts from any insurance company or any investment company licensed to contract business in this state. The committee can provide such plans as it deems are in the interests of state employees. In addition to the types of investments described in this section, the committee may invest the deferred portion of an employee's income, without limitation as to amount, in any of the class of investments described in RCW 43.84.150 as in effect on January 1, 1981. Any income deferred under such a plan shall continue to be included as regular compensation, for the purpose of computing the state or local retirement and pension benefits earned by any employee.

Coverage of an employee under a deferred compensation plan under this section shall not render such employee ineligible for simultaneous membership and participation in any pension system for public employees.

PART X - HEALTH INSURANCE PREMIUMS TAX EXEMPTION

Sec. 51. RCW 48.14.022 and 1987 c 431 s 23 are each amended to read as follows:

- (1) The taxes imposed in RCW 48.14.020 do not apply to premiums collected or received for policies of insurance issued under RCW 48.41.010 through 48.41.210.
- (2) Until July 1, 1994, the taxes imposed in RCW 48.14.020 do not apply to premiums collected or received for policies of insurance issued under RCW 48.21.045.

(3) In computing tax due under RCW 48.14.020, there may be deducted from taxable premiums the amount of any assessment against the taxpayer under RCW 48.41.010 through 48.41.210. Any portion of the deduction allowed in this section which cannot be deducted in a tax year without reducing taxable premiums below zero may be carried forward and deducted in successive years until the deduction is exhausted.

PART XI - SMALL BUSINESS HEALTH CARE INSURANCE REFORM

NEW SECTION. Sec. 52. SHORT TITLE. This chapter shall be known and may be cited as the small employer health care coverage availability act.

NEW SECTION. Sec. 53. PURPOSE. The purpose and intent of this chapter and RCW 48.14.040 is to promote the availability of health care coverage to small employers regardless of the health status or claims experience of their employees and their employees' dependents, to prevent abusive rating practices, to require disclosure of rating practices to purchasers, to establish rules regarding renewability of coverage, to establish limitation on the use of preexisting condition exclusions, to provide for development of basic and standard health benefit plans to be offered to all small employers, and to improve the overall fairness and efficiency of the small employer health care coverage market.

NEW SECTION. Sec. 54. DEFINITIONS. As used in this chapter:

- (1) "Actuarial certification" means a written statement by a member of the American academy of actuaries, or other individual acceptable to the commissioner, that a small employer carrier is in compliance with the provisions of section 56 of this act, based upon the person's examination, including a review of the appropriate records and of the

actuarial assumptions and methods used by the small employer carrier in establishing premium rates for applicable health benefit plans.

(2) "Affiliate" or "affiliated" means any entity or person who directly or indirectly through one or more intermediaries, controls or is controlled by, or is under common control with, a specified entity or person.

(3) "Association" means an organization organized and maintained in good faith for purposes other than that of obtaining health care coverage. Associations shall have constitutions and bylaws or other analogous governing documents and shall have been in active existence for at least five years, unless they are based on participation in a certain industry, in which case they must have been in active existence for at least two years.

(4) "Base premium rate" means, as to a rating period, the lowest premium rate for either employees or enrollees, based on rates or formulas filed by the small employer carrier with the commissioner, that could be charged under the rating system by the small employer carrier to small employers with similar case characteristics for health benefit plans with the same or similar coverage.

(5) "Basic health benefit plan" means a health benefit plan developed under section 60 of this act.

(6) "Board" means the board of directors of the Washington state health insurance pool, as established by chapter 48.41 RCW and amended by chapter ..., Laws of 1992 (this act).

(7) "Carrier" means any entity that provides health benefits coverage in Washington state. For the purposes of this chapter, carrier includes an insurance company, health care service contractor, health maintenance organization, or any person or entity that lawfully writes, issues, or administers health benefit plans in Washington state and is subject to the jurisdiction of the state of Washington.

(8) "Case characteristics" means demographic or other objective characteristics of a small employer that are considered by the small employer carrier in the determination of premium rates for the small employer, provided that claim experience, health status, and duration of coverage shall not be case characteristics for the purposes of this chapter.

(9) "Commissioner" means the insurance commissioner as defined in RCW 48.02.010.

(10) "Committee" means the health benefit plan committee created under section 60 of this act.

(11) "Dependent" means the eligible employee's lawful spouse, unmarried natural child, adopted child or child legally placed for adoption, stepchild, or legally designated minor ward; unmarried child who is a full-time student under the age of twenty-three years who is financially dependent upon an eligible employee; or unmarried child of any age who is medically certified and disabled and claimed as an exemption on the federal income tax form of the eligible employee.

(12) "Eligible employee" means an active employee, proprietor, partner, or corporate officer of the small employer's group who is paid on a regular, periodic basis through the group's payroll system and who regularly works on a full-time basis and has a normal work week of thirty or more hours, and who is expected to continue doing so. An eligible employee must have met any applicable requirement of the employer as to the period of employment before the employee is eligible for health benefits coverage. The term does not include an employee, proprietor, partner, or corporate officer who works on a part-time, temporary, or substitute basis.

(13) "Established geographic service area" means a geographical area, if any, as approved by the commissioner and based on the carrier's certificate of authority to transact business in Washington state, within which the carrier is authorized to provide coverage.

(14) "Financially impaired" means a carrier that, after the effective date of this section, is not insolvent and is:

- (a) Deemed by the commissioner to be potentially unable to fulfill its contractual obligations; or
- (b) Placed under an order of rehabilitation or conservation by a court of competent jurisdiction.

(15) "Health benefit plan" means any hospital or medical policy or certificate, health care service contract, health maintenance organization subscriber contract, or plan provided by any other benefit arrangement subject to this chapter. The term does not include accident only, credit, dental, vision, medicare supplement, long-term care, or disability income insurance, coverage issued as a supplement to liability insurance, workers' compensation or similar insurance, or automobile medical payment insurance.

(16) "Index rate" means, as to a rating period for small employers with similar case characteristics for the same or similar coverage, the arithmetic average of the applicable base premium rate and corresponding highest premium rate for either employees or enrollees based on rates or formulas filed by the small employer carrier with the commissioner.

(17) "Late enrollee" means an eligible employee or dependent who requests enrollment in a health benefit plan of a small employer following the initial enrollment period in which the person was initially eligible to enroll under the terms of the health benefit plan, provided that such initial enrollment period is a period of at least thirty days. However, an eligible employee or dependent shall not be considered a late enrollee if:

(a) The individual meets each of the following:

(i) The individual was covered under qualifying previous coverage at the time the individual was eligible to enroll;

(ii) The individual certified at the time of the initial enrollment that coverage under another health benefit plan was the reason for declining enrollment;

(iii) The individual lost coverage under qualifying previous coverage as a result of termination of employment or eligibility, the involuntary termination of the qualifying previous coverage, death of a spouse, or divorce;

(iv) The individual requests enrollment within thirty days after termination of the qualifying previous coverage;

(b) The individual is employed by an employer that offers multiple health benefit plans and the individual elects a different plan during an open enrollment period; or

(c) A court has ordered coverage be provided for a dependent under a covered employee's health benefit plan and request for enrollment is made within thirty days after issuance of the court order.

(18) "New business premium rate" means, as to a rating period, the lowest premium rate for either employees or enrollees based on rates or formulas filed by the small employer carrier with the commissioner and which could have been charged by the small employer carrier to small employers with similar case characteristics for newly issued health benefit plans with the same or similar coverage.

(19) "Plan of operation" means the plan of operation of the program established under section 59 of this act.

(20) "Premium" means all moneys paid by a small employer and eligible employees as a condition of receiving coverage from a small employer carrier, including any fees or other contributions associated with the health benefit plan.

(21) "Producer" means an agent, broker, or solicitor as defined in chapter 48.17 RCW.

(22) "Program" means the Washington small employer program established under section 59 of this act.

(23) "Qualifying previous coverage" and "qualifying existing coverage" means benefits or coverage provided under:

(a) Medicare, medicaid, or the basic health plan;

(b) An employer-based health insurance or health benefit arrangement that provides benefits similar to or exceeding benefits provided under a basic or standard health benefit plan that is subject to regulations of Washington state provided that such coverage has been in effect for the individual in question for a period of at least six months; or

(c) An individual health insurance policy issued by a carrier that provides benefits similar to or exceeding benefits provided under a standard health benefit plan, provided that such policy has been in effect for a period of at least six months.

(24) "Rating period" means the twelve-month period for which premium rates established by a small employer carrier are presumed to be in effect.

(25) "Restricted network provision" means any provision of a health benefit plan that conditions the payment of benefits, in whole or in part, on the use of health care providers that have entered into an arrangement with the carrier pursuant to chapter 48.44 or 48.46 RCW to provide health care services to covered individuals.

(26) "Similar coverage" means two or more health benefit plans whose differences in plan or benefit structure cause no major differences in the rate schedules associated with the benefit plans. Carriers may define two or more coverage plans as being dissimilar and separate coverage if the structure of the benefits, payment methods, or other aspect of the coverage plans results in actuarial rate differences of more than fifteen percent, as filed by the carrier with the commissioner. A fully insured association plan in existence on July 1, 1992, and meeting the requirements of this chapter as of July 1, 1993, may be considered dissimilar and separate coverage.

(27) "Small employer" means any person, firm, corporation, partnership, or association that is actively engaged in business that, on at least fifty percent of its working days during the preceding calendar quarter, employed at least three eligible employees unrelated by blood or marriage but no more than forty-nine eligible employees, the majority of whom were employed within Washington state. In determining the number of eligible employees, companies that are affiliated companies, or that are eligible to file a combined tax return for purposes of state taxation, shall be considered one employer. Small employers who are members of multiple employer groups or associations are subject to this chapter. Multiple employer group members or association members that do not meet the definition of a small employer are not subject to this chapter.

(28) "Small employer carrier" means any carrier that offers health benefit plans covering eligible employees of one or more small employers in Washington state.

(29) "Standard benefit plan" means a health benefit plan developed under section 60 of this act.

NEW SECTION. Sec. 55. APPLICABILITY AND SCOPE.

(1) This chapter shall apply to any health benefit plan that provides coverage to the employees of a small employer in Washington state if any of the following conditions are met:

(a) Any portion of the premium or benefits is paid by or on behalf of the small employer and the employer meets the minimum participation and employer contribution requirements set forth by the carrier;

(b) An eligible employee or dependent is reimbursed, whether through wage adjustments or otherwise, by or on behalf of the small employer for any portion of the premium; or

(c) The health benefit plan is treated by the employer or any of the eligible employees or dependents as part of a plan or program for the purposes of section 162, 125, or 106 of the United States Internal Revenue Code.

(2) Each carrier holding a certificate of authority or a certificate of registration shall be treated as a separate carrier for the purposes of this chapter.

NEW SECTION. Sec. 56. RESTRICTIONS RELATING TO PREMIUM RATES.

(1) Premium rates for health benefit plans subject to this chapter shall be subject to the following provisions:

(a) The premium rates charged during a rating period to small employers with similar case characteristics for the same or similar coverage, or the rates that could be charged to such employers under the rating system as filed with the commissioner, shall not vary from the index rate by more than twenty-five percent of the index rate.

(b) Subject to the limits established in (a) of this subsection, the percentage increase in the premium rate charged to a small employer for a new rating period may not exceed the sum of the following:

(i) The percentage change applied to all small employers covered by the small employer carrier from the first day of the prior rating period to the first day of the new rating period to account for the cost experience of the prior rating period and the anticipated cost experience for the new rating period;

(ii) Any adjustment, not to exceed fifteen percent annually and adjusted pro rata for rating periods of less than one year, due to the claim experience, health status, and duration of coverage of the employees or dependents of the small employer as determined from the small employer carrier's rate manual; and

(iii) Any adjustment due to change in coverage or change in the case characteristics of the small employer, as determined from the small employer carrier's rate manual.

(c) For fully insured association plans in existence on July 1, 1992, and meeting the requirements of this chapter as of July 1, 1993, carriers may base the percentage increase in premium rates for small employers covered by an association plan using the procedure outlined in paragraph (b) of this subsection (1) applying only the experience of the small employers covered by the association plan.

(d) Adjustments in rates for claim experience, health status, and duration of coverage shall not be charged to individual employees or dependents. Any such adjustment shall be applied uniformly to the rates charged for all employees and dependents of the small employer.

(e) A small employer carrier may utilize industry as a case characteristic in establishing premium rates, provided that the highest rate factor associated with any industry classification shall not exceed the lowest rate factor associated with any industry classification by more than fifteen percent.

(f) For health benefit plans issued prior to the effective date of this section, a premium rate for a rating period may exceed the ranges set forth in (a) of this subsection for a period of three years following the effective date of this section. In such cases, the percentage increase in the premium rate charged to a small employer for a new rating period shall not exceed the sum of the following:

(i) The percentage change in the new business premium rate measured from the first day of the prior rating period to the first day of the new rating period. In the case of a health benefit plan into which the small employer carrier is no longer enrolling new small employers, the small employer carrier shall use the percentage change in the base premium rate, provided that such change does not exceed, on a percentage basis, the change in the new business premium rate for the most similar health benefit plan into which the small employer carrier is actively enrolling new small employers; and

(ii) Any adjustment due to change in coverage or change in the case characteristics of the small employer, as determined from the small employer carrier's rate manual.

(g)(i) Small employer carriers shall apply rating factors, including case characteristics, consistently with respect to all small employers. Rating factors shall produce premiums for identical small employers that differ only by amounts attributable to plan design and do not reflect differences due to the nature of the groups assumed to select particular health benefit plans. All small employer health benefit plans offered by a carrier shall be rated subject to the requirements of (a) of this subsection.

(ii) A small employer carrier shall treat all health benefit plans issued or renewed in the same calendar month as having the same rating period.

(h) For the purposes of this subsection, a health benefit plan that utilizes a restricted provider network shall not be considered similar coverage to a health benefit plan that does not utilize such a network, provided that utilization of the restricted provider network results in substantial differences in claims costs.

(i) A small employer carrier shall not use case characteristics other than age, gender, industry and geographic area, without prior approval of the commissioner, based on the board's recommendation.

(j) The commissioner may establish rules, giving due consideration to the recommendations of the board, to implement the provisions of this section and to assure that rating practices used by small employer carriers are consistent with the purposes of this chapter, including:

(i) Assuring that differences in rates charged for health benefit plans by small employer carriers are reasonable and reflect actuarially acceptable differences in plan design, not including differences due to the nature of the groups assumed to select particular health benefit plans; and

(ii) Prescribing the manner in which case characteristics may be used by small employer carriers.

(k) Nothing in this section shall be construed as a prohibition against using family size and composition in setting rates.

(2) A small employer carrier shall not transfer a small employer involuntarily into a health benefit plan or out of a health benefit plan unless that benefit plan is discontinued by the carrier for all small employers. A small employer carrier shall not offer to transfer a small employer into or out of a health benefit plan unless such offer is made to transfer all small employers with the same health benefit plan without regard to case characteristics, claim experience, health status, or duration of coverage.

(3) In connection with the offering for sale of any health benefit plan to a small employer, a small employer carrier shall make a reasonable disclosure, at least once in writing to the small employer or as part of its solicitation and sales materials, of all of the following:

(a) The extent to which premium rates for a specified small employer are established or adjusted based upon the actual or expected variation in claims costs or actual or expected variation in health status of the employees of the small employer and their dependents;

(b) The provisions of the health benefit plan concerning the small employer carrier's right to change premium rates and factors, other than claim experience, that affect changes in premium rates;

(c) The provision relating to renewability of policies and contracts; and

(d) The provisions relating to any preexisting condition.

(4)(a) Each small employer carrier shall maintain at its principal place of business a complete and detailed description of its rating practices and renewal underwriting practices, including information and documentation that demonstrate that its rating methods and practices are based upon commonly accepted actuarial assumptions and are in accordance with sound actuarial principles.

(b) Each small employer carrier shall file with the commissioner annually on or before March 15 an actuarial certification certifying that the carrier is in compliance with this chapter and that the rating methods of the small employer carrier are actuarially sound. Such certification shall be in a form and manner, and shall contain such information, as specified by the commissioner. A copy of the certification shall be retained by the small employer carrier at its principal place of business.

(c) A small employer carrier shall make the information and documentation described in (a) of this subsection available to the commissioner upon request. The information shall be considered proprietary and trade secret information and shall not be subject to disclosure by the commissioner to any persons outside of the office except as agreed to by the small employer carrier or as ordered by a court of competent jurisdiction.

NEW SECTION. Sec. 57. RENEWABILITY OF COVERAGE.

(1) A health benefit plan subject to this chapter shall be renewable with respect to all eligible employees and dependents, at the option of the small employer, except in any of the following cases:

(a) Nonpayment of the required premiums or cost-sharing requirements of the health benefit plan;

(b) Fraud or misrepresentation by the small employer or, with respect to coverage of individual insureds, the insureds or their representatives;

(c) Noncompliance with the carrier's minimum participation or eligibility requirements;

(d) Noncompliance with the carrier's employer contribution requirements;

(e) Repeated misuse of a provider network provision;

(f) The small employer carrier elects to not renew all of its health benefit plans issued to small employers in Washington state. In such a case the carrier shall:

(i) Provide advance notice of its decision under this subsection (1)(f)(i) to the board and to the commissioner;

and

(ii) Provide notice of the decision not to renew coverage to all affected small employers and to the commissioner in each state in which an affected covered individual is known to reside at least one hundred eighty days prior to the nonrenewal of any health benefit plan by the carrier. Notice to the commissioner under this subsection (1)(f)(ii) shall be provided at least three working days prior to the notice to the affected small employers;

(g) The commissioner finds that the continuation of coverage for small employers would:

(i) Not be in the best interests of the policyholders or certificate holders; or

(ii) Impair the carrier's ability to meet its contractual obligations.

In such instance the commissioner shall assist affected small employers in finding replacement coverage.

(2) Nothing in this section will preclude a carrier from modifying its health benefit plans other than its basic or standard health benefit plans, unless changed by the board, so long as the modifications are offered to all of the small employers covered by the modified plans.

(3) A small employer carrier that elects not to renew a standard or basic health benefit plan under subsection (1)(f) of this section shall be prohibited from writing new business in the small employer market in Washington state for a period of five years from the date of notice to the commissioner.

(4) In the case of a small employer carrier that ceases doing business in one established geographic service area of the state, the rules set forth in this section shall apply only to the carrier's operations in such service area.

NEW SECTION. Sec. 58. GENERAL SMALL EMPLOYER CARRIER REQUIREMENTS.

(1) Small employer carriers may offer a variety of benefit plans to small employers; however each small employer carrier must offer standard or basic health benefit plans developed by the health benefit plan committee pursuant to section 60 of this act to any eligible small employer. All health benefit plans, other than the basic health benefit plan, covering small employers shall include at least a standard health benefit coverage established pursuant to this chapter and all health benefit plans offered to small employers shall also comply with the following provisions:

(a) A small employer carrier shall file with the commissioner, in a form and manner prescribed by the commissioner, the basic, standard, and other small employer health benefit plans to be used by the carrier. Any health benefit plan filed pursuant to this subsection (1)(a) may be used by a small employer carrier immediately after it is filed.

(b) A health benefit plan shall not deny, exclude, or limit benefits for a covered individual for losses incurred more than six months following the effective date of the individual's coverage due to a preexisting condition. A small employer health benefit plan shall not define a preexisting condition more restrictively than:

(i) A condition that would have caused an ordinarily prudent person to seek medical advice, diagnosis, care, or treatment during the six months immediately preceding the effective date of coverage;

(ii) A condition for which medical advice, diagnosis, care, or treatment was recommended or received during the six months immediately preceding the effective date of coverage; or

(iii) A pregnancy existing on the effective date of coverage.

(c) A health benefit plan shall waive any time period applicable to a preexisting condition exclusion or limitation period with respect to particular services for the period of time an individual was covered by qualifying previous coverage that provided benefits with respect to such services, provided that the qualifying previous coverage did not terminate more than thirty days prior to the effective date of the new coverage. This subsection (1)(c) does not preclude application of any eligibility waiting period imposed by the small employer subject to the federal Employee's Retirement Income Security Act (ERISA) and applicable to all new employees and dependents under the health benefit plan. The eligibility waiting period imposed by the small employer shall not be counted as part of the time period used to determine qualifying previous coverage.

(d) A health benefit plan may exclude coverage for late enrollees for the greater of twelve months or for a twelve-month preexisting condition exclusion, provided that if both a period of exclusion from coverage and a preexisting condition exclusion are applicable to a late enrollee, the combined period shall not exceed twelve months from the date the individual enrolls for coverage under the health benefit plan.

(e)(i) Except as provided in (iv) of this subsection (1)(e), requirements used by a small employer carrier in determining whether to provide coverage to a small employer, including requirements for minimum participation of eligible employees and minimum employer contributions, shall be applied uniformly among all small employers with the same number of eligible employees applying for coverage or receiving coverage from the small employer carrier.

(ii) A small employer carrier may vary application of minimum participation requirements and minimum employer contribution requirements only by the size of the small employer group.

(iii)(A) Except as provided in (iii)(B) of this subsection (1)(e), in applying minimum participation requirements with respect to a small employer, a small employer carrier shall not consider employees or dependents who have qualifying existing coverage in determining whether the applicable percentage of participation is met.

(B) With respect to a small employer with ten or fewer eligible employees, a small employer carrier may consider employees or dependents who have coverage under another health benefit plan sponsored by an employer in applying minimum participation requirements.

(iv) A small employer carrier shall not increase any requirement for minimum employee participation or any requirement for minimum employer contribution applicable to a small employer at any time after the small employer has been accepted for coverage.

(f)(i) If a small employer carrier offers coverage to a small employer, the small employer carrier shall offer coverage to all of the eligible employees of the small employer and their dependents. A small employer carrier shall not offer coverage to only certain individuals in a small employer group or to only part of the group, except in the case of late enrollees as provided in (e) of this subsection.

(ii) A small employer carrier shall not modify the basic or standard health benefit plan with respect to a small employer or any eligible employee or dependent through riders, endorsements, or otherwise, to restrict or exclude coverage for certain diseases or medical conditions otherwise covered by the basic or standard health benefit plan.

(2)(a) Every small employer carrier shall, as a condition of transacting business in Washington state with small employers, actively offer to small employers at least a basic and a standard health benefit plan.

(b) A small employer carrier shall issue a basic or standard health benefit plan to any eligible small employer that applies for such a plan and agrees to make the required premium payments and to satisfy the other reasonable provisions of the health benefit plan not inconsistent with this chapter.

(c) A small employer carrier shall issue at least the basic or standard health benefit plan to any eligible small employer that applies to such a plan and agrees to make the required premium payments and to satisfy the other reasonable provisions of the health benefit plan not inconsistent with this chapter, until the carrier's target of high-risk individuals has been met under section 59 of this act.

(d) Coverage provided to a small employer through an association shall be subject to all of the requirements of this chapter, except the requirement to make health benefit plans available to small employers that do not belong to the association. For the purpose of providing coverage to the association, a carrier shall not be required to issue a health benefit plan to any small employer that is not a member of any such association through the association policy or contract.

(e)(i) No small employer carrier utilizing a restricted network provision shall be required to offer coverage or accept applications pursuant to (b) of this subsection in the case of the following:

(A) To a small employer, where the small employer is not physically located in the carrier's established geographic service area;

(B) To an employee, when the employee does not reside within the carrier's established geographic service area;

or

(C) Within an established geographic service area where the carrier reasonably anticipates, and demonstrates to the satisfaction of the commissioner that it will not have the capacity within that area in its network of providers to deliver service adequately to the members of such groups because of its obligations to existing group contract holders and enrollees.

(ii) A carrier that cannot offer coverage pursuant to (e)(i)(C) of this subsection may not offer coverage in the applicable service area to any new employer groups until the later of ninety days following each such refusal or the date on which the carrier notifies the commissioner that it has regained capacity to deliver services to small employer groups in that service area.

(f) A small employer carrier shall not be required to offer coverage or accept applications pursuant to (b) of this subsection where the commissioner finds that the acceptance of an application or applications would place the small employer carrier in a financially impaired condition; provided, however, that a small employer carrier that has not offered coverage or accepted applications pursuant to this subsection (2)(f) may not offer health benefit plans to any group except pursuant to a marketing plan approved by the commissioner.

(g) For purposes of establishing continued small employer eligibility under this chapter, a small employer carrier may reassess the size of the covered employer on the anniversary date of the employer's policy. Coverage under this chapter may be discontinued if the small employer no longer meets the size requirements provided for in this chapter. However, if a small employer falls below the minimum size, coverage must be continued for a period of at least one year before the small employer carrier can discontinue coverage under this chapter, provided that the small employer continues to fall below the minimum group size requirements of this chapter.

(h) The provisions of this subsection shall be effective one hundred eighty days after the commissioner's approval of the basic and standard health benefit plans developed under section 60 of this act, provided that if the small employer program created under section 59 of this act is not yet in operation on such date, the provisions of this subsection shall be effective on the date that such program begins operation.

NEW SECTION. Sec. 59. SMALL EMPLOYER HEALTH BENEFITS COVERAGE PROGRAM.

(1) All small employer carriers issuing health benefit plans in this state on and after July 1, 1993, shall be required to meet the requirements of this section as a condition of authority to transact business in Washington state. However, nothing in this chapter shall be construed to prohibit a small employer carrier from continuing to offer coverage to small employer groups after meeting its target of high-risk individuals as defined by the board.

(2) There is created a nonprofit entity to be known as the Washington small employer health benefits coverage program. All small employer carriers issuing health benefit plans in Washington state on and after July 1, 1993, shall be participants in the program.

(3) The program shall operate subject to the supervision and control of the board of the Washington health insurance pool, as established by chapter 48.41 RCW and amended by chapter --, Laws of 1992 (this act).

(4) Within sixty days of the effective date of this section each small employer carrier shall make a filing with the commissioner containing the carrier's enrollment in health benefit plans issued to small employers in this state as of the effective date of this section.

(5) Within one hundred eighty days after the effective date of this section, the board shall submit to the commissioner a plan of operation and thereafter any amendments thereto necessary or suitable, to assure the fair, reasonable, and equitable administration of the program. The commissioner may, after notice and hearing, disapprove the plan of operation if the commissioner determines that it does not meet the requirements of chapter --, Laws of 1992 (this act). The plan of operation shall become effective unless disapproved in writing by the commissioner within thirty days of the date it was submitted by the board.

(6) If the board fails to submit a plan of operation within one hundred eighty days after the effective date of this section, the commissioner shall, after notice and hearing, adopt a temporary plan of operation, which shall be rescinded at the time a plan of operation is submitted by the board.

(7) The plan of operation shall:

(a) Establish procedures for handling and accounting of program assets and moneys and for an annual fiscal reporting to the commissioner;

(b) Establish procedures for retaining independent consultants to assist the board in establishing and enforcing reasonable target amounts and risk distribution practices for small employer carriers;

(c) Establish procedures at least annually for assigning targets of high-risk individuals among small employer carriers in accordance with the provisions of this chapter;

(d) Establish targets of sufficient size and variability to assure that a substantial proportion of available carrier capacity remains open for new enrollment in a geographic area;

(e) Establish procedures so that carriers who have fulfilled their target of high-risk individuals from small employers in a geographic area may remain open selectively for new enrollment to small employers;

(f) Establish procedures for collecting assessments from all small employer carriers to provide for administrative expenses incurred or estimated to be incurred for the period for which the assessment is made; and

(g) Provide for any additional matters necessary for the implementation and administration of the program.

(8) The program board shall have the specific authority to:

(a) Establish rules, conditions, and procedures pertaining to its functions under this chapter, including the board's authority to review and approve a carrier's accounting for high-risk individuals from newly enrolled small employers;

(b) Enter into contracts as are necessary or proper to carry out the provisions and purposes of this section, including the authority, with the approval of the commissioner, to enter into contracts with similar programs of other states for the joint performance of common functions or with persons or other organizations for the performance of administrative functions;

(c) Sue or be sued, including taking any legal actions necessary or proper for recovering any assessments and penalties for, on behalf of, or against the program or any allocating carriers;

(d) Assess small employer carriers in accordance with the provisions of subsection (12) of this section, and to make interim assessments as may be reasonable and necessary for organizational and interim operating expenses. Any interim assessments shall be credited as offsets against any regular assessments due following the close of the fiscal year;

(e) Appoint appropriate legal, actuarial, audit, and other committees as necessary to provide technical assistance in the operation of the program, policy, and other contract design, and any other function within the authority of the program;

(f) Perform other functions necessary and proper to carry out its responsibilities under this chapter.

(9) The board shall establish procedures, as part of the plan of operation, for determining targets by geographic area of high-risk individuals in small employers with no more than twenty-five eligible employees among all small employer carriers. Such procedures shall be designed to assure a fair distribution of risks among small employer carriers. The procedures shall include the following:

(a) A method by which the board shall estimate each year the total number of expected new high-risk individuals across all small employer groups that will be identified and used for determining carrier targets under this subsection during the year. The board shall develop a uniform definition of a high-risk individual based on standardized criteria that are generally accepted, actuarially justified and similar to those that would be administered by carriers in determining on a prospective basis an individual's likely risk category, for purposes of this section. The board shall not consider those high-risk individuals already in each small employer carrier's existing book of business subject to these targets, except as provided by (b) of this subsection.

(b) A method by which the board shall assign to each small employer carrier a target number of high-risk individuals. The target number for a small employer carrier shall bear the same proportional relationship to the total

number of high-risk individuals estimated under (a) of this subsection as the small employer carrier's average annual enrollment of small employers bears to the average annual enrollment of all small employer carriers for coverage of small employers. However, for small employer carriers whose enrollees from small groups are at least sixty percent of their total covered enrollees from all sources in the geographic service area and which have fewer than ten thousand enrollees, no more than forty percent of their small group enrollees shall be deemed small group enrollees for purposes of establishing the carrier's target. In the case of an established small employer carrier with an established geographic services area, the board shall allow an initial adjustment to the target otherwise applicable to the small employer carrier where the carrier applies to the board for such an adjustment and demonstrates to the satisfaction of the board that such an adjustment is appropriate. The adjustment shall account for such factors as the carrier's increased or decreased exposure resulting from the demographics of the carrier's geographic service area, the existing mix of small groups, the existing risk base of the carrier, and other factors that the board deems appropriate and applies consistently.

(c) A procedure by which the board shall determine the number of high-risk eligible employees and dependents of each small employer that constitutes the carrier's target of high-risk individuals, not including those high-risk individuals already in a small employer carrier's existing book of business subject to this chapter, except as provided in (b) of this subsection. A small employer carrier may not count an individual towards filling its target unless it receives the approval of the board. The board shall not approve an individual to be counted toward a small employer carrier's target unless the carrier submitted that individual to the board within sixty days following the commencement of coverage with the carrier. If a small employer carrier fails to submit an individual to the board within sixty days following the commencement of coverage, the carrier is permanently prohibited from submitting that individual to the board in the future for the purpose of meeting the carrier's target.

(d) A procedure by which a small employer carrier which has met its established target for new enrollment of high-risk individuals in small employer groups may cease enrolling small employers with high-risk individuals in the carrier's geographic service area.

(e) A procedure by which the board shall establish a target for a small employer carrier that wishes to enter a new geographic service area.

(f) Procedures for achieving an equitable, prospective distribution among small employer carriers of high-risk individuals; efficient administration of the program; and providing incentive for small employer carriers to manage the care of high-risk individuals enrolled under the program.

(10) The board shall periodically evaluate the program to assure equity in the distribution of high-risk individuals under small employers, including consideration of the comparative lengths of time that carriers have provided coverage to meet their target of high-risk individuals and of the utilization and cost data for small groups and high-risk individuals enrolled with the carrier after the effective date of this section. The board, subject to the approval of the commissioner, shall have the authority to make adjustments to the procedures established pursuant to this subsection to further the goal of equitable distribution of high-risk individuals under small employers.

(11) Following the close of each fiscal year, the board shall determine the program expenses of the administration. The net expense for the year shall be recouped by assessment on the participating carriers.

(12) Small employer carriers shall accept application from all small employers until their targets for high-risk individuals are met, as determined by the board pursuant to subsection (9) of this section. A small employer carrier may also offer to small employers coverage that is more comprehensive than that required by this chapter.

(13) Each small employer carrier shall file with the commissioner, in a form and manner to be prescribed by the commissioner, an annual report. The report shall state the small employer carrier's enrollment of new small employer coverage written in the previous twelve-month period. The report also shall state the number and size of small employers with high-risk individuals and the number of high-risk individuals that meets the standard criteria for high-risk individuals, the names and number of the small employers that canceled or terminated coverage with it during the preceding calendar year, and the reasons for such cancellations or terminations, if known. The report shall be filed on or before March 1 for the preceding calendar year. A copy of the report shall be provided to the board.

(14) Neither the participation by members, the establishment of rates, forms, or procedures for coverages issued by the program, nor any other joint or collective action required by this chapter or the state of Washington shall be the basis of any legal action, criminal or civil liability or penalty against the program or any small employer carrier either jointly or separately.

(15) The program board and operations are exempt from any and all taxes. This exemption shall not be construed to include carriers.

NEW SECTION. Sec. 60. HEALTH BENEFIT PLAN COMMITTEE.

(1) The commissioner shall appoint a health benefit plan committee. The committee shall be composed of balanced representation from small employer carriers, including insurance companies, health care service contractors, health maintenance organizations, and other carriers, and from small employers, employees, and health care providers.

(2) The committee shall recommend the form and level of coverage to be made available by small employer carriers under sections 58 and 59 of this act.

(3)(a) The committee shall recommend benefit levels, cost sharing levels, exclusions, and limitations for the basic and standard health benefit plans. The committee shall also design at least two basic and two standard health benefit plans that contain benefit and cost sharing levels consistent with the basic method of operation and benefits of health maintenance organizations, at least one of which shall be consistent with restrictions and requirements imposed on health maintenance organizations by federal law, including the federal HMO act (42 U.S.C. Sec. 300e et seq.). The committee may also develop recommended underwriting standards for use voluntarily by carriers that employ such practices.

(b) With the approval of the board, the committee shall submit the health benefit plans described in (a) of this subsection to the commissioner for approval within one hundred eighty days after the appointment of the committee.

(c)(i) A small employer carrier shall file with the commissioner, in a format and manner prescribed by the commissioner, the health benefit plans to be used by the carrier. Any health benefit plan filed pursuant to this subsection (3)(c)(i) may be used by a small employer carrier immediately after it is filed.

(ii) The commissioner at any time may, after providing written notice and an opportunity for a hearing to the small employer carrier, disapprove the continued use by a small employer carrier of a basic or standard health benefit plan on the grounds that the plan does not meet the requirements of this subsection.

NEW SECTION. Sec. 61. PERIODIC MARKET EVALUATION.

(1) The board, in consultation with members of the committee, shall study and report at least every three years to the commissioner on the effectiveness of this chapter. The report shall analyze the effectiveness of this chapter in promoting rate stability, product availability, and percent of eligible employers providing coverage. The report may contain recommendations for actions to improve the overall effectiveness, efficiency, and fairness of the small employer health care coverage market place. The report shall address whether carriers and producers are fairly and actively marketing and issuing health benefit plans to small employers in fulfillment of the purposes of this chapter. The report may contain recommendations for market conduct or other regulatory standards or actions.

(2) The board shall commission an actuarial study, by an independent actuary approved by the commissioner, within the first three years of the operation of the program to evaluate and measure the relative risks being assumed by differing types of small employer carriers as a result of this chapter.

NEW SECTION. Sec. 62. WAIVER OF CERTAIN STATE LAWS. Nothing in this chapter shall be construed to require the basic and the standard health benefit plans of a small employer carrier to satisfy the applicable requirements of:

(1) RCW 48.21.130, 48.21.140, 48.21.141, 48.21.142, 48.21.144, 48.21.146, 48.21.160 through 48.21.197, 48.21.200, 48.21.220, 48.21.225, 48.21.230, 48.21.235, 48.21.240, 48.21.244, 48.21.250, 48.21.300, 48.21.310, or 48.21.320;

(2) RCW 48.44.225, 48.44.240, 48.44.245, 48.44.290, 48.44.300, 48.44.310, 48.44.320, 48.44.325, 48.44.330, 48.44.335, 48.44.340, 48.44.344, 48.44.360, 48.44.400, 48.44.440, 48.44.450, and 48.44.460;

(3) RCW 48.46.275, 48.46.280, 48.46.285, 48.46.290, 48.46.350, 48.46.355, 48.46.375, 48.46.440, 48.46.480, 48.46.510, 48.46.520, and 48.46.530.

NEW SECTION. Sec. 63. ADMINISTRATIVE PROCEDURES. The commissioner may issue rules in accordance with this chapter, to be implemented on July 1, 1993, upon due consideration of recommendations of the board.

NEW SECTION. Sec. 64. STANDARDS TO ASSURE FAIR MARKETING.

(1) If a small employer carrier chooses to offer only a basic or standard health benefit plan to a small employer, the carrier shall notify the small employer of the reason or reasons for this decision in a form and manner prescribed by the commissioner. If a small employer carrier that has met its target of high-risk individuals under section 59 of this act chooses not to offer a basic or standard health benefit plan to a small employer, the carrier shall notify the small employer in a form and manner prescribed by the commissioner of the availability of coverage through other small employer carriers in the geographic area.

(2) A small employer carrier may provide reasonable compensation, as provided under the plan of operation of the program, provided, no incentives or remuneration of any kind may be paid to or accepted by the producer to place or refer small groups with any carrier based on health status or claims history of potential enrollees.

(3) No small employer carrier shall terminate, fail to renew, or limit its contract or agreement of representation with a producer because the producer has placed small employers with the small employer carrier.

(4) No small employer carrier or producer shall induce or otherwise encourage a small employer to separate or otherwise exclude an employee from health coverage or benefits provided in connection with the employee's employment.

(5) If a small employer carrier declines to offer a health benefit plan to a small employer for a reason permitted under section 58 or 59 of this act, the small employer carrier shall notify the small employer of such decision in writing and shall state the reason or reasons for the decision.

(6) Upon due consideration of the recommendation of the board, the commissioner may adopt by rule additional standards to provide for the availability of health benefit plans to small employers through the program.

(7)(a) A violation of this section by a small employer insurer or producer shall be an unfair trade practice under chapter 48.30 RCW. A violation by a health care service contractor or a health maintenance organization is a prohibited practice under the applicable provisions of chapter 48.44 or 48.46 RCW.

(b) If a small employer carrier enters into a contract, agreement, or other arrangement with a third-party administrator to provide administrative, marketing, or the other services related to the offering of health benefit plans to small employers in Washington state, the third-party administrator shall be subject to this section as if it were a small employer carrier.

Sec. 65, RCW 48.41.040 and 1989 c 121 s 2 are each amended to read as follows:

(1) There is hereby created a nonprofit entity to be known as the Washington state health insurance pool. All members in this state on or after May 18, 1987, shall be members of the pool. When authorized by federal law, all self-insured employers shall also be members of the pool.

(2) Pursuant to chapter 34.05 RCW the commissioner shall, within ninety days after ~~((May 18, 1987))~~ the effective date of this section, give notice to all members of the time and place for the ~~((initial))~~ organizational meetings of the pool as restructured pursuant to chapter --, Laws of 1992 (this act). A board of directors shall be established, which shall be comprised of ~~((nine))~~ thirteen members. The commissioner shall select (a) three members of the board who shall represent ~~((a))~~ (i) the general public, ~~((b))~~ (ii) health care providers, and ~~((c))~~ (iii) health insurance agents and (b) two members of the board who shall represent small employers as defined by section 54 of this act. The remaining members of the board shall be selected by election from among the members of the pool. The elected members shall, to the extent possible, include at least ~~((one))~~ three representatives of health care service contractors, ~~((one))~~ three representatives of health maintenance organizations, and ~~((one))~~ two representatives of commercial insurers which provides disability insurance. When self-insured organizations become eligible for participation in the pool, the membership of the board shall be increased to ~~((eleven))~~ fifteen and at least one member of the board shall represent the self-insurers. In electing and appointing members of the board, due regard shall be given to the need for geographic balance among members and for representation from diverse carrier perspectives. Members of the board representing small business shall not vote on matters involving the administration of the Washington state health insurance coverage access act established by this chapter. Members of the board representing providers and agents shall not vote on matters involving sections 52 through 64 and 66 of this act.

(3) The ~~((original))~~ additional members of the board of directors as provided by sections 52 through 64 and 66 of this act shall be appointed for intervals of one to three years. Thereafter, all board members shall serve a term of three years. Board members shall receive no compensation, but shall be reimbursed for all travel expenses as provided in RCW 43.03.050 and 43.03.060.

(4) The board shall submit to the commissioner a plan of operation for the pool and any amendments thereto necessary or suitable to assure the fair, reasonable, and equitable administration of the pool. The commissioner shall, after notice and hearing pursuant to chapter 34.05 RCW, approve the plan of operation if it is determined to assure the fair, reasonable, and equitable administration of the pool and provides for the sharing of pool losses on an equitable, proportionate basis among the members of the pool. The plan of operation shall become effective upon approval in writing by the commissioner consistent with the date on which the coverage under this chapter must be made available. If the board fails to submit a plan of operation within one hundred eighty days after the appointment of the board or any time thereafter fails to submit acceptable amendments to the plan, the commissioner shall, within ninety days after notice and hearing pursuant to chapters 34.05 and 48.04 RCW, adopt such rules as are necessary or advisable to effectuate this chapter. The rules shall continue in force until modified by the commissioner or superseded by a plan submitted by the board and approved by the commissioner.

NEW SECTION. Sec. 66. APPLICATION OF CHAPTER TO CHAPTERS 48.21, 48.44, AND 48.46 RCW.

This chapter applies to carriers regulated under chapters 48.21, 48.44, and 48.46 RCW. After the effective date of this section, basic group disability insurance policies issued pursuant to RCW 48.21.045, basic health care service contracts issued pursuant to RCW 48.44.023, and basic health maintenance agreements issued pursuant to RCW 48.46.066 shall become subject to this chapter when they are renewed or reissued.

NEW SECTION. Sec. 67. A new section is added to chapter 82.02 RCW to read as follows:

The provisions of this title shall not apply to the Washington small employer benefits coverage program board and operations established under section 59 of this act. This exemption shall not be construed to include carriers.

NEW SECTION. Sec. 68. A new section is added to chapter 84.36 RCW to read as follows:

The real and personal property of the Washington small employer benefits coverage program board and operations established under section 59 of this act is exempt from taxation.

PART XII - MISCELLANEOUS

Sec. 69. RCW 18.130.040 and 1990 c 3 s 810 are each amended to read as follows:

(1) This chapter applies only to the secretary and the boards having jurisdiction in relation to the professions licensed under the chapters specified in this section. This chapter does not apply to any business or profession not licensed under the chapters specified in this section.

(2)(a) The secretary has authority under this chapter in relation to the following professions:

- (i) Dispensing opticians licensed under chapter 18.34 RCW;
- (ii) Naturopaths licensed under chapter 18.36A RCW;
- (iii) Midwives licensed under chapter 18.50 RCW;
- (iv) Ocularists licensed under chapter 18.55 RCW;
- (v) Massage operators and businesses licensed under chapter 18.108 RCW;
- (vi) Dental hygienists licensed under chapter 18.29 RCW;
- (vii) Acupuncturists certified under chapter 18.06 RCW;
- (viii) Radiologic technologists certified and x-ray technicians registered under chapter 18.84 RCW;
- (ix) Respiratory care practitioners certified under chapter 18.89 RCW;
- (x) Persons registered or certified under chapter 18.19 RCW;
- (xi) Persons registered as nursing pool operators;
- (xii) Nursing assistants registered or certified under chapter ~~((18.52B))~~ 18.88A RCW;
- (xiii) Dietitians and nutritionists certified under chapter 18.138 RCW; and
- (xiv) Sex offender treatment providers certified under chapter 18.155 RCW.

(b) The boards having authority under this chapter are as follows:

- (i) The ~~((podiatry))~~ podiatric medical board as established in chapter 18.22 RCW;
- (ii) The chiropractic disciplinary board as established in chapter 18.26 RCW governing licenses issued under chapter 18.25 RCW;
- (iii) The dental disciplinary board as established in chapter 18.32 RCW;
- (iv) The council on hearing aids as established in chapter 18.35 RCW;
- (v) The board of funeral directors and embalmers as established in chapter 18.39 RCW;
- (vi) The board of examiners for nursing home administrators as established in chapter 18.52 RCW;
- (vii) The optometry board as established in chapter 18.54 RCW governing licenses issued under chapter 18.53 RCW;
- (viii) The board of osteopathic medicine and surgery as established in chapter 18.57 RCW governing licenses issued under chapters 18.57 and 18.57A RCW;
- (ix) The board of pharmacy as established in chapter 18.64 RCW governing licenses issued to pharmacists or pharmacy assistants under chapters 18.64 and 18.64A RCW;
- ~~((x))~~ (x) The medical disciplinary board as established in chapter 18.72 RCW governing licenses and registrations issued under chapters 18.71 and 18.71A RCW;
- ~~((xi))~~ (xi) The board of physical therapy as established in chapter 18.74 RCW;
- ~~((xii))~~ (xii) The board of occupational therapy practice as established in chapter 18.59 RCW;
- ~~((xiii))~~ (xiii) The board of practical nursing as established in chapter 18.78 RCW;
- ~~((xiv))~~ (xiv) The examining board of psychology and its disciplinary committee as established in chapter 18.83 RCW;
- ~~((xv))~~ (xv) The board of nursing as established in chapter 18.88 RCW; and
- ~~((xvi))~~ (xvi) The veterinary board of governors as established in chapter 18.92 RCW.

(3) In addition to the authority to discipline license holders, the disciplining authority has the authority to grant or deny licenses based on the conditions and criteria established in this chapter and the chapters specified in subsection (2) of this section. However, the board of chiropractic examiners has authority over issuance and denial of licenses provided for in chapter 18.25 RCW, the board of dental examiners has authority over issuance and denial of licenses provided for in RCW 18.32.040, and the board of medical examiners has authority over issuance and denial of licenses and registrations provided for in chapters 18.71 and 18.71A RCW. This chapter also governs any investigation, hearing, or proceeding relating to denial of licensure or issuance of a license conditioned on the applicant's compliance with an order entered pursuant to RCW 18.130.160 by the disciplining authority.

Sec. 70. RCW 18.130.175 and 1991 c 3 s 270 are each amended to read as follows:

(1) In lieu of disciplinary action under RCW 18.130.160 and if the disciplining authority determines that the unprofessional conduct may be the result of substance abuse, the disciplining authority may refer the license holder to a voluntary substance abuse monitoring program approved by the disciplining authority.

The cost of the treatment shall be the responsibility of the license holder, but the responsibility does not preclude payment by an employer, existing insurance coverage, or other sources. Primary alcoholism or drug treatment shall be provided by approved treatment facilities under RCW 70.96A.020~~((2))~~: PROVIDED, That nothing shall prohibit the disciplining authority from approving additional services and programs as an adjunct to primary alcoholism or drug treatment. The disciplining authority may also approve the use of out-of-state programs. Referral of the license holder to the program shall be done only with the consent of the license holder. Referral to the program may also include probationary conditions for a designated period of time. If the license holder does not consent to be referred to the program or does not successfully complete the program, the disciplining authority may take appropriate action under RCW 18.130.160.

(2) In addition to approving substance abuse monitoring programs that may receive referrals from the disciplining authority, the disciplining authority may establish by rule requirements for participation of license holders who are not being investigated or monitored by the disciplining authority for substance abuse. License holders voluntarily participating in the approved programs without being referred by the disciplining authority shall not be subject to disciplinary action under RCW 18.130.160 for their substance abuse, and shall not have their participation made known to the disciplining authority, if they meet the requirements of this section and the program in which they are participating.

(3) The license holder shall sign a waiver allowing the program to release information to the disciplining authority if the licensee does not comply with the requirements of this section or is unable to practice with reasonable skill or safety. The substance abuse program shall report to the disciplining authority any license holder who fails to comply with the requirements of this section or the program or who, in the opinion of the program, is unable to practice with reasonable skill or safety. License holders shall report to the disciplining authority if they fail to comply with this section or do not complete the program's requirements. License holders may, upon the agreement of the program and disciplining authority, reenter the program if they have previously failed to comply with this section.

(4) The treatment and pretreatment records of license holders referred to or voluntarily participating in approved programs shall be confidential, shall be exempt from RCW 42.17.250 through 42.17.450, and shall not be subject to discovery by subpoena or admissible as evidence except for monitoring records reported to the disciplining authority for cause as defined in subsection (3) of this section. Monitoring records relating to license holders referred to the program by the disciplining authority or relating to license holders reported to the disciplining authority by the program for cause, shall be released to the disciplining authority at the request of the disciplining authority. Records held by the disciplining authority under this section shall be exempt from RCW 42.17.250 through 42.17.450 and shall not be subject to discovery by subpoena except by the license holder.

(5) "Substance abuse," as used in this section, means the impairment, as determined by the disciplining authority, of a license holder's professional services by an addiction to, a dependency on, or the use of alcohol, legend drugs, or controlled substances.

(6) This section does not affect an employer's right or ability to make employment-related decisions regarding a license holder. This section does not restrict the authority of the disciplining authority to take disciplinary action for any other unprofessional conduct.

(7) A person who, in good faith, reports information or takes action in connection with this section is immune from civil liability for reporting information or taking the action.

(a) The immunity from civil liability provided by this section shall be liberally construed to accomplish the purposes of this section and the persons entitled to immunity shall include:

- (i) An approved monitoring treatment program;
- (ii) The professional association operating the program;
- (iii) Members, employees, or agents of the program or association;
- (iv) Persons reporting a license holder as being impaired or providing information about the license holder's impairment; and
- (v) Professionals supervising or monitoring the course of the impaired license holder's treatment or rehabilitation.

(b) The immunity provided in this section is in addition to any other immunity provided by law.

~~((8) In addition to health care professionals governed by this chapter, this section also applies to pharmacists under chapter 18.64 RCW and pharmacy assistants under chapter 18.64A RCW. For that purpose, the board of pharmacy shall be deemed to be the disciplining authority and the substance abuse monitoring program shall be in lieu of disciplinary action under RCW 18.64.160 or 18.64A.050. The board of pharmacy shall adjust license fees to offset the costs of this program.))~~

Sec. 71. RCW 18.64.160 and 1985 c 7 s 60 are each amended to read as follows:

In addition to the grounds under RCW 18.130.170 and 18.130.180, the board of pharmacy ((shall have the power to refuse, suspend, or revoke)) may take disciplinary action against the license of any pharmacist or intern upon proof that:

- (1) His or her license was procured through fraud, misrepresentation, or deceit;
 - (2) ~~((He or she has been convicted of a felony relating to his or her practice as a pharmacist;~~
 - ~~(3) He or she has committed any act involving moral turpitude, dishonesty, or corruption, if the act committed directly relates to the pharmacist's fitness to practice pharmacy. Upon such conviction, however, the judgment and sentence shall be conclusive evidence at the ensuing disciplinary hearing of the guilt of the respondent pharmacist of the crime described in the indictment or information, and of his or her violation of the statute upon which it is based;~~
 - (4) He or she is unfit to practice pharmacy because of habitual intemperance in the use of alcoholic beverages, drugs, controlled substances, or any other substance which impairs the performance of professional duties;
 - (5)) He or she exhibits behavior which may be due to physical or mental impairment, which creates an undue risk of causing harm to him or herself or to other persons when acting as a licensed pharmacist or intern;
 - ~~((6)) (3) He or she has incompetently or negligently practiced pharmacy, creating an unreasonable risk of harm to any individual;~~
 - ~~((7) His or her legal authority to practice pharmacy, issued by any other properly constituted licensing authority of any other state, has been and is currently suspended or revoked;~~
 - (8)) (4) In the event that a pharmacist is determined by a court of competent jurisdiction to be mentally incompetent, the pharmacist shall automatically have his or her license suspended by the board upon the entry of the judgment, regardless of the pendency of an appeal;
 - ~~((9)) (5) He or she has knowingly violated or permitted the violation of any provision of any state or federal law, rule, or regulation governing the possession, use, distribution, or dispensing of drugs, including, but not limited to, the violation of any provision of this chapter, Title 69 RCW, or rule or regulation of the board;~~
 - ~~((10)) (6) He or she has knowingly allowed any unlicensed person to take charge of a pharmacy or engage in the practice of pharmacy, except a pharmacy intern or pharmacy assistant acting as authorized in this chapter or chapter 18.64A RCW in the presence of and under the immediate supervision of a licensed pharmacist;~~
 - ~~((11)) (7) He or she has compounded, dispensed, or caused the compounding or dispensing of any drug or device which contains more or less than the equivalent quantity of ingredient or ingredients specified by the person who prescribed such drug or device: PROVIDED, HOWEVER, That nothing herein shall be construed to prevent the pharmacist from exercising professional judgment in the preparation or providing of such drugs or devices.~~
- ~~((In any case of the refusal, suspension, or revocation of a license by said board of pharmacy under the provisions of this chapter, said board shall proceed in accordance with chapter 34.05 RCW.))~~

NEW SECTION. Sec. 72. A new section is added to chapter 18.64 RCW to read as follows:

PHARMACISTS ARE SUBJECT TO THE UNIFORM DISCIPLINARY ACT. The uniform disciplinary act, chapter 18.130 RCW, governs unlicensed practice of pharmacy, the issuance and denial of licenses, and the discipline of licensed pharmacists under this chapter.

Sec. 73. RCW 18.64A.050 and 1989 1st ex.s. c 9 s 424 are each amended to read as follows:

In addition to the grounds under RCW 18.130.170 and 18.130.180, the board of pharmacy ((shall have the power to refuse, suspend, or revoke)) may take disciplinary action against the certificate of any pharmacy assistant upon proof that:

- (1) His or her certificate was procured through fraud, misrepresentation or deceit;
 - ~~((2) He or she has been found guilty of any offense in violation of the laws of this state relating to drugs, poisons, cosmetics or drug sundries by any court of competent jurisdiction. Nothing herein shall be construed to affect or alter the provisions of RCW 9.96A.020;~~
 - ~~(3) He or she is unfit to perform his or her duties because of habitual intoxication or abuse of controlled substances;~~
 - ~~(4) He or she has exhibited gross incompetency in the performance of his or her duties;~~
 - ~~(5) He or she has willfully or repeatedly violated any of the rules and regulations of the board of pharmacy or of the department;~~
 - ~~(6) He or she has willfully or repeatedly performed duties beyond the scope of his or her certificate in violation of the provisions of this chapter;)) or~~
 - ~~((7)) (2) He or she has impersonated a licensed pharmacist.~~
- ~~((In any case of the refusal, suspension or revocation of a certificate by the board, a hearing shall be conducted in accordance with RCW 18.64.160, as now or hereafter amended, and appeal may be taken in accordance with the Administrative Procedure Act, chapter 34.05 RCW.))~~

NEW SECTION. Sec. 74. A new section is added to chapter 18.64A RCW to read as follows:

PHARMACY ASSISTANTS ARE SUBJECT TO THE UNIFORM DISCIPLINARY ACT. The uniform disciplinary act, chapter 18.130 RCW, governs the issuance and denial of certificates and the discipline of certificants under this chapter.

NEW SECTION. Sec. 75. RCW 18.64.260 and 1987 c 202 s 184, 1969 ex.s. c 199 s 17, 1909 c 213 s 9, & 1899 c 121 s 17 are each repealed.

Sec. 76. RCW 70.42.080 and 1989 c 386 s 9 are each amended to read as follows:

A test site shall have a designated test site supervisor who shall ~~((meet-the))~~ hold an appropriate health care professional license granted by the state of Washington or certification granted by a nationally recognized clinical laboratory science certification organization. Test site supervisor qualifications shall be determined by the department in rule. The designated test site supervisor shall be responsible for the testing functions of the test site.

NEW SECTION. Sec. 77. EFFECTIVE DATE. (1) Sections 52 through 58, 61, 64, 66, and 69 of this act shall take effect July 1, 1993.

(2) Sections 59, 60, 62, 63, and 65 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

NEW SECTION. Sec. 78. CODIFICATION INSTRUCTIONS. Sections 52 through 64 and 66 of this act shall constitute a new chapter in Title 48 RCW.

NEW SECTION. Sec. 79. CODIFICATION INSTRUCTIONS. Section 47 of this act is added to chapter 70.47 RCW.

NEW SECTION. Sec. 80. CODIFICATION INSTRUCTIONS. Sections 25 and 26 of this act shall constitute a new chapter in Title 18 RCW.

NEW SECTION. Sec. 81. CODIFICATION INSTRUCTIONS. Sections 28 through 31 of this act are each added to chapter 7.70 RCW.

NEW SECTION. Sec. 82. CAPTIONS NOT LAW. Captions, table of contents, and part headings, as used in this act constitute no part of the law.

NEW SECTION. Sec. 83. SEVERABILITY. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

POINT OF ORDER

Senator Kreidler: "A point of order, Mr. President. I believe there is another amendment on the desk."

REPLY BY THE PRESIDENT

President Pritchard: "A striking amendment is on the desk. We are on the amendment by Senator West on page 1, line 7, to the Committee on Ways and Means striking amendment. We have another amendment by Senators Kreidler, Pelz and Niemi to the Committee on Ways and Means amendment."

Senator Kreidler: "And it is going to be taken up next?"

President Pritchard: "Yes."

Further debate ensued.

POINT OF INQUIRY

Senator Madsen: Senator West, I'm not sure and I have not been able to read all of this, but is there a tax in here? Is this a tax vote?"

Senator West: "Well, it is interesting that you would raise that issue. There is a tax exemption in Part Ten and Part Eleven, the Small Business Health Care Insurance Reform Section. There is a fee associated in this that is applied on all these providers who participate in the pool, which would be all the providers, and then the data collection. There is a fee assessed against the providers of that data. We think it is proper that those folks--you know as you criticize insurance

companies, you are criticizing them for all the profits and everything and they've got to make them pay that back. We are all going to benefit by that data and that fee is a justifiable fee. So, yes, in those areas, there are fees, but I wouldn't characterize them as a tax."

The President declared the question before the Senate to be the adoption of the amendment by Senator West on page 1, line 7, to the Committee on Ways and Means striking amendment to Senate Bill No. 6089.

The motion by Senator West carried and the amendment to the Committee on Ways and Means striking amendment was adopted.

MOTION

Senator Kreidler moved that the following amendment by Senators Kreidler, Pelz and Niemi to the Committee on Ways and Means striking amendment be adopted:

On page 1, after line 1 of the amendment, strike the entire amendment and title amendment and insert the following:

Strike everything after the enacting clause and insert the following:

WASHINGTON HEALTH SERVICES ACT

NEW SECTION. Sec. 1. FINDINGS, INTENT, AND PRINCIPLES. (1) The legislature finds that:

(a) Despite the significant strides Washington state has made in addressing the lack of access to health services and rising health service costs, major system deficiencies still exist. The number of persons without access or with increasingly limited access to health services continues to grow at an alarming rate, as health service costs continue to rise well above the rate of inflation;

(b) Problems relating to health service access, assurance of quality of care, and cost control are likely to have a detrimental effect on the state's ability to be competitive in the international economy. Further, growing health service costs and the inability to purchase insurance have had a particularly harmful effect on small businesses, families, and individuals;

(c) There are significant administrative inefficiencies in the structure of the current health system, which has numerous payers and administrators, involving excess paperwork and consuming much of a health provider's time on nonclinical matters; and that a more unified financing and administrative structure would reduce overall administrative costs and increase the amount of time a health service provider would have available for patient care; and

(d) Future reforms must be systemic, addressing total community as well as individual needs, and encompassing all major components of health service delivery and finance. Reforms must also result in appropriate health service coverage for all state residents, promote quality of care, and include effective cost controls.

(2) To address the problems set forth in subsection (1) of this section, it is the intent of the legislature to implement the following principles by means of this chapter:

(a) The fundamental purpose of the health system should be to maintain or improve the health of all Washington residents at a reasonable cost;

(b) Because the responsibility for a healthy society lies primarily with its citizenry, enlightened citizens should play a key role in the development and oversight of their health services system;

(c) Appropriate health services should be available within an integrated system to all residents of Washington state regardless of health condition, age, sex, marital status, ethnicity, race, geographic location, employment, or economic status;

(d) The financial burden for providing needed health services should be equitably shared by government, employers, individuals, and families;

(e) Citizens should have the freedom to choose their health service provider, with incentives to participate in cost-effective well-managed health service settings;

(f) Health service providers should receive fair compensation for their services in a timely and uncomplicated manner;

(g) Health service providers should have the freedom to choose their practice settings with incentives to participate in cost-effective well-managed health service settings and to practice in areas where there are shortages of providers;

(h) Health promotion and illness and injury prevention programs should be a major part of a health services system;

(i) A state health services budget, reflecting the cost of providing health services through certified health plans and established in a public and deliberative manner, is essential to controlling health costs;

(j) An efficient health services administrative structure is essential to reduce costs and streamline service delivery;

(k) Quality of care should be promoted through identification of the most effective health services, with the assistance of health service providers, health scientists, health economists, health policy experts and consumers, through implementation of acceptable standards for the education, credentialing, and disciplining of health service providers and the operation of health facilities, and through a process of continued quality improvement and total quality management;

(l) The health services system should be sensitive to cultural differences and recognize the need for access services in eliminating significant barriers to health services and give special consideration to the special needs of racial and ethnic minorities and underserved or inappropriately serviced populations;

(m) There should be explicit policy addressing critical issues related to medical ethics and acceptable use of health service rationing, which should be developed in an open manner reflecting community and societal values; and

(n) The problems of medical malpractice and health care liability have a substantial effect upon the efficacy and cost-effectiveness of a health services system and should be addressed in health services reform policy.

NEW SECTION. Sec. 2. DEFINITIONS. In this chapter, unless the context otherwise requires:

(1) "Access services" means services that are not necessarily provided by a provider or facility but are deemed by the commission as critical for the efficient and effective delivery of health services.

(2) "Certified health plan" or "plan" means a disability group insurer regulated under chapter 48.21 or 48.22 RCW, a health care service contractor as defined in RCW 48.44.010, a health maintenance organization as defined in RCW 48.46.020, an entity as identified in section 5(17) of this act, or two or more of such entities that contract with the commission to administer or provide the uniform benefits package consistent with the requirements set forth in sections 5, 6, and 8 of this act. The Washington health care authority created under chapter 41.05 RCW shall be designated as a certified health plan pursuant to section 5(2) of this act or for other purposes deemed appropriate by the commission.

(3) "Chair" means the presiding officer and the chief administrative officer of the commission.

(4) "Commission" means the Washington health services commission.

(5) "Continuous quality improvement and total quality management" means a continuous process to improve the quality of health services while reducing the costs of such services, as set forth in section 24 of this act.

(6) "Employer" means an employer as defined in RCW 50.04.080; a corporate officer; a partner in a partnership; a sole proprietor; and an individual who is an employee for whom an assessment is not collected or who earns self-employment or partnership income that is essentially equivalent to wages as defined in RCW 50.04.320.

(7) "Employee" means an enrollee who receives uniform benefits package services and financially participates in the cost of such services as determined by the commission.

(8) "Enrollee" means any person who is a Washington resident enrolled in a certified health plan.

(9) "Enrollee point of service cost-sharing" means fees paid to certified health plans by enrollees at the time of receiving uniform benefits package services.

(10) "Enrollee premium sharing" means that portion of the premium, determined by the commission under section 13(1)(f) of this act, that is paid by enrollees or their family members.

(11) "Federal poverty level" means the federal poverty guidelines determined annually by the United States department of health and human services or successor agency.

(12) "Health service facility" or "facility" means hospices licensed under chapter 70.127 RCW, hospitals licensed under chapter 70.41 RCW, rural health care facilities as defined in RCW 70.175.020, psychiatric hospitals licensed under chapter 71.12 RCW, nursing homes licensed under chapter 18.51 RCW, kidney disease treatment centers licensed under chapter 70.41 RCW, ambulatory diagnostic, treatment or surgical facilities licensed under chapter 70.41 RCW, and home health agencies licensed under chapter 70.127 RCW, and includes such facilities if owned and operated by a political subdivision or instrumentality of the state and such other facilities as required by federal law and implementing regulations, but does not include Christian Science sanatoriums operated, listed, or certified by the First Church of Christ Scientist, Boston, Massachusetts.

(13) "Health service provider" or "provider" means either:

(a) Any licensed, certified, or registered health professional regulated under chapter 18.130 RCW who the commission identifies as appropriate to provide health services;

(b) An employee or agent of a person described in (a) of this subsection, acting in the course and scope of his or her employment; or

(c) An entity, whether or not incorporated, facility, or institution employing one or more persons described in (a) of this subsection, including, but not limited to, a hospital, clinic, health maintenance organization, or nursing home; or an officer, director, employee, or agent thereof acting in the course and scope of his or her employment.

(14) "Improper queuing" means a delay in the delivery of health services, the results of which could be detrimental to the health of an enrollee.

(15) "Maximum enrollee financial participation" means the income-related total annual payments that may be required of an enrollee per family member, including both premium sharing and point of service cost-sharing.

(16) "Premium" means the level of payment a certified health plan receives from the state for all expenses, including administration, operation, and capital, determined on an annual basis by the commission, for providing the uniform benefits package to an individual, either adult or child, or a family.

(17) "State health services budget" means total funds identified in section 13 of this act that may be expended during any fiscal year from the accounts established pursuant to section 16 of this act.

(18) "Technology" means drugs, devices, equipment, and medical or surgical procedures used in the delivery of health services, and the organizational or supportive systems within which such services are provided. It also means sophisticated and complicated machinery developed as a result of ongoing research in the basic biological and physical sciences, clinical medicine, electronics and computer sciences, as well as the growing body of specialized professionals, medical equipment, procedures, and chemical formulations used for both diagnostic and therapeutic purposes.

(19) "Uniform benefits package" means the subset of appropriate and effective health services, as defined by the commission pursuant to section 8 of this act, that must be offered to all Washington residents through certified health plans.

(20) "Washington resident" means a person who has established permanent residence in the state of Washington and who has not moved to Washington for the primary purpose of securing health insurance under this chapter. The confinement of a person in a nursing home, hospital, or other medical institution in the state shall not by itself be sufficient to qualify such person as a resident.

(21) "Washington state health service supplier certification" means a process established pursuant to section 24 of this act whereby health service providers and health service facilities become certified to provide the uniform benefits package.

NEW SECTION. Sec. 3. CREATION OF COMMISSION--MEMBERSHIP--TERMS OF OFFICE--VACANCIES--SALARIES.

(1) There is created an agency of state government to be known as the Washington health services commission. The commission shall consist of five members appointed by the governor with the consent of the senate. One member shall be designated by the governor as chair and shall serve at the pleasure of the governor. The other four members shall serve five-year terms. In making such appointments the governor shall give consideration to the geographical exigencies, and the interests of consumers, purchasers, and ethnic groups. Of the initial members, one shall be appointed to a term of three years, one shall be appointed to a term of four years, and two shall be appointed to a term of five years. Thereafter, members shall be appointed to five-year terms. Vacancies shall be filled by appointment for the remainder of the unexpired term of the position being vacated.

(2) Members of the commission shall have no pecuniary interest in any business subject to regulation by the commission and shall be subject to chapter 42.18 RCW, the executive branch conflict of interest act.

(3) Members of the commission shall occupy their positions on a full-time basis and are exempt from the provisions of chapter 41.06 RCW. Members shall be paid a salary to be fixed by the governor in accordance with RCW 43.03.040. A majority of the members of the commission constitutes a quorum for the conduct of business.

NEW SECTION. Sec. 4. POWERS AND DUTIES OF THE CHAIR. The chair shall be the chief administrative officer and the appointing authority of the commission and has the following powers and duties:

(1) Direct and supervise the commission's administrative and technical activities in accordance with the provisions of this chapter and rules and policies adopted by the commission;

(2) Employ personnel of the commission, in accordance with chapter 41.06 RCW, and prescribe their duties. With the approval of a majority of the commission, the chair may appoint persons to administer any entity established pursuant to subsection (8) of this section, and up to seven additional full-time employees all of whom shall be exempt from the provisions of chapter 41.06 RCW;

(3) Enter into contracts on behalf of the commission;

(4) Accept and expend gifts, donations, grants, and other funds received by the commission;

(5) Delegate administrative functions of the commission to employees of the commission as the chair deems necessary to ensure efficient administration;

(6) Subject to approval of the commission, appoint advisory committees and undertake studies, research, and analysis necessary to support activities of the commission;

- (7) Preside at meetings of the commission;
- (8) Consistent with policies and rules established by the commission, establish such administrative divisions, offices, or programs as are necessary to carry out the purposes of this chapter; and
- (9) Perform such other administrative and technical duties as are consistent with this chapter and the rules and policies of the commission.

NEW SECTION. Sec. 5. POWERS AND DUTIES OF THE COMMISSION. The commission has the following powers and duties:

(1) Ensure that all residents of Washington state have enrolled in a certified health plan regardless of age, sex, family structure, ethnicity, race, health condition, geographic location, employment, or economic status.

(2) Ensure that all residents of Washington state have access to appropriate and effective health services. In doing so, the commission shall take whatever action is necessary, using the authority set forth in subsection (17) of this section or contracting with the health care authority when no other certified health plan is available or capable of providing the uniform benefits package.

(3) Establish a total state health services budget, as provided in section 13 of this act.

(4) Adopt necessary rules in accordance with chapter 34.05 RCW to carry out the purposes of this chapter, provided that an initial set of draft rules addressing, at a minimum, the commission's organizational structure, the uniform benefits package, limits on maximum enrollee financial participation, methods for developing the state health services budget, standards for health plan certification, procedures for monitoring and enforcing health plans certification standards, and standards for certified health plan and commission grievance procedures, must be submitted to the legislature by December 1, 1993.

(5) Establish the uniform benefits package, as provided in section 8 of this act, which shall be offered to enrollees of a certified health plan. The uniform benefits package shall be provided at the premium specified in subsection (6) of this section.

(6) Establish for each year, a premium that a certified health plan may receive from the Washington health services trust fund to provide the uniform benefits package to enrollees. The premium shall be determined by the commission, after conducting an analysis of the cost experience of the state employee health benefit plans for 1992 and assuming cost savings that may result from: Reductions in cost shifting; managed health care approaches; cost savings as a result of the uniform benefits package design process pursuant to section 8(2) of this act; the continuous quality improvement and total quality management process set forth in section 24 of this act, and other cost reduction strategies set forth herein. Thereafter, the commission shall, as soon as possible, limit the rate of increase to no more than the rate of increase in the United States consumer price index. In no event shall the rate of increase in the premium be increased by more than the amount of actual growth in the cost of the uniform benefits package between 1991 and 1992, as determined by the commission, minus two percentage points per year for each succeeding year until the annual rate of increase is no greater than the growth in the United States consumer price index. The premium paid to a certified health plan shall be rate-adjusted based on determined demographic and health status data.

(7) Evaluate and monitor the extent to which racial and ethnic minorities have access to and receive health services within the state.

(8) Monitor the actual growth in total annual health services costs.

(9) Establish a maximum annual budget for major capital expenditures that are included within the premium. A major capital expenditure is defined as any single expenditure for capital acquisitions, including medical technological equipment, as defined by the commission, costing more than one million dollars. Periodically the commission shall prioritize the proposed projects based on standards of cost-effectiveness and access. The commission shall then approve those projects in rank order that are within the limits of the capital budget.

(10) After consultation with certified health plans, health service providers, purchasers, and consumers of health services, adopt practice guidelines in specific practice areas, for providers participating in any certified health plan. Such practice guidelines shall be used to promote appropriate use of technology, services, drugs, and supplies, and for cost containment and quality assurance.

(11) Develop guidelines to certified health plans for utilization management, use of technology and methods of payment, such as diagnosis related groupings and a resource-based relative value scale. Such guidelines shall be designed to promote improved management of health services, and improved efficiency and effectiveness within the health services delivery system.

(12) For services provided under the uniform benefits package, adopt standards for a single billing and claims payment procedure. Such standards shall ensure that these procedures are performed in a simplified, streamlined, and economical manner for all parties concerned. Except to the extent provided in section 7 of this act, nothing in this subsection authorizes the commission to require any specific claim or payment level or method.

(13) Adopt standards for personal health systems data and information systems as provided in section 17 of this act.

(14) Adopt standards that prevent conflict of interest by health service providers as provided in section 10 of this act.

(15) Certify certified health plans to provide the uniform benefits package.

(16) Contract with certified health plans to provide the uniform benefits package.

(17) When deemed necessary to insure the availability of the uniform benefits package in a timely manner, contract directly with a local health department, a community/migrant health center, or any other private, nonprofit community-based health services agency for all or any part of the uniform benefits package.

(18) Ensure that no certified health plan may charge any additional fees or balance bill for services included in the uniform benefits package.

(19) Ensure portability of benefits, whereby an enrollee changing employment or traveling out-of-state continues to be covered. The commission shall establish a payment schedule for payment of out-of-state services. The commission also shall endeavor to ensure that enrollees do not use out-of-state health service providers as regular sources of health services, but may permit reasonable exceptions.

(20) Establish standards for certified health plan grievance and complaint procedures whereby an enrollee may file a complaint or grievance regarding any aspect of the plan and such grievance is addressed expeditiously.

(21) Establish an appeal mechanism consistent with the adjudicative proceedings provisions of chapter 34.05 RCW for enrollees who have exhausted the certified health plan grievance and complaint procedures established pursuant to subsection (20) of this section.

(22) As of July 1, 1996, prohibit any disability group insurer, health care service contractor, or health maintenance organization from independently insuring, contracting for, or providing those health services provided through the uniform benefits package. Nothing in this chapter shall preclude such entities from insuring, providing, or contracting for health services not included in the uniform benefits package, and nothing in this chapter shall restrict the right of an employer to offer, an employee representative to negotiate for, or an individual to purchase services not included in the uniform benefits package.

(23) Develop payment schedules for persons who reside out-of-state, but who receive services through a certified health plan, and for persons who reside in Washington state, but are employed by an out-of-state employer. Such schedules shall reflect the total costs of the health services provided.

(24) In developing the uniform benefits package and other standards pursuant to this section, consider the likelihood of the establishment of a national health services plan by the federal government and its implications.

(25) Monitor certified health plans for compliance with standards established pursuant to this section.

(26) Establish standards for enrollment and prohibit discrimination based upon age, sex, family structure, ethnicity, race, health condition, geographic location, employment, or economic status in enrollment by certified health plans.

(27) To the extent possible, require at least two certified health plans to make their uniform benefits package services accessible to all residents within a designated geographic area of Washington state, except in rural health professional shortage areas, as designated by the department of health, where the commission shall require at least one certified health plan to make their services accessible.

To the extent that the exercise of any of the powers and duties specified in this section may be inconsistent with the powers and duties of other state agencies, offices, or commissions, the authority of the commission shall supersede that of such other state agency, office, or commission, except in matters of health data pursuant to section 18 of this act, where the department of health shall have primary responsibility.

NEW SECTION. Sec. 6. CERTIFIED HEALTH PLANS--REQUIREMENTS FOR APPROVAL. The uniform benefits package established pursuant to section 8 of this act shall be provided through certified health plans. To participate, a plan must meet at least the following requirements:

(1) Provide or assure the provision of services in the uniform benefits package.

(2) Bear full financial risk and responsibility for the uniform benefits package provided to enrollees.

(3) Comply with commission standards regarding health data and certified health plan evaluation.

(4) Comply with all other standards established by the commission pursuant to section 5 of this act.

NEW SECTION. Sec. 7. COMMISSION CERTIFICATION ENFORCEMENT AUTHORITY.

(1) Upon a determination by the commission that a certified health plan is failing, or is at imminent risk of failing, to meet its obligations to its enrollees or the state during a current certification or contractual period, the commission may intervene and assume those functions that are demonstrably necessary to protect the interests of the plan's enrollees and the state. Such actions may include, but are not limited to:

(a) Approval of provider or facility payment methods or levels;

(b) Approval of utilization management procedures or mechanisms to control the use of technology; and

(c) Administration of functions demonstrably related to the failure, or imminent risk of failure, of the certified health plan to meet its certification or contractual obligations.

(2) The assumption of any certified health plan function by the commission pursuant to this section shall not absolve such certified health plan from any of the financial obligations undertaken by it through its certification or contracts with enrollees.

(3) Actions taken by the commission pursuant to this section shall be limited in duration to the balance of time remaining in the current certification period of the certified health plan. At or before the expiration of such time period, the commission shall make a determination regarding renewal of the plan's certification. If the commission determines that the plan's certification should not be renewed, the commission shall make every effort to ensure that the plan's current enrollees experience as minimal a disruption as possible in their receipt of health services, and in their established relationships with health service providers. It shall, as soon as possible, contract with another certified health plan to assume these responsibilities.

NEW SECTION. Sec. 8. UNIFORM BENEFITS PACKAGE DESIGN.

(1) The commission shall define the uniform benefits package, which shall include those health services, based on the best available scientific health information, deemed to be effective and necessary on a societal basis for the maintenance of the health of the residents of the state, and weighed against the availability of funding in the state health services budget.

(a) The legislature intends that the uniform benefits package be sufficiently comprehensive to meet the needs of state residents. As guidance in developing the package, the commission shall include no significant reductions in the categories of coverage included in the state employees health benefits plans, and shall include access services as defined herein. However, the specific schedule of services shall be established through the process set forth in subsection (2) of this section. The categories of coverage shall, at least, include the following:

(i) Personal health services, including inpatient, except to the extent specifically excluded under section 9 of this act, and outpatient services for physical, mental, and developmental illnesses and disabilities including:

- (A) Diagnosis and assessment, and selection of treatment and care;
- (B) Clinical preventive services;
- (C) Emergency health services;
- (D) Reproductive and maternity services;
- (E) Clinical management and provision of treatment; and
- (F) Therapeutic drugs, biologicals, supplies, and equipment; and

(ii) Access services.

(b) The commission, through a public process, also shall determine which services will be excluded. These exclusions shall include at least the following:

- (i) Cosmetic surgery except where deemed necessary for normal functioning or restorative purposes;
- (ii) Examinations associated with life insurance applications or legal proceedings; and
- (iii) Infertility services.

(c) The commission shall establish limits on maximum enrollee financial participation, related to enrollee gross family income.

(d) The commission shall evaluate the inclusion or exclusion of dental services in the uniform benefits package, and make such inclusions as are deemed appropriate.

(e) The uniform benefits package may include other services determined by the commission to be effective, necessary, and consistent with the principles set forth in section 1 of this act.

(2) The commission shall establish procedures to determine the specific schedule of health services to be included in the uniform benefits package categories of coverage. To assist the commission in this task, it may periodically establish health service review panels for specified periods of time to review existing information on need, efficacy, and cost-effectiveness of specific services and treatments. These panels shall consider the services outcome data provided under section 17 of this act. These panels also shall take into consideration available practice guidelines and appropriate use of expensive technology. Their review activities shall be consistent with the health service rationing policy set forth in section 20 of this act.

(3) In establishing the uniform benefits package, the commission shall seek the opinions of, and information from, the public. The commission shall consider results of official public health assessment and policy development activities, including recommendations of the state board of health, the department of health, and the state health report in discharging its responsibilities under this section. It shall coordinate this activity with the state board of health in its development of the state health report pursuant to RCW 43.20.050.

NEW SECTION. Sec. 9. PROGRAMS INITIALLY EXCLUDED FROM THE OPERATION OF THIS CHAPTER. Initially, the medical services component of the worker's compensation program of the department of labor and industries, institutional services in the developmental disabilities, mental health and aging and adult services programs of the department of social and health services, state and federal veterans' health services, and the civilian health and medical program of the uniformed services of the federal department of defense and other federal agencies, shall not be included in the program established by this chapter, but shall be studied for future inclusion as directed in section 23 of this act.

NEW SECTION. Sec. 10. CONFLICT OF INTEREST STANDARDS. The commission shall establish standards prohibiting conflict of interest by health service providers. These standards shall be designed to control inappropriate behavior by health service providers that results in financial gain at the expense of consumers or certified health plans. These standards are not intended to inhibit the efficient operation of certified health plans.

NEW SECTION. Sec. 11. REPORTS OF HEALTH CARE COST CONTROL AND ACCESS COMMISSION. In carrying out its powers and duties under this chapter, including its responsibilities to develop recommendations regarding the health care liability system, design the uniform benefits package, and develop guidelines and standards, the commission shall consider the reports of the health care cost control and access commission established under House Concurrent Resolution No. 4443 adopted by the legislature in 1990. Nothing in this chapter requires the commission, created by section 3 of this act, to follow any specific recommendation contained in those reports except as it may also be included in this chapter or other law.

NEW SECTION. Sec. 12. IMPROPER QUEUING PROTECTION. It is the intent of the legislature that all enrollees receive necessary health services in a timely manner and that every effort be made to avoid delays in service that could be detrimental to an enrollee's health. The commission shall develop strategies that will reduce or prevent improper queuing. Upon the adoption of such strategies in rules by the commission, funds from the improper queuing reserve account of the Washington health services trust fund may be used to implement such strategies.

NEW SECTION. Sec. 13. STATE HEALTH SERVICES BUDGET.

(1) The state health services budget shall reflect total expenditures for all health services financed through this chapter and shall be derived in an equitable manner from the following sources:

- (a) Medicare, parts A and B, Title XVIII of the federal social security act, as amended;
- (b) Medicaid, Title XIX of the federal social security act, as amended;

(c) Other federal health services funds not explicitly excluded pursuant to section 9 of this act that are allocated for the purposes of health services included in the accounts established pursuant to section 16 of this act;

- (d) Legislative general fund--state appropriations;
- (e) Employer assessment, as determined in section 14 of this act;
- (f) Enrollee premium sharing, as determined in section 14 of this act; and
- (g) Enrollee point of service cost-sharing, as determined in section 14 of this act.

(2) The commission shall submit the state health services budget to the fiscal committees of the legislature for review and comment.

NEW SECTION. Sec. 14. FINANCING.

(1) The commission shall determine the most effective and cost efficient methods of financing the uniform benefits package considering the financial sources enumerated in section 13 of this act. To determine the most effective and cost efficient methods, the commission shall use the following criteria:

- (a) Provision of the uniform benefits package to all residents;
- (b) Benefit portability whereby residents can change employment without loss of benefits or additional costs;
- (c) Minimal shift of costs from payer to payer;
- (d) Compliance with health data requirements as set forth in section 17 of this act;
- (e) Accessibility by all residents to the uniform benefits package;
- (f) Efficiency through uniformity in billing, claims, and records procedures;
- (g) Propensity to resist inflationary increases on cost;
- (h) Public accountability;
- (i) Seamlessness; and
- (j) Simplicity and ease with which residents can comprehend the operation of methods.

(4) The commission shall report its findings and recommended methods to the governor and appropriate committees of the legislature no later than December 1, 1993. No methods of financing shall be used or amount collected unless expressly authorized in law after January 1, 1994.

NEW SECTION. Sec. 15. ADVISORY COMMITTEES. In an effort to ensure effective participation in the commission's deliberations, the chair shall appoint an advisory committee with members representing consumers, business,

government, labor, insurers, and health service providers. The chair may also appoint ad hoc and special committees for a specified time period.

Members of any committee shall serve without compensation for their services but shall be reimbursed for their expenses while attending meetings on behalf of the commission in accordance with RCW 43.03.050 and 43.03.060.

NEW SECTION. Sec. 16. TRUST FUND AND ACCOUNTS.

(1) The Washington health services trust fund is hereby established in the state treasury. All funds enumerated in section 13 of this act shall be deposited in the Washington health services trust fund. Disbursements from the trust fund shall be on authorization of the commission or a duly authorized representative thereof. In order to maintain an effective expenditure the Washington health services trust fund shall be subject in all respects to chapter 43.88 RCW. However, no appropriation shall be required to permit expenditures and payment of obligations from such fund. The trust fund shall consist of four accounts:

(a) The personal health services account from which funds shall be expended for contracts with certified health plans to deliver the uniform benefits package to enrollees, including access services, personal health services, capital development, and health professions education.

(b) The public health account from which funds shall be expended to maintain and improve the health of all Washington residents, by assuring adequate financing for a public health system to (i) assess and report on the population's health status; (ii) develop public policy which promotes and maintains health; and (iii) assure the availability and delivery of appropriate and effective health interventions. This public system shall be composed of the state board of health, state department of health, and local public health departments and districts. The commission shall assure that no less than five percent of the state health services budget is used for these assessment, policy development, and assurance functions, as defined by the state board of health in rule. These funds may include fees, federal funds, and general or dedicated state or local tax revenue. The state board of health shall develop policies regarding the extent to which local revenue or fees may be used to meet the five percent requirement. The commission may appropriate funds under its direction in order to assure that five percent of the state health services budget is used as required by this subsection. None of the funds shall be used for any service reimbursable through the uniform benefits package. The commission shall consider the results of official public health assessment and policy development activities, including recommendations of the state board of health, the department of health, and the state health report in discharging its responsibilities, including the assurance of access to appropriate and effective health services and the determination of the actual percentage used for core public health functions. The percent of total health expenditures required for expenditure on core public health functions shall be reviewed by the state board of health as part of its state health report and by the commission as part of any overall evaluation or assessment which may be required under this chapter.

(c) The improper queuing reserve account from which funds shall be expended to reduce unacceptable delays in the delivery of critical health care services as set forth in section 12 of this act.

(d) The health professions and research account from which funds shall be expended to:

(i) Retain needed health service providers in a manner consistent with the health professional shortage provisions set forth in chapter 332, Laws of 1991; and

(ii) Conduct research relative to the commission's responsibilities.

(2) The commission shall not expend or encumber for an ensuing biennium amounts exceeding ninety-five percent of the amount anticipated to accrue in the account during the biennium.

NEW SECTION. Sec. 17. HEALTH DATA. The commission shall develop, in consultation with the department of health, the health data sources necessary to efficiently implement this chapter. The commission shall have access to all health data presently available to the secretary of health, however, the department of health shall be the designated depository agency for all health data collected pursuant to this chapter. To the extent possible, the commission shall use existing data systems and coordinate among existing agencies. The following data sources shall be developed or made available:

(1) The commission shall coordinate with the secretary of health to utilize data collected by the state center for health statistics, including hospital charity care and related data, rural health data, epidemiological data, ethnicity data, social and economic status data, and other data relevant to the commission's responsibilities.

(2) The commission, in coordination with the department of health and the health science programs of the state universities shall develop procedures to analyze clinical and other health services outcome data, and conduct other research necessary for the specific purpose of assisting in the design of the uniform benefits package under section 8 of this act.

(3) The commission shall utilize the capability of the insurance commissioner's office in conducting actuarial analyses.

**NEW SECTION. Sec. 18. A new section is added to chapter 70.170 RCW to read as follows:
DEPARTMENT OF HEALTH DATA REQUIREMENTS.**

(1) The department is responsible for the implementation and custody of a state-wide personal health services data and information system. The data elements, specifications, and other design features of this data system shall be consistent with criteria adopted by the Washington health services commission. The department shall provide the commission with reasonable assistance in the development of these criteria, and shall provide the commission with periodic progress reports related to the implementation of the system or systems related to those criteria.

(2) The department shall coordinate the development and implementation of the personal health services data and information system with related private activities and with the implementation activities of the data sources identified by the commission. Data shall include: (a) Enrollee identifier, including date of birth, sex, and ethnicity; (b) provider identifier; (c) diagnosis; (d) health services or procedures provided; (e) provider charges; and (f) amount paid. The commission shall establish by rule confidentiality standards to safeguard the information from inappropriate use or release. The department shall assist the commission in establishing reasonable time frames for the completion of system development and system implementation.

NEW SECTION. Sec. 19. LONG-TERM CARE.

(1) In order to meet the health needs of the residents of Washington state, it is critical to organize the foundation for financing and providing community-based long-term care and support services through an integrated, comprehensive system that promotes human dignity and recognizes the individuality of all functionally disabled persons. This system shall be available, accessible, and responsive to all residents based upon an assessment of their functional disabilities. The legislature recognizes that families, volunteers, and community organizations are absolutely essential for delivery of effective and efficient community-based long-term care and support services, and that this private and public service infrastructure should be supported and strengthened. Further, it is important to provide secured benefits assurance in perpetuity without requiring family or program beneficiary impoverishment for service eligibility.

(2) Recognizing that financial stability is essential to the success of a comprehensive long-term care system and that current and future demands are exceeding available financial resources, a dedicated fund comprised of state general funds, matching federal funds, public insurance funds, and sliding fee contributions by program beneficiaries should be established.

(3) It is the intent of this chapter that the Washington state legislature develop a program and financial structure for the provision of community-based long-term care and support services for functionally disabled persons as suggested in this section and adopt the necessary legislation no later than the adjournment of the 1994 regular session of the legislature.

NEW SECTION. Sec. 20. HEALTH SERVICE RATIONING POLICY.

(1) The commission shall establish an explicit policy regarding rationing of health services. This policy shall address rationing in relation to limitations on financial resources and the availability of anatomical gifts.

The health services rationing policy shall address the following factors:

- (a) The effectiveness of the specific health service considered;
- (b) The cost-effectiveness of such service;
- (c) The service's ability to significantly improve quality of life;
- (d) The service's ability to improve functioning and independence;
- (e) The equity in providing the service to some persons, but not others; and
- (f) The service's social value to the health of the community when weighed against other priorities.

(2) The commission shall establish regional health services ethics committees, composed of persons drawn from a broad cross-section of the community to provide, based on the health services rationing policy, guidance to certified health plans in making decisions about the rationing of health services.

NEW SECTION. Sec. 21. IMPLEMENTATION SCHEDULE. This chapter shall be implemented in developmental phases as follows:

(1) By May 1, 1992, the director of the office of financial management shall constitute a transition team composed of staff of the department of social and health services, the Washington state health care authority, the health care cost control and access commission created by House Concurrent Resolution No. 4443 (1990), the department of health, the department of labor and industries, the Washington basic health plan, and the insurance commissioner's office. The director may request participation of the appropriate legislative committee staff.

The transition team shall conduct analyses and identify:

- (a) The necessary transfer and consolidation of responsibilities among state agencies to fully implement this chapter;
- (b) State and federal laws that would need to be repealed, amended, or waived to fully implement this chapter; and
- (c) Appropriate guidelines for administrative costs of the plan.

The transition team shall report its findings to the director of financial management, the commission, and appropriate committees of the legislature by January 1, 1993, and on that date be disbanded.

(2) By December 1, 1992, the commission shall be appointed. As soon as possible thereafter, the commission shall:

- (a) Hire necessary staff;
- (b) Develop necessary data sources;
- (c) Appoint the initial health service review panel; and
- (d) Develop necessary methods to establish the state health services budget.

(3) By September 1, 1993, the director of the office of financial management shall submit to appropriate committees of the legislature an agency transfer and consolidation report, which shall address staffing, equipment, facilities, and funds, along with any necessary proposed legislation.

(4) By September 1, 1993, the commission shall review the result of the studies conducted as required in section 23(2) of this act.

(5) By December 1, 1993, the commission shall submit to the governor and appropriate committees of the legislature:

- (a) Draft rules, as provided in section 5(4) of this act;
 - (b) A report on the extent that federal waivers or exemptions have not been obtained or the extent to which this chapter can be implemented without receipt of all of such waivers;
 - (c) Recommended financing methods as provided in section 13(2) of this act; and
 - (d) Proposed recommended uniform benefits package.
- (6) By July 1, 1994, the commission shall have reviewed the recommendations of the initial health service review panel.

(7) By October 1, 1994, the commission shall have:

- (a) Determined the uniform benefits package;
- (b) Identified anti-improper queuing strategies; and
- (c) Developed procedures regarding enrollment, premiums, enrollee financial participation, and certified health plan negotiations and payments.

(8) During its 1994 session, the legislature should consider the material submitted as identified in subsection (5) of this section in an expeditious manner.

(9) By July 1, 1995, consistent with specific appropriations, all health services provided to recipients of medical assistance, medical care services, and the limited casualty program, as defined in RCW 74.09.010, all enrollees in the Washington basic health plan, as established by chapter 70.47 RCW, all state employees eligible for employee health benefits plans pursuant to chapter 41.05 RCW, and all common school employees eligible for health insurance, or health care insurance under RCW 28A.400.350 shall be enrolled exclusively with a certified health plan, consistent with all provisions of this chapter.

(10) By July 1, 1996, consistent with specific appropriations and federal waivers obtained, all provisions of this chapter shall be in full effect of law.

NEW SECTION. Sec. 22. CODE REVISIONS AND WAIVERS.

(1) The Washington health services commission shall consider the analysis of state and federal laws that would need to be repealed, amended, or waived to implement sections 1 through 25 of this act, as prepared by the transition team pursuant to section 21 of this act, and report its recommendations, with proposed revisions to the Revised Code of Washington, to the governor and appropriate committees of the legislature by December 31, 1993.

(2) The Washington health services commission shall take the following steps in an effort to receive waivers or exemptions from federal statutes necessary to fully implement sections 1 through 25 of this act:

(a) Negotiate with the United States congress to obtain a statutory exemption from provisions of the employee retirement income security act that limit the state's ability to enact legislation relating to employee health benefits plans administered by employers, including health benefits plans offered by self-insured employers.

(b) Negotiate with the United States congress and the federal department of health and human services, health care financing administration to obtain a statutory or regulatory waiver of provisions of the medicaid statute, Title XIX of the federal social security act, that currently constitute barriers to full implementation of provisions of sections 1 through 25 of this act related to access to health services for low-income residents of Washington state. Such provisions may include and are not limited to: Categorical eligibility restrictions related to age, disability, blindness, or family structure; income and resource limitations tied to financial eligibility requirements of the federal aid to families with dependent children and supplemental security income programs; and limitations on health service provider payment methods.

(c) Negotiate with the United States congress and the federal department of health and human services, health care financing administration to obtain a statutory or regulatory waiver of provisions of the medicare statute, Title XVIII of the federal social security act, that currently constitute barriers to full implementation of provisions of sections 1 through 25 of this act related to access to health services for elderly and disabled residents of Washington state. Such provisions include and are not limited to: Beneficiary cost-sharing requirements; restrictions on scope of services and limitations on health service provider payment methods.

(d) Negotiate with the United States congress and the federal department of health and human services to obtain any statutory or regulatory waivers of provisions of the United States public health services act necessary to ensure integration of federally funded community health clinics and other health services funded through the public health services act into the health services system established pursuant to sections 1 through 25 of this act.

(3) If the Washington health services commission fails to obtain approval for all necessary federal statutory changes or regulatory waivers necessary to fully implement sections 1 through 25 of this act by January 1, 1996, it shall report to the governor and appropriate committees of the legislature with a proposal for the implementation of sections 1 through 25 of this act to the extent possible without receipt of all of such waivers.

NEW SECTION. Sec. 23. EVALUATIONS AND STUDIES. The legislative budget committee, in consultation with the health care policy committees of the legislature, shall conduct directly or by contract the following studies or evaluations:

(1) A study to determine whether the administrative and service delivery structure for the Washington health services commission as set forth in section 3 of this act should be continued. The study shall analyze the structure as set forth in sections 1 through 25 of this act, a single administering-agency model, and at least two other salient organizational models, and recommend a structure that would be most efficient and effective. The report, including recommendations and an outline of any needed legislation, shall be submitted to the governor and the appropriate committees of the legislature by October 1, 1997, for consideration by the legislature during the 1998 session.

(2) Studies to determine the desirability and feasibility of consolidating the following programs, services, and funding sources into the system established by sections 1 through 25 of this act:

(a) Medical services component of the worker's compensation program of the department of labor and industries;

(b) Developmental disabilities, mental health and aging and adult services institutional programs of the department of social and health services;

(c) State and federal veterans' health services; and

(d) Civilian health and medical program of the uniformed services of the federal department of defense and other federal agencies.

The report shall be made to the governor and the appropriate committees of the legislature and the commission by September 1, 1993.

(3) A study to evaluate the implementation of the provisions of sections 1 through 25 of this act. The study shall determine to what extent the plan has been implemented consistent with the principles and elements set forth in chapter 70.-- RCW (sections 1 through 17 and 19 through 21 of this act) and shall report its findings to the governor and appropriate committees of the legislature by July 1, 1998.

NEW SECTION. Sec. 24. CONTINUOUS QUALITY IMPROVEMENT AND TOTAL QUALITY MANAGEMENT. To ensure the highest quality health services at the lowest total cost, the Washington health services commission shall establish a total quality management system of continuous quality improvement. Such endeavor shall be based upon the recognized quality science of continuous quality improvement. The commission shall impanel a committee composed of persons from the private sector and related sciences who have broad knowledge and successful experience in continuous quality improvement and total quality management applications. It shall be the responsibility of the committee to develop standards for a Washington state health services supplier certification process and recommend such standards to the commission for review and adoption. Once adopted, the commission shall establish a schedule, with full compliance no later that July 1, 1995, whereby certified health plans must provide evidence that all health service providers and health service facilities have been reviewed and meet these standards prior to providing uniform benefits package services.

NEW SECTION. Sec. 25. RESERVATION OF LEGISLATIVE POWER. The legislature reserves the right to amend or repeal all or any part of sections 1 through 25 of this act at any time and there shall be no vested private right of any kind against such amendment or repeal. All rights, privileges, or immunities conferred by sections 1 through 24 of this act or any act done pursuant thereto shall exist subject to the power of the legislature to amend or repeal sections 1 through 24 of this act at any time.

INTERIM INSURANCE REFORM

NEW SECTION. Sec. 26. The legislature finds that in order to make the cost of health coverage more affordable and accessible to individuals and to businesses and their employees, certain marketing and underwriting practices by disability insurers, health care service contractors, and health maintenance organizations must be reformed and more aggressively regulated. Such reforms work in the public interest and guarantee coverage to individuals, and businesses, their employees and employees' dependents. Practices that hinder access to, affordability of, and equity in health insurance coverage are unacceptable.

It is the intent of the legislature to prohibit certain discriminatory practices, and to require that insurers use community rating methods, at least for individuals, and small business owners and their employees, that more broadly pool and distribute risk, which is a fundamental principle of health insurance coverage.

NEW SECTION. Sec. 27. A new section is added to Title 48 RCW to read as follows:

For the purposes of sections 28, 29, and 30 of this act "small business entity" means a business that employs less than one hundred individuals who reside in Washington state and are regularly scheduled to work at least twenty or more hours per week for at least twenty-six weeks per year. For purposes of determining the number of employees of an entity all employees, owners, or principals of all branches and divisions of the principal entity shall be included and may not be segregated by division, job responsibilities, employment status, or on any other basis.

NEW SECTION. Sec. 28. A new section is added to chapter 48.21 RCW to read as follows:

Every disability insurer that provides group disability insurance for health care services under this chapter shall make available to all individuals and business entities in this state the opportunity to enroll as an individual or a group in an insured plan without medical underwriting except as provided in this section. Such plan shall: (1) Allow all such individuals and groups to continue participation on a guaranteed renewable basis; (2) not exclude or discriminate in rate making or in any other way against any category of business, trade, occupation, employment skill, or vocational or professional training; and (3) not exclude or discriminate in rate making or in any other way against any individual, or employee or dependent within a group on any basis, including age, sex, or health status or condition. Disability insurers may adopt a differential rate based only upon actual costs of providing health care that are identifiable on a major geographical basis, such as east and west of the Cascades, and may adopt exclusions for preexisting conditions limited to not more than six months and applicable only to those individuals who have not been insured in the previous three months and have not been continuously insured long enough to satisfy a six-month waiting period. In addition, every disability insurer shall allow individuals and small business entities the opportunity to enroll as a group in an insured plan that uses community rating to establish the premium and may extend to larger sized businesses a similar opportunity to be included within a community rated pool.

An individual or family member who participates as an employee member of a group covered under this section for more than six consecutive months who then terminates his or her employment relationship and wishes to continue the same amount of health care coverage in the same plan shall be allowed that opportunity on an individual or family basis, depending on the coverage provided during active employment. The cost of such individual conversion or continuation coverage shall not exceed one hundred five percent of the rate for active members of the group.

NEW SECTION. Sec. 29. A new section is added to chapter 48.44 RCW to read as follows:

Every health care service contractor that provides coverage under group health care service contracts under this chapter shall make available to all individuals and business entities in this state the opportunity to enroll as an individual or a group in a health service contract without medical underwriting except as provided in this section. The health service contract shall: (1) Allow all such individuals and groups to continue participation on a guaranteed renewable basis; (2) not exclude or discriminate in rate making or in any other way against any category of business, trade, occupation, employment skill, or vocational or professional training; and (3) not exclude or discriminate in rate making or in any other way against any individual, or employee or employee's dependent within the group on any basis, including age, sex, or health status or condition. Health care service contractors may adopt a differential rate based only upon actual costs of providing health care that are identifiable on a major geographical basis, such as east and west of the Cascades, and may adopt exclusions for preexisting conditions limited to not more than six months and applicable only to those individuals who have not been insured in the previous three months and have not been continuously insured long enough to satisfy a six-month waiting period. In addition, every health care service contractor shall allow individuals and small business entities the opportunity to enroll as a group in an insured plan that uses community rating to establish the premium and may extend to larger sized businesses a similar opportunity to be included within a community rated pool.

An individual or family member who participates as an employee member of a group covered under this section for more than six consecutive months who then terminates his or her employment relationship and wishes to continue the same amount of health care coverage in the same plan shall be allowed that opportunity on an individual or family basis, depending on the coverage provided during active employment. The cost of such individual conversion or continuation coverage shall not exceed one hundred five percent of the rate for active members of the group.

NEW SECTION. Sec. 30. A new section is added to chapter 48.46 RCW to read as follows:

Every health maintenance organization that provides coverage under group health maintenance organization agreements under this chapter shall make available to all individuals and business entities in this state the opportunity to enroll as an individual or a group in a health maintenance organization agreement without medical underwriting except as provided in this section. Such agreements shall: (1) Allow all such individuals and groups to continue participation on a guaranteed renewable basis; (2) not exclude or discriminate in rate making or in any other way against any category of business, trade, occupation, employment skill, or vocational or professional training; and (3) not exclude or discriminate in rate making or in any other way against any individual, or employee or employee's dependent within the group on any basis, including age, sex, or health status or condition. Such health maintenance organizations may adopt a differential rate based only upon actual costs of providing health care that are identifiable on a major geographical basis, such as east and west of the Cascades, and may adopt exclusions for preexisting conditions limited to not more than six months and applicable only to those individuals who have not been insured in the previous three months and have not been continuously insured long enough to satisfy a six-month waiting period. In addition, every health maintenance organization shall allow individuals and small business entities the opportunity to enroll as a group in an insured plan that uses community rating to establish the premium and may extend to larger sized businesses a similar opportunity to be included within a community rated pool.

An individual or family member who participates as an employee member of a group covered under this section for more than six consecutive months who then terminates his or her employment relationship and wishes to continue the same amount of health care coverage in the same plan shall be allowed that opportunity on an individual or family basis, depending on the coverage provided during active employment. The cost of such continuation or conversion coverage shall not exceed one hundred five percent of the rate for active members of the group.

NEW SECTION. Sec. 31. A new section is added to chapter 48.21 RCW to read as follows:

Notwithstanding other sections of this chapter, the uniform benefits package adopted by the legislature pursuant to the commission's design and recommendation shall become the minimum benefits package required of any plan under this chapter. The maximum per capita rate approved by the Washington state insurance commissioner shall become the maximum rate charged for this minimum benefits package.

NEW SECTION. Sec. 32. A new section is added to chapter 48.44 RCW to read as follows:

Notwithstanding other sections of this chapter, the uniform benefits package adopted by the legislature pursuant to the commission's design and recommendation shall become the minimum benefits package required of any plan under this chapter. The maximum per capita rate approved by the Washington state insurance commissioner shall become the maximum rate charged for this minimum benefits package.

NEW SECTION. Sec. 33. A new section is added to chapter 48.46 RCW to read as follows:

Notwithstanding other sections of this chapter, the uniform benefits package adopted by the legislature pursuant to the commission's design and recommendation shall become the minimum benefits package required of any plan under this chapter. The maximum per capita rate approved by the Washington state insurance commissioner shall become the maximum rate charged for this minimum benefits package.

NEW SECTION. Sec. 34. A new section is added to Title 48 RCW to read as follows:

The insurance commissioner shall develop a reinsurance mechanism for certified health plans that does not impact the enrollee, enables insurers to share risk, and allows those insurers that assume the entire risk for their enrollees to opt out of the mechanism. The reinsurance mechanism must support itself entirely from funds generated from the participating insurers.

BASIC HEALTH PLAN MODIFICATIONS

NEW SECTION. Sec. 35. A new section is added to chapter 70.47 RCW to read as follows:

The powers, duties, and functions of the Washington basic health plan are hereby transferred to the Washington state health care authority. All references to the administrator of the Washington basic health plan in the Revised Code of Washington shall be construed to mean the administrator of the Washington state health care authority.

NEW SECTION. Sec. 36. All reports, documents, surveys, books, records, files, papers, or written material in the possession of the Washington basic health plan shall be delivered to the custody of the Washington state health care authority. All cabinets, furniture, office equipment, motor vehicles, and other tangible property used by the Washington basic health plan shall be made available to the Washington state health care authority. All funds, credits, or other assets held by the Washington basic health plan shall be assigned to the Washington state health care authority.

Any appropriations made to the Washington basic health plan shall, on the effective date of this section, be transferred and credited to the Washington state health care authority. At no time may those funds in the basic health plan trust account, any funds appropriated for the subsidy of any enrollees or any premium payments or other sums made or received on behalf of any enrollees in the basic health plan be commingled with any appropriated funds designated or intended for the purposes of providing health care coverage to any state or other public employees.

Whenever any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

NEW SECTION. Sec. 37. All employees of the Washington basic health plan are transferred to the jurisdiction of the Washington state health care authority. All employees classified under chapter 41.06 RCW, the state civil service law, are assigned to the Washington state health care authority to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service.

NEW SECTION. Sec. 38. All rules and all pending business before the Washington basic health plan shall be continued and acted upon by the Washington state health care authority. All existing contracts and obligations shall remain in full force and shall be performed by the Washington state health care authority.

NEW SECTION. Sec. 39. The transfer of the powers, duties, functions, and personnel of the Washington basic health plan shall not affect the validity of any act performed prior to the effective date of this section.

NEW SECTION. Sec. 40. If apportionments of budgeted funds are required because of the transfers directed by sections 36 through 39 of this act, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

NEW SECTION. Sec. 41. Nothing contained in sections 35 through 40 of this act may be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement until the agreement has expired or until the bargaining unit has been modified by action of the personnel board as provided by law.

Sec. 42. RCW 70.47.010 and 1987 1st ex.s. c 5 s 3 are each amended to read as follows:

(1) The legislature finds that:

(a) A significant percentage of the population of this state does not have reasonably available insurance or other coverage of the costs of necessary basic health care services;

(b) This lack of basic health care coverage is detrimental to the health of the individuals lacking coverage and to the public welfare, and results in substantial expenditures for emergency and remedial health care, often at the expense of health care providers, health care facilities, and all purchasers of health care, including the state; and

(c) The use of managed health care systems has significant potential to reduce the growth of health care costs incurred by the people of this state generally, and by low-income pregnant women who are an especially vulnerable population, along with their children, and who need greater access to managed health care.

(2) The purpose of this chapter is to provide necessary basic health care services in an appropriate setting to working persons and others who lack coverage, at a cost to these persons that does not create barriers to the utilization of necessary health care services. To that end, this chapter establishes a program to be made available to those residents under sixty-five years of age not otherwise eligible for medicare with gross family income at or below two hundred percent of the federal poverty guidelines who share in the cost of receiving basic health care services from a managed health care system.

(3) It is not the intent of this chapter to provide health care services for those persons who are presently covered through private employer-based health plans, nor to replace employer-based health plans. Further, it is the intent of the legislature to expand, wherever possible, the availability of private health care coverage and to discourage the decline of employer-based coverage.

~~(4) (The program authorized under this chapter is strictly limited in respect to the total number of individuals who may be allowed to participate and the specific areas within the state where it may be established. All such restrictions or limitations shall remain in full force and effect until quantifiable evidence based upon the actual operation of the program, including detailed cost benefit analysis, has been presented to the legislature and the legislature, by specific act at that time, may then modify such limitations))~~ (a) It is the purpose of this chapter to acknowledge the initial success of this program that has (i) assisted thousands of families in their search for affordable health care; (ii) demonstrated that low-income uninsured families are willing, indeed eager, to pay for their own health care coverage to the extent of their ability to pay; and (iii) proved that local health care providers are willing to enter into a public/private partnership as they configure their own professional and business relationships into a managed health care system.

(b) As a consequence, but always limited to the extent to which funds might be available to subsidize the costs of health services for those in need, enrollment limitations have been modified and the program shall be expanded to additional geographic areas of the state. In addition, the legislature intends to extend an option to enroll to certain citizens with income above two hundred percent of the federal poverty guidelines who reside in communities where the plan is

operational and who collectively or individually wish to exercise the opportunity to purchase health care coverage through the basic health plan, if it is done at no cost to the state.

Sec. 43. RCW 70.47.020 and 1987 1st ex.s. c 5 s 4 are each amended to read as follows:

As used in this chapter:

(1) "Washington basic health plan" or "plan" means the system of enrollment and payment on a prepaid capitated basis for basic health care services, administered by the plan administrator through participating managed health care systems, created by this chapter.

(2) "Administrator" means the Washington basic health plan administrator, who also holds the position of administrator of the Washington state health care authority.

(3) "Managed health care system" means any health care organization, including health care providers, insurers, health care service contractors, health maintenance organizations, or any combination thereof, that provides directly or by contract basic health care services, as defined by the administrator and rendered by duly licensed providers, on a prepaid capitated basis to a defined patient population enrolled in the plan and in the managed health care system.

(4) "Enrollee" means an individual, or an individual plus the individual's spouse and/or dependent children, ~~((all under the age of sixty five and))~~ not ~~((otherwise))~~ eligible for medicare, who resides in an area of the state served by a managed health care system participating in the plan, whose gross family income at the time of enrollment does not exceed twice the federal poverty level as adjusted for family size and determined annually by the federal department of health and human services, who chooses to obtain basic health care coverage from a particular managed health care system in return for periodic payments to the plan. Nonsubsidized enrollees shall be considered enrollees unless otherwise specified.

(5) "Nonsubsidized enrollee" means an individual, or an individual plus the individual's spouse and/or dependent children not eligible for medicare, who resides in an area of the state served by a managed health care system participating in the plan, who has a gross family income of less than three hundred percent of the federal poverty level, and who chooses to obtain basic health care coverage from a particular managed health care system at no cost to the state in return for periodic payments to the plan. "Nonsubsidized enrollee" also includes any enrollee who originally enrolled subject to the income limitations specified in subsection (4) of this section, but who subsequently pays the full unsubsidized premium as set forth in RCW 70.47.060(9).

(6) "Subsidy" means the difference between the amount of periodic payment the administrator makes ~~((from funds appropriated from the basic health plan trust account,))~~ to a managed health care system on behalf of an enrollee plus the administrative cost to the plan of providing the plan to that enrollee, and the amount determined to be the enrollee's responsibility under RCW 70.47.060(2).

~~((6))~~ (7) "Premium" means a periodic payment, based upon gross family income and determined under RCW 70.47.060(2), which an enrollee makes to the plan as consideration for enrollment in the plan.

~~((7))~~ (8) "Rate" means the per capita amount, negotiated by the administrator with and paid to a participating managed health care system, that is based upon the enrollment of enrollees in the plan and in that system.

Sec. 44. RCW 70.47.030 and 1991 sp.s. c 13 s 68 and 1991 sp.s. c 4 s 1 are each reenacted and amended to read as follows:

(1) The basic health plan trust account is hereby established in the state treasury. ~~((All))~~ Any nongeneral fund-state funds collected for this program shall be deposited in the basic health plan trust account and may be expended without further appropriation. Moneys in the account shall be used exclusively for the purposes of this chapter, including payments to participating managed health care systems on behalf of enrollees in the plan and payment of costs of administering the plan. After July 1, 1991, the administrator shall not expend or encumber for an ensuing fiscal period amounts exceeding ninety-five percent of the amount anticipated to be spent for purchased services during the fiscal year.

(2) The basic health plan subscription account is created in the custody of the state treasurer. All receipts from amounts due under RCW 70.47.060 (10) and (11) shall be deposited into the account. Moneys in the account shall be used exclusively for the purposes of this chapter, including payments to participating managed health care systems on behalf of nonsubsidized enrollees in the plan and payment of costs of administering the plan. The account is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures.

(3) The administrator shall take every precaution to see that none of the moneys in the separate account created in this section or that any premiums paid by either subsidized or nonsubsidized enrollees are commingled in any way.

Sec. 45. RCW 70.47.040 and 1987 1st ex.s. c 5 s 6 are each amended to read as follows:

(1) The Washington basic health plan is created as an independent ~~((agency of the state))~~ program within the Washington state health care authority. The administrative head and appointing authority of the plan shall be the administrator ((who shall be appointed by the governor, with the consent of the senate, and shall serve at the pleasure of the governor. The salary for this office shall be set by the governor pursuant to RCW 43.03.040)) of the Washington

state health care authority. The administrator shall appoint a medical director. The ~~((administrator,))~~ medical director~~((,))~~ and up to five other employees of the plan shall be exempt from the civil service law, chapter 41.06 RCW.

(2) The administrator shall employ such other staff as are necessary to fulfill the responsibilities and duties of the administrator, such staff to be subject to the civil service law, chapter 41.06 RCW. In addition, the administrator may contract with third parties for services necessary to carry out its activities where this will promote economy, avoid duplication of effort, and make best use of available expertise. Any such contractor or consultant shall be prohibited from releasing, publishing, or otherwise using any information made available to it under its contractual responsibility without specific permission of the plan. The administrator may call upon other agencies of the state to provide available information as necessary to assist the administrator in meeting its responsibilities under this chapter, which information shall be supplied as promptly as circumstances permit.

(3) The administrator may appoint such technical or advisory committees as he or she deems necessary. The administrator shall appoint a standing technical advisory committee that is representative of health care professionals, health care providers, and those directly involved in the purchase, provision, or delivery of health care services, as well as consumers and those knowledgeable of the ethical issues involved with health care public policy. Individuals appointed to any technical or other advisory committee shall serve without compensation for their services as members, but may be reimbursed for their travel expenses pursuant to RCW 43.03.050 and 43.03.060.

(4) The administrator may apply for, receive, and accept grants, gifts, and other payments, including property and service, from any governmental or other public or private entity or person, and may make arrangements as to the use of these receipts, including the undertaking of special studies and other projects relating to health care costs and access to health care.

(5) In the design, organization, and administration of the plan under this chapter, the administrator shall consider the report of the Washington health care project commission established under chapter 303, Laws of 1986. Nothing in this chapter requires the administrator to follow any specific recommendation contained in that report except as it may also be included in this chapter or other law.

Sec. 46. RCW 70.47.060 and 1991 sp.s. c 4 s 2 and 1991 c 3 s 339 are each reenacted and amended to read as follows:

The administrator has the following powers and duties:

(1) To design and from time to time revise a schedule of covered basic health care services, including physician services, inpatient and outpatient hospital services, and other services that may be necessary for basic health care, which enrollees in any participating managed health care system under the Washington basic health plan shall be entitled to receive in return for premium payments to the plan. The schedule of services shall emphasize proven preventive and primary health care, shall include all services necessary for prenatal, postnatal, and well-child care, and shall include a separate schedule of basic health care services for children, eighteen years of age and younger, for those enrollees who choose to secure basic coverage through the plan only for their dependent children. In designing and revising the schedule of services, the administrator shall consider the guidelines for assessing health services under the mandated benefits act of 1984, RCW 48.42.080, and such other factors as the administrator deems appropriate.

(2)(a) To design and implement a structure of periodic premiums due the administrator from subsidized enrollees that is based upon gross family income, giving appropriate consideration to family size as well as the ages of all family members. The enrollment of children shall not require the enrollment of their parent or parents who are eligible for the plan. With approval of the administrator, a third party may pay the premium, rate, or other amount determined by the administrator to be due to the plan on behalf of any enrollee, by arrangement with the enrollee, and through a mechanism approved by the administrator.

(b) Any premium, rate, or other amount determined to be due from nonsubsidized enrollees shall be in an amount equal to the amount negotiated by the administrator with the participating managed health care system for the plan plus the administrative cost of providing the plan to those enrollees.

(c) The administrator shall give consideration to any schedule of premiums, deductibles, copayments, and coinsurance that may be adopted by the Washington health services commission, but in particular reference to subsidized enrollees the powers, duties, and responsibilities of the administrator under this section and chapter shall not be superseded by action of the commission.

(3) To design and implement a structure of nominal copayments due a managed health care system from enrollees. The structure shall discourage inappropriate enrollee utilization of health care services, but shall not be so costly to enrollees as to constitute a barrier to appropriate utilization of necessary health care services.

(4) To design and implement, in concert with a sufficient number of potential providers in a discrete area, an enrollee financial participation structure, separate from that otherwise established under this chapter, that has the following characteristics:

(a) Nominal premiums that are based upon ability to pay, but not set at a level that would discourage enrollment;

(b) A modified fee-for-services payment schedule for providers;

(c) Coinsurance rates that are established based on specific service and procedure costs and the enrollee's ability to pay for the care. However, coinsurance rates for families with incomes below one hundred twenty percent of the federal poverty level shall be nominal. No coinsurance shall be required for specific proven prevention programs, such as prenatal care. The coinsurance rate levels shall not have a measurable negative effect upon the enrollee's health status; and

(d) A case management system that fosters a provider-enrollee relationship whereby, in an effort to control cost, maintain or improve the health status of the enrollee, and maximize patient involvement in her or his health care decision-making process, every effort is made by the provider to inform the enrollee of the cost of the specific services and procedures and related health benefits.

The potential financial liability of the plan to any such providers shall not exceed in the aggregate an amount greater than that which might otherwise have been incurred by the plan on the basis of the number of enrollees multiplied by the average of the prepaid capitated rates negotiated with participating managed health care systems under RCW 70.47.100 and reduced by any sums charged enrollees on the basis of the coinsurance rates that are established under this subsection.

(5) To limit enrollment of persons who qualify for subsidies so as to prevent an overexpenditure of appropriations for such purposes. Whenever the administrator finds that there is danger of such an overexpenditure, the administrator shall close enrollment until the administrator finds the danger no longer exists.

(6) To adopt a schedule for the orderly development of the delivery of services and availability of the plan to residents of the state, subject to the limitations contained in RCW 70.47.080.

In the selection of any area of the state for ~~((the initial))~~ operation of the plan, the administrator shall take into account the levels and rates of unemployment in different areas of the state, the need to provide basic health care coverage to a population reasonably representative of the portion of the state's population that lacks such coverage, and the need for geographic, demographic, and economic diversity.

Before July 1, ~~((1988))~~ 1994, the administrator shall endeavor to secure participation contracts with managed health care systems in ~~((discrete geographic areas within at least five))~~ all congressional districts.

(7) To solicit and accept applications from managed health care systems, as defined in this chapter, for inclusion as eligible basic health care providers under the plan. The administrator shall endeavor to assure that covered basic health care services are available to any enrollee of the plan from among a selection of two or more participating managed health care systems. In adopting any rules or procedures applicable to managed health care systems and in its dealings with such systems, the administrator shall consider and make suitable allowance for the need for health care services and the differences in local availability of health care resources, along with other resources, within and among the several areas of the state.

(8) To receive periodic premiums from enrollees, deposit them in the basic health plan operating account, keep records of enrollee status, and authorize periodic payments to managed health care systems on the basis of the number of enrollees participating in the respective managed health care systems.

(9) To accept applications from individuals residing in areas served by the plan, on behalf of themselves and their spouses and dependent children, for enrollment in the Washington basic health plan, to establish appropriate minimum-enrollment periods for enrollees as may be necessary, and to determine, upon application and at least annually thereafter, or at the request of any enrollee, eligibility due to current gross family income for sliding scale premiums. An enrollee who remains current in payment of the sliding-scale premium, as determined under subsection (2) of this section, and whose gross family income has risen above twice the federal poverty level, may continue enrollment ~~((unless and until the enrollee's gross family income has remained above twice the poverty level for six consecutive months,))~~ by making full payment at the unsubsidized rate required for the managed health care system in which he or she may be enrolled plus the administrative cost of providing the plan to that enrollee. No subsidy may be paid with respect to any enrollee whose current gross family income exceeds twice the federal poverty level or, subject to RCW 70.47.110, who is a recipient of medical assistance or medical care services under chapter 74.09 RCW. If a number of enrollees drop their enrollment for no apparent good cause, the administrator may establish appropriate rules or requirements that are applicable to such individuals before they will be allowed to re-enroll in the plan.

(10) To accept applications from small business owners on behalf of themselves and their employees who reside in an area served by the plan. Such businesses must have less than one hundred employees and enrollment shall be limited to those not eligible for medicare, who has a gross family income of less than three hundred percent of the federal poverty level, who wish to enroll in the plan at no cost to the state and choose to obtain basic health care coverage and services from a managed health care system participating in the plan. The administrator may require all or a substantial

majority of the eligible employees, as determined by the administrator, of any such business to enroll in the plan and establish such other procedures as may be necessary to facilitate the orderly enrollment of such groups in the plan and into a managed health care system. The administrator shall adjust the amount determined to be due on behalf of or from all such enrollees whenever the amount negotiated by the administrator with the participating managed health care system or systems is modified or the administrative cost of providing the plan to such enrollees changes. Any amounts due under this subsection shall be deposited in the basic health plan subscription account. No enrollee of a small business group shall be eligible for any subsidy from the plan and at no time shall the administrator allow the credit of the state or funds from the trust account to be used or extended on their behalf.

(11) On and after July 1, 1994, to accept applications from individuals residing in areas served by the plan, on behalf of themselves and their spouses and dependent children not eligible for medicare who wish to enroll in the plan at no cost to the state and choose to obtain basic health care coverage and services from a managed health care system participating in the plan. Any such nonsubsidized enrollee must pay the plan whatever amount is negotiated by the administrator with the participating managed health care system and the administrative cost of providing the plan to such enrollees and shall not be eligible for any subsidy from the plan. Any amounts due under this subsection shall be deposited in the basic health plan subscription account.

(12) To determine the rate to be paid to each participating managed health care system in return for the provision of covered basic health care services to enrollees in the system. Although the schedule of covered basic health care services will be the same for similar enrollees, the rates negotiated with participating managed health care systems may vary among the systems. In negotiating rates with participating systems, the administrator shall consider the characteristics of the populations served by the respective systems, economic circumstances of the local area, the need to conserve the resources of the basic health plan trust account, and other factors the administrator finds relevant.

~~((11))~~ (13) To monitor the provision of covered services to enrollees by participating managed health care systems in order to assure enrollee access to good quality basic health care, to require periodic data reports concerning the utilization of health care services rendered to enrollees in order to provide adequate information for evaluation, and to inspect the books and records of participating managed health care systems to assure compliance with the purposes of this chapter. In requiring reports from participating managed health care systems, including data on services rendered enrollees, the administrator shall endeavor to minimize costs, both to the managed health care systems and to the ~~((administrator))~~ plan. The administrator shall coordinate any such reporting requirements with other state agencies, such as the insurance commissioner and the department of health, to minimize duplication of effort.

~~((12))~~ (14) To monitor the access that state residents have to adequate and necessary health care services, determine the extent of any unmet needs for such services or lack of access that may exist from time to time, and make such reports and recommendations to the legislature as the administrator deems appropriate.

~~((13))~~ (15) To evaluate the effects this chapter has on private employer-based health care coverage and to take appropriate measures consistent with state and federal statutes that will discourage the reduction of such coverage in the state.

~~((14))~~ (16) To develop a program of proven preventive health measures and to integrate it into the plan wherever possible and consistent with this chapter.

~~((15))~~ (17) To provide, consistent with available resources, technical assistance for rural health activities that endeavor to develop needed health care services in rural parts of the state.

Sec. 47. RCW 70.47.080 and 1987 1st ex.s. c 5 s 10 are each amended to read as follows:

On and after July 1, 1988, the administrator shall accept for enrollment applicants eligible to receive covered basic health care services from the respective managed health care systems which are then participating in the plan. ~~((The administrator shall not allow the total enrollment of those eligible for subsidies to exceed thirty thousand.))~~

Thereafter, ~~((total))~~ average monthly enrollment of those eligible for subsidies during any biennium shall not exceed the number established by the legislature in any act appropriating funds to the plan, and total subsidized enrollment shall not result in expenditures that exceed the total amount that has been made available by the legislature in any act appropriating funds to the plan.

Before July 1, ~~((1988))~~ 1994, the administrator shall endeavor to secure participation contracts from managed health care systems in ~~((discrete geographic areas within at least five))~~ all congressional districts of the state and in such manner as to allow residents of both urban and rural areas access to enrollment in the plan. The administrator shall make a special effort to secure agreements with health care providers in one such area that meets the requirements set forth in RCW 70.47.060(4).

The administrator shall at all times closely monitor growth patterns of enrollment so as not to exceed that consistent with the orderly development of the plan as a whole, in any area of the state or in any participating managed health care system.

The annual or biennial enrollment limitations derived from operation of the plan under this section do not apply to nonsubsidized enrollees as defined in RCW 70.47.020(5).

Sec. 48. RCW 70.47.120 and 1987 1st ex.s. c 5 s 14 are each amended to read as follows:

In addition to the powers and duties specified in RCW 70.47.040 and 70.47.060, the administrator has the power to enter into contracts for the following functions and services:

(1) With public or private agencies, to assist the administrator in her or his duties to design or revise the schedule of covered basic health care services, and/or to monitor or evaluate the performance of participating managed health care systems.

(2) With public or private agencies, to provide technical or professional assistance to health care providers, particularly public or private nonprofit organizations and providers serving rural areas, who show serious intent and apparent capability to participate in the plan as managed health care systems.

(3) With public or private agencies, including health care service contractors registered under RCW 48.44.015, and doing business in the state, for marketing and administrative services in connection with participation of managed health care systems, enrollment of enrollees, billing and collection services to the administrator, and other administrative functions ordinarily performed by health care service contractors, other than insurance except that the administrator may purchase or arrange for the purchase of reinsurance, or self-insure for reinsurance, on behalf of its participating managed health care systems. Any activities of a health care service contractor pursuant to a contract with the administrator under this section shall be exempt from the provisions and requirements of Title 48 RCW.

MISCELLANEOUS

NEW SECTION. Sec. 49. The following acts or parts of acts are each repealed:

(1) RCW 43.131.355 and 1987 1st ex.s. c 5 s 24; and

(2) RCW 43.131.356 and 1987 1st ex.s. c 5 s 25.

NEW SECTION. Sec. 50. SEVERABILITY. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 51. SAVINGS CLAUSE. The enactment of this act does not have the effect of terminating, or in any way modifying, any obligation or any liability, civil or criminal, which was already in existence on the effective date of this section.

NEW SECTION. Sec. 52. CODIFICATION DIRECTIONS. Sections 1 through 17 and 19 through 21 of this act shall constitute a new chapter in Title 70 RCW.

NEW SECTION. Sec. 53. CAPTIONS. Captions used in this act do not constitute any part of the law.

NEW SECTION. Sec. 54. SHORT TITLE. This act may be known and cited as the Washington health services act.

NEW SECTION. Sec. 55. EMERGENCY CLAUSE. Sections 1 through 25, 50, and 51 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

NEW SECTION. Sec. 56. (1) Sections 26 through 30 and 34 through 49 of this act shall take effect July 1, 1992.

(2) Sections 31 through 33 of this act shall take effect January 1, 1994.

NEW SECTION. Sec. 57. Sections 26 through 34 of this act shall expire on July 1, 1996.

Debate ensued.

Senator McMullen demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senators Kreidler, Pelz and Niemi on page 1, after line 1, to the Committee on Ways and Means striking amendment to Senate Bill No. 6089.

ROLL CALL

The Secretary called the roll and the amendment to the committee amendment was not adopted by the following vote: Yeas, 24; Nays, 24; Absent, 0; Excused, 1.

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

Voting nay: Senators Amondson, Anderson, Bailey, Barr, Bluechel, Cantu, Craswell, Erwin, Hayner, Matson, McDonald, Metcalf, Nelson, Newhouse, Oke, Patterson, Roach, Saling, Sellar, L. Smith, Sumner, Thorsness, von Reichbauer, West - 24.

Excused: Senator McCaslin - 1.

The President declared the question before the Senate to be the adoption of the Committee on Ways and Means striking amendment, as amended, to Senate Bill No. 6089.

The Committee on Ways and Means striking amendment, as amended, to Senate Bill No. 6089 was adopted.

MOTIONS

On motion of Senator West, the following title amendment was adopted:

On page 1, line 1 of the title, after "care;" strike the remainder of the title and insert "amending RCW 70.47.010, 70.47.020, 70.47.080, 70.47.120, 70.47.115, 41.05.011, 41.05.065, 70.170.010, 70.170.020, 70.170.030, 70.170.040, 70.170.050, 70.170.070, 70.170.100, 70.170.110, 7.70.070, 19.68.010, 41.04.250, 48.14.022, 48.41.040, 18.130.040, 18.130.175, 18.64.160, 18.64A.050, and 70.42.080; reenacting and amending RCW 70.47.030 and 70.47.060; adding new sections to chapter 74.09 RCW; adding new sections to chapter 41.05 RCW; adding new sections to chapter 70.170 RCW; adding a new section to chapter 18.130 RCW; adding a new section to chapter 48.20 RCW; adding a new section to chapter 48.21 RCW; adding a new section to chapter 48.44 RCW; adding a new section to chapter 48.46 RCW; adding a new section to chapter 48.84 RCW; adding a new section to Title 51 RCW; adding a new section to chapter 18.64 RCW; adding a new section to chapter 18.64A RCW; adding a new section to chapter 70.47 RCW; adding a new section to chapter 7.70 RCW; adding new sections to chapter 43.70 RCW; adding a new section to chapter 82.04 RCW; adding a new section to chapter 84.36 RCW; adding a new chapter to Title 48 RCW; adding a new chapter to Title 18 RCW; creating new sections; repealing RCW 18.64.260, 43.131.355, 43.131.356, and 70.170.080; prescribing penalties; providing effective dates; and declaring an emergency."

On motion of Senator West, the rules were suspended, Engrossed Senate Bill No. 6089 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

MOTION

At 7:57 p.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 8:16 p.m. by President Pritchard.

There being no objection, the Senate resumed consideration of Engrossed Senate Bill No. 6089, which was being debated before the Senate went at ease.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6089.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6089 and the bill failed to pass the Senate by the following vote: Yeas, 23; Nays, 24; Absent, 1; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bluechel, Cantu, Craswell, Erwin, Gaspard, Hayner, McDonald, McMullen, Metcalf, Newhouse, Oke, Patterson, Roach, Sellar, L. Smith, Stratton, Sumner, Thorsness, West - 23.

Voting nay: Senators Bauer, Conner, Hansen, Jesernig, Kreidler, Madsen, Moore, Murray, Nelson, Niemi, Owen, Pelz, Rasmussen, Rinehart, Saling, Skratek, A. Smith, Snyder, Sutherland, Talmadge, Vognild, von Reichbauer, Williams, Wojahn - 24.

Absent: Senator Matson - 1.

Excused: Senator McCaslin - 1.

NOTICE OF RECONSIDERATION

Having voted on the prevailing side, Senator Snyder served notice that he would move to reconsider the vote by which Engrossed Senate Bill No. 6089 failed to pass the Senate.

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

MESSAGES FROM THE HOUSE

March 4, 1992

MR. PRESIDENT:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2990,

SENATE BILL NO. 6457, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

March 5, 1992

MR. PRESIDENT:

The House has passed:

SENATE BILL NO. 6339,

SENATE BILL NO. 6351, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

March 5, 1992

MR. PRESIDENT:

The House has passed:

ENGROSSED SENATE BILL NO. 6103,

SUBSTITUTE SENATE BILL NO. 6330, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

ENGROSSED SENATE BILL NO. 6103,

SUBSTITUTE SENATE BILL NO. 6330.

SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 6339,

SENATE BILL NO. 6351,

SENATE BILL NO. 6457.

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

INTRODUCTION AND FIRST READING OF HOUSE BILL

ESHB 2990 by House Committee on Natural Resources and Parks (originally sponsored by Representatives H. Sommers, Brumsickle, Belcher, Beck, Sheldon and Rasmussen)

Modifying limitations and restrictions relating to purchase of state trust lands for park and outdoor recreation purposes.

MOTION

On motion of Senator Newhouse, the rules were suspended, Engrossed Substitute House Bill No. 2990 was advanced to second reading and placed on the second reading calendar.

MOTION FOR RECONSIDERATION

Having served prior notice, Senator Snyder moved that the Senate immediately reconsider the vote by which Engrossed Senate Bill No. 6089 failed to pass the Senate.

The President declared the question before the Senate to be the motion by Senator Snyder that the Senate immediately reconsider the vote by which Engrossed Senate Bill No. 6089 failed to pass the Senate.

The motion for immediate reconsideration of Engrossed Senate Bill No. 6089 carried.

MOTION

On motion of Senator Snyder, the rules were suspended and Engrossed Senate Bill No. 6089, on reconsideration, was returned to second reading.

MOTION

At 8:25 p.m., Senator Newhouse moved that the Senate adjourn until 8:30 a.m., Friday, March 6, 1992.

Senator Gaspard demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the motion by Senator Newhouse to adjourn until 8:30 a.m., Friday, March 6, 1992.

ROLL CALL

The Secretary called the roll and the motion to adjourn failed by the following vote:
Yeas, 23; Nays, 24; Absent, 1; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bluechel, Cantu, Craswell, Erwin, Hayner, McDonald, Metcalf, Nelson, Newhouse, Oke, Patterson, Roach, Saling, Sellar, L. Smith, Sumner, Thorsness, von Reichbauer, West - 23.

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

Absent: Senator Matson - 1.

Excused: Senator McCaslin - 1.

MOTION FOR CALL OF THE SENATE

Senators Newhouse, Amondson and von Reichbauer demanded a Call of the Senate.

PARLIAMENTARY INQUIRY

Senator Talmadge: "Mr. President, does the Call of the Senate have to be put to a vote of the Senate?"

REPLY BY THE PRESIDENT

President Pritchard: "No."

Senator Talmadge: "Yes, it does."

President Pritchard: "Oh, I didn't read the first part. Pardon me. The Secretary shall call the roll. You are right."

The President declared the question before the Senate to be the roll call on the motion by Senators Newhouse, Amondson and von Reichbauer for a Call of the Senate.

ROLL CALL

The Secretary called the roll and the demand for the Call of the Senate failed by the following vote: Yeas, 23; Nays, 24; Absent, 1; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bluechel, Cantu, Craswell, Erwin, Hayner, McDonald, Metcalf, Nelson, Newhouse, Oke, Patterson, Roach, Saling, Sellar, L. Smith, Sumner, Thorsness, von Reichbauer, West - 23.

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

Absent: Senator Matson - 1.

Excused: Senator McCaslin - 1.

MOTION

On motion of Senator Vognild, Senator Matson was excused.

MOTION

At 8:39 p.m., Senator Gaspard moved that the Senate adjourn until 9:00 a.m., Friday, March 6, 1992.

MOTION

On motion of Senator Newhouse, the time was amended to adjourn until 8:30 a.m., Friday, March 6, 1992.

At 8:40 p.m., the Senate adjourned until 8:30 a.m., Friday, March 6, 1992.

JOEL PRITCHARD, President of the Senate.

GORDON A. GOLOB, Secretary of the Senate.

FIFTY-FOURTH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, March 6, 1992

The Senate was called to order at 8:30 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Anderson, Bauer, Niemi, Pelz and Sellar. On motion of Senator Murray, Senators Niemi and Pelz were excused. On motion of Senator Oke, Senator Anderson was excused.

The Sergeant at Arms Color Guard, consisting of Pages Adrian Lindekugal and Anthony Goslin, presented the Colors. Reverend Ron Hastie, pastor of the Evergreen Christian Center of Olympia, offered the prayer.

MOTION

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

MESSAGES FROM THE HOUSE

March 4, 1992

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2386, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

March 4, 1992

MR. PRESIDENT:

The House has passed:
 SENATE BILL NO. 6070,
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6347,
 ENGROSSED SENATE BILL NO. 6427, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

March 5, 1992

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6386, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

INTRODUCTION AND FIRST READING OF HOUSE BILL

ESHB 2386 by House Committee on Commerce and Labor (originally sponsored by Representatives Heavey, Orr, Jones, G. Cole, Brumsickle, O'Brien and Paris) (by request of Employment Security Department)

Codifying the labor market information and economic analysis responsibilities of the employment security department.

Referred to Committee on Commerce and Labor.

SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 6070,

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6347,

SUBSTITUTE SENATE BILL NO. 6386,

ENGROSSED SENATE BILL NO. 6427.

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Saling, Gubernatorial Appointment No. 9268, John Ellis, as a member of the Board of Regents for Washington State University, was confirmed.

APPOINTMENT OF JOHN ELLIS

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 44; Nays, 0; Absent, 2; Excused, 3.

Voting yea: Senators Amondson, Bailey, Barr, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Oke, Owen, Patterson, Rasmussen, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sumner, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 44.

Absent: Senators Bauer, Sellar - 2.

Excused: Senators Anderson, Niemi, Pelz - 3.

SECOND READING

ENGROSSED HOUSE BILL NO. 2813, by Representatives Bowman, Prentice, Riley, Braddock, Cantwell, Van Luven and Brumsickle

Allowing the transfer of the state law enforcement officers and fire fighters retirement system to the state health care authority.

The bill was read the second time.

MOTION

On motion of Senator West, the rules were suspended, Engrossed House Bill No. 2813 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 2813.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2813 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

ENGROSSED HOUSE BILL NO. 2813, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Engrossed Substitute House Bill No. 2274 and the pending Committee on Commerce and Labor striking amendment, deferred March 5, 1992.

MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Amondson moved to reconsider the vote by which the amendment by Senator Anderson on page 2, line 7, to the Committee on Commerce and Labor amendment was not adopted March 5, 1992.

The President declared the question before the Senate to be the motion by Senator Amondson to reconsider the vote by which the amendment by Senator Anderson on page 2, line 7, to the Committee on Commerce and Labor striking amendment was not adopted.

The motion for reconsideration of the amendment to the committee amendment carried.

MOTION

On motion of Senator Amondson, the amendment by Senator Anderson on page 2, line 7, to the Committee on Commerce and Labor striking amendment was adopted, on reconsideration.

MOTION

Senator Oke moved that the following amendment to the Committee on Commerce and Labor striking amendment be adopted:

On page 1, line 9, after "employer" insert "with more than one hundred employees"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Oke on page 1, line 9, to the Committee on Commerce and Labor striking amendment to Engrossed Substitute House Bill No. 2274.

The motion by Senator Oke failed and the amendment to the Committee on Commerce and Labor striking amendment was not adopted on a rising vote.

MOTION

Senator Oke moved that the following amendment to the Committee on Commerce and Labor striking amendment be adopted:

On page 1, line 16, after "hours." insert "Any employer who pays health premiums is exempt from this subsection."

Debate ensued.

Senator Oke demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Oke on page 1, line 16, to the Committee on Commerce and Labor striking amendment to Engrossed Substitute House Bill No. 2274.

ROLL CALL

The Secretary called the roll and the amendment to the committee amendment was not adopted by the following vote: Yeas, 17; Nays, 32; Absent, 0; Excused, 0.

Voting yea: Senators Anderson, Bluechel, Cantu, Craswell, Erwin, Kreidler, McCaslin, Metcalf, Oke, Patterson, Roach, Saling, L. Smith, Sumner, Talmadge, Thorsness, West - 17.

Voting nay: Senators Amondson, Bailey, Barr, Bauer, Conner, Gaspard, Hansen, Hayner, Jesernig, Madsen, Matson, McDonald, McMullen, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Pelz, Rasmussen, Rinehart, Sellar, Skratek, A. Smith, Snyder, Stratton, Sutherland, Vognild, von Reichbauer, Williams, Wojahn - 32.

MOTION

At 9:10 a.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 9:42 a.m. by President Pritchard.

There being no objection, the Senate resumed consideration of Engrossed Substitute House Bill No. 2274 and the pending Committee on Commerce and Labor striking amendment, being considered before the Senate went at ease.

The President declared the question before the Senate to be the adoption of the Committee on Commerce and Labor striking amendment, as amended, to Engrossed Substitute House Bill No. 2274.

The Committee on Commerce and Labor striking amendment, as amended, was adopted.

MOTIONS

On motion of Senator Amondson, the following title amendment was adopted:

On page 1, line 1 of the title, after "privacy;" strike the remainder of the title and insert "and adding new sections to chapter 49.44 RCW."

On motion of Senator Amondson, the rules were suspended, Engrossed Substitute House Bill No. 2274, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

POINT OF INQUIRY

Senator Saling: "Senator Amondson, would anything in this bill prevent an employer from disciplining or firing an employee who comes to work with alcohol on his or her breath in violation of the employer's policy?"

Senator Amondson: "No, where an employer for internal personnel or customer reasons does not permit alcohol on the breath, any violation of this policy could result in disciplinary action."

POINT OF INQUIRY

Senator Vognild: "Senator Amondson, my question is very similar. In an electronic or technical field, if nicotine on the fingers would contaminate the work, would that employer have the right to make sure that that did not happen?"

Senator Amondson: "Yes, that is my understanding."

Senator Vognild: "Thank you."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2274, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2274, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 30; Nays, 19; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Bailey, Bauer, Conner, Gaspard, Hansen, Hayner, Jesernig, Madsen, Matson, McDonald, McMullen, Moore, Murray, Nelson, Newhouse, Niemi, Pelz, Rasmussen, Rinehart, Roach, Sellar, Skratek, A. Smith, Snyder, Sutherland, Vognild, von Reichbauer, Williams, Wojahn - 30.

Voting nay: Senators Anderson, Barr, Bluechel, Cantu, Craswell, Erwin, Kreidler, McCaslin, Metcalf, Oke, Owen, Patterson, Saling, L. Smith, Stratton, Sumner, Talmadge, Thorsness, West - 19.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2274, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Engrossed Senate Bill No. 6089, on reconsideration, deferred on second reading March 5, 1992.

MOTION

On motion of Senator West, the rules were suspended, Engrossed Senate Bill No. 6089, on reconsideration, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6089, on reconsideration.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6089, on reconsideration, and the bill passed the Senate by the following vote: Yeas, 27; Nays, 22; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bluechel, Cantu, Craswell, Erwin, Hayner, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Oke, Patterson, Rasmussen, Roach, Saling, Sellar, L. Smith, Stratton, Sumner, Thorsness, von Reichbauer, West - 27.

Voting nay: Senators Bauer, Conner, Gaspard, Hansen, Jesernig, Kreidler, Madsen, McMullen, Moore, Murray, Niemi, Owen, Pelz, Rinehart, Skratek, A. Smith, Snyder, Sutherland, Talmadge, Vognild, Williams, Wojahn - 22.

ENGROSSED SENATE BILL NO. 6089, on reconsideration, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Gaspard, Engrossed Senate Bill No. 6089 was ordered to be immediately transmitted to the House of Representatives.

SECOND READING

ENGROSSED HOUSE BILL NO. 2287, by Representatives Haugen, Wilson, Zellinsky, Ferguson, Paris and Spanel

Changing provisions relating to port districts.

The bill was read the second time.

MOTIONS

Senator McCaslin moved that the following Committee on Governmental Operations amendment be adopted:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 53.04.020 and 1990 c 259 s 15 are each amended to read as follows:

At any general election or at any special election which may be called for that purpose, the county legislative authority of any county in this state may, or on petition of ten percent of the registered voters of such county based on the total vote cast in the st general county election, shall, by resolution submit to the voters of such county the proposition of creating a port district (~~which may: (1) Be~~) coextensive with the limits of such county (~~as now or hereafter established; or (2) be under the provisions of RCW 53.04.022~~). Such petition shall be filed with the county auditor, who shall within fifteen days examine the signatures thereof and certify to the sufficiency or insufficiency thereof, and for such purpose the county auditor shall have access to all registration books in the possession of the officers of any incorporated city or town in such proposed port district. If such petition be found to be insufficient, it shall be returned to the persons filing the same, who may amend or add names thereto for ten days, when the same shall be returned to the county auditor, who shall have an additional fifteen days to examine the same and attach his or her certificate thereto. No person having signed such petition shall be allowed to withdraw his or her name therefrom after the filing of the same with the county auditor. Whenever such petition shall be certified to as sufficient, the county auditor shall forthwith transmit the same, together with his or her certificate of sufficiency attached thereto, to the legislative authority of the county, who shall submit such proposition at the next general election or, if such petition so requests, the county legislative authority shall, at their first meeting after the date of such certificate, by resolution, call a special election to be held in accordance with RCW 29.13.010 and 29.13.020. The notice of election shall state the boundaries of the proposed port district and the object of such election. In submitting the question to the voters for their approval or rejection, the proposition shall be expressed on the ballot substantially in the following terms:

"Port of, Yes." (giving the name of the principal seaport city within such proposed port district, or if there be more than one city of the same class within such district, such name as may be determined by the legislative authority of the county).

"Port of, No." (giving the name of the principal seaport city within such port district, or if there be more than one city of the same class within such district, such name as may be determined by the legislative authority of the county).

NEW SECTION. Sec. 2. A new section is added to chapter 53.04 RCW to read as follows:

A less than county-wide port district with an assessed valuation of at least seventy-five million dollars may be created in a county that already has a less than county-wide port district located within its boundaries. Except as provided in this section, such a port district shall be created in accordance with the procedure to create a county-wide port district.

The effort to create such a port district is initiated by the filing of a petition with the county auditor calling for the creation of such a port district, describing the boundaries of the proposed port district, and providing a name for the proposed port district. The petition must be signed by voters residing within the proposed port district equal in number to at least ten percent of such voters who voted at the last county general election.

A public hearing on creation of the proposed port district shall be held by the county legislative authority if the county auditor certifies that the petition contained sufficient valid signatures. Notice of the public hearing must be published in the county's official newspaper at least ten days prior to the date of the public hearing. After taking testimony, the county legislative authority may make changes in the boundaries of the proposed port district if it finds that such changes are in the public interest and shall determine if the creation of the port district is in the public interest. No area may be added to the boundaries unless a subsequent public hearing is held on the proposed port district.

The county legislative authority shall submit a ballot proposition authorizing the creation of the proposed port district to the voters of the proposed port district, at any special election date provided in RCW 29.13.020, if it finds the creation of the port district to be in the public interest.

The port district shall be created if a majority of the voters voting on the ballot proposition favor the creation of the port district. The initial port commissioners shall be elected at the same election as provided in RCW 53.12.050, but the election of commissioners shall be null and void if the port district is not created. Commissioner districts shall not be used in the initial election of the port commissioners.

NEW SECTION. Sec. 3. A new section is added to chapter 53.04 RCW to read as follows:

A port district that is less than county-wide may annex adjacently located territory that is located in another less than county-wide port district in the same county, if the territory proposed to be annexed is located in a city the name of which is included as part of the name of the annexing port district. A port district proposing to annex territory under this section shall by resolution cause a ballot proposition on the issue of annexation to be submitted to the voters of the area proposed to be annexed. The annexation is authorized when the ballot proposition is approved of by over fifty percent of the ballots cast. The territory that is annexed shall be removed from the other port district.

This section shall expire January 1, 1995.

NEW SECTION. Sec. 4. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

On motion of Senator Metcalf, the following amendment to the Committee on Governmental Operations amendment was adopted:

On page 2, line 24 of the amendment, after "county" insert "bordering on saltwater"

MOTIONS

On motion of Senator Metcalf, the following amendment to the Committee on Governmental Operations amendment was adopted:

On page 3, on line 30 of the amendment, after "commissioners." insert the following:

"This section shall expire July 1, 1997."

On motion of Senator Sellar, the following amendment to the Committee on Governmental Operations amendment was adopted:

On page 4, after line 18 of the amendment, insert the following:

NEW SECTION. Sec. 5. A new section is added to chapter 53.12 RCW to read as follows:

For purposes of this chapter, "gross operating revenue" means the total of all revenues received by a port district.

The President declared the question before the Senate to be the adoption of the Committee on Governmental Operations striking amendment, as amended, to Engrossed House Bill No. 2287.

The motion by Senator McCaslin carried and the Committee on Governmental Operations amendment, as amended, was adopted.

MOTIONS

On motion of Senator McCaslin, the following title amendments were considered simultaneously and were adopted:

On page 1, line 1 of the title, after "districts;" strike the remainder of the title and insert "amending RCW 53.04.020; and adding new sections to chapter 53.04 RCW."

On page 4, line 23 of the title amendment, after "53.04.020;" strike "and"

On page 4, line 24 of the title amendment, after "53.04 RCW" insert "; and adding a new section to chapter 53.12 RCW"

On motion of Senator McCaslin, the rules were suspended, Engrossed House Bill No. 2287, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

MOTION

On motion of Senator Murray, Senators Moore, Skratek and Vognild were excused.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 2287, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2287, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 1; Absent, 1; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, A. Smith, L. Smith, Snyder, Sumner, Sutherland, Talmadge, Thorsness, von Reichbauer, West, Williams, Wojahn - 44.

Voting nay: Senator Bluechel - 1.

Absent: Senator Stratton - 1.

Excused: Senators Moore, Skratek, Vognild - 3.

ENGROSSED HOUSE BILL NO. 2287, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2389, by House Committee on Environmental Affairs (originally sponsored by Representatives Rust, Horn, Valle, Pruitt, Bray, J. Kohl, Brekke, D. Sommers and Jones)

Changing oil spill prevention and clean-up provisions.

The bill was read the second time.

MOTION

On motion of Senator Metcalf, the rules were suspended, Engrossed Substitute House Bill No. 2389 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2389.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2389 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 2; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, A. Smith, L. Smith, Snyder, Sumner, Sutherland, Talmadge, Thorsness, von Reichbauer, West, Williams, Wojahn - 44.

Absent: Senators Nelson, Stratton - 2.

Excused: Senators Moore, Skratek, Vognild - 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2389, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 2812, by Representatives Cantwell, Mielke, Locke, Forner, Wineberry, Padden, D. Sommers, Orr, Roland, Silver, Moyer, Day, Brough, Paris, Miller, Winsley, Dellwo, McLean, Hochstatter, Haugen, Wood and Rasmussen

Providing for aircraft maintenance vocational training.

The bill was read the second time.

MOTIONS

Senator West moved that the following Committee on Commerce and Labor amendment be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that the creation of new jobs is crucial to the economic well-being of the state and its residents. As several commercial airlines are considering establishing major aircraft maintenance facilities in the state, it is important for the state to demonstrate the ability to provide a skilled work force with the technical skills essential for such a facility. Providing additional state assistance to vocational training programs on aircraft maintenance will ease job displacement in the state and offer an incentive for economic development.

NEW SECTION. Sec. 2. From biennial appropriations to the work force training and education coordinating board for the job skills training program, the board shall allocate the sum of five hundred thousand dollars for the 1991-93 biennium and the sum of one million dollars for the 1993-95 biennium to a state technical or community college for the purpose of a vocational training program for the maintenance of commercial aircraft. The board shall allocate the moneys under this section only after the governor determines that a commercial airline will establish a new facility in this state for the maintenance of commercial aircraft. If no determination is made by January 1, 1993, or if the governor determines before January 1, 1993, that no facility will be established, this section has no effect and the board may allocate these moneys for other purposes of the job skills training program.

NEW SECTION. Sec. 3. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

Senator Bauer moved that the following amendment by Senators Bauer and Sutherland to the Committee on Commerce and Labor amendment be adopted:

On page 1, line 16, after "2." strike everything down to and including "program." on page 2, line 2 and insert:
 "(1) The sum of five hundred thousand dollars for the biennium ending June 30, 1993, or so much thereof as may be necessary, is appropriated from the general fund to the department of trade and economic development for allocation to a state technical or community college for a vocational training program on the maintenance of commercial aircraft. Moneys allocated under this section shall not be used to replace or supplant existing funding.

(2) The department of trade and economic development shall not expend any portion of the appropriation in this section for administrative expenses or overhead.

(3) The appropriation in this section is contingent on the establishment by a commercial airline of a new facility in this state or within five miles of this state for the maintenance of commercial aircraft. If such a facility is not established, the appropriation in this section shall lapse."

Debate ensued.

Senator Bauer demanded a roll call and the demand was sustained.

POINT OF INQUIRY

Senator Wojahn: "Senator West, if what you say is true, Alaskan Airlines would pay for this training--would pay for the training and the money would not be diverted?"

Senator West: "Essentially, Senator Wojahn, if they locate in the state of Washington, they will pay sales tax on their construction. Therefore, the money that we get to pay for this just cycles through the treasury. So, essentially, I guess they would be paying for their training. We would be giving it back to them."

Senator Wojahn: "But, if they don't come here, then the money could be diverted if we continue the program from the places it is being used now?"

Senator West: "If they don't locate here, this bill is not operative. If they do not locate here, this money just goes to wherever it was supposed to in the first place."

Senator Wojahn: "Thank you."

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senators Bauer and Sutherland on page 1, line 16, to the Committee on Commerce and Labor striking amendment to Engrossed House Bill No. 2812.

ROLL CALL

The Secretary called the roll and the amendment to the committee amendment was not adopted by the following vote: Yeas, 16; Nays, 32; Absent, 1; Excused, 0.

Voting yea: Senators Bauer, Conner, Gaspard, Jesernig, Madsen, McMullen, Metcalf, Moore, Murray, Rasmussen, Skratek, L. Smith, Snyder, Sutherland, Vognild, Williams - 16.

Voting nay: Senators Amondson, Anderson, Bailey, Barr, Bluechel, Cantu, Craswell, Erwin, Hansen, Hayner, Kreidler, Matson, McCaslin, McDonald, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Roach, Saling, Sellar, A. Smith, Stratton, Sumner, Talmadge, Thorsness, von Reichbauer, West, Wojahn - 32.

Absent: Senator Rinehart - 1.

The President declared the question before the Senate to be the adoption of the Committee on Commerce and Labor striking amendment to Engrossed House Bill No. 2812.

The motion by Senator West carried and the Committee on Commerce and Labor striking amendment was adopted:

MOTIONS

On motion of Senator West, the following title amendment was adopted:

On line 1 of the title, after "training;" strike the remainder of the title and insert "creating new sections; and declaring an emergency."

On motion of Senator West, the rules were suspended, Engrossed House Bill No. 2812, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 2812, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2812, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 6; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hayner, Jesernig, Kreidler, Madsen, Matson, McCaslin, McDonald, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sumner, Talmadge, Thorsness, Vognild, von Reichbauer, West - 43.

Voting nay: Senators Bauer, Hansen, McMullen, Sutherland, Williams, Wojahn - 6.

ENGROSSED HOUSE BILL NO. 2812, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6057, by Senators Nelson, Madsen, Newhouse, Conner and Rasmussen (by request of Washington State Patrol)

Creating a crime laboratory analysis fee.

MOTIONS

On motion of Senator Nelson, Substitute Senate Bill No. 6057 was substituted for Senate Bill No. 6057 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Nelson, the rules were suspended, Substitute Senate Bill No. 6057 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6057.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6057 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 1; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hayner, Jesernig, Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson,

Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sumner, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Wojahn - 46.

Voting nay: Senators Hansen, Williams - 2.

Absent: Senator Matson - 1.

SUBSTITUTE SENATE BILL NO. 6057, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6460, by Senators Sellar, Newhouse and McMullen (by request of Department of Licensing)

Removing redundant for hire vehicle provisions.

MOTIONS

On motion of Senator Sellar, Substitute Senate Bill No. 6460 was substituted for Senate Bill No. 6460 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Patterson, the rules were suspended, Substitute Senate Bill No. 6460 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6460.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6460 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 2; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sumner, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 47.

Absent: Senators Matson, Moore - 2.

SUBSTITUTE SENATE BILL NO. 6460, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

REENGROSSED SUBSTITUTE HOUSE BILL NO. 1037, by House Committee on Judiciary (originally sponsored by Representatives Appelwick, Prince, Wineberry, Belcher, Heavey, R. Meyers, Dorn, H. Myers, Phillips, Wang, Miller, Ludwig, Prentice, Leonard, Locke, Riley, Fraser, R. King, Nelson, Pruitt, G. Fisher, Jacobsen, Anderson and Brekke) (by request of Governor Gardner)

Creating a procedure to monitor crimes of bigotry or bias.

The bill was read the second time.

MOTIONS

On motion of Senator Nelson, the following Committee on Law and Justice amendment was adopted:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 9A.36.080 and 1989 c 95 s 1 are each amended to read as follows:

(1) A person is guilty of malicious harassment if he or she maliciously and with the intent to intimidate or harass another person because of, or in a way that is reasonably related to, associated with, or directed toward, that person's race, color, religion, ancestry, national origin, gender, or mental, physical, or sensory handicap:

(a) Causes physical injury to another person; or

(b) By words or conduct places another person in reasonable fear of harm to his or her person or property or harm to the person or property of a third person. Such words or conduct include, but are not limited to, (i) cross burning, (ii) painting, drawing, or depicting symbols or words on the property of the victim when the symbols or words historically or traditionally connote hatred or threats toward the victim, or (iii) written or oral communication designed to intimidate or harass because of, or in a way that is reasonably related to, associated with, or directed toward, that person's race, color, religion, ancestry, national origin, gender, or mental, physical, or sensory handicap. However, it does not constitute malicious harassment for a person to speak or act in a critical, insulting, or deprecatory way unless the context or circumstances surrounding the words or conduct places another person in reasonable fear of harm to his or her person or property or harm to the person or property of a third person; or

(c) Causes physical damage to or destruction of the property of another person.

(2) The following (~~constitute per se~~) creates a rebuttable presumption of a violation(~~(s)~~) of this section:

(a) Cross burning; or

(b) Defacement of the property of the victim or a third person with symbols or words when the symbols or words historically or traditionally connote hatred or threats toward the victim.

(3) Malicious harassment is a class C felony.

(4) In addition to the criminal penalty provided in subsection (3) of this section, there is hereby created a civil cause of action for malicious harassment. A person may be liable to the victim of malicious harassment for actual damages and punitive damages of up to ten thousand dollars.

(5) The penalties provided in this section for malicious harassment do not preclude the victims from seeking any other remedies otherwise available under law.

NEW SECTION. Sec. 2. A new section is added to chapter 36.28A RCW to read as follows:

Crime reports prepared by the Washington association of sheriffs and police chiefs on the crime of malicious harassment, RCW 9A.36.080, shall comply with the guidelines established by the United States attorney general under the authority of 28 U.S.C. 534 and the federal hate crime statistics act, P.L. 101-275.

On motion of Senator Nelson, the following title amendment was adopted:

On page 1, line 1 of the title, after "bias" strike the remainder of the title and insert ", cross burning and defacement of property by replacing the per se standard of the malicious harassment statute with a rebuttable presumption standard; amending RCW 9A.36.080; adding a new section to chapter 36.28A RCW; and prescribing penalties."

MOTION

On motion of Senator Nelson, the rules were suspended, Reengrossed Substitute House Bill No. 1037, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

MOTION

On motion of Senator Anderson, Senator Matson was excused.

The President declared the question before the Senate to be the roll call on the final passage of Reengrossed Substitute House Bill No. 1037, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Reengrossed Substitute House Bill No. 1037, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rinehart, Roach, Saling, Sellar, Skratek, L. Smith, Snyder, Stratton, Sumner, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 46.

Voting nay: Senators Rasmussen, A. Smith - 2.

Excused: Senators Matson, - 1.

REENGROSSED SUBSTITUTE HOUSE BILL NO. 1037, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

On motion of Senator Bluechel, Senator Cantu was excused.

On motion of Senator Adam Smith, Senator Skratek was excused.

There being no objection, the Senate resumed consideration of Substitute House Bill No. 2502 and the pending amendment by Senators Newhouse and Barr on page 13, after line 16, deferred March 5, 1992.

RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator Madsen, the President finds that Substitute House Bill No. 2502 is a measure which sets forth various requirements for the regulation of agricultural products which are marketed and labeled as 'organic.'

"The amendment by Senators Newhouse and Barr would make changes in the law related to lien and security interests between agricultural producers and handlers.

"The President, therefore, finds that the proposed amendment does change the scope and object of the bill and the point of order is well taken."

The amendment by Senators Newhouse and Barr on page 13, after line 16, to Substitute House Bill No. 2502 was ruled out of order.

MOTION

On motion of Senator Barr, the rules were suspended, Substitute House Bill No. 2502, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2502, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2502, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, A. Smith, L. Smith, Snyder, Stratton, Sumner, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Williams, Wojahn - 46.

Absent: Senator West - 1.

Excused: Senators Cantu, Skratek - 2.

SUBSTITUTE HOUSE BILL NO. 2502, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2985, by House Committee on Appropriations (originally sponsored by Representatives Basich, Jones, Hargrove, Sheldon, Riley and Paris)

Allowing certain law enforcement officers and fire fighters pension credit for past service.

The bill was read the second time.

MOTIONS

On motion of Senator McMullen, the following amendment by Senators McMullen and Hayner was adopted:

On page 2, after line 13, insert the following:

NEW SECTION. Sec. 3. A new section is added to chapter 41.40 RCW to read as follows:

Any active member of this retirement system who has previously established ten or more years' service credit in the city of Seattle's police relief and pension fund system, who withdrew his or her contributions from Seattle's police relief and pension fund system prior to July 1, 1961, and who has never been a member of the law enforcement officers' and fire fighters' pension system created in chapter 41.26 RCW, may receive credit in this retirement system for such service, subject to the terms and conditions specified in section 4 of this act.

NEW SECTION. Sec. 4. A new section is added to chapter 41.40 RCW to read as follows:

(1) A member who fulfills the requirements of section 3 of this act may file a written declaration no later than September 30, 1991, with the department and the Seattle police relief and pension fund system indicating the member's desire to make an irrevocable transfer of credit from the Seattle system to this retirement system. The member shall restore his or her contributions, with interest since the date of withdrawal as determined by the director, no later than December 31, 1991.

(2) Upon receipt of the written declaration, the Seattle police relief and pension fund system shall send the department a report of the member's service credit. It shall also transfer to the department the portion of such member's contributions that was retained in the Seattle police relief and pension fund pursuant to RCW 41.20.150, plus a sum equal to such member's total contributions to the Seattle police relief and pension fund, which shall be treated as matching contributions by the employer, plus the compound interest that would have been generated by such sums, as determined by the Seattle city treasurer. The Seattle police relief and pension fund system shall send the service credit report and transfer the funds within ninety days of receiving the member's written declaration.

NEW SECTION. Sec. 5. Sections 3 and 4 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

On motion of Senator McDonald, the following title amendment was adopted:

On page 1, line 2 of the title, after "system;" strike the remainder of the title and insert "adding new sections to chapter 41.26 RCW; adding new sections to chapter 41.40 RCW; and declaring an emergency."

MOTION

On motion of Senator McDonald, the rules were suspended, Engrossed Substitute House Bill No. 2985, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2985, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2985, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, A. Smith, L. Smith, Snyder, Stratton, Sumner, Sutherland, Talmadge, Thorsness, von Reichbauer, West, Williams, Wojahn - 47.

Voting nay: Senator Vognild - 1.

Excused: Senator Skratek - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2985, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2990, by House Committee on Natural Resources and Parks (originally sponsored by Representatives H. Sommers, Brumsickle, Belcher, Beck, Sheldon and Rasmussen)

Modifying limitations and restriction relating to purchase of state trust lands for park and outdoor recreation purposes.

The bill was read the second time.

POINT OF ORDER

Senator Talmadge: "A point of order, Mr. President. I believe that Engrossed Substitute House Bill No. 2990 was not passed by the House of Representatives out of its originating committee consistent with the requirements of the cutoff resolution adopted by both houses. Therefore, the bill is not properly before the Senate."

REPLY BY THE PRESIDENT

President Pritchard: "I'm sorry, Senator. Would you restate your statement there?"

Senator Talmadge: "Yes, Mr. President. My point of order is that the cutoff resolution requires that activity be taken by the various originating committees on pieces of legislation under the terms of the cutoff resolution. This bill was introduced and read in on February 15 and I believe action then occurred by the House of Representatives thereafter. The bill did not pass out of its originating committee on the date necessary as required by the cutoff resolution in order for the bill to be properly before the Legislature."

"Further elaboration of the point, I'd raised a point of order with respect to Senate Bill No. 5507, I believe--whatever the counterpart bill was to this bill--as to whether or not it was necessary to implement the budget. I would reaffirm that point of order with respect to this bill as well."

President Pritchard: "Well, Senator Talmadge, it appears to the President that Engrossed Substitute House Bill No. 2990 would be a measure necessary to implement Engrossed Substitute House Bill No. 2552, the supplemental capital budget, and is properly before the Senate."

MOTION

Senator Hansen moved that the following amendment by Senators Hansen and Snyder be adopted:

On page 7, after line 17, insert the following:

NEW SECTION. Sec. 2. A new section is added to chapter 43.51 RCW to read as follows:

In order to retain land in the status of a park when there is a threat of closure, the commission may sell real property or interests in real property to a city, town, or county for one dollar. The conveyance shall contain a requirement that, should the city, town, or county ever put, or attempt to put, any property that is conveyed or in which the interest is conveyed to a use other than a public park, the property or interest shall immediately revert to the commission. Any conveyance made that is inconsistent with these terms shall be void and unenforceable.

Re-number the remaining section consecutively.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Hansen and Snyder on page 7, after line 17, to Engrossed Substitute House Bill No. 2990.

The motion by Senator Hansen failed and the amendment was not adopted.

MOTION

On motion of Senator Metcalf, the rules were suspended, Engrossed Substitute House Bill No. 2990 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2990.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2990 and the bill passed the Senate by the following vote: Yeas, 39; Nays, 9; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bluechel, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, Matson, McDonald, McMullen, Murray, Nelson, Newhouse, Oke, Owen, Patterson, Pelz, Rasmussen, Roach, Saling, Sellar, A. Smith, L. Smith, Snyder, Stratton, Sumner, Sutherland, Thorsness, Vognild, von Reichbauer, West, Williams - 39.

Voting nay: Senators Bauer, Cantu, McCaslin, Metcalf, Moore, Niemi, Rinehart, Talmadge, Wojahn - 9.

Excused: Senator Skratek - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2990, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

REENGROSSED SUBSTITUTE HOUSE BILL NO. 1932, by House Committee on Education (originally sponsored by Representatives Locke, Appelwick, H. Sommers, Wineberry, Anderson, Ferguson, Brough, May, Paris, Mitchell, Phillips, O'Brien, Nelson, Former and Jacobsen)

Changing provisions relating to excess levies by school districts.

The bill was read the second time.

MOTION

On motion of Senator McDonald, the rules were suspended, Reengrossed Substitute House Bill No. 1932 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Bauer: "Senator Rinehart, I have been adamantly opposed to any lifting of the lid, even when we went from ten to twenty, shifting the responsibility from state to the local districts. Does this in any way lift the twenty percent lid?"

Senator Rinehart: "Senator Bauer, this affects only the calculation of the base. It affects the calculation of the allocation from which a percentage of the levy is derived."

Senator Bauer: "Thank you, Senator Rinehart, I am going to support it since it is not lifting the twenty percent lid."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Reengrossed Substitute House Bill No. 1932.

ROLL CALL

The Secretary called the roll on the final passage of Reengrossed Substitute House Bill No. 1932 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 9; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Bluechel, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, McDonald, McMullen, Moore, Murray, Nelson, Niemi, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Skratek, A. Smith, Snyder, Stratton, Sumner, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 40.

Voting nay: Senators Barr, Cantu, Matson, McCaslin, Metcalf, Newhouse, Oke, Sellar, L. Smith - 9.

REENGROSSED SUBSTITUTE HOUSE BILL NO. 1932, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

REPORTS OF STANDING COMMITTEES

March 5, 1992

SB 6461 Prime Sponsor, Senator Snyder: Providing for self-support for the master license system. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 6461 be substituted therefor, and the substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bauer, Bluechel, Cantu, Gaspard, Hayner, Kreidler, Metcalf, Murray, Newhouse, Niemi, Owen, Rinehart, L. Smith, Talmadge, West and Williams.

Passed to Committee on Rules for second reading.

March 5, 1992

SB 6483 Prime Sponsor, Senator Matson: Modifying provisions relating to weights and measures. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 6483 be substituted therefor, and the substitute bill do pass. Signed by Senators McDonald, Chairman; Amondson, Bailey, Bluechel, Cantu, Hayner, Kreidler, Matson, Murray, Newhouse, Rinehart and West.

MINORITY Recommendation: Do not pass. Signed by Senators Metcalf, Owen and Williams.

Passed to Committee on Rules for second reading.

March 5, 1992

SB 6508 Prime Sponsor, Senator McDonald: Providing tax amnesty. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 6508 be substituted therefor, and the substitute bill do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bauer, Bluechel, Cantu, Gaspard, Hayner, Kreidler, Metcalf, Murray, Newhouse, Niemi, Owen, Rinehart, L. Smith, West and Williams.

Passed to Committee on Rules for second reading.

March 5, 1992

SHB 2937 Prime Sponsor, House Committee on Appropriations: Modifying requirements for fire protection contracts. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bauer, Bluechel, Gaspard, Hayner, Kreidler, Matson, Metcalf, Murray and Owen.

MOTION

On motion of Senator Newhouse, the rules were suspended, Substitute House Bill No. 2937 was advanced to second reading and placed on the second reading calendar.

MOTION

At 12:10 p.m., Senator Newhouse moved that the Senate recess until 1:00 p.m.

PROTEST

Senator Vognild: "Mr. President, I just wanted to say that I think that I, at least, have been very patient with this whole operation here and I want to launch a protest. I will go along with the lunch to one, but I want to remind people on this floor that we adopted Rule 15 quite some time ago to prevent the kind of thing that has been going on the last few days. That is working right through dinner, that is taking short lunch hours, pulling Rules meetings during lunch hour. That rule clearly states that this body should recess for ninety minutes for lunch and ninety minutes for dinner. Now, in the future, I will--I guess I am just kind of serving notice, but in the future I intend to press for that rule to be used."

Debate ensued.

At 12:11 p.m., the Senate recessed until 1:00 p.m.

The Senate was called to order at 1:08 p.m. by President Pritchard.

MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Amondson moved to reconsider the vote by which Engrossed Substitute House Bill No. 2389 passed the Senate earlier today.

POINT OF INQUIRY

Senator Talmadge: "A point of inquiry, Mr. President. Is that bill still in the physical possession of the Senate?"

REPLY BY THE PRESIDENT

President Pritchard: "Right in front of us."

The President declared the question before the Senate to be the motion by Senator Amondson, to reconsider the vote by which Engrossed Substitute House Bill No. 2389 passed the Senate.

The motion for reconsideration of Engrossed Substitute House Bill No. 2389 carried.

MOTION

On motion of Senator Amondson, the rules were suspended, Engrossed Substitute House Bill No. 2389 was returned to second reading and read the second time.

Senator Amondson moved that the following amendments be considered simultaneously and be adopted:

On page 31, line 29, after "cargo" insert ", or the Washington state maritime commission under RCW 88.44.020,"

On page 17, line 25, after "least" strike "five" and insert "six"

On page 22, line 12, after "than" strike "five" and insert "six"

On page 27, line 8, after "least" strike "five" and insert "six"

On page 51, line 1, after "least" strike "five" and insert "six"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator Amondson on pages 31, 17, 22, 27 and 51, to Engrossed Substitute House Bill No. 2389, on reconsideration.

The motion by Senator Amondson carried and the amendments to Engrossed Substitute House Bill No. 2389, on reconsideration, were adopted.

MOTION

On motion of Senator Metcalf, the rules were suspended, Engrossed Substitute House Bill No. 2389, as amended by the Senate on reconsideration, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

MOTION

On motion of Senator Anderson, Senators Craswell and McCaslin were excused.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2389, as amended by the Senate on reconsideration.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2389, as amended by the Senate on reconsideration, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, Matson, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sumner, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 47.

Excused: Senators Craswell, McCaslin - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2389, as amended by the Senate on reconsideration, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2695, by House Committee on Education (originally sponsored by Representatives G. Fisher, Peery, Brough, Vance, Belcher, G. Cole, Roland, Basich, Riley, Sheldon, Ludwig, Paris, Wineberry, Winsley, Nelson, Franklin, Jones, Pruitt, Wynne, Brekke, J. Kohl, Orr, Leonard, O'Brien and Rasmussen)

Establishing the fair start program.

The bill was read the second time.

MOTIONS

Senator Bailey moved that the following Committee on Education amendment be adopted:
Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1.

(1) A student's ability to learn can be adversely impacted by a number of factors, including but not limited to: Lack of parent involvement and support; child abuse and neglect; poverty, including parental unemployment or underemployment; family transiency and homelessness; drug and alcohol abuse; poor health and nutrition; crime; and negative peer influence. Such factors can be manifested in behavior such as underachievement and failure, absenteeism and truancy, drug and alcohol abuse, delinquency, suicide, disruption of the classroom learning environment, dropping out, and, later in life, unemployment, a need for public assistance, treatment or institutionalization for mental health reasons, involvement with the judicial system, and possible imprisonment for criminal convictions.

(2) The legislature finds that:

(a) Prevention and intervention services at the elementary school level can offer early identification, support, and follow-up of each child's special interests, creative talents, and particular abilities as well as identification of and cooperative assistance with learning, emotional, environmental, social, or physical obstacles to normal child growth and development; and

(b) Counseling and related prevention and intervention services at the elementary school level can contribute to enhancement of the classroom environment for students and teachers, and better enable students to realize their academic and personal potential.

(3) The legislature finds that early intervention and prevention services should be provided through a comprehensive system that uses school-based and community-based service providers.

(4) The purpose of this act is to establish the fair start program to assist school districts in developing comprehensive programs for prevention and intervention services. School districts must collaborate with community-based service providers in developing the fair start program and must enter into written agreements with community-based service providers to deliver appropriate services to elementary students. Services provided may include, but are not limited to, school counseling, school-based social services, case management, referrals, family support efforts, mental health services, and health services.

NEW SECTION. Sec. 2. Unless the context clearly requires otherwise, the definitions in this section apply throughout sections 2 through 9 of this act.

(1) "Early grades," "elementary grades," and "elementary level" mean kindergarten through grade six and may include preschool age children served by the school district.

(2) "Elementary grades prevention and intervention program" means a program of early detection, prevention, and intervention of learning, emotional, environmental, social, or physical problems of elementary students.

(3) "Superintendent" means the superintendent of public instruction.

NEW SECTION. Sec. 3.

(1) From funds appropriated by the legislature, the superintendent shall establish the fair start program to assist school districts in providing prevention and intervention programs for elementary grade students. The fair start program shall not become a part of the state's basic program of education obligation as set forth under Article IX of the state Constitution.

(2) The superintendent shall distribute funds equitably to all school districts based on the districts' enrollment in grades kindergarten through six. Fair start funds shall not be used to replace funding for activities existing on the effective date of this section. However, any district providing elementary students with prevention and intervention services on the effective date of this section that loses the source of funding for those services for reasons beyond the control of the district, may use fair start funds to continue or enhance the level of prevention and intervention services.

(3) Funds from the fair start program shall not be used for providing services, referrals, or information regarding abortions, contraceptives, or birth control.

(4) Two or more school districts may cooperatively administer a prevention and intervention program for elementary grades students. An educational service district may administer a prevention and intervention program on behalf of one or more school districts.

NEW SECTION. Sec. 4.

(1) School districts and educational service districts accepting fair start funds shall submit not later than June 1, 1993, the following information to the superintendent of public instruction:

(a) District goals relating to prevention and early intervention services for elementary students and the district's plan, based on the goals, for providing prevention and early intervention services to students. To ensure delivery of appropriate services to students through a coordinated network of service providers, districts shall document that

community-based public or private human service providers, district level and building level staff and administrators, and parents participated in developing the goals and plan;

(b) Documentation of any written interagency agreement or contract between school districts or educational service districts, and public or private community-based human service providers to provide prevention and early intervention services to students;

(c) Procedures for notifying parents or guardians regarding the referral of students for prevention and intervention services and liability issues relating to providing prevention and intervention services to students outside school buildings;

(d) Use of grant funds for prevention and intervention-related inservice purposes including, as necessary and appropriate, multicultural inservice training; and

(e) Other information as requested by the superintendent.

(2) To the greatest extent possible, the delivery of prevention and early intervention services to students:

(a) Shall not be duplicative of other programs;

(b) Shall be consistent with applicable children's mental health delivery system developed under chapter 71.36

RCW;

(c) Shall emphasize the most efficient and cost-effective use of fair start funds; and

(d) Shall be provided on a twelve-month basis.

(3) When using school personnel to provide prevention and intervention services, school districts are encouraged to utilize paraprofessionals.

(4) School districts and educational service districts accepting fair start funds shall enter into written interagency agreements with community-based service providers to deliver appropriate services to elementary students.

NEW SECTION. Sec. 5. Nothing under sections 2 through 9 of this act precludes a district from incorporating a primary intervention program model, a children's mental health delivery system developed under chapter 71.36 RCW, or a family support worker model as part of the district's fair start program.

NEW SECTION. Sec. 6. The superintendent shall develop specific measures to evaluate the success of the grant projects and the fair start program. The department of social and health services shall provide the superintendent with information the superintendent may use in developing measures to evaluate the fair start program and projects.

NEW SECTION. Sec. 7. The superintendent of public instruction shall adopt rules as necessary under chapter 34.05 RCW to implement sections 3 through 9 of this act. The rules shall permit school districts to provide prevention and intervention services through the local educational service district.

NEW SECTION. Sec. 8. The department of social and health services shall, to the extent practical, assist with the development of school district elementary grades prevention and intervention programs by rotating or loaning department employees to schools to serve as prevention and early intervention service providers.

NEW SECTION. Sec. 9.

(1) School districts and educational service districts shall submit biennially to the superintendent a report on their fair start programs. The reports shall include updated information as required in section 4(1) of this act. The reports shall be submitted not later than June 1, 1994, and in even-numbered years thereafter.

(2) The superintendent shall submit biennially a report to the governor and the legislature on the fair start program established under section 3 of this act. The first report shall be submitted not later than December 30, 1993. Subsequent reports shall be submitted not later than December 30, 1994, and in even-numbered years thereafter. The reports shall include information on school district efforts to maximize the use of community-based service providers and to provide services on a twelve-month basis.

NEW SECTION. Sec. 10. Sections 2 through 9 of this act are each added to chapter 28A.600 RCW.

Senator Niemi moved that the following amendment by Senators Niemi, Skratek, Pelz and Rinehart to the Committee on Education amendment be adopted:

On page 3, beginning on line 16 of the amendment, after "(3)" strike all material through "(4)" on line 19

Debate ensued.

Senator Niemi demanded a roll call and the demand was sustained.

POINT OF ORDER

Senator Talmadge: "A point of order, Mr. President. I believe the Senate Committee amendment expands the scope and object of Substitute House Bill No. 2695. The original House Bill was a bill intended to deal with the issue of fair start--a program that is necessary for children who are at risk. The amendment adopted by the Senate Committee on Education now includes in it some effort to address the issue of abortion, contraceptive and birth control. I believe in so doing, the amendment expands the scope and object of Substitute House Bill No. 2695."

MOTIONS

On motion of Senator Newhouse, further consideration of Substitute House Bill No. 2695 was deferred.

On motion of Senator Newhouse, the Senate will now consider Engrossed Substitute House Bill No. 2459.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2459, by House Committee on Judiciary (originally sponsored by Representatives Appelwick, Sheldon, Scott, Locke, Leonard, Cantwell, R. Johnson, Jacobsen, Paris, Jones, Haugen, Spanel, Sprengle, J. Kohl, O'Brien, May, Basich and Anderson)

Authorizing additional superior court judges.

The bill was read the second time.

MOTIONS

Senator McDonald moved that the following Committee on Ways and Means amendment be adopted:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 2.08.061 and 1989 c 328 s 2 are each amended to read as follows:

There shall be in the county of King no more than (~~forty-six~~) fifty-eight judges of the superior court; in the county of Spokane ten judges of the superior court; and in the county of Pierce nineteen judges of the superior court. The King county legislative authority may phase in the additional twelve judges, as authorized by the 1992 amendments to this section, over a period of time not to extend beyond July 1, 1996.

Sec. 2. RCW 2.08.062 and 1990 c 186 s 1 are each amended to read as follows:

There shall be in the counties of Chelan and Douglas jointly, three judges of the superior court; in the county of Clark six judges of the superior court; in the county of Grays Harbor (~~two~~) three judges of the superior court; in the county of Kitsap seven judges of the superior court; in the county of Kittitas one judge of the superior court; in the county of Lewis two judges of the superior court.

Sec. 3. RCW 2.08.063 and 1988 c 66 s 1 are each amended to read as follows:

There shall be in the county of Lincoln one judge of the superior court; in the county of Skagit, (~~two~~) three judges of the superior court; in the county of Walla Walla, two judges of the superior court; in the county of Whitman, one judge of the superior court; in the county of Yakima six judges of the superior court; in the county of Adams, one judge of the superior court; in the county of Whatcom, three judges of the superior court.

Sec. 4. RCW 2.08.064 and 1989 c 328 s 3 are each amended to read as follows:

There shall be in the counties of Benton and Franklin jointly, five judges of the superior court; in the county of Clallam, two judges of the superior court; in the county of Jefferson, one judge of the superior court; in the county of Snohomish, (~~eleven~~) thirteen judges of the superior court; in the counties of Asotin, Columbia and Garfield jointly, one judge of the superior court; in the county of Cowlitz, three judges of the superior court; in the counties of Klickitat and Skamania jointly, one judge of the superior court.

Sec. 5. RCW 2.08.065 and 1990 c 186 s 2 are each amended to read as follows:

There shall be in the county of Grant, two judges of the superior court; in the county of Okanogan, one judge of the superior court; in the county of Mason, ~~((one))~~ two judges of the superior court; in the county of Thurston, six judges of the superior court; in the counties of Pacific and Wahkiakum jointly, one judge of the superior court; in the counties of Ferry, Pend Oreille, and Stevens jointly, two judges of the superior court; and in the counties of San Juan and Island jointly, two judges of the superior court.

Sec. 6. RCW 2.32.180 and 1991 c 363 s 2 are each amended to read as follows:

It shall be and is the duty of each and every superior court judge in counties or judicial districts in the state of Washington having a population of over thirty-five thousand inhabitants to appoint, or said judge may, in any county or judicial district having a population of over twenty-five thousand and less than thirty-five thousand, appoint a stenographic reporter to be attached to the judge's court who shall have had at least three years' experience as a skilled, practical reporter, or who upon examination shall be able to report and transcribe accurately one hundred and seventy-five words per minute of the judge's charge or two hundred words per minute of testimony each for five consecutive minutes; said test of proficiency, in event of inability to meet qualifications as to length of time of experience, to be given by an examining committee composed of one judge of the superior court and two official reporters of the superior court of the state of Washington, appointed by the president judge of the superior court judges association of the state of Washington: PROVIDED, That a stenographic reporter shall not be required to be appointed for the seven additional judges of the superior court authorized for appointment by section 1, chapter 323, Laws of 1987, the additional superior court judge authorized by section 1, chapter 66, Laws of 1988, the additional superior court judges authorized by sections 2 and 3, chapter 328, Laws of 1989, ~~((or))~~ the additional superior court judges authorized by sections 1 and 2, chapter 186, Laws of 1990, or the additional superior court judges authorized by sections 1 through 5, chapter ..., Laws of 1992 (sections 1 through 5 of this act). Appointment of a stenographic reporter is not required for any additional superior court judge authorized after July 1, 1992. The initial judicial appointee shall serve for a period of six years; the two initial reporter appointees shall serve for a period of four years and two years, respectively, from September 1, 1957; thereafter on expiration of the first terms of service, each newly appointed member of said examining committee to serve for a period of six years. In the event of death or inability of a member to serve, the president judge shall appoint a reporter or judge, as the case may be, to serve for the balance of the unexpired term of the member whose inability to serve caused such vacancy. The examining committee shall grant certificates to qualified applicants. Administrative and procedural rules and regulations shall be promulgated by said examining committee, subject to approval by the said president judge.

The stenographic reporter upon appointment shall thereupon become an officer of the court and shall be designated and known as the official reporter for the court or judicial district for which he or she is appointed: PROVIDED, That in no event shall there be appointed more official reporters in any one county or judicial district than there are superior court judges in such county or judicial district; the appointments in each county with a population of one million or more shall be made by the majority vote of the judges in said county acting en banc; the appointments in each county with a population of from one hundred twenty-five thousand to less than one million may be made by each individual judge therein or by the judges in said county acting en banc. Each official reporter so appointed shall hold office during the term of office of the judge or judges appointing him or her, but may be removed for incompetency, misconduct or neglect of duty, and before entering upon the discharge of his or her duties shall take an oath to perform faithfully the duties of his or her office, and file a bond in the sum of two thousand dollars for the faithful discharge of his or her duties. Such reporter in each court is hereby declared to be a necessary part of the judicial system of the state of Washington.

NEW SECTION. Sec. 7. This act shall take effect July 1, 1993.

NEW SECTION. Sec. 8. The additional judicial positions created by sections 1, 2, 3, 4, and 5 of this act shall be effective only if each county through its duly constituted legislative authority documents its approval of any additional positions and its agreement that it will pay out of county funds, without reimbursement from the state, the expenses of such additional judicial positions as provided by statute.

On motion of Senator McMullen, the following amendment by Senators McMullen and Owen to the Committee on Ways and Means striking amendment was adopted:

On page 1, line 15 of the amendment, after "1996." insert "No more than two of the additional twelve judges may take office prior to July 1, 1993."

MOTION

On motion of Senator McMullen, the following amendment by Senators McMullen and Owen to the Committee on Ways and Means striking amendment was adopted:

On page 5, line 3 of the amendment, after "Sec. 7." strike "This" and insert "(1) Sections 1, 3, and 5 of this act shall take effect July 1, 1992.

(2) The remainder of this"

The President declared the question before the Senate to be the adoption of the Committee on Ways and Means striking amendment, as amended, to Engrossed Substitute House Bill No. 2459.

The motion by Senator McDonald carried and the Committee on Ways and Means striking amendment, as amended, was adopted.

MOTIONS

On motion of Senator McDonald, the following title amendments were considered simultaneously and were adopted:

On page 1, line 1 of the title, after "courts;" strike the remainder of the title and insert "amending RCW 2.08.061, 2.08.062, 2.08.063, 2.08.064, 2.08.065, and 2.32.180; creating a new section; and providing and effective date."

On page 5, line 18 of the title amendment, after "providing" strike "and effective date" and insert "effective dates"

On motion of Senator McDonald, the rules were suspended, Engrossed Substitute House Bill No. 2459, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2459, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2459, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 3; Absent, 1; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, McCaslin, McDonald, McMullen, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 45.

Voting nay: Senators Metcalf, Patterson, Sumner - 3.

Absent: Senator Matson - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2459, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2676, by House Committee on Trade and Economic Development (originally sponsored by Representatives Sheldon, Forner, Cantwell, Rasmussen, Ferguson, Wynne, Jacobsen and Carlson)

Concerning economic development related projects.

The bill was read the second time.

MOTION

Senator Cantu moved that the following amendment by Senators Cantu, Madsen, Hayner and Snyder be adopted:

On page 3, after line 15, insert the following:

NEW SECTION. Sec. 5. A new section is added to chapter 36.70A RCW to read as follows:

A county required or choosing to plan under RCW 36.70A.040 may establish, in consultation with cities, a process for reviewing proposals to authorize siting of major industrial developments outside urban growth areas.

(1) "Major industrial development" means a master planned location for a specific manufacturing, industrial, or commercial business that: (a) Requires a parcel of land devoid of critical areas and so large that no suitable parcels are available within an urban growth area; or (b) is a natural resource-based industry requiring a location near agricultural land, forest land, or mineral resource land upon which it is dependent. The major industrial development shall not be for the purpose of retail shopping developments.

(2) A major industrial development may be approved outside an urban growth area in a county planning under this chapter if criteria including, but not limited to the following, are met:

(a) New infrastructure is provided for and impact fees are established consistent with the requirements of RCW 82.02.060;

(b) Transit-oriented site planning and traffic demand management programs are implemented;

(c) Buffers are provided between the major industrial development and adjacent nonurban areas;

(d) Environmental protection including air and water quality has been addressed and provided for;

(e) Development regulations are established to ensure that urban growth will not occur in adjacent nonurban areas;

(f) Provision is made to mitigate adverse impacts on designated agricultural lands, forest lands, and mineral resource lands;

(g) The plan for the major industrial development is consistent with the county's development regulations established for protection of critical areas; and

(h) The county has determined and entered findings that land suitable to site the major industrial development is unavailable within the urban growth area. Priority shall be given to applications for sites that are adjacent to or in close proximity to the urban growth area.

(3) Final approval of an application for a major industrial development may be considered an adopted amendment to the comprehensive plan adopted pursuant to RCW 36.70A.070 designating the major industrial development site on the land use map as an urban growth area.

Renumber the remaining section consecutively.

POINT OF ORDER

Senator Talmadge: "Mr. President, there was an objection to that amendment. We do have to vote on that, I think."

REPLY BY THE PRESIDENT

President Pritchard: "We haven't voted on it yet."

Senator Talmadge: "O.K., I just wanted to make sure. A point of order, Mr. President."

President Pritchard: "Let me just say, he had not moved the adoption of the amendment at the start and so I did that for him. That's how that came about."

Senator Talmadge: "Thank you, Mr. President, a point of order. I believe the amendment which deals with urban growth areas and amends the urban growth areas to provide another exemption from the urban growth boundary issue expands the scope and object of the bill."

Further debate ensued.

MOTION

On motion of Senator Newhouse, further consideration of Substitute House Bill No. 2676 was deferred.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2817, by House Committee on Financial Institutions and Insurance (originally sponsored by Representatives Zellinsky, Bowman, Dellwo, Broback, R. Johnson, Paris, Dorn, Schmidt, R. Meyers, Winsley, Ballard, Beck, Ludwig, Brough, Vance, Wynne, Carlson, Miller, Former, Tate, Hochstatter, Van Luven, Wood, May, Fuhrman, Mitchell, Brumsickle and Ferguson)

Enacting the small employer health insurer availability act.

The bill was read the second time.

MOTION

Senator von Reichbauer moved that the following Committee on Financial Institutions and Insurance amendment be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. SHORT TITLE. This chapter shall be known and may be cited as the small employer health care coverage availability act.

NEW SECTION. Sec. 2. PURPOSE. The purpose and intent of this chapter and RCW 48.14.040 is to promote the availability of health care coverage to small employers regardless of the health status or claims experience of their employees and their employees' dependents, to prevent abusive rating practices, to require disclosure of rating practices to purchasers, to establish rules regarding renewability of coverage, to establish limitation on the use of preexisting condition exclusions, to provide for development of basic and standard health benefit plans to be offered to all small employers, and to improve the overall fairness and efficiency of the small employer health care coverage market.

This chapter is not intended to provide a solution to the problem of affordability of health care or health insurance.

NEW SECTION. Sec. 3. DEFINITIONS. As used in this chapter:

(1) "Actuarial certification" means a written statement by a member of the American academy of actuaries, or other individual acceptable to the commissioner, that a small employer carrier is in compliance with the provisions of section 5 of this act, based upon the person's examination, including a review of the appropriate records and of the actuarial assumptions and methods used by the small employer carrier in establishing premium rates for applicable health benefit plans.

(2) "Affiliate" or "affiliated" means any entity or person who directly or indirectly through one or more intermediaries, controls or is controlled by, or is under common control with, a specified entity or person.

(3) "Association" means an organization organized and maintained in good faith for purposes other than that of obtaining health care coverage. Associations shall have constitutions and bylaws or other analogous governing documents and shall have been in active existence for at least five years, unless they are based on participation in a certain industry, in which case they must have been in active existence for at least two years.

(4) "Base premium rate" means, as to a rating period, the lowest premium rate for either employees or enrollees, based on rates or formulas filed by the small employer carrier with the commissioner, that could be charged under the rating system by the small employer carrier to small employers with similar case characteristics for health benefit plans with the same or similar coverage.

(5) "Basic health benefit plan" means a health benefit plan developed under section 9 of this act.

(6) "Board" means the board of directors of the Washington state health insurance pool, as established by chapter 48.41 RCW and amended by chapter ..., Laws of 1992 (this act).

(7) "Carrier" means any entity that provides health benefits coverage in Washington state. For the purposes of this chapter, carrier includes an insurance company, health care service contractor, health maintenance organization,

or any person or entity that lawfully writes, issues, or administers health benefit plans in Washington state and is subject to the jurisdiction of the state of Washington.

(8) "Case characteristics" means demographic or other objective characteristics of a small employer that are considered by the small employer carrier in the determination of premium rates for the small employer, provided that claim experience, health status, and duration of coverage shall not be case characteristics for the purposes of this chapter.

(9) "Commissioner" means the insurance commissioner as defined in RCW 48.02.010.

(10) "Committee" means the health benefit plan committee created under section 9 of this act.

(11) "Dependent" means the eligible employee's lawful spouse, unmarried natural child, adopted child or child legally placed for adoption, stepchild, or legally designated minor ward; unmarried child who is a full-time student under the age of twenty-three years who is financially dependent upon an eligible employee; or unmarried child of any age who is medically certified and disabled and claimed as an exemption on the federal income tax form of the eligible employee.

(12) "Eligible employee" means an active employee, proprietor, partner, or corporate officer of the small employer's group who is paid on a regular, periodic basis through the group's payroll system and who regularly works on a full-time basis and has a normal work week of thirty or more hours, and who is expected to continue doing so. An eligible employee must have met any applicable requirement of the employer as to the period of employment before the employee is eligible for health benefits coverage. The term does not include an employee, proprietor, partner, or corporate officer who works on a part-time, temporary, or substitute basis.

(13) "Established geographic service area" means a geographical area, if any, as approved by the commissioner and based on the carrier's certificate of authority to transact business in Washington state, within which the carrier is authorized to provide coverage.

(14) "Financially impaired" means a carrier that, after the effective date of this section, is not insolvent and is:

(a) Deemed by the commissioner to be potentially unable to fulfill its contractual obligations; or

(b) Placed under an order of rehabilitation or conservation by a court of competent jurisdiction.

(15) "Health benefit plan" means any hospital or medical policy or certificate, health care service contract, health maintenance organization subscriber contract, or plan provided by any other benefit arrangement subject to this chapter. The term does not include accident only, credit, dental, vision, medicare supplement, long-term care, or disability income insurance, coverage issued as a supplement to liability insurance, workers' compensation or similar insurance, or automobile medical payment insurance.

(16) "Index rate" means, as to a rating period for small employers with similar case characteristics for the same or similar coverage, the arithmetic average of the applicable base premium rate and corresponding highest premium rate for either employees or enrollees based on rates or formulas filed by the small employer carrier with the commissioner.

(17) "Late enrollee" means an eligible employee or dependent who requests enrollment in a health benefit plan of a small employer following the initial enrollment period in which the person was initially eligible to enroll under the terms of the health benefit plan, provided that such initial enrollment period is a period of at least thirty days. However, an eligible employee or dependent shall not be considered a late enrollee if:

(a) The individual meets each of the following:

(i) The individual was covered under qualifying previous coverage at the time the individual was eligible to enroll;

(ii) The individual certified at the time of the initial enrollment that coverage under another health benefit plan was the reason for declining enrollment;

(iii) The individual lost coverage under qualifying previous coverage as a result of termination of employment or eligibility, the involuntary termination of the qualifying previous coverage, death of a spouse, or divorce;

(iv) The individual requests enrollment within thirty days after termination of the qualifying previous coverage;

(b) The individual is employed by an employer that offers multiple health benefit plans and the individual elects a different plan during an open enrollment period; or

(c) A court has ordered coverage be provided for a dependent under a covered employee's health benefit plan and request for enrollment is made within thirty days after issuance of the court order.

(18) "New business premium rate" means, as to a rating period, the lowest premium rate for either employees or enrollees based on rates or formulas filed by the small employer carrier with the commissioner and which could have been charged by the small employer carrier to small employers with similar case characteristics for newly issued health benefit plans with the same or similar coverage.

(19) "Plan of operation" means the plan of operation of the program established under section 8 of this act.

(20) "Premium" means all moneys paid by a small employer and eligible employees as a condition of receiving coverage from a small employer carrier, including any fees or other contributions associated with the health benefit plan.

(21) "Producer" means an agent, broker, or solicitor as defined in chapter 48.17 RCW.

(22) "Program" means the Washington small employer program established under section 8 of this act.

(23) "Qualifying previous coverage" and "qualifying existing coverage" means benefits or coverage provided under:

(a) Medicare, medicaid, or the basic health plan;

(b) An employer-based health insurance or health benefit arrangement that provides benefits similar to or exceeding benefits provided under a basic or standard health benefit plan that is subject to regulations of Washington state provided that such coverage has been in effect for the individual in question for a period of at least six months; or

(c) An individual health insurance policy issued by a carrier that provides benefits similar to or exceeding benefits provided under a standard health benefit plan, provided that such policy has been in effect for a period of at least six months.

(24) "Rating period" means the twelve-month period for which premium rates established by a small employer carrier are presumed to be in effect.

(25) "Restricted network provision" means any provision of a health benefit plan that conditions the payment of benefits, in whole or in part, on the use of health care providers that have entered into an arrangement with the carrier pursuant to chapter 48.44 or 48.46 RCW to provide health care services to covered individuals.

(26) "Similar coverage" means two or more health benefit plans whose differences in plan or benefit structure cause no major differences in the rate schedules associated with the benefit plans. Carriers may define two or more coverage plans as being dissimilar and separate coverage if the structure of the benefits, payment methods, or other aspect of the coverage plans results in actuarial rate differences of more than fifteen percent, as filed by the carrier with the commissioner. A fully insured association plan in existence on July 1, 1992, and meeting the requirements of this chapter as of July 1, 1993, may be considered dissimilar and separate coverage.

(27) "Small employer" means any person, firm, corporation, partnership, or association that is actively engaged in business that, on at least fifty percent of its working days during the preceding calendar quarter, employed at least three eligible employees unrelated by blood or marriage but no more than forty-nine eligible employees, the majority of whom were employed within Washington state. In determining the number of eligible employees, companies that are affiliated companies, or that are eligible to file a combined tax return for purposes of state taxation, shall be considered one employer. Small employers who are members of multiple employer groups or associations are subject to this chapter. Multiple employer group members or association members that do not meet the definition of a small employer are not subject to this chapter.

(28) "Small employer carrier" means any carrier that offers health benefit plans covering eligible employees of one or more small employers in Washington state.

(29) "Standard benefit plan" means a health benefit plan developed under section 9 of this act.

NEW SECTION. Sec. 4. APPLICABILITY AND SCOPE.

(1) This chapter shall apply to any health benefit plan that provides coverage to the employees of a small employer in Washington state if any of the following conditions are met:

(a) Any portion of the premium or benefits is paid by or on behalf of the small employer and the employer meets the minimum participation and employer contribution requirements set forth by the carrier;

(b) An eligible employee or dependent is reimbursed, whether through wage adjustments or otherwise, by or on behalf of the small employer for any portion of the premium; or

(c) The health benefit plan is treated by the employer or any of the eligible employees or dependents as part of a plan or program for the purposes of section 162, 125, or 106 of the United States Internal Revenue Code.

(2) Each carrier holding a certificate of authority or a certificate of registration shall be treated as a separate carrier for the purposes of this chapter.

NEW SECTION. Sec. 5. RESTRICTIONS RELATING TO PREMIUM RATES.

(1) Premium rates for health benefit plans subject to this chapter shall be subject to the following provisions:

(a) The premium rates charged during a rating period to small employers with similar case characteristics for the same or similar coverage, or the rates that could be charged to such employers under the rating system as filed with the commissioner, shall not vary from the index rate by more than twenty-five percent of the index rate.

(b) Subject to the limits established in (a) of this subsection, the percentage increase in the premium rate charged to a small employer for a new rating period may not exceed the sum of the following:

(i) The percentage change applied to all small employers covered by the small employer carrier from the first day of the prior rating period to the first day of the new rating period to account for the cost experience of the prior rating period and the anticipated cost experience for the new rating period;

(ii) Any adjustment, not to exceed fifteen percent annually and adjusted pro rata for rating periods of less than one year, due to the claim experience, health status, and duration of coverage of the employees or dependents of the small employer as determined from the small employer carrier's rate manual; and

(iii) Any adjustment due to change in coverage or change in the case characteristics of the small employer, as determined from the small employer carrier's rate manual.

(c) For fully insured association plans in existence on July 1, 1992, and meeting the requirements of this chapter as of July 1, 1993, carriers may base the percentage increase in premium rates for small employers covered by an association plan using the procedure outlined in (b) of this subsection (1) and applying only the experience of the small employers covered by the association plan.

(d) Adjustments in rates for claim experience, health status, and duration of coverage shall not be charged to individual employees or dependents. Any such adjustment shall be applied uniformly to the rates charged for all employees and dependents of the small employer.

(e) A small employer carrier may utilize industry as a case characteristic in establishing premium rates, provided that the highest rate factor associated with any industry classification shall not exceed the lowest rate factor associated with any industry classification by more than fifteen percent.

(f) For health benefit plans issued prior to the effective date of this section, a premium rate for a rating period may exceed the ranges set forth in (a) of this subsection for a period of three years following the effective date of this section. In such cases, the percentage increase in the premium rate charged to a small employer for a new rating period shall not exceed the sum of the following:

(i) The percentage change in the new business premium rate measured from the first day of the prior rating period to the first day of the new rating period. In the case of a health benefit plan into which the small employer carrier is no longer enrolling new small employers, the small employer carrier shall use the percentage change in the base premium rate, provided that such change does not exceed, on a percentage basis, the change in the new business premium rate for the most similar health benefit plan into which the small employer carrier is actively enrolling new small employers; and

(ii) Any adjustment due to change in coverage or change in the case characteristics of the small employer, as determined from the small employer carrier's rate manual.

(g)(i) Small employer carriers shall apply rating factors, including case characteristics, consistently with respect to all small employers. Rating factors shall produce premiums for identical small employers that differ only by amounts attributable to plan design and do not reflect differences due to the nature of the groups assumed to select particular health benefit plans. All small employer health benefit plans offered by a carrier shall be rated subject to the requirements of (a) of this subsection.

(ii) A small employer carrier shall treat all health benefit plans issued or renewed in the same calendar month as having the same rating period.

(h) For the purposes of this subsection, a health benefit plan that utilizes a restricted provider network shall not be considered similar coverage to a health benefit plan that does not utilize such a network, provided that utilization of the restricted provider network results in substantial differences in claims costs.

(i) A small employer carrier shall not use case characteristics other than age, gender, industry and geographic area, without prior approval of the commissioner, based on the board's recommendation.

(j) The commissioner may establish rules, giving due consideration to the recommendations of the board, to implement the provisions of this section and to assure that rating practices used by small employer carriers are consistent with the purposes of this chapter, including:

(i) Assuring that differences in rates charged for health benefit plans by small employer carriers are reasonable and reflect actuarially acceptable differences in plan design, not including differences due to the nature of the groups assumed to select particular health benefit plans; and

(ii) Prescribing the manner in which case characteristics may be used by small employer carriers.

(k) Nothing in this section shall be construed as a prohibition against using family size and composition in setting rates.

(2) A small employer carrier shall not transfer a small employer involuntarily into a health benefit plan or out of a health benefit plan unless that benefit plan is discontinued by the carrier for all small employers. A small employer carrier shall not offer to transfer a small employer into or out of a health benefit plan unless such offer is made to transfer all small employers with the same health benefit plan without regard to case characteristics, claim experience, health status, or duration of coverage.

(3) In connection with the offering for sale of any health benefit plan to a small employer, a small employer carrier shall make a reasonable disclosure, at least once in writing to the small employer or as part of its solicitation and sales materials, of all of the following:

(a) The extent to which premium rates for a specified small employer are established or adjusted based upon the actual or expected variation in claims costs or actual or expected variation in health status of the employees of the small employer and their dependents;

(b) The provisions of the health benefit plan concerning the small employer carrier's right to change premium rates and factors, other than claim experience, that affect changes in premium rates;

(c) The provision relating to renewability of policies and contracts; and

(d) The provisions relating to any preexisting condition.

(4)(a) Each small employer carrier shall maintain at its principal place of business a complete and detailed description of its rating practices and renewal underwriting practices, including information and documentation that demonstrate that its rating methods and practices are based upon commonly accepted actuarial assumptions and are in accordance with sound actuarial principles.

(b) Each small employer carrier shall file with the commissioner annually on or before March 15 an actuarial certification certifying that the carrier is in compliance with this chapter and that the rating methods of the small employer carrier are actuarially sound. Such certification shall be in a form and manner, and shall contain such information, as specified by the commissioner. A copy of the certification shall be retained by the small employer carrier at its principal place of business.

(c) A small employer carrier shall make the information and documentation described in (a) of this subsection available to the commissioner upon request. The information shall be considered proprietary and trade secret information and shall not be subject to disclosure by the commissioner to any persons outside of the office except as agreed to by the small employer carrier or as ordered by a court of competent jurisdiction.

NEW SECTION. Sec. 6. RENEWABILITY OF COVERAGE.

(1) A health benefit plan subject to this chapter shall be renewable with respect to all eligible employees and dependents, at the option of the small employer, except in any of the following cases:

(a) Nonpayment of the required premiums or carrier cost-sharing requirements of the health benefit plan;

(b) Fraud or misrepresentation by the small employer or, with respect to coverage of individual insureds, the insureds or their representatives;

(c) Noncompliance with the carrier's minimum participation or eligibility requirements;

(d) Noncompliance with the carrier's employer contribution requirements;

(e) Repeated misuse of a provider network provision;

(f) The small employer carrier elects to not renew all of its health benefit plans issued to small employers in Washington state. In such a case the carrier shall:

(i) Provide advance notice of its decision under this subsection (1)(f)(i) to the board and to the commissioner; and

(ii) Provide notice of the decision not to renew coverage to all affected small employers and to the commissioner in each state in which an affected covered individual is known to reside at least one hundred eighty days prior to the nonrenewal of any health benefit plan by the carrier. Notice to the commissioner under this subsection (1)(f)(ii) shall be provided at least three working days prior to the notice to the affected small employers;

(g) The commissioner finds that the continuation of coverage for small employers would:

(i) Not be in the best interests of the policyholders or certificate holders; or

(ii) Impair the carrier's ability to meet its contractual obligations.

In such instance the commissioner shall assist affected small employers in finding replacement coverage.

(2) Nothing in this section will preclude a carrier from modifying its health benefit plans other than its basic or standard health benefit plans, unless changed by the board, so long as the modifications are offered to all of the small employers covered by the modified plans.

(3) A small employer carrier that elects not to renew a standard health benefit plan under subsection (1)(f) of this section shall be prohibited from writing new business in the small employer market in Washington state for a period of five years from the date of notice to the commissioner.

(4) In the case of a small employer carrier that ceases doing business in one established geographic service area of the state, the rules set forth in this section shall apply only to the carrier's operations in such service area.

NEW SECTION. Sec. 7. GENERAL SMALL EMPLOYER CARRIER REQUIREMENTS.

(1) Small employer carriers may offer a variety of benefit plans to small employers; however each small employer carrier must offer standard or basic health benefit plans developed by the health benefit plan committee pursuant to section 9 of this act to any eligible small employer. All health benefit plans other than the basic health benefit plan covering small employers shall include at least a standard health benefit coverage established pursuant to this chapter and all health benefit plans covering small employers shall also comply with the following provisions:

(a) A small employer carrier shall file with the commissioner, in a form and manner prescribed by the commissioner, the basic, standard, and other small employer health benefit plans to be used by the carrier. Any health benefit plan filed pursuant to this subsection (1)(a) may be used by a small employer carrier immediately after it is filed.

(b) A health benefit plan shall not deny, exclude, or limit benefits for a covered individual for losses incurred more than six months following the effective date of the individual's coverage due to a preexisting condition. A small employer health benefit plan shall not define a preexisting condition more restrictively than:

(i) A condition that would have caused an ordinarily prudent person to seek medical advice, diagnosis, care, or treatment during the six months immediately preceding the effective date of coverage;

(ii) A condition for which medical advice, diagnosis, care, or treatment was recommended or received during the six months immediately preceding the effective date of coverage; or

(iii) A pregnancy existing on the effective date of coverage.

(c) A health benefit plan shall waive any time period applicable to a preexisting condition exclusion or limitation period with respect to particular services for the period of time an individual was covered by qualifying previous coverage that provided benefits with respect to such services, provided that the qualifying previous coverage did not terminate more than thirty days prior to the effective date of the new coverage. This subsection (1)(c) does not preclude application of any eligibility waiting period imposed by the small employer subject to the federal Employee's Retirement Income Security Act (ERISA) and applicable to all new employees and dependents under the health benefit plan. The eligibility waiting period imposed by the small employer shall not be counted as part of the time period used to determine qualifying previous coverage.

(d) A health benefit plan may exclude coverage for late enrollees for the greater of twelve months or for a twelve-month preexisting condition exclusion, provided that if both a period of exclusion from coverage and a preexisting condition exclusion are applicable to a late enrollee, the combined period shall not exceed twelve months from the date the individual enrolls for coverage under the health benefit plan.

(e)(i) Except as provided in (iv) of this subsection (1)(e), requirements used by a small employer carrier in determining whether to provide coverage to a small employer, including requirements for minimum participation of eligible employees and minimum employer contributions, shall be applied uniformly among all small employers with the same number of eligible employees applying for coverage or receiving coverage from the small employer carrier.

(ii) A small employer carrier may vary application of minimum participation requirements and minimum employer contribution requirements only by the size of the small employer group.

(iii)(A) Except as provided in (iii)(B) of this subsection (1)(e), in applying minimum participation requirements with respect to a small employer, a small employer carrier shall not consider employees or dependents who have qualifying existing coverage in determining whether the applicable percentage of participation is met.

(B) With respect to a small employer with ten or fewer eligible employees, a small employer carrier may consider employees or dependents who have coverage under another health benefit plan sponsored by an employer in applying minimum participation requirements.

(iv) A small employer carrier shall not increase any requirement for minimum employee participation or any requirement for minimum employer contribution applicable to a small employer at any time after the small employer has been accepted for coverage.

(f)(i) If a small employer carrier offers coverage to a small employer, the small employer carrier shall offer coverage to all of the eligible employees of the small employer and their dependents. A small employer carrier shall not offer coverage to only certain individuals in a small employer group or to only part of the group, except in the case of late enrollees as provided in (e) of this subsection.

(ii) A small employer carrier shall not modify the basic or standard health benefit plan with respect to a small employer or any eligible employee or dependent through riders, endorsements, or otherwise, to restrict or exclude coverage for certain diseases or medical conditions otherwise covered by the basic or standard health benefit plan.

(2)(a) Every small employer carrier shall, as a condition of transacting business in Washington state with small employers, actively offer to small employers at least a basic and a standard health benefit plan.

(b) A small employer carrier shall issue a basic or standard health benefit plan to any eligible small employer that applies for such a plan and agrees to make the required premium payments and to satisfy the other reasonable provisions of the health benefit plan not inconsistent with this chapter.

(c) A small employer carrier shall issue at least the basic or the standard health benefit plan to any eligible small employer that applies to such a plan and agrees to make the required premium payments and to satisfy the other reasonable provisions of the health benefit plan not inconsistent with this chapter, until the carrier's target of high-risk individuals has been met under section 8 of this act.

(d) Coverage provided to a small employer through an association shall be subject to all of the requirements of this chapter, except the requirement to make health benefit plans available to small employers that do not belong to the association. For the purpose of providing coverage to the association, a carrier shall not be required to issue a health benefit plan to any small employer that is not a member of any such association through the association policy or contract.

(e)(i) No small employer carrier utilizing a restricted network provision shall be required to offer coverage or accept applications pursuant to (b) of this subsection in the case of the following:

(A) To a small employer, where the small employer is not physically located in the carrier's established geographic service area;

(B) To an employee, when the employee does not reside within the carrier's established geographic service area;

or

(C) Within an established geographic service area where the carrier reasonably anticipates, and demonstrates to the satisfaction of the commissioner that it will not have the capacity within that area in its network of providers to deliver service adequately to the members of such groups because of its obligations to existing group contract holders and enrollees.

(ii) A carrier that cannot offer coverage pursuant to (e)(i)(C) of this subsection may not offer coverage in the applicable service area to any new employer groups until the later of ninety days following each such refusal or the date on which the carrier notifies the commissioner that it has regained capacity to deliver services to small employer groups in that service area.

(f) A small employer carrier shall not be required to offer coverage or accept applications pursuant to (b) of this subsection where the commissioner finds that the acceptance of an application or applications would place the small employer carrier in a financially impaired condition; provided, however, that a small employer carrier that has not offered coverage or accepted applications pursuant to this subsection (2)(f) may not offer health benefit plans to any group except pursuant to a marketing plan approved by the commissioner.

(g) For purposes of establishing continued small employer eligibility under this chapter, a small employer carrier may reassess the size of the covered employer on the anniversary date of the employer's policy. Coverage under this chapter may be discontinued if the small employer no longer meets the size requirements provided for in this chapter. However, if a small employer falls below the minimum size, coverage must be continued for a period of at least one year before the small employer carrier can discontinue coverage under this chapter, provided that the small employer continues to fall below the minimum group size requirements of this chapter.

(h) The provisions of this subsection shall be effective one hundred eighty days after the commissioner's approval of the basic and standard health benefit plans developed under section 9 of this act, provided that if the small employer program created under section 8 of this act is not yet in operation on such date, the provisions of this subsection shall be effective on the date that such program begins operation.

NEW SECTION. Sec. 8. SMALL EMPLOYER HEALTH BENEFITS COVERAGE PROGRAM.

(1) All small employer carriers issuing health benefit plans in this state on and after July 1, 1993, shall be required to meet the requirements of this section as a condition of authority to transact business in Washington state. However, nothing in this chapter shall be construed to prohibit a small employer carrier from continuing to offer coverage to small employer groups after meeting its target of high-risk individuals as defined by the board.

(2) There is created a nonprofit entity to be known as the Washington small employer health benefits coverage program. All small employer carriers issuing health benefit plans in Washington state on and after July 1, 1993, shall be participants in the program.

(3) The program shall operate subject to the supervision and control of the board of the Washington health insurance pool, as established by chapter 48.41 RCW and amended by chapter --, Laws of 1992 (this act).

(4) Within sixty days of the effective date of this section each small employer carrier shall make a filing with the commissioner containing the carrier's enrollment in health benefit plans issued to small employers in this state as of the effective date of this section.

(5) Within one hundred eighty days after the effective date of this section, the board shall submit to the commissioner a plan of operation and thereafter any amendments thereto necessary or suitable, to assure the fair, reasonable, and equitable administration of the program. The commissioner may, after notice and hearing, disapprove the plan of operation if the commissioner determines that it does not meet the requirements of chapter --, Laws of 1992 (this act). The plan of operation shall become effective unless disapproved in writing by the commissioner within thirty days of the date it was submitted by the board.

(6) If the board fails to submit a plan of operation within one hundred eighty days after the effective date of this section, the commissioner shall, after notice and hearing, adopt a temporary plan of operation, which shall be rescinded at the time a plan of operation is submitted by the board.

(7) The plan of operation shall:

(a) Establish procedures for handling and accounting of program assets and moneys and for an annual fiscal reporting to the commissioner;

(b) Establish procedures for retaining independent consultants to assist the board in establishing and enforcing reasonable target amounts and risk distribution practices for small employer carriers;

(c) Establish procedures at least annually for assigning targets of high-risk individuals among small employer carriers in accordance with the provisions of this chapter;

(d) Establish targets of sufficient size and variability to assure that a substantial proportion of available carrier capacity remains open for new enrollment in a geographic area;

(e) Establish procedures so that carriers who have fulfilled their target of high-risk individuals from small employers in a geographic area may remain open selectively for new enrollment to small employers;

(f) Establish procedures for collecting assessments from all small employer carriers to provide for administrative expenses incurred or estimated to be incurred for the period for which the assessment is made; and

(g) Provide for any additional matters necessary for the implementation and administration of the program.

(8) The program board shall have the specific authority to:

(a) Establish rules, conditions, and procedures pertaining to its functions under this chapter, including the board's authority to review and approve a carrier's accounting for high-risk individuals from newly enrolled small employers;

(b) Enter into contracts as are necessary or proper to carry out the provisions and purposes of this section, including the authority, with the approval of the commissioner, to enter into contracts with similar programs of other states for the joint performance of common functions or with persons or other organizations for the performance of administrative functions;

(c) Sue or be sued, including taking any legal actions necessary or proper for recovering any assessments and penalties for, on behalf of, or against the program or any allocating carriers;

(d) Assess small employer carriers in accordance with the provisions of subsection (12) of this section, and to make interim assessments as may be reasonable and necessary for organizational and interim operating expenses. Any interim assessments shall be credited as offsets against any regular assessments due following the close of the fiscal year;

(e) Appoint appropriate legal, actuarial, audit, and other committees as necessary to provide technical assistance in the operation of the program, policy, and other contract design, and any other function within the authority of the program;

(f) Perform other functions necessary and proper to carry out its responsibilities under this chapter.

(9) The board shall establish procedures, as part of the plan of operation, for determining targets by geographic area of high-risk individuals in small employers with no more than twenty-five eligible employees among all small employer carriers. Such procedures shall be designed to assure a fair distribution of risks among small employer carriers. The procedures shall include the following:

(a) A method by which the board shall estimate each year the total number of expected new high-risk individuals across all small employer groups that will be identified and used for determining carrier targets under this subsection during the year. The board shall develop a uniform definition of a high-risk individual based on standardized criteria that are generally accepted, actuarially justified and similar to those that would be administered by carriers in determining on a prospective basis an individual's likely risk category, for purposes of this section. The board shall not consider those high-risk individuals already in each small employer carrier's existing book of business subject to these targets, except as provided by (b) of this subsection.

(b) A method by which the board shall assign to each small employer carrier a target number of high-risk individuals. The target number for a small employer carrier shall bear the same proportional relationship to the total number of high-risk individuals estimated under (a) of this subsection as the small employer carrier's average annual enrollment of small employers bears to the average annual enrollment of all small employer carriers for coverage of small employers. However, for small employer carriers whose enrollees from small groups are at least sixty percent of their total covered enrollees from all sources in the geographic service area and which have fewer than ten thousand enrollees, no more than forty percent of their small group enrollees shall be deemed small group enrollees for purposes of establishing the carrier's target. In the case of an established small employer carrier with an established geographic services area, the board shall allow an initial adjustment to the target otherwise applicable to the small employer carrier where the carrier applies to the board for such an adjustment and demonstrates to the satisfaction of the board that such an adjustment is appropriate. The adjustment shall account for such factors as the carrier's increased or decreased exposure resulting from the demographics of the carrier's geographic service area, the existing mix of small groups, the existing risk base of the carrier, and other factors that the board deems appropriate and applies consistently.

(c) A procedure by which the board shall determine the number of high-risk eligible employees and dependents of each small employer that constitutes the carrier's target of high-risk individuals, not including those high-risk individuals already in a small employer carrier's existing book of business subject to this chapter, except as provided in (b) of this subsection. A small employer carrier may not count an individual towards filling its target unless it receives the approval of the board. The board shall not approve an individual to be counted toward a small employer carrier's target unless the carrier submitted that individual to the board within sixty days following the commencement of coverage

with the carrier. If a small employer carrier fails to submit an individual to the board within sixty days following the commencement of coverage, the carrier is permanently prohibited from submitting that individual to the board in the future for the purpose of meeting the carrier's target.

(d) A procedure by which a small employer carrier which has met its established target for new enrollment of high-risk individuals in small employer groups may cease enrolling small employers with high-risk individuals in the carrier's geographic service area.

(e) A procedure by which the board shall establish a target for a small employer carrier that wishes to enter a new geographic service area.

(f) Procedures for achieving an equitable, prospective distribution among small employer carriers of high-risk individuals; efficient administration of the program; and providing incentive for small employer carriers to manage the care of high-risk individuals enrolled under the program.

(10) The board shall periodically evaluate the program to assure equity in the distribution of high-risk individuals under small employers, including consideration of the comparative lengths of time that carriers have provided coverage to meet their target of high-risk individuals and of the utilization and cost data for small groups and high-risk individuals enrolled with the carrier after the effective date of this section. The board, subject to the approval of the commissioner, shall have the authority to make adjustments to the procedures established pursuant to this subsection to further the goal of equitable distribution of high-risk individuals under small employers.

(11) Following the close of each fiscal year, the board shall determine the program expenses of the administration. The net expense for the year shall be recouped by assessment on the participating carriers.

(12) Small employer carriers shall accept application from all small employers until their targets for high-risk individuals are met, as determined by the board pursuant to subsection (9) of this section. A small employer carrier may also offer to small employers coverage that is more comprehensive than that required by this chapter.

(13) Each small employer carrier shall file with the commissioner, in a form and manner to be prescribed by the commissioner, an annual report. The report shall state the small employer carrier's enrollment of new small employer coverage written in the previous twelve-month period. The report also shall state the number and size of small employers with high-risk individuals and the number of high-risk individuals that meets the standard criteria for high-risk individuals, the names and number of the small employers that canceled or terminated coverage with it during the preceding calendar year, and the reasons for such cancellations or terminations, if known. The report shall be filed on or before March 1 for the preceding calendar year. A copy of the report shall be provided to the board.

(14) Neither the participation by members, the establishment of rates, forms, or procedures for coverages issued by the program, nor any other joint or collective action required by this chapter or the state of Washington shall be the basis of any legal action, criminal or civil liability or penalty against the program or any small employer carrier either jointly or separately.

(15) The program board and operations are exempt from any and all taxes. This exemption shall not be construed to include carriers.

NEW SECTION. Sec. 9. HEALTH BENEFIT PLAN COMMITTEE.

(1) The commissioner shall appoint a health benefit plan committee. The committee shall be composed of balanced representation from small employer carriers, including insurance companies, health care service contractors, health maintenance organizations, and other carriers, and from small employers, employees, and health care providers.

(2) The committee shall recommend the form and level of coverage to be made available by small employer carriers under sections 7 and 8 of this act.

(3)(a) The committee shall recommend benefit levels, cost sharing levels, exclusions, and limitations for the basic and standard health benefit plans. The committee shall also design at least two basic and two standard health benefit plans that contain benefit and cost sharing levels consistent with the basic method of operation and benefits of health maintenance organizations, at least one of which shall be consistent with restrictions and requirements imposed on health maintenance organizations by federal law, including the federal HMO act (42 U.S.C. Sec. 300e et seq.). The committee may also develop recommended underwriting standards for use voluntarily by carriers that employ such practices.

(b) With the approval of the board, the committee shall submit the health benefit plans described in (a) of this subsection to the commissioner for approval within one hundred eighty days after the appointment of the committee.

(c)(i) A small employer carrier shall file with the commissioner, in a format and manner prescribed by the commissioner, the health benefit plans to be used by the carrier. Any health benefit plan filed pursuant to this subsection (3)(c)(i) may be used by a small employer carrier immediately after it is filed.

(ii) The commissioner at any time may, after providing written notice and an opportunity for a hearing to the small employer carrier, disapprove the continued use by a small employer carrier of a basic or standard health benefit plan on the grounds that the plan does not meet the requirements of this subsection.

NEW SECTION. Sec. 10. PERIODIC MARKET EVALUATION.

(1) The board, in consultation with members of the committee, shall study and report at least every three years to the commissioner on the effectiveness of this chapter. The report shall analyze the effectiveness of this chapter in promoting rate stability, product availability, and percent of eligible employers providing coverage. The report may contain recommendations for actions to improve the overall effectiveness, efficiency, and fairness of the small employer health care coverage market place. The report shall address whether carriers and producers are fairly and actively marketing and issuing health benefit plans to small employers in fulfillment of the purposes of this chapter. The report may contain recommendations for market conduct or other regulatory standards or actions.

(2) The board shall commission an actuarial study, by an independent actuary approved by the commissioner, within the first three years of the operation of the program to evaluate and measure the relative risks being assumed by differing types of small employer carriers as a result of this chapter.

NEW SECTION. Sec. 11. WAIVER OF CERTAIN STATE LAWS. Nothing in this chapter shall be construed to require the basic or the standard health benefit plan of a small employer carrier to satisfy the applicable requirements of:

(1) RCW 48.21.130, 48.21.140, 48.21.141, 48.21.142, 48.21.144, 48.21.146, 48.21.160 through 48.21.197, 48.21.200, 48.21.220, 48.21.225, 48.21.230, 48.21.235, 48.21.240, 48.21.244, 48.21.250, 48.21.300, 48.21.310, or 48.21.320;

(2) RCW 48.44.225, 48.44.240, 48.44.245, 48.44.290, 48.44.300, 48.44.310, 48.44.320, 48.44.325, 48.44.330, 48.44.335, 48.44.340, 48.44.344, 48.44.360, 48.44.400, 48.44.440, 48.44.450, and 48.44.460;

(3) RCW 48.46.275, 48.46.280, 48.46.285, 48.46.290, 48.46.350, 48.46.355, 48.46.375, 48.46.440, 48.46.480, 48.46.510, 48.46.520, and 48.46.530.

NEW SECTION. Sec. 12. ADMINISTRATIVE PROCEDURES. The commissioner may issue rules in accordance with this chapter, to be implemented on July 1, 1993, upon due consideration of recommendations of the board.

NEW SECTION. Sec. 13. STANDARDS TO ASSURE FAIR MARKETING.

(1) If a small employer carrier chooses to offer only a basic or standard health benefit plan to a small employer, the carrier shall notify the small employer of the reason or reasons for this decision in a form and manner prescribed by the commissioner. If a small employer carrier that has met its target of high-risk individuals under section 8 of this act chooses not to offer a basic or standard health benefit plan to a small employer, the carrier shall notify the small employer in a form and manner prescribed by the commissioner of the availability of coverage through other small employer carriers in the geographic area.

(2) A small employer carrier may provide reasonable compensation, as provided under the plan of operation of the program, provided, no incentives or remuneration of any kind may be paid to or accepted by the producer to place or refer small groups with any carrier based on health status or claims history of potential enrollees.

(3) No small employer carrier shall terminate, fail to renew, or limit its contract or agreement of representation with a producer because the producer has placed small employers with the small employer carrier.

(4) No small employer carrier or producer shall induce or otherwise encourage a small employer to separate or otherwise exclude an employee from health coverage or benefits provided in connection with the employee's employment.

(5) If a small employer carrier declines to offer a health benefit plan to a small employer for a reason permitted under section 7 or 8 of this act, the small employer carrier shall notify the small employer of such decision in writing and shall state the reason or reasons for the decision.

(6) Upon due consideration of the recommendation of the board, the commissioner may adopt by rule additional standards to provide for the availability of health benefit plans to small employers through the program.

(7)(a) A violation of this section by a small employer insurer or producer shall be an unfair trade practice under chapter 48.30 RCW. A violation by a health care service contractor or a health maintenance organization is a prohibited practice under the applicable provisions of chapter 48.44 or 48.46 RCW.

(b) If a small employer carrier enters into a contract, agreement, or other arrangement with a third-party administrator to provide administrative, marketing, or the other services related to the offering of health benefit plans to small employers in Washington state, the third-party administrator shall be subject to this section as if it were a small employer carrier.

Sec. 14. RCW 48.41.040 and 1989 c 121 s 2 are each amended to read as follows:

(1) There is hereby created a nonprofit entity to be known as the Washington state health insurance pool. All members in this state on or after May 18, 1987, shall be members of the pool. When authorized by federal law, all self-insured employers shall also be members of the pool.

(2) Pursuant to chapter 34.05 RCW the commissioner shall, within ninety days after ~~((May 18, 1987))~~ the effective date of this section, give notice to all members of the time and place for the ~~((initial))~~ organizational meetings of the pool as restructured pursuant to chapter --, Laws of 1992 (this act). A board of directors shall be established, which shall be comprised of ~~((nine))~~ thirteen members. The commissioner shall select (a) three members of the board who shall represent ~~((a))~~ (i) the general public, ((b)) (ii) health care providers, and ((c)) (iii) health insurance agents and (b) two members of the board who shall represent small employers as defined by section 3 of this act. The remaining members of the board shall be selected by election from among the members of the pool. The elected members shall, to the extent possible, include at least ~~((one))~~ three representatives of health care service contractors, ~~((one))~~ three representatives of health maintenance organizations, and ~~((one))~~ two representatives of commercial insurers which provides disability insurance. When self-insured organizations become eligible for participation in the pool, the membership of the board shall be increased to ~~((eleven))~~ fifteen and at least one member of the board shall represent the self-insurers. In electing and appointing members of the board, due regard shall be given to the need for geographic balance among members and for representation from diverse carrier perspectives. Members of the board representing small business shall not vote on matters involving the administration of the Washington state health insurance coverage access act established by this chapter. Members of the board representing providers and agents shall not vote on matters involving sections 1 through 13, 15, 16, 19, and 20 of this act.

(3) The ~~((original))~~ additional members of the board of directors as provided by sections 1 through 13, 15, 16, 19, and 20 of this act shall be appointed for intervals of one to three years. Thereafter, all board members shall serve a term of three years. Board members shall receive no compensation, but shall be reimbursed for all travel expenses as provided in RCW 43.03.050 and 43.03.060.

(4) The board shall submit to the commissioner a plan of operation for the pool and any amendments thereto necessary or suitable to assure the fair, reasonable, and equitable administration of the pool. The commissioner shall, after notice and hearing pursuant to chapter 34.05 RCW, approve the plan of operation if it is determined to assure the fair, reasonable, and equitable administration of the pool and provides for the sharing of pool losses on an equitable, proportionate basis among the members of the pool. The plan of operation shall become effective upon approval in writing by the commissioner consistent with the date on which the coverage under this chapter must be made available. If the board fails to submit a plan of operation within one hundred eighty days after the appointment of the board or any time thereafter fails to submit acceptable amendments to the plan, the commissioner shall, within ninety days after notice and hearing pursuant to chapters 34.05 and 48.04 RCW, adopt such rules as are necessary or advisable to effectuate this chapter. The rules shall continue in force until modified by the commissioner or superseded by a plan submitted by the board and approved by the commissioner.

NEW SECTION. Sec. 15. APPLICATION OF CHAPTER TO CHAPTERS 48.21, 48.44, AND 48.46 RCW.

This chapter applies to carriers regulated under chapters 48.21, 48.44, and 48.46 RCW. After the effective date of this section, basic group disability insurance policies issued pursuant to RCW 48.21.045, basic health care service contracts issued pursuant to RCW 48.44.023, and basic health maintenance agreements issued pursuant to RCW 48.46.066 shall become subject to this chapter when they are renewed or reissued.

NEW SECTION. Sec. 16. CAPTIONS. Captions as used in this chapter constitute no part of the law.

NEW SECTION. Sec. 17. A new section is added to chapter 82.02 RCW to read as follows:

The provisions of this title shall not apply to the Washington small employer benefits coverage program board and operations established under section 8 of this act. This exemption shall not be construed to include carriers.

NEW SECTION. Sec. 18. A new section is added to chapter 84.36 RCW to read as follows:

The real and personal property of the Washington small employer benefits coverage program board and operations is exempt from taxation.

NEW SECTION. Sec. 19. SEVERABILITY. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 20. EFFECTIVE DATE. This act shall take effect July 1, 1993, except for sections 8, 9, 11, 12, 14, 17 and 18 of this act. Sections 8, 9, 11, 12, 14, 17 and 18 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

NEW SECTION. Sec. 21. Sections 1 through 13, 15, 16, 19, and 20 of this act shall constitute a new chapter in Title 48 RCW.

Debate ensued.

POINT OF ORDER

Senator Niemi: "A point of order, Mr. President. I request a ruling on scope and object on this amendment. The underlying bill was a very small study bill. What we are looking at now is very comprehensive small employer health insurance legislation. It has nothing to do with the underlying bill."

Further debate ensued.

MOTION

On motion of Senator Newhouse, further consideration of Substitute House Bill No. 2817 was deferred.

MOTION

On motion of Senator Newhouse, the Senate will now consider Engrossed Substitute House Bill No. 2337.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2337, by House Committee on Health Care (originally sponsored by Representatives Morris, Moyer, Paris, Casada, Franklin, Braddock, Ebersole, H. Myers, Schmidt, Appelwick, Ogden, Locke, Hargrove, Edmondson, D. Sommers, Cantwell, Hochstatter, Rasmussen, Forner, R. Johnson, Zellinsky, Rayburn, Nealey, Heavey, Wineberry, Chandler, Roland, J. Kohl, Ludwig, Mitchell, Orr, Spanel, May, Leonard, Haugen, Ferguson, Sprengle, Miller, O'Brien and Anderson)

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

The bill was read the second time.

MOTION

Senator West moved that the following Committee on Health and Long-Term Care be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. There are a number of retired physicians who wish to provide, or are providing, health care services to low-income patients without compensation. However, the cost of obtaining malpractice insurance is a burden that is deterring them from donating their time and services in treating the health problems of the poor. The necessity of maintaining malpractice insurance for those in practice is a significant reality in today's litigious society.

A program to alleviate the onerous costs of malpractice insurance for retired physicians providing uncompensated health care services to low-income patients will encourage philanthropy and augment state resources in providing for the health care needs of those who have no access to basic health care services.

An estimated sixteen percent of the nonelderly population do not have health insurance and lack access to even basic health care services. This is especially problematic for low-income persons who are young and who are either unemployed or have entry-level jobs without health care benefits. The majority of the uninsured, however, are working adults, and some twenty-nine percent are children.

The legislature declares that this act will increase the availability of primary care to low-income persons and is in the interest of the public health and safety.

NEW SECTION. Sec. 2. A new section is added to chapter 43.70 RCW to read as follows:

(1) The department may establish a program to purchase and maintain liability malpractice insurance for retired physicians who provide primary health care services at community clinics. The following conditions apply to the program:

- (a) Primary health care services shall be provided at community clinics that are public or private tax-exempt corporations;
 - (b) Primary health care services provided at the clinics shall be offered to low-income patients based on their ability to pay;
 - (c) Retired physicians providing health care services shall not receive compensation for their services; and
 - (d) The department shall contract only with a liability insurer authorized to offer liability malpractice insurance in the state.
- (2) This section and section 3 of this act shall not be interpreted to require a liability insurer to provide coverage to a physician should the insurer determine that coverage should not be offered to a physician because of past claims experience or for other appropriate reasons.
- (3) The state and its employees who operate the program shall be immune from any civil or criminal action involving claims against clinics or physicians that provided health care services under this section and section 3 of this act. This protection of immunity shall not extend to any clinic or physician participating in the program.
- (4) The department may monitor the claims experience of retired physicians covered by liability insurers contracting with the department.
- (5) The department may provide liability insurance under this act only to the extent funds are provided for this purpose by the legislature.

NEW SECTION. Sec. 3. A new section is added to chapter 43.70 RCW to read as follows:

The department may establish by rule the conditions of participation in the liability insurance program by retired physicians at clinics utilizing retired physicians for the purposes of this section and section 2 of this act. These conditions shall include, but not be limited to, the following:

- (1) The participating physician associated with the clinic shall hold a valid license to practice medicine and surgery in this state and otherwise be in conformity with current requirements for licensure as a retired physician, including continuing education requirements;
- (2) The participating physician shall limit the scope of practice in the clinic to primary care. Primary care shall be limited to noninvasive procedures and shall not include obstetrical care, or any specialized care and treatment. Noninvasive procedures include injections, suturing of minor lacerations, and incisions of boils or superficial abscesses;
- (3) The provision of liability insurance coverage shall not extend to acts outside the scope of rendering medical services pursuant to this section and section 2 of this act;
- (4) The participating physician shall limit the provision of health care services to low-income persons provided that clinics may, but are not required to, provide means tests for eligibility as a condition for obtaining health care services;
- (5) The participating physician shall not accept compensation for providing health care services from patients served pursuant to this section and section 2 of this act, nor from clinics serving these patients. "Compensation" shall mean any remuneration of value to the participating physician for services provided by the physician, but shall not be construed to include any nominal copayments charged by the clinic, nor reimbursement of related expenses of a participating physician authorized by the clinic in advance of being incurred; and
- (6) The use of mediation or arbitration for resolving questions of potential liability may be used, however any mediation or arbitration agreement format shall be expressed in terms clear enough for a person with a sixth grade level of education to understand, and on a form no longer than one page in length.

Debate ensued.

The President declared the question before the Senate to be the adoption of the Committee on Health and Long-Term Care striking amendment to Engrossed Substitute House Bill No. 2337.

The motion by Senator West carried and the Committee on Health and Long-Term Care striking amendment was adopted.

MOTIONS

On motion of Senator West, the following title amendment was adopted:

On page 1, line 3 of the title, after "compensation;" strike the remainder of the title and insert "adding new sections to chapter 43.70 RCW; and creating new sections."

On motion of Senator West, the rules were suspended, Engrossed Substitute House Bill No. 2337, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2337, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2337, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yeas: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Jesernig, Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sumner, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 48.

Absent: Senator Hayner - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2337, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2682, by Representatives J. Kohl, Brumsickle and Fraser (by request of Department of Revenue)

Modifying provisions regarding recovery of unclaimed property.

The bill was read the second time.

MOTION

On motion of Senator McDonald, the rules were suspended, House Bill No. 2682 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2682.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2682 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

HOUSE BILL NO. 2682, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2944, by Representatives Dellwo, Broback, Zellinsky, R. Johnson, Winsley, Mielke, Paris, Anderson, Dorn and Schmidt

Regulating consumer credit transactions.

The bill was read the second time.

MOTIONS

Senator von Reichbauer moved that the following Committee on Financial Institutions and Insurance amendment be adopted:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 63.14.130 and 1989 c 112 s 1 and 1989 c 14 s 5 are each reenacted and amended to read as follows:

The service charge shall be inclusive of all charges incident to investigating and making the retail installment contract or charge agreement and for the privilege of making the installment payments thereunder and no other fee, expense or charge whatsoever shall be taken, received, reserved or contracted therefor from the buyer.

~~(1) ((Except as provided in subsections (2) and (3) of this section,))~~ The service charge, in a retail installment contract, shall not exceed the ~~((highest of the following:~~

~~(a) A rate on outstanding unpaid balances which exceeds six percentage points above the average, rounded to the nearest one quarter of one percent, of the equivalent coupon issue yields (as published by the Board of Governors of the Federal Reserve System) of the bill rates for twenty six week treasury bills for the last market auctions conducted during February, May, August, and November of the year prior to the year in which the retail installment contract is executed; or~~

~~(b) Ten dollars.~~

~~(2) The service charge in a retail installment contract for the purchase of a motor vehicle shall not exceed the highest of the following:~~

~~(a) A rate on outstanding unpaid balances which exceeds six percentage points above the average, rounded to the nearest one quarter of one percent, of the equivalent coupon issue yield (as published by the Board of Governors of the Federal Reserve System) of the bill rate for twenty six week treasury bills for the last market auction conducted during February, May, August, or November, as the case may be, prior to the quarter in which the retail installment contract for purchase of the motor vehicle is executed; or~~

~~(b) Ten dollars.~~

~~As used in this subsection, "motor vehicle" means every device capable of being moved upon a public highway and in, upon, or by which any person or property is or may be transported or drawn upon a public highway, except for devices moved by human or animal power or used exclusively upon stationary rails or tracks.~~

~~(3) The service charge in a retail installment contract for the purchase of a vessel shall not exceed the highest of the following:~~

~~(a) A rate on outstanding balances which exceeds six percentage points above the average, rounded to the nearest one quarter of one percent, of the equivalent coupon issue yield, as published by the federal reserve bank of San Francisco, of the bill rate for twenty six week treasury bills for the last market auction conducted prior to the quarter in which the retail installment contract for purchase of the vessel is expected; or~~

~~(b) Ten dollars.~~

~~As used in this subsection, "vessel" means any watercraft used or capable of being used as a means of transportation on the water, other than a seaplane))~~ dollar amount or rate agreed to by contract and disclosed under RCW 63.14.040(1)(7)(g).

~~((4))~~ (2) The service charge in a retail charge agreement, revolving charge agreement, lender credit card agreement, or charge agreement, shall not exceed ((one and one half percent per month on the outstanding unpaid balances)) the schedule or rate agreed to by contract and disclosed under RCW 63.14.120(1). If the service charge so computed is less than one dollar for any month, then one dollar may be charged.

~~((5))~~ A service charge may be computed on the median amount within a range which does not exceed ten dollars and which is a part of a published schedule of consecutive ranges applied to an outstanding balance, provided the median amount is used in computing the service charge for all balances within such range.)

Sec. 2. RCW 63.14.135 and 1989 c 112 s 2 are each amended to read as follows:

(1) On or before December 5th of each year the state treasurer shall compute the maximum service charge allowed under a retail installment contract or charge agreement under RCW 63.14.130(1)(a) for the succeeding calendar year. The treasurer shall file this charge with the state code reviser for publication in the first issue of the Washington State Register for the succeeding calendar year in compliance with RCW 34.08.020.

(2) On or before the first Wednesday of the last month of each calendar quarter the state treasurer shall compute the maximum service charge allowed for a retail installment contract for the purchase of a motor vehicle or vessel pursuant to RCW 63.14.130(2)(a) and (3)(a) respectively for the succeeding calendar quarter. The treasurer shall file this charge with the state code reviser for publication in the first issue of the Washington State Register for the succeeding calendar quarter in compliance with RCW 34.08.020.

(3) This section shall not apply from the effective date of this act until June 30, 1995.

NEW SECTION. Sec. 3. The national competitive retail credit market task force is created. Membership of the task force shall consist of four members from the senate, two from each caucus, appointed by the president of the senate, and four members from the house of representatives, two from each caucus, appointed by the speaker of the house of representatives. The task force shall study the impact of a national competitive retail credit market on retail buyers, retail sellers, and financial institutions of Washington state. The task force shall submit a report to the legislature by January 1, 1995.

NEW SECTION. Sec. 4. Section 1 of this act shall expire June 30, 1995.

NEW SECTION. Sec. 5. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

On motion of Senator Sellar, the following amendment by Senators Sellar and Vognild to the Committee on Financial Institutions and Insurance amendment was adopted:

On page 4, line 1, after "NEW SECTION. Sec. 3." strike everything through "1995." on line 10 and insert:

"(1) The joint select committee on consumer credit is created. Membership of the committee shall consist of four members from the senate, two from each caucus, appointed by the president of the senate, and four members from the house of representatives, two from each caucus, appointed by the speaker of the house of representatives.

(2) The committee shall review state and federal statutes governing consumer credit transactions and shall prepare a report:

- (a) Summarizing federal and state statutes governing consumer credit transactions;
- (b) Identifying any state statutes preempted or superseded by federal law or judicial interpretation;
- (c) Identifying any duplication or inconsistency among federal and state laws;
- (d) Discussing the beneficial and detrimental effects of state interest rate regulation and deregulation upon the state consumer credit market; and
- (e) Containing legislation that to the greatest extent possible adopts a single, comprehensive statutory title regulating consumer credit transactions including any regulation of interest rates, services charges, and other fees on consumer credit.

(3) The committee shall review the professional and academic literature addressing the impact of interest rate regulation on retail credit markets. The committee also shall consult with representatives of labor, consumer, retail, financial, and legal organizations possessing a working knowledge of consumer credit transactions.

(4) The committee shall submit its report to the legislature by December 1, 1994.

The President declared the question before the Senate to be the adoption of the Committee on Financial Institutions and Insurance striking amendment, as amended, to House Bill No. 2944.

Debate ensued.

The motion by Senator von Reichbauer carried and the Committee on Financial Institutions and Insurance striking amendment, as amended, was adopted.

MOTIONS

On motion of Senator von Reichbauer, the following title amendment was adopted:

On page 1, line 1 of the title, after "transactions," strike the remainder of the title and insert "amending RCW 63.14.135; reenacting and amending RCW 63.14.130; creating a new section; providing an expiration date; and declaring an emergency."

On motion of Senator von Reichbauer, the rules were suspended, House Bill No. 2944, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2944, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2944, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 35; Nays, 13; Absent, 1; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Conner, Craswell, Erwin, Gaspard, Hayner, Jesernig, Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Oke, Owen, Patterson, Rasmussen, Roach, Saling, Sellar, Snyder, Sumner, Sutherland, Thorsness, Vognild, von Reichbauer, West - 35.

Voting nay: Senators Bluechel, Cantu, Hansen, Murray, Niemi, Pelz, Rinehart, Skratek, A. Smith, Stratton, Talmadge, Williams, Wojahn - 13.

Absent: Senator L. Smith - 1.

HOUSE BILL NO. 2944, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2290, by Representatives R. Meyers, Ferguson, Schmidt, Zellinsky, Winsley, Wilson, Paris and Sheldon (by request of Department of Community Development)

Regulating fire protection sprinkler system contractors.

The bill was read the second time.

MOTION

Senator Matson moved that the following Committee on Commerce and Labor amendment be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 9.45 RCW to read as follows:

Any fire protection sprinkler system contractor, defined under RCW 18.160.010, who willfully and maliciously constructs, installs, or maintains a fire protection sprinkler system in any structure so as to threaten the safety of any occupant or user of the structure in the event of a fire, is guilty of a class C felony.

Sec. 2. RCW 18.160.030 and 1990 c 177 s 4 are each amended to read as follows:

(1) This chapter shall be administered by the state director of fire protection.

(2) The state director of fire protection shall have the authority, and it shall be his or her duty to:

(a) Issue such administrative regulations as necessary for the administration of this chapter;

(b)(i) Set reasonable fees for licenses, certificates, testing, and other aspects of the administration of this chapter.

However, the license fee for fire protection sprinkler system contractors engaged solely in the installation, inspection, maintenance, or servicing of NFPA 13-D fire protection sprinkler systems shall not exceed one hundred dollars, and the license fee for fire protection sprinkler system contractors engaged solely in the installation, inspection, maintenance, or servicing of NFPA 13-R fire protection sprinkler systems shall not exceed three hundred dollars;

(ii) Adopt rules establishing a special category restricted to contractors registered under chapter 18.27 RCW who install underground systems that service fire protection sprinkler systems. The rules shall be adopted within ninety days of the effective date of this act;

(c) Enforce the provisions of this chapter;

(d) Conduct investigations of complaints to determine if any infractions of this chapter or the regulations developed under this chapter have occurred;

(e) Work with the fire sprinkler advisory committee consisting of fire protection sprinkler system contractors and other related officials;

(f) Assign a certificate number to each certificate of competency holder; and

(g) Adopt rules necessary to implement and administer a program which requires the affixation of a seal any time a fire protection sprinkler system is installed, which seal shall include the certificate number of any certificate of competency holder who installs, in whole or in part, the fire protection sprinkler system.

NEW SECTION. Sec. 3. A new section is added to chapter 18.160 RCW to read as follows:

Any fire protection sprinkler system contractor who constructs, installs, or maintains a fire protection sprinkler system in any occupancy, except an owner-occupied single-family dwelling, without first obtaining a fire sprinkler contractor's license from the state of Washington, is guilty of a gross misdemeanor.

NEW SECTION. Sec. 4. A new section is added to chapter 18.160 RCW to read as follows:

Civil proceedings to enforce this chapter may be brought by the attorney general or the prosecuting attorney of any county where a violation occurs on his or her own motion or at the request of the state director of fire protection.

NEW SECTION. Sec. 5. A new section is added to chapter 19.27 RCW to read as follows:

The governing bodies of counties and cities may not require the installation or improvement of fire protection sprinkler systems in any existing nonresidential structures if the structure was in compliance with applicable state and local law at the time the structure was constructed: PROVIDED HOWEVER, That the provisions of this section shall not apply to structures constructed prior to December 31, 1959.

NEW SECTION. Sec. 6. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

POINT OF ORDER

Senator Vognild: "Thank you, Mr. President. I rise to a point of order. I believe that the committee amendment expands the scope and object of the bill. The underlying bill here is a bill which regulates the installers of sprinkler systems. Section 5 of the committee amendment, which was added, is a section which would attempt to tell local governments that they could not require sprinklers to be installed in buildings that were constructed after December 31, 1959. This amendment, in fact, I would point out to the Governor requires a title amendment. They are attempting to go into a different section of the RCW and make an amendment and put down a regulation on what cities and counties can do in the installation of sprinklers. The underlying bill was intended only, and the only object of it--the underlying bill--was to regulate the installers of sprinklers."

Further debate ensued.

There being no objection, the President deferred further consideration of House Bill No. 2290.

SECOND READING

HOUSE BILL NO. 2961, by Representatives Fraser, Bowman, Belcher, Brumsickle and Sheldon

Providing for the disposition of proceeds of the Thurston county special excise tax.

The bill was read the second time.

MOTION

On motion of Senator McDonald, the rules were suspended, House Bill No. 2961 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2961.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2961 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, Matson, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sumner, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 47.

Voting nay: Senators McCaslin, Rasmussen - 2.

HOUSE BILL NO. 2961, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2720, by House Committee on Financial Institutions and Insurance (originally sponsored by Representatives R. Meyers, Paris, Anderson, Hargrove, Miller, H. Sommers, Winsley, Jones, Basich, J. Kohl, Belcher and Orr)

Studying longshore and harbor workers' insurance needs.

The bill was read the second time.

MOTION

Senator Erwin moved that the following Committee on Commerce and Labor amendment be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds and declares that the continued existence of a strong and health maritime industry in this state is threatened by the unavailability and excessive cost of workers' compensation coverage required by the United States Longshoreman's and Harbor Worker's Compensation Act. The legislature, therefore, acting under its authority to protect industry and employment in this state hereby establishes a commission to devise and implement both a near and long term solution to this problem, for the purpose of maintaining employment for Washington workers and a vigorous maritime industry.

Sec. 2. RCW 48.32.020 and 1987 c 185 s 29 are each amended to read as follows:

This chapter shall apply to all kinds of direct insurance, except life, title, surety, disability, credit, mortgage guaranty, workers' compensation included in the state of Washington industrial insurance fund defined in RCW 51.08.175, and ocean marine insurance. However, this chapter applies to workers' compensation insurance only if the applicable order of liquidation is adjudicated on or after July 1, 1992.

NEW SECTION. Sec. 3. A new section is added to chapter 48.22 RCW to read as follows:

Before July 1, 1992, the commissioner shall adopt rules establishing a reasonable plan to insure that workers' compensation coverage as required by the United States Longshoreman's and Harbor Worker's Compensation Act, 33 U.S.C. Secs. 901 through 950, and maritime employer's liability coverage incidental to the workers' compensation coverage is available to those unable to purchase it through the normal insurance market. This plan shall require the participation of all authorized insurers writing primary and excess workers' compensation insurance or reinsurance and

the Washington state industrial insurance fund as defined in RCW 51.08.175 in amounts proportional to the premiums written by each of these entities. The Washington state industrial insurance fund is authorized to participate in the plan and to make payments in support of the plan in accordance with rules adopted by the commissioner pursuant to this section. The rules shall require that the plan use generally accepted actuarial principles for rate making. An applicant for such insurance, a person insured under the plan, an insurer, or the Washington state industrial insurance fund affected by a ruling or decision of the manager or committee designated to operate the plan may appeal to the commissioner for resolution of a dispute.

NEW SECTION. Sec. 4. A new section is added to chapter 48.22 RCW to read as follows:

Before April 15, 1992, the commissioner shall appoint a committee to provide assistance in drafting the rules required by section 3 of this act. After July 1, 1992, the committee shall assist the commissioner in overseeing the operation of the plan. The committee shall consist of at least eight members. The commissioner and the director of the department of labor and industries shall be members. The remaining members shall be selected to insure equal representation of authorized insurers writing primary or excess workers compensation insurance, insurance producers, organized labor, and maritime employers.

NEW SECTION. Sec. 5. A new section is added to chapter 48.22 RCW to read as follows:

The committee appointed pursuant to section 4 of this act shall submit a report to the legislature no later than January 1, 1993, that examines all aspects of the United States Longshoreman's and Harbors Worker's Act (22 U.S.C. Secs. 901 through 950) coverage, and incidental maritime liability coverage, as it applies to Washington workers and employers. This study shall include but not be limited to the ability of private insurers to provide affordable coverage to eligible employers; whether the Washington state industrial insurance fund should participate in the plan adopted pursuant to section 3 of this act; whether there are methods that will satisfy the intent of this act that will not involve the Washington state industrial insurance fund; and the feasibility of requiring that this coverage be made directly available through the Washington state industrial insurance fund.

NEW SECTION. Sec. 6. A new section is added to chapter 48.22 RCW to read as follows:

The plan adopted pursuant to section 3 of this act shall terminate on July 1, 1993.

NEW SECTION. Sec. 7. Sections 3 and 4 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

Debate ensued.

POINT OF INQUIRY

Senator Talmadge: "Senator Matson, is this the same version of the bill that we already voted on out here on the Senate floor?"

Senator Matson: "Yes."

Senator Talmadge: "Thank you."

The President declared the question before the Senate to be the adoption of the Committee on Commerce and Labor striking amendment to Substitute House Bill No. 2720.

The motion by Senator Erwin carried and the Committee on Commerce and Labor striking amendment was adopted.

MOTIONS

On motion of Senator Matson, the following title amendment was adopted:

On line 2 of the title, after "insurance;" strike the remainder of the title and insert "amending RCW 48.32.020; adding new sections to chapter 48.22 RCW; creating a new section; and declaring an emergency."

On motion of Senator Matson, the rules were suspended, Substitute House Bill No. 2720, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2720, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2720, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 3; Absent, 1; Excused, 0.

Voting yea: Senators Amondson, Bailey, Barr, Bauer, Bluechel, Conner, Craswell, Erwin, Gaspard, Hansen, Jesernig, Kreidler, Madsen, Matson, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sumner, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 45.

Voting nay: Senators Anderson, Cantu, McCaslin - 3.

Absent: Senator Hayner - 1.

SUBSTITUTE HOUSE BILL NO. 2720, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Anderson, Senator Matson was excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2555, by House Committee on Health Care (originally sponsored by Representatives Moyer, Braddock, Paris and Valle)

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

The bill was read the second time.

MOTION

On motion of Senator West, the rules were suspended, Substitute House Bill No. 2555 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2555.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2555 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sumner, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 48.

Excused: Senator Matson - 1.

SUBSTITUTE HOUSE BILL NO. 2555, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2857, by House Committee on Appropriations (originally sponsored by Representatives Hine, Locke, Spanel, Ferguson, Jones, Dorn, Paris, Kremen, G. Fisher, Brough, Pruitt, Rayburn, Prentice, Franklin, Ogden, Roland, Sheldon, Nelson, Bowman, Leonard, Belcher, Orr, Brekke, Bray, H. Myers, Rasmussen, Fraser, G. Cole, O'Brien, J. Kohl and Anderson)

Providing for continued health care benefit coverage of retired and disabled school district employees and their dependents.

The bill was read the second time.

MOTIONS

On motion of Senator McDonald, the following Committee on Ways and Means amendment was adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 28A.400 RCW to read as follows:

(1) Every group disability insurance policy, health care service contract, health maintenance agreement, and health and welfare benefit plan obtained or created to provide benefits to employees of school districts and their dependents shall contain provisions that permit retired and disabled employees to continue medical, dental, or vision coverage under the group policy, contract, agreement, or plan until June 30, 1994, or until the employee becomes eligible for federal medicare coverage, whichever occurs first. The terms and conditions for election and maintenance of such continued coverage shall conform to the standards established under the federal consolidated omnibus budget reconciliation act of 1985, as amended. The period of continued coverage provided under this section shall run concurrently with any period of coverage guaranteed under the federal consolidated omnibus budget reconciliation act of 1985, as amended.

(2) This section applies to:

- (a) School district employees who retired or lost insurance coverage due to disability after July 28, 1991;
- (b) School district employees who retired or lost insurance coverage due to disability within the eighteen-month period ending on July 28, 1991; and
- (c) School district employees who retired or lost insurance coverage due to disability prior to January 28, 1990, and who were covered by their employing district's insurance plan on January 1, 1991.

(3) For the purposes of this section "retired employee" means an employee who separates from district service and is eligible at the time of separation from service to receive, immediately following separation from service, a retirement allowance under chapter 41.32 or 41.40 RCW.

(4) The superintendent of public instruction shall adopt administrative rules to implement this section.

NEW SECTION. Sec. 2.

(1) The health care authority shall study and develop recommendations regarding group health insurance coverage for retired and disabled school district employees. The health care authority shall collect such information as it deems necessary to address the following issues:

- (a) Alternatives for making appropriate health insurance coverage available to currently retired and disabled school district employees, including allowing these employees to participate in insurance plans offered by the state employees' benefits board at no additional cost to the state;
- (b) Development of estimated costs and funding mechanisms to provide health insurance coverage for currently retired and disabled school district employees at a reasonable cost, including alternatives for partial subsidization of costs by active employees or the state; and
- (c) Identification of issues and alternatives for defining eligibility for group health insurance coverage for currently retired and disabled school district employees.

(2) The health care authority may form technical advisory committees to assist with the study. The health care authority shall submit its findings and recommendations to the legislature by January 15, 1993.

NEW SECTION. Sec. 3. A new section is added to chapter 28A.400 RCW to read as follows:

A group disability insurance policy, health care service contract, health maintenance agreement, or health and welfare benefit plan that provides benefits to retired school district employees and eligible dependents shall not require

the beneficiary to make payment by monthly deduction from the beneficiary's state retirement allowance if the payment exceeds the retirement allowance. In such cases, the payment may be made directly by the individual beneficiary.

NEW SECTION. Sec. 4. If specific funding for the purposes of section 2 of this act, referencing this act by bill number, is not provided by June 30, 1992, in the omnibus appropriations act, section 2 of this act shall be null and void.

NEW SECTION. Sec. 5. RCW 28A.400.390 and 1991 c 254 s 1 are each repealed.

On motion of Senator McDonald, the following title amendment was adopted:

On page 1, line 1 of the title, after "coverage;" strike the remainder of the title and insert "adding new sections to chapter 28A.400 RCW; creating new sections; and repealing RCW 28A.400.390."

MOTION

On motion of Senator McDonald, the rules were suspended, Substitute House Bill No. 2857, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2857, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2857, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sumner, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 48.

Excused: Senator Matson - 1.

SUBSTITUTE HOUSE BILL NO. 2857, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

On motion of Senator Moore, Senator Vognild was excused.

On motion of Senator Murray, Senators Rinehart and Skratek were excused.

SECOND READING

HOUSE BILL NO. 1664, by Representatives Belcher, Brumsickle, Ferguson, Fraser, Scott, G. Fisher, G. Cole, R. Johnson, Mielke, Bowman, Winsley and Anderson

Clarifying educational requirements regarding sign language.

The bill was read the second time.

MOTION

On motion of Senator Bailey, the rules were suspended, House Bill No. 1664 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1664.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1664 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 1; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Rasmussen, Roach, Saling, Sellar, A. Smith, L. Smith, Snyder, Stratton, Sumner, Sutherland, Talmadge, Thorsness, von Reichbauer, West, Williams, Wojahn - 44.

Voting nay: Senator Pelz - 1.

Excused: Senators Matson, Rinehart, Skratek, Vognild - 4.

HOUSE BILL NO. 1664, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

President Pro Tempore Craswell assumed the Chair.

SECOND READING

HOUSE BILL NO. 2417, by Representatives R. Fisher, Prentice, Bowman and Carlson

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

The bill was read the second time.

MOTION

On motion of Senator Patterson, the rules were suspended, House Bill No. 2417 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 2417.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2417 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sumner, Sutherland, Talmadge, Thorsness, von Reichbauer, West, Williams, Wojahn - 46.

Excused: Senators Matson, Rinehart, Vognild - 3.

HOUSE BILL NO. 2417, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2319, by House Committee on State Government (originally sponsored by Representatives McLean, Anderson, R. Fisher, Chandler, Winsley, J. Kohl, Bowman and Pruitt)

Improving election administration.

The bill was read the second time.

MOTIONS

Senator McCaslin moved that the following Committee on Ways and Means amendment be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 43.07 RCW to read as follows:

The secretary of state shall establish a division of elections within the office of the secretary of state and under the secretary's supervision. The division shall be under the immediate supervision of a director of elections who shall be appointed by the secretary of state and serve at the secretary's pleasure.

NEW SECTION. Sec. 2. A new section is added to chapter 43.07 RCW to read as follows:

The secretary of state, through the division of elections, is responsible for the following duties, as prescribed by Title 29 RCW:

- (1) The filing, verification of signatures, and certification of state initiative, referendum, and recall petitions;
- (2) The production and distribution of a state voters' and candidates' pamphlet;
- (3) The examination, testing, and certification of voting equipment, voting devices, and vote-tallying systems;
- (4) The administration, canvassing, and certification of the presidential primary, state primaries, and state general elections;
- (5) The administration of motor voter and other voter registration and voter outreach programs;
- (6) The training, testing, and certification of state and local elections personnel as established in section 5 of this act;
- (7) The training of state and local party observers required by section 6 of this act;
- (8) The conduct of postelection reviews as established in section 9 of this act; and
- (9) Other duties that may be prescribed by the legislature.

NEW SECTION. Sec. 3.

(1) The Washington state election administration and certification board is established and has the responsibilities and authorities prescribed by this chapter. The board is composed of the following members:

- (a) The secretary of state or the secretary's designee;
- (b) The state director of elections or the director's designee;
- (c) Four county auditors appointed by the Washington state association of county auditors or their alternates who are county auditors designated by the association to serve as such alternates;
- (d) One member from each of the two largest political party caucuses of the house of representatives designated by and serving at the pleasure of the legislative leader of the respective caucus;
- (e) One member from each of the two largest political party caucuses of the senate designated by and serving at the pleasure of the legislative leader of the respective caucus; and
- (f) One representative from each major political party, as defined by RCW 29.01.090, designated by and serving at the pleasure of the chair of the party's state central committee.

(2) The board shall elect a chair from among its number; however, neither the secretary of state nor the state director of elections nor their designees may serve as the chair of the board. A majority of the members appointed to the board constitutes a quorum for conducting the business of the board. Chapter 42.30 RCW, the open public meetings act, and RCW 42.32.030 regarding minutes of meetings, apply to the meetings of the board.

(3) Members of the board shall serve without compensation. The secretary of state shall reimburse members of the board, other than those who are members of the legislature, for travel expenses in accordance with RCW 43.03.050 and 43.03.060. Members of the board who are members of the legislature shall be reimbursed as provided in chapter 44.04 RCW.

NEW SECTION. Sec. 4.

(1) The secretary of state and the board created in section 3 of this act shall jointly adopt rules, in the manner specified for the adoption of rules under the administrative procedure act, chapter 34.05 RCW, governing:

(a) The training of persons officially designated by major political parties as elections observers under this title, and the training and certification of election administration officials and personnel;

(b) The policies and procedures for conducting election reviews under section 9 of this act; and

(c) The policies and standards to be used by the board in reviewing and rendering decisions regarding appeals filed under section 9 of this act.

The initial policies and standards adopted under (c) of this subsection shall be adopted concurrently with adoption of the initial policies and procedures adopted under (b) of this subsection.

(2) The board created in section 3 of this act shall review appeals filed under section 7 or 9 of this act. A decision of the board regarding such an appeal shall be supported by not less than a majority of the members appointed to the board. A decision of the board regarding an appeal filed under section 9 of this act concerning an election review conducted under that section is final. If a decision of the board regarding an appeal filed under section 7 of this act includes a recommendation that a certificate be issued, the certificate shall be issued by the secretary of state as recommended by the board.

(3) The board created in section 3 of this act may adopt rules governing its procedures.

NEW SECTION. Sec. 5. The secretary of state shall:

(1) Establish and operate, or provide by contract, training and certification programs for state and county elections administration officials and personnel and training programs for political party observers which conform to the rules for such programs established under section 4 of this act;

(2) Administer tests for state and county officials and personnel who have received such training and issue certificates to those who have successfully completed the training and passed such tests;

(3) Maintain a record of those individuals who have received such training and certificates; and

(4) Provide the staffing and support services required by the board created under section 3 of this act.

NEW SECTION. Sec. 6. A person having responsibility for the administration or conduct of elections, other than precinct election officers, shall, within eighteen months of undertaking those responsibilities or within eighteen months of the effective date of this section, whichever is later, receive general training regarding the conduct of elections and specific training regarding their responsibilities and duties as prescribed by this title or by rules adopted by the secretary of state under this title. Included among those persons for whom such training is mandatory are the following:

(1) Secretary of state elections division personnel;

(2) County elections administrators under section 12 of this act;

(3) County canvassing board members;

(4) Persons officially designated by each major political party as elections observers; and

(5) Any other person or group charged with election administration responsibilities if the person or group is designated by rule adopted by the secretary of state as requiring the training.

The secretary of state shall reimburse election observers in accordance with RCW 43.03.050 and 43.03.060 for travel expenses incurred to receive training required under subsection (4) of this section.

Neither this section nor section 5 of this act may be construed as requiring an elected official to receive training or a certificate of training as a condition for seeking or holding elective office or as a condition for carrying out constitutional duties.

NEW SECTION. Sec. 7.

(1) A decision of the secretary of state to deny certification under section 5 of this act shall be entered in the manner specified for orders under the administrative procedure act, chapter 34.05 RCW. Such a decision shall not be effective for a period of twenty days following the date of the decision, during which time the person denied certification may file a petition with the secretary of state requesting the secretary to reconsider the decision and to grant certification. The petitioner shall include, in the petition, an explanation of the reasons why the initial decision is incorrect and certification should be granted, and may include a request for a hearing on the matter. The secretary of state shall reconsider the matter if the petition is filed in a proper and timely manner. If a hearing is requested, the secretary of state shall conduct the hearing within sixty days after the date on which the petition is filed. The secretary of state shall render a final decision on the matter within ninety days after the date on which the petition is filed.

(2) Within twenty days after the date on which the secretary of state makes a final decision denying a petition under this section, the petitioner may appeal the denial to the board created in section 3 of this act. In deciding appeals, the board shall restrict its review to the record established when the matter was before the secretary of state. The board shall affirm the decision if it finds that the record supports the decision and that the decision is not inconsistent with other decisions of the secretary of state in which the same standards were applied and certification was granted. Similarly, the

board shall reverse the decision and recommend to the secretary of state that certification be granted if the board finds that such support is lacking or that such inconsistency exists.

(3) Judicial review of certification decisions shall be as prescribed under RCW 34.05.510 through 34.05.598, but shall be limited to the review of board decisions denying certification.

NEW SECTION. Sec. 8. An election review section is established in the elections division of the office of the secretary of state. Permanent staff of the elections division, trained and certified as required by section 6 of this act, shall perform the election review functions prescribed by section 9 of this act. The staff may also be required to assist in training, certification, and other duties as may be assigned by the secretary of state to ensure the uniform and orderly conduct of elections in this state.

NEW SECTION. Sec. 9.

(1)(a) The election review staff of the office of the secretary of state shall conduct a review of election-related policies, procedures, and practices in an affected county or counties:

(i) If the unofficial returns of a primary or general election for a position in the state legislature indicate that a mandatory recount is likely for that position; or

(ii) If unofficial returns indicate a mandatory recount is likely in a state-wide election or an election for federal office.

Reviews conducted under (ii) of this subsection shall be performed in as many selected counties as time and staffing permit. Reviews conducted as a result of mandatory recounts shall be performed between the time the unofficial returns are complete and the time the recount is to take place, if possible.

(b) In addition to conducting reviews under (a) of this subsection, the election review staff shall also conduct such a review in a county periodically after a county primary or special or general election at the direction of the secretary of state or at the request of the county auditor. If any resident of this state believes that an aspect of a primary or election has been conducted inappropriately in a county, the resident may file a complaint with the secretary of state. The secretary shall consider such complaints in scheduling periodic reviews under this section.

(c) Each county shall be reviewed under this section not less than once every four years. Before an election review is conducted in a county, the secretary of state shall provide the county auditor of the affected county and the chair of the state central committee of each major political party with notice that the review is to be conducted. When a periodic review is to be conducted in a county at the direction of the secretary of state under (b) of this subsection, the secretary shall provide the affected county auditor not less than thirty days' notice.

(2) Reviews shall be conducted in conformance with rules adopted under section 4 of this act. In performing a review in a county under this chapter, the election review staff shall evaluate the policies and procedures established for conducting the primary or election in the county and the practices of those conducting it. As part of the review, the election review staff shall issue to the county auditor and the members of the county canvassing board a report of its findings and recommendations regarding such policies, procedures, and practices. A review conducted under this chapter shall not include any evaluation, finding, or recommendation regarding the validity of the outcome of a primary or election or the validity of any canvass of returns nor does the election review staff have any jurisdiction to make such an evaluation, finding, or recommendation under this title.

(3) The county auditor of the county in which a review is conducted under this section or a member of the canvassing board of the county may appeal the findings or recommendations of the election review staff regarding the review by filing an appeal with the board created under section 3 of this act.

NEW SECTION. Sec. 10. The county auditor may designate any person who has been certified under this chapter, other than the auditor, to participate in a review conducted in the county under this chapter. Each county auditor and canvassing board shall cooperate fully during an election review by making available to the reviewing staff any material requested by the staff. The reviewing staff shall have full access to ballot pages, absentee voting materials, any other election material normally kept in a secure environment after the election, and other requested material. If ballots are reviewed by the staff, they shall be reviewed in the presence of the canvassing board or its designees. Ballots shall not leave the custody of the canvassing board. During the review and after its completion, the review staff may make appropriate recommendations to the county auditor or canvassing board, or both, to bring the county into compliance with the training required under this chapter, and the laws or rules of the state of Washington, to safeguard election material or to preserve the integrity of the elections process.

NEW SECTION. Sec. 11. The secretary of state shall establish within the elections division an election assistance and clearinghouse program, which shall provide regular communication between the secretary of state, local election officials, and major and minor political parties regarding newly enacted elections legislation, relevant judicial decisions affecting the administration of elections, and applicable attorney general opinions, and which shall respond to inquiries from elections administrators, political parties, and others regarding election information. This section does not

empower the secretary of state to offer legal advice or opinions, but the secretary may discuss the construction or interpretation of election law, case law, or legal opinions from the attorney general or other competent legal authority.

NEW SECTION. Sec. 12. A new section is added to chapter 36.22 RCW to read as follows:

The county auditor of each county, as ex officio supervisor of all primaries and elections, general or special, within the county under Title 29 RCW, may appoint one or more well-qualified persons to act as assistants or deputies; however, not less than two persons of the auditor's office who conduct primaries and elections in the county shall be certified under chapter 29.-- RCW (sections 3 through 11 of this act) as elections administrators.

NEW SECTION. Sec. 13. A new section is added to chapter 36.22 RCW to read as follows:

Each deputy or assistant appointed under section 12 of this act shall have been graduated from an accredited high school or shall have passed a high school equivalency examination. Each shall be knowledgeable in the rules and laws of conducting elections.

NEW SECTION. Sec. 14. Sections 3 through 11 of this act shall constitute a new chapter in Title 29 RCW.

NEW SECTION. Sec. 15. Sections 5 through 13 of this act shall take effect July 1, 1993.

NEW SECTION. Sec. 16. If specific funding for the purposes of sections 5 through 13 of this act, referencing sections 5 through 13 of this act by bill and section number, is not provided by June 30, 1993, in the omnibus appropriations act, sections 5 through 13 of this act shall be null and void.

On motion of Senator McCaslin, the following amendment by Senators McCaslin and Madsen to the Committee on Ways and Means amendment was adopted:

On page 2, line 16 of the amendment, after "alternates" insert ", each appointee and alternate to serve at the pleasure of the association"

The President Pro Tempore declared the question before the Senate to be the adoption of the Committee on Ways and Means striking amendment, as amended, to Substitute House Bill No. 2319.

The motion by Senator McCaslin carried and the Committee on Ways and Means striking amendment, as amended, was adopted.

MOTIONS

On motion of Senator McCaslin, the following title amendment was adopted:

On page 1, line 1 of the title, after "administration;" strike the remainder of the title and insert "adding new sections to chapter 43.07 RCW; adding new sections to chapter 36.22 RCW; adding a new chapter to Title 29 RCW; creating a new section; and providing an effective date."

On motion of Senator McCaslin, the rules were suspended, Substitute House Bill No. 2319, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2319, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2319, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 2; Excused, 3.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Jesernig, Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sumner, Sutherland, Talmadge, Thorsness, von Reichbauer, West, Williams, Wojahn - 44.

Absent: Senators Barr, Hayner - 2.

Excused: Senators Matson, Rinehart, Vognild - 3.

SUBSTITUTE HOUSE BILL NO. 2319, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2259, by Representatives Spanel, McLean, Hine, Wineberry, D. Sommers, Wynne, May and Basich (by request of Joint Committee on Pension Policy)

Simplifying the designation of pension funds.

The bill was read the second time.

MOTIONS

On motion of Senator Bauer, the following amendment by Senators Bauer and Hayner was adopted:

On page 30, after line 27, insert the following:

Sec. 11. RCW 41.50.133 and 1987 c 490 s 2 are each amended to read as follows:

(1) The director of the department of retirement systems shall not recover from surviving beneficiaries of members who died in service any pension overpayment based on the application of section 2, chapter 96, Laws of 1979 ex. sess., nor shall such benefits be reduced.

(2) The director of the department of retirement systems shall not recover from retirees any pension overpayments made between July 1, 1990, and February 1, 1992, based upon the application of RCW 41.40.198, 41.40.1981, 41.40.325, 41.32.485, 41.32.487, or 41.32.575 due to the incorrect calculation of the "age sixty-five allowance" as this term is defined in RCW 41.32.575(1)(a) and 41.40.325(1)(a).

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

On motion of Senator McDonald, the following title amendment was adopted:

On page 1 line 6 of the title, after "41.32.345," strike "and 41.32.812" and insert "41.32.812, and 41.50.133"

MOTION

On motion of Senator McDonald, the rules were suspended, House Bill No. 2259, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 2259, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2259, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sumner, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 48.

Excused: Senator Rinehart - 1.

HOUSE BILL NO. 2259, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 2260, by Representatives Spanel, McLean, Hine, Wineberry, D. Sommers and Wynne (by request of Joint Committee on Pension Policy)

Making technical corrections to chapter 35, Laws of 1991.

The bill was read the second time.

MOTION

On motion of Senator McDonald, the rules were suspended, Engrossed House Bill No. 2260 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 2260.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2260 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sumner, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 48.

Excused: Senator Rinehart - 1.

ENGROSSED HOUSE BILL NO. 2260, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2498, by House Committee on Appropriations (originally sponsored by Representatives Ludwig, Forner, Cantwell, Sheldon, Dellwo, Bray, Roland, Rasmussen, Moyer, Rayburn, Grant, H. Myers, Paris, Riley, Edmondson, Kremen, Ferguson, Winsley, Wineberry, Jones, Dorn, Franklin, Ebersole, Bowman, May, Heavey, Ogden, Cooper, Pruitt, O'Brien, Hine, Nelson and P. Johnson)

Regarding regulatory fairness.

The bill was read the second time.

MOTIONS

On motion of Senator Anderson, the following Committee on Ways and Means amendment was adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 19.85 RCW to read as follows:

When any rule is proposed for which a small business economic impact statement is required, the adopting agency shall provide notice to small businesses of the proposed rule through any of the following:

(1) Direct notification of known interested small businesses or trade organizations affected by the proposed rule;

or

(2) Providing information of the proposed rule making to publications likely to be obtained by small businesses of the types affected by the proposed rule.

NEW SECTION. Sec. 2. A new section is added to chapter 19.85 RCW to read as follows:

When feasible, the adopting agency may appoint a committee, as provided in RCW 34.05.310, to comment on the subject of the possible rule making before the publication of notice of proposed rule adoption under RCW 34.05.320.

NEW SECTION. Sec. 3. A new section is added to chapter 34.05 RCW to read as follows:

The joint administrative rules review committee may review any rule to determine whether an agency complied with the regulatory fairness requirements of chapter 19.85 RCW.

NEW SECTION. Sec. 4. A new section is added to chapter 34.05 RCW to read as follows:

The joint administrative rules review committee shall provide notice, conduct its hearings and reviews, and provide notice of committee objections to small business economic impact statements required under chapter 19.85 RCW in the same manner as is provided for notice, hearings, reviews, and objections to rules under this chapter.

NEW SECTION. Sec. 5. A new section is added to chapter 43.17 RCW to read as follows:

The rules coordinator under RCW 34.05.310 shall be knowledgeable regarding the agency's rules that affect businesses. The rules coordinator shall provide a list of agency rules applicable at the time of the request to a specific class or line of business, which are limited to that specific class or line as opposed to generic rules applicable to most businesses, to the business assistance center when so requested by the business assistance center for the specific class or line of business.

NEW SECTION. Sec. 6. The business assistance center shall conduct a study of how it can best serve as a clearinghouse to coordinate with state agencies in compiling and providing, on request, lists of state rules that apply to specific classes or lines of small businesses. The business assistance center shall report the findings of the study to the legislature before December 1, 1992.

NEW SECTION. Sec. 7. A new section is added to chapter 43.31 RCW to read as follows:

The state shall not be financially liable for errors or omissions in providing any document required to be produced under section 6 of this act. Compliance with rules identified under section 6 of this act does not excuse the business from requirements to comply with other applicable rules.

Sec. 8. RCW 19.85.030 and 1989 c 374 s 2 and 1989 c 175 s 72 are each reenacted and amended to read as follows:

In the adoption of any rule pursuant to RCW 34.05.320 that will have an economic impact on more than twenty percent of all industries, or more than ten percent of any one industry, the adopting agency:

(1) Shall reduce the economic impact of the rule on small business by doing one or more of the following when it is legal and feasible in meeting the stated objective of the statutes which are the basis of the proposed rule:

(a) Establish differing compliance or reporting requirements or timetables for small businesses;

(b) Clarify, consolidate, or simplify the compliance and reporting requirements under the rule for small businesses;

(c) Establish performance rather than design standards;

(d) Exempt small businesses from any or all requirements of the rule;

(2) Shall prepare a small business economic impact statement in accordance with RCW 19.85.040 and file such statement with the code reviser (~~along with~~) at least forty-five days prior to publication of the notice required under RCW 34.05.320 during which time the adopting agency shall solicit comments pursuant to RCW 34.05.310 and shall make such modifications to the proposed rule as are feasible to minimize any identified economic impact;

(3) May request assistance from the business assistance center in the preparation of the small business economic impact statement.

Sec. 9. RCW 34.05.320 and 1989 c 175 s 7 are each amended to read as follows:

(1) At least twenty days before the rule-making hearing at which the agency receives public comment regarding adoption of a rule, the agency shall cause notice of the hearing to be published in the state register. The publication constitutes the proposal of a rule. The notice shall include all of the following:

(a) A title, a description of the rule's purpose, and any other information which may be of assistance in identifying the rule or its purpose;

(b) Citations of the statutory authority for adopting the rule and the specific statute the rule is intended to implement;

(c) A summary of the rule and a statement of the reasons supporting the proposed action;

(d) The agency personnel, with their office location and telephone number, who are responsible for the drafting, implementation, and enforcement of the rule;

(e) The name of the person or organization, whether private, public, or governmental, proposing the rule;

(f) Agency comments or recommendations, if any, regarding statutory language, implementation, enforcement, and fiscal matters pertaining to the rule;

(g) Whether the rule is necessary as the result of federal law or federal or state court action, and if so, a copy of such law or court decision shall be attached to the purpose statement;

(h) When, where, and how persons may present their views on the proposed rule;

(i) The date on which the agency intends to adopt the rule;

(j) A short explanation of the rule, its purpose, and anticipated effects, including in the case of a proposal that would modify existing rules, a short description of the changes the proposal would make; and

(k) A copy of the small business economic impact statement, if applicable, and a statement of steps taken to minimize the economic impact in accordance with RCW 19.85.030.

(2) Upon filing notice of the proposed rule with the code reviser, the adopting agency shall have copies of the notice on file and available for public inspection and shall forward three copies of the notice to the rules review committee.

(3) No later than three days after its publication in the state register, the agency shall cause a copy of the notice of proposed rule adoption to be mailed to each person who has made a request to the agency for a mailed copy of such notices. An agency may charge for the actual cost of providing individual mailed copies of these notices.

(4) In addition to the notice required by subsections (1) and (2) of this section, an institution of higher education shall cause the notice to be published in the campus or standard newspaper of the institution at least seven days before the rule-making hearing.

NEW SECTION. Sec. 10. If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1992, in the omnibus appropriations act, this act is null and void.

On motion of Senator Anderson, the following title amendment was adopted:

On page 1, line 1 of the title, after "fairness;" strike the remainder of the title and insert "amending RCW 34.05.320; reenacting and amending RCW 19.85.030; adding new sections to chapter 19.85 RCW; adding new sections to chapter 34.05 RCW; adding a new section to chapter 43.17 RCW; adding a new section to chapter 43.31 RCW; and creating new sections."

MOTION

On motion of Senator Anderson, the rules were suspended, Substitute House Bill No. 2498, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2498, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2498, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sumner, Sutherland, Talmadge, Thorsness, Vognilid, von Reichbauer, West, Williams, Wojahn - 48.

Voting nay: Senator Niemi - 1.

SUBSTITUTE HOUSE BILL NO. 2498, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2876, by House Committee on State Government (originally sponsored by Representatives Anderson, McLean, R. Fisher, Pruitt, Bowman and Basich)

Making changes in public disclosure laws.

The bill was read the second time.

MOTIONS

Senator McCaslin moved that the following Committee on Governmental Operations amendment be adopted:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 42.17.020 and 1991 sp.s. c 18 s 1 are each amended to read as follows:

(1) "Agency" includes all state agencies and all local agencies. "State agency" includes every state office, department, division, bureau, board, commission, or other state agency. "Local agency" includes every county, city, town, municipal corporation, quasi-municipal corporation, or special purpose district, or any office, department, division, bureau, board, commission, or agency thereof, or other local public agency.

(2) "Ballot proposition" means any "measure" as defined by RCW 29.01.110, or any initiative, recall, or referendum proposition proposed to be submitted to the voters of the state or any municipal corporation, political subdivision, or other voting constituency from and after the time when the proposition has been initially filed with the appropriate election officer of that constituency prior to its circulation for signatures.

(3) "Depository" means a bank designated by a candidate or political committee pursuant to RCW 42.17.050.

(4) "Treasurer" and "deputy treasurer" mean the individuals appointed by a candidate or political committee, pursuant to RCW 42.17.050, to perform the duties specified in that section.

(5) "Candidate" means any individual who seeks election to public office. An individual shall be deemed to seek election when he first:

(a) Receives contributions or makes expenditures or reserves space or facilities with intent to promote his candidacy for office; or

(b) Announces publicly or files for office.

(6) "Commercial advertiser" means any person who sells the service of communicating messages or producing printed material for broadcast or distribution to the general public or segments of the general public whether through the use of newspapers, magazines, television and radio stations, billboard companies, direct mail advertising companies, printing companies, or otherwise.

(7) "Commission" means the agency established under RCW 42.17.350.

(8) "Compensation" unless the context requires a narrower meaning, includes payment in any form for real or personal property or services of any kind: PROVIDED, That for the purpose of compliance with RCW 42.17.241, the term "compensation" shall not include per diem allowances or other payments made by a governmental entity to reimburse a public official for expenses incurred while the official is engaged in the official business of the governmental entity.

(9) "Continuing political committee" means a political committee that is an organization of continuing existence not established in anticipation of any particular election campaign.

(10) "Contribution" includes a loan, gift, deposit, subscription, forgiveness of indebtedness, donation, advance, pledge, payment, transfer of funds between political committees, or transfer of anything of value, including personal and professional services for less than full consideration, but does not include interest on moneys deposited in a political committee's account, ordinary home hospitality and the rendering of personal services of the sort commonly performed by volunteer campaign workers, or incidental expenses personally incurred by volunteer campaign workers not in excess of fifty dollars personally paid for by the worker. Volunteer services, for the purposes of this chapter, means services or labor for which the individual is not compensated by any person. For the purposes of this chapter, contributions other than money or its equivalents shall be deemed to have a money value equivalent to the fair market value of the contribution. Sums paid for tickets to fund-raising events such as dinners and parties are contributions; however, the amount of any such contribution may be reduced for the purpose of complying with the reporting requirements of this chapter, by the actual cost of consumables furnished in connection with the purchase of the tickets, and only the excess over the actual cost of the consumables shall be deemed a contribution.

(11) "Elected official" means any person elected at a general or special election to any public office, and any person appointed to fill a vacancy in any such office.

(12) "Election" includes any primary, general, or special election for public office and any election in which a ballot proposition is submitted to the voters: PROVIDED, That an election in which the qualifications for voting include other than those requirements set forth in Article VI, section 1 (Amendment 63) of the Constitution of the state of Washington shall not be considered an election for purposes of this chapter.

(13) "Election campaign" means any campaign in support of or in opposition to a candidate for election to public office and any campaign in support of, or in opposition to, a ballot proposition.

(14) "Expenditure" includes a payment, contribution, subscription, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure. The term "expenditure" also includes a promise to pay, a payment, or a transfer of anything of value in exchange for goods, services, property, facilities, or anything of value for the purpose of assisting, benefiting, or honoring any public official or candidate, or assisting in furthering or opposing any election campaign. For the purposes of this chapter, agreements to make expenditures, contracts, and promises to pay may be reported as estimated obligations until actual payment is made. The term "expenditure" shall not include the partial or complete repayment by a candidate or political committee of the principal of a loan, the receipt of which loan has been properly reported.

(15) "Final report" means the report described as a final report in RCW 42.17.080(2).

(16) "Gift," for the purposes of RCW 42.17.170 and 42.17.2415, means a rendering of anything of value in return for which reasonable consideration is not given and received and includes a rendering of money, property, services, discount, loan forgiveness, payment of indebtedness, or reimbursements from or payments by persons (other than the federal government, or the state of Washington or any agency or political subdivision thereof) for travel or anything else of value. The term "reasonable consideration" refers to the approximate range of consideration that exists in transactions not involving donative intent. However, the value of the gift of partaking in a single hosted reception shall be determined by dividing the total amount of the cost of conducting the reception by the total number of persons partaking in the reception. "Gift" for the purposes of RCW 42.17.170 and 42.17.2415 does not include:

(a) A gift, other than a gift of partaking in a hosted reception, with a value of fifty dollars or less;

(b) The gift of partaking in a hosted reception if the value of the gift is one hundred dollars or less;

(c) A contribution that is required to be reported under RCW 42.17.090 or 42.17.243;

(d) Informational material that is transferred for the purpose of informing the recipient about matters pertaining to official business of the governmental entity of which the recipient is an official or officer, and that is not intended to confer on that recipient any commercial, proprietary, financial, economic, or monetary advantage, or the avoidance of any commercial, proprietary, financial, economic, or monetary disadvantage;

(e) A gift that is not used and that, within thirty days after receipt, is returned to the donor or delivered to a charitable organization. However, this exclusion from the definition does not apply if the recipient of the gift delivers the gift to a charitable organization and claims the delivery as a charitable contribution for tax purposes;

(f) A gift given under circumstances where it is clear beyond any doubt that the gift was not made as part of any design to gain or maintain influence in the governmental entity of which the recipient is an officer or official or with respect to any legislative matter or matters of that governmental entity; or

(g) A gift given prior to September 29, 1991.

(17) "Immediate family" includes the spouse, dependent children, and other dependent relatives, if living in the household.

(18) "Legislation" means bills, resolutions, motions, amendments, nominations, and other matters pending or proposed in either house of the state legislature, and includes any other matter that may be the subject of action by either house or any committee of the legislature and all bills and resolutions that, having passed both houses, are pending approval by the governor.

(19) "Lobby" and "lobbying" each mean attempting to influence the passage or defeat of any legislation by the legislature of the state of Washington, or the adoption or rejection of any rule, standard, rate, or other legislative enactment of any state agency under the state Administrative Procedure Act, chapter 34.05 RCW. Neither "lobby" nor "lobbying" includes an association's or other organization's act of communicating with the members of that association or organization.

(20) "Lobbyist" includes any person who lobbies either in his own or another's behalf.

(21) "Lobbyist's employer" means the person or persons by whom a lobbyist is employed and all persons by whom he is compensated for acting as a lobbyist.

(22) "Person" includes an individual, partnership, joint venture, public or private corporation, association, federal, state, or local governmental entity or agency however constituted, candidate, committee, political committee, political party, executive committee thereof, or any other organization or group of persons, however organized.

(23) "Person in interest" means the person who is the subject of a record or any representative designated by that person, except that if that person is under a legal disability, the term "person in interest" means and includes the parent or duly appointed legal representative.

(24) "Political advertising" includes any advertising displays, newspaper ads, billboards, signs, brochures, articles, tabloids, flyers, letters, radio or television presentations, or other means of mass communication, used for the purpose of appealing, directly or indirectly, for votes or for financial or other support in any election campaign.

(25) "Political committee" means any person (except a candidate or an individual dealing with his own funds or property) having the expectation of receiving contributions or making expenditures in support of, or opposition to, any candidate or any ballot proposition.

(26) "Public office" means any federal, state, county, city, town, school district, port district, special district, or other state political subdivision elective office.

(27) "Public record" includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics.

(28) "Surplus funds" mean, in the case of a political committee or candidate, the balance of contributions that remain in the possession or control of that committee or candidate subsequent to the election for which the contributions were received, and that are in excess of the amount necessary to pay remaining debts incurred by the committee or candidate prior to that election. In the case of a continuing political committee, "surplus funds" mean those contributions remaining in the possession or control of the committee that are in excess of the amount necessary to pay all remaining debts when it makes its final report under RCW 42.17.065.

(29) "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including, but not limited to, letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, motion picture, film and video recordings, magnetic or punched cards, discs, drums, diskettes, sound recordings, and other documents including existing data compilations from which information may be obtained or translated.

As used in this chapter, the singular shall take the plural and any gender, the other, as the context requires.

NEW SECTION. Sec. 2. A new section is added to chapter 42.17 RCW under the subchapter heading "public records" to read as follows:

The people of this state do not yield their sovereignty to the agencies that serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may maintain control over the instruments that they have created. The public records subdivision of this chapter shall be liberally construed and its exemptions narrowly construed to promote this public policy.

Sec. 3. RCW 42.17.260 and 1989 c 175 s 36 are each amended to read as follows:

(1) Each agency, in accordance with published rules, shall make available for public inspection and copying all public records, unless the record falls within the specific exemptions of subsection ~~((5))~~ (6) of this section, RCW 42.17.310, 42.17.315, or other statute which exempts or prohibits disclosure of specific information or records. To the extent required to prevent an unreasonable invasion of personal privacy interests protected by RCW 42.17.310 and 42.17.315, an agency shall delete identifying details in a manner consistent with RCW 42.17.310 and 42.17.315 when it makes available or publishes any public record; however, in each case, the justification for the deletion shall be explained fully in writing.

(2) For informational purposes, each agency shall publish and maintain a current list containing every law, other than those listed in this chapter, that the agency believes exempts or prohibits disclosure of specific information or records of the agency. An agency's failure to list an exemption shall not affect the efficacy of any exemption.

(3) Each local agency shall maintain and make available for public inspection and copying a current index providing identifying information as to the following records issued, adopted, or promulgated after January 1, 1973:

(a) Final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases;

(b) Those statements of policy and interpretations of policy, statute, and the Constitution which have been adopted by the agency;

(c) Administrative staff manuals and instructions to staff that affect a member of the public;

(d) Planning policies and goals, and interim and final planning decisions;

(e) Factual staff reports and studies, factual consultant's reports and studies, scientific reports and studies, and any other factual information derived from tests, studies, reports, or surveys, whether conducted by public employees or others; and

(f) Correspondence, and materials referred to therein, by and with the agency relating to any regulatory, supervisory, or enforcement responsibilities of the agency, whereby the agency determines, or opines upon, or is asked to determine or opine upon, the rights of the state, the public, a subdivision of state government, or of any private party.

~~((3))~~ (4) A local agency need not maintain such an index, if to do so would be unduly burdensome, but it shall in that event:

(a) Issue and publish a formal order specifying the reasons why and the extent to which compliance would unduly burden or interfere with agency operations; and

(b) Make available for public inspection and copying all indexes maintained for agency use.

~~((4) By July 1, 1990,))~~ (5) Each state agency shall, by rule, establish and implement a system of indexing for the identification and location of the following records:

(a) All records issued before July 1, 1990, for which the agency has maintained an index;

(b) Final orders entered after June 30, 1990, that are issued in adjudicative proceedings as defined in RCW 34.05.010(1) and that contain an analysis or decision of substantial importance to the agency in carrying out its duties;

(c) Declaratory orders entered after June 30, 1990, that are issued pursuant to RCW 34.05.240 and that contain an analysis or decision of substantial importance to the agency in carrying out its duties;

(d) Interpretive statements as defined in RCW 34.05.010(8) that were entered after June 30, 1990; and

(e) Policy statements as defined in RCW 34.05.010(14) that were entered after June 30, 1990.

Rules establishing systems of indexing shall include, but not be limited to, requirements for the form and content of the index, its location and availability to the public, and the schedule for revising or updating the index. State agencies that have maintained indexes for records issued before July 1, 1990, shall continue to make such indexes available for public inspection and copying. Information in such indexes may be incorporated into indexes prepared pursuant to this subsection. State agencies may satisfy the requirements of this subsection by making available to the public indexes prepared by other parties but actually used by the agency in its operations. State agencies shall make indexes available for public inspection and copying. State agencies may charge a fee to cover the actual costs of providing individual mailed copies of indexes.

~~((5))~~ (6) A public record may be relied on, used, or cited as precedent by an agency against a party other than an agency and it may be invoked by the agency for any other purpose only if--

(a) It has been indexed in an index available to the public; or

(b) Parties affected have timely notice (actual or constructive) of the terms thereof.

~~((6))~~ (7) This chapter shall not be construed as giving authority to any agency to give, sell or provide access to lists of individuals requested for commercial purposes, and agencies shall not do so unless specifically authorized or directed by law: PROVIDED, HOWEVER, That lists of applicants for professional licenses and of professional licensees shall be made available to those professional associations or educational organizations recognized by their professional licensing or examination board, upon payment of a reasonable charge therefor: PROVIDED FURTHER, That such recognition may be refused only for a good cause pursuant to a hearing under the provisions of chapter 34.05 RCW, the Administrative Procedure Act.

Sec. 4. RCW 42.17.290 and 1975 1st ex.s. c 294 s 16 are each amended to read as follows:

Agencies shall adopt and enforce reasonable rules and regulations, consonant with the intent of this chapter to provide full public access to public records, to protect public records from damage or disorganization, and to prevent excessive interference with other essential functions of the agency. Such rules and regulations shall provide for the fullest assistance to inquirers and the most timely possible action on requests for information. Nothing in this section shall relieve agencies from honoring requests received by mail for copies of identifiable public records.

If a public record request is made at a time when such record exists but is scheduled for destruction in the near future, the agency shall retain possession of the record, and may not destroy or erase the record until the request is resolved.

Sec. 5. RCW 42.17.310 and 1991 c 301 s 13, 1991 c 87 s 13, and 1991 c 23 s 10 are each reenacted and amended to read as follows:

(1) The following are exempt from public inspection and copying:

(a) Personal information in any files maintained for students in public schools, patients or clients of public institutions or public health agencies, or welfare recipients.

(b) Personal information in files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy.

(c) Information required of any taxpayer in connection with the assessment or collection of any tax if the disclosure of the information to other persons would (i) be prohibited to such persons by RCW 82.32.330 or (ii) violate the taxpayer's right to privacy or result in unfair competitive disadvantage to the taxpayer.

(d) Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy.

(e) Information revealing the identity of persons who are witnesses to or victims of crime or who file complaints with investigative, law enforcement, or penology agencies, other than the public disclosure commission, if disclosure would endanger any person's life, physical safety, or property. If at the time ~~((the))~~ a complaint is filed the complainant, victim or witness indicates a desire for disclosure or nondisclosure, such desire shall govern. However, all complaints filed with the public disclosure commission about any elected official or candidate for public office must be made in writing and signed by the complainant under oath.

(f) Test questions, scoring keys, and other examination data used to administer a license, employment, or academic examination.

(g) Except as provided by chapter 8.26 RCW, the contents of real estate appraisals, made for or by any agency relative to the acquisition or sale of property, until the project or prospective sale is abandoned or until such time as all of the property has been acquired or the property to which the sale appraisal relates is sold, but in no event shall disclosure be denied for more than three years after the appraisal.

(h) Valuable formulae, designs, drawings, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss.

(i) Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended except that a specific record shall not be exempt when publicly cited by an agency in connection with any agency action.

(j) Records which are relevant to a controversy to which an agency is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts.

(k) Records, maps, or other information identifying the location of archaeological sites in order to avoid the looting or depredation of such sites.

(l) Any library record, the primary purpose of which is to maintain control of library materials, or to gain access to information, which discloses or could be used to disclose the identity of a library user.

(m) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (a) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750 or (b) highway construction or improvement as required by RCW 47.28.070.

(n) Railroad company contracts filed prior to July 28, 1991, with the utilities and transportation commission under RCW 81.34.070, except that the summaries of the contracts are open to public inspection and copying as otherwise provided by this chapter.

(o) Financial and commercial information and records supplied by private persons pertaining to export services provided pursuant to chapter 43.163 RCW and chapter 53.31 RCW.

(p) Financial disclosures filed by private vocational schools under chapter 28C.10 RCW.

(q) Records filed with the utilities and transportation commission or attorney general under RCW 80.04.095 that a court has determined are confidential under RCW 80.04.095.

(r) Financial and commercial information and records supplied by businesses during application for loans or program services provided by chapter 43.163 RCW and chapters 43.31, 43.63A, and 43.168 RCW.

(s) Membership lists or lists of members or owners of interests of units in timeshare projects, subdivisions, camping resorts, condominiums, land developments, or common-interest communities affiliated with such projects, regulated by the department of licensing, in the files or possession of the department.

(t) All applications for public employment, including the names of applicants, resumes, and other related materials submitted with respect to an applicant.

(u) The residential addresses and residential telephone numbers of employees or volunteers of a public agency which are held by the agency in personnel records, employment or volunteer rosters, or mailing lists of employees or volunteers.

(v) The residential addresses and residential telephone numbers of the customers of a public utility contained in the records or lists held by the public utility of which they are customers.

(w) Information obtained by the board of pharmacy as provided in RCW 69.45.090.

(x) Information obtained by the board of pharmacy or the department of health and its representatives as provided in RCW 69.41.044, 69.41.280, and 18.64.420.

(y) Financial information, business plans, examination reports, and any information produced or obtained in evaluating or examining a business and industrial development corporation organized or seeking certification under chapter 31.24 RCW.

(z) Financial and commercial information supplied to the state investment board by any person when the information relates to the investment of public trust or retirement funds and when disclosure would result in loss to such funds or in private loss to the providers of this information.

(aa) Financial and valuable trade information under RCW 51.36.120.

(bb) Client records maintained by an agency that is a domestic violence program as defined in RCW 70.123.020 or a rape crisis center as defined in RCW 70.125.030.

(cc) Information that identifies a person who, while an agency employee: (i) Seeks advice, under an informal process established by the employing agency, in order to ascertain his or her rights in connection with a possible unfair practice under chapter 49.60 RCW against the person; and (ii) requests his or her identity or any identifying information not be disclosed.

(2) Except for information described in subsection (1)(c)(i) of this section and confidential income data exempted from public inspection pursuant to RCW 84.40.020, the exemptions of this section are inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital governmental interests, can be deleted from the specific records sought. No exemption may be construed to permit the nondisclosure of statistical information not descriptive of any readily identifiable person or persons.

(3) Inspection or copying of any specific records exempt under the provisions of this section may be permitted if the superior court in the county in which the record is maintained finds, after a hearing with notice thereof to every person in interest and the agency, that the exemption of such records is clearly unnecessary to protect any individual's right of privacy or any vital governmental function.

(4) Agency responses refusing, in whole or in part, inspection of any public record shall include a statement of the specific exemption authorizing the withholding of the record (or part) and a brief explanation of how the exemption applies to the record withheld.

Sec. 6. RCW 42.17.320 and 1975 1st ex.s. c 294 s 18 are each amended to read as follows:

Responses to requests for public records shall be made promptly by agencies. Within five business days of receiving a public record request, an agency must respond by either (1) providing the record; (2) acknowledging that the agency has received the request and providing a reasonable estimate of the time the agency will require to respond to the request; or (3) denying the public record request. Additional time required to respond to a request may be based upon the need to clarify the intent of the request, to locate and assemble the information requested, to notify third persons or agencies affected by the request, or to determine whether any of the information requested is exempt and that a denial should be made as to all or part of the request. In acknowledging receipt of a public record request that is unclear, an agency may ask the requestor to clarify what information the requestor is seeking. If the requestor fails to clarify the request, the agency need not respond to it. Denials of requests must be accompanied by a written statement of the specific reasons therefor. Agencies shall establish mechanisms for the most prompt possible review of decisions denying inspection, and such review shall be deemed completed at the end of the second business day following the denial of inspection and shall constitute final agency action for the purposes of judicial review.

Sec. 7. RCW 42.17.330 and 1975 1st ex.s. c 294 s 19 are each amended to read as follows:

The examination of any specific public record may be enjoined if, upon motion and affidavit by an agency or its representative or a person who is named in the record or to whom the record specifically pertains, the superior court for the county in which the movant resides or in which the record is maintained, finds that such examination would clearly not be in the public interest and would substantially and irreparably damage any person, or would substantially and irreparably damage vital governmental functions. An agency has the option of notifying persons named in the record or to whom a record specifically pertains, that release of a record has been requested. However, this option does not exist where the agency is required by law to provide such notice.

Sec. 8. RCW 42.17.340 and 1987 c 403 s 5 are each amended to read as follows:

(1) Upon the motion of any person having been denied an opportunity to inspect or copy a public record by an agency, the superior court in the county in which a record is maintained may require the responsible agency to show cause why it has refused to allow inspection or copying of a specific public record or class of records. The burden of proof shall be on the agency to establish that refusal to permit public inspection and copying is in accordance with a statute that exempts or prohibits disclosure in whole or in part of specific information or records.

(2) Upon the motion of any person who believes that an agency has not made a reasonable estimate of the time that the agency requires to respond to a public record request, the superior court in the county in which a record is maintained may require the responsible agency to show that the estimate it provided is reasonable. The burden of proof shall be on the agency to show that the estimate it provided is reasonable.

(3) Judicial review of all agency actions taken or challenged under RCW 42.17.250 through 42.17.320 shall be de novo. Courts shall take into account the policy of this chapter that free and open examination of public records is in the public interest, even though such examination may cause inconvenience or embarrassment to public officials or others.

Courts may examine any record in camera in any proceeding brought under this section. The court may conduct a hearing based solely on affidavits.

~~((3))~~ (4). Any person who prevails against an agency in any action in the courts seeking the right to inspect or copy any public record or the right to receive a response to a public record request within a reasonable amount of time shall be awarded all costs, including reasonable attorney fees, incurred in connection with such legal action. In addition, it shall be within the discretion of the court to award such person an amount not less than five dollars and not to exceed ~~((twenty-five))~~ one hundred dollars for each day that he was denied the right to inspect or copy said public record.

NEW SECTION. Sec. 9. A new section is added to chapter 42.17 RCW under the subchapter heading "public records" to read as follows:

The attorney general's office shall publish, and update when appropriate, a pamphlet, written in plain language, explaining the provisions of the public records subdivision of this chapter.

NEW SECTION. Sec. 10. A new section is added to chapter 42.17 RCW under the subchapter heading "public records" to read as follows:

Whenever a state agency concludes that a public record is exempt from disclosure and denies a person opportunity to inspect or copy a public record for that reason, the person may request the attorney general to review the matter. The attorney general shall provide the person with his or her written opinion on whether the record is exempt.

NEW SECTION. Sec. 11. A new section is added to chapter 42.17 RCW under the subchapter heading "public records" to read as follows:

No public agency, public official, public employee, or custodian shall be liable, nor shall a cause of action exist, for any loss or damage based upon the release of a public record if the public agency, public official, public employee, or custodian acted in good faith in attempting to comply with the provisions of this chapter.

NEW SECTION. Sec. 12. The legislature finds that electronic data and electronic records pose a number of challenging public disclosure questions. Included in these challenging questions are how to provide public access to electronic records while balancing personal privacy and vital governmental interests; how to best address requests for electronic records which require agencies to manipulate data; how to open electronic records to public inspection; how to calculate charges for data or products from electronic records, particularly if that data or product is to be used for a commercial purpose; and how public agencies and employees should handle the personal privacy issues associated with electronic mail.

The legislature finds that there is a large and growing number of exemptions of records from public disclosure. The legislature finds that certain types of information are treated inconsistently under current disclosure laws. The legislature further finds that there may be opportunities for consolidation of many individual record exemptions into fewer, broader exemptions. There is a need to thoroughly review both the content and organization of such exemptions.

The legislature recognizes that there is legal uncertainty regarding the status of investigative records under the open records law. It is important that clear statutory direction be provided in this area to ensure reasonable access to such records while protecting the integrity of the investigatory process and privacy interests.

The legislature also finds that certain entities that may have substantial impacts on public policy are not covered by the open public meetings act. Such entities include certain boards, councils, committees, or other groups of similar nomenclature that serve in an advisory capacity. To ensure that public agencies comply with the intent of the open public meetings act, it is important for the legislature to determine which categories of such groups should be covered by the open public meetings act.

The legislature shall investigate special meetings and notice procedures, emergency meetings, executive sessions and matters that may be properly addressed in an executive session, publication of and provision to the public a regular meeting agenda, and penalties related to failure to comply with open meeting violations.

Finally, while the open public meetings act authorizes agencies to use closed executive sessions to consider certain matters specified in the act, agencies when in closed executive session are required to restrict their consideration to those matters. The act's provisions may need to be amended to prevent or deter public agencies from considering matters in closed executive session that they are not entitled to consider.

The joint select committee on open government shall examine these five issues and shall report back to the legislature with any recommendations for statutory changes by January 1, 1993. In examining these issues, the committee shall provide ample opportunity for input from all interested parties.

Senator Talmadge moved that the following amendment to the Committee on Governmental Operations amendment be adopted:

On page 19, line 22, after "exempt." insert the following:

"Nothing in this section shall be deemed to establish an attorney-client relationship between the attorney general and a person making a request under this section."

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Talmadge on page 19, line 22, to the Committee on Governmental Operations striking amendment.

The motion by Senator Talmadge carried and the amendment to the Committee on Governmental Operations striking amendment was adopted.

President Pritchard assumed the Chair.

The President declared the question before the Senate to be the adoption of the Committee on Governmental Operations striking amendment, as amended, to Engrossed Substitute House Bill No. 2876.

The motion by Senator McCaslin carried and the Committee on Governmental striking amendment, as amended, was adopted.

MOTIONS

On motion of Senator McCaslin, the following title amendment was adopted:

On page 1, line 1 of the title, after "government;" strike the remainder of the title and insert "amending RCW 42.17.020, 42.17.260, 42.17.290, 42.17.320, 42.17.330, and 42.17.340; reenacting and amending RCW 42.17.310; adding new sections to chapter 42.17 RCW; and creating a new section."

On motion of Senator McCaslin, the rules were suspended, Engrossed Substitute House Bill No. 2876, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2876, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2876, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2876, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2302, by House Committee on Capital Facilities and Financing (originally sponsored by Representatives H. Sommers, Miller, Rasmussen, Jones, Orr and P. Johnson) (by request of Department of Community Development)

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

The bill was read the second time.

MOTION

On motion of Senator McDonald, the rules were suspended, Substitute House Bill No. 2302 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2302.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2302 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SUBSTITUTE HOUSE BILL NO. 2302, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SPECIAL ORDER OF BUSINESS

On motion of Senator Newhouse, Engrossed Substitute House Bill No. 2610 will be made a special order of business at 4:55 p.m. today.

There being no objection, the Senate resumed consideration of Substitute House Bill No. 1258, and the pending amendment by Senator Madsen on page 10, after line 19, to the Committee on Health and Long-Term Care striking amendment, deferred March 5, 1992.

RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator West, the President finds that Substitute House Bill No. 1258 is a measure which addresses licensure of nursing home administrators and minimum education and experience requirements for licensure.

"The amendment by Senator Madsen to the Committee on Health and Long-Term Care amendment deals with discharged patients, responsibilities of providers to hold beds open for a specified time and reimbursement of costs due to patient hospitalization in certain situations.

"The President, therefore, finds that the proposed amendment to the committee amendment does change the scope and object of the bill and the point of order is well taken."

The amendment by Senator Madsen on page 10, after line 19, to the Committee on Health and Long-Term Care amendment to Substitute House Bill No. 1258 was ruled out of order.

There being no objection, the Senate resumed consideration of the pending amendment by Senators Wojahn, Madsen, Rasmussen and Gaspard on page 10, after line 19, to the Committee on Health and Long-Term Care striking amendment to Substitute House Bill No. 1258, deferred March 5, 1992.

RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator West, the President finds that Substitute House Bill No. 1258 is a measure which addresses licensure of nursing home administrators and minimum education and experience requirements for licensure.

"The amendment by Senators Wojahn, Madsen, Rasmussen and Gaspard to the Committee on Health and Long-Term Care amendment would require placement of long-term care ombudsmen at locations convenient to some long-term facility patients.

"The President, therefore, finds that the proposed amendment to the committee amendment does change the scope and object of the bill and the point of order is well taken."

The amendment by Senators Wojahn, Madsen, Rasmussen and Gaspard on page 10, after line 19, to the Committee on Health and Long-Term Care amendment to Substitute House Bill No. 1258 was ruled out of order.

The President declared the question before the Senate to be the adoption of the Committee on Health and Long-Term Care striking amendment to Substitute House Bill No. 1258.

The motion by Senator West carried and the Committee on Health and Long-Term Care striking amendment was adopted.

MOTIONS

On motion of Senator West, the following title amendment was adopted:

On page 1, line 1 of the title, after "administration;" strike the remainder of the title and insert "amending RCW 18.52.020, 18.52.030, 18.52.040, 18.52.050, 18.52.110, 18.52.130, and 18.52.140; adding new sections to chapter 18.52 RCW; and repealing RCW 18.52.060, 18.52.100, 18.52.170, and 18.52.070."

On motion of Senator West the rules were suspended, Substitute House Bill No. 1258, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1258, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1258, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SUBSTITUTE HOUSE BILL NO. 1258, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2551, by House Committee on Education (originally sponsored by Representatives H. Sommers, Peery, Brough and Valle)

Changing provisions relating to special educational services demonstration projects.

The bill was read the second time.

MOTIONS

On motion of Senator Bailey, the following Committee on Education amendment was adopted:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 28A.630.820 and 1991 c 265 s 1 are each amended to read as follows:

It is the intent of the legislature to (1) encourage school districts, individually and cooperatively, to develop innovative special services demonstration projects that use resources efficiently and increase student learning; (2) promote noncategorical approaches to special services program design, funding, and administration; (3) develop efficient and cost-effective means for identifying students as specific learning disabled, in order to increase the proportion of resources devoted to classroom instruction; ~~((and))~~ (4) avoid unnecessary labeling of students while still providing state funding for needed services; and (5) provide a means to grant waivers from state rules.

Sec. 2. RCW 28A.630.840 and 1991 c 265 s 5 are each amended to read as follows:

(1) Project funding may include state, federal, and local funds, as specified by the district in its approved project ~~((cost))~~ proposal. ~~((The superintendent of public instruction shall include all project funding for a participating district in a project contract and disburse the funds as contract payments.))~~

(2) As a general guideline, subject to refinements in the district ~~((cost))~~ proposal and approval by the superintendent of public instruction, the portion of state handicapped funding included as project funding shall be determined as follows:

(a) If the district serves specific learning disabled students in the project, the portion of the handicapped allocation attributed to specific learning disabled students shall be included, with proportional adjustments if the project serves only part of the district's specific learning disabled population;

(b) If other handicapped students are served in the project, the portions of the handicapped allocation attributed to those students shall be included, with proportional adjustments if the project serves only part of the district's population in those categories of handicapped students.

(3) State handicapped allocations shall be calculated for project districts according to the handicapped funding formula in use for other districts, ~~((but))~~ except for the provisions of section 3 of this act and with the following changes:

(a) ~~((Except as provided in (b) of this subsection, funding in each school year for specific learning disabled and other handicapped students served in a project shall be based on the average percentage of the kindergarten through twelfth grade enrollment in the particular handicapped category during the prior three years.~~

~~((b)))~~ Project funding for school districts that had pilot projects approved under section 13, chapter 233, Laws of 1989, and that were participating in projects under this section on January 31, 1992, shall be based for the duration of a project under RCW 28A.630.820 through 28A.630.840 on four percent of the kindergarten through twelfth grade enrollment considered as specific learning disabled, without regard to the actual number of students so identified. The legislature recognizes the importance of continuing and developing the pilot projects.

(b) School districts with approved projects as of January 31, 1992, may receive funding in each school year for handicapped students served in the project based on the average percentage of the kindergarten through twelfth grade enrollment in the particular handicapped category during the prior three years. School districts that wish to exercise this option shall notify the selection advisory committee and the superintendent of public instruction by May 1, 1992.

(c) The funding percentages for demonstration projects specified in (a) ~~((and (b)))~~ of this subsection shall be used to adjust basic education allocations under RCW 28A.150.260 and learning assistance program allocations under RCW 28A.165.070.

(d) State handicapped allocations under subsection (2) of this section up to the level required by federal maintenance of effort rules shall be expended for services to handicapped students in the project. Allocations greater than the amount needed to comply with federal maintenance of effort rules ~~((shall))~~ may at the option of the district be designated as noncategorical project funds and may be expended on services to any student served in the project.

(4) Federal handicapped allocations may be designated in whole or in part for project use (~~(, if the amounts are included in the district's approved cost proposal and the project contract)~~).

(5) Learning assistance program allocations may be designated in whole or in part for project use(~~(, if the amounts are included in the district's approved cost proposal and the project contract)~~). These allocations shall be calculated for project districts according to the funding formula in use for other districts, except that any increases in the district allocation above the fiscal year 1991 amount shall be designated as noncategorical project funds and may be expended on services to any student served in the project.

(6) Transitional bilingual program allocations may be designated in whole or in part for project use(~~(, if the amounts are included in the district's approved cost proposal and the project contract)~~). These allocations shall be calculated for project districts according to the funding formula in use for other districts, except that any increases in the district allocation above the fiscal year 1991 amount shall be designated as noncategorical project funds and may be expended on services to any student served in the project.

(7) Funding under the federal remediation program allocations may be designated in whole or in part for project use(~~(, if the amounts are included in the district's approved cost proposal and the project contract)~~).

(8) Funding from local sources may be designated for project use(~~(, if the amounts are included in the district's approved cost proposal and the project contract)~~).

(9) Expenditures of noncategorical project funds under subsections (3)(d), (5), and (6) of this section shall be accounted for in new and discrete program or subprogram codes designated by the superintendent of public instruction. The codes shall take effect by September 1, 1991.

NEW SECTION. Sec. 3. A new section is added to chapter 28A.630 RCW to read as follows:

(1) The legislature finds that the state system of funding handicapped education has fiscal incentives to label children as handicapped and that unnecessary labeling can be detrimental to children. The legislature encourages demonstration projects that provide needed services without unnecessary labeling. To test this approach, the legislature intends to maintain the funding level for innovative special services programs that reduce the incidence of unnecessary labeling.

(2) School districts may propose demonstration projects under this section to provide needed services and achieve major reductions in the percentage of district students labeled as handicapped in one or more specified categories. State handicapped funding for districts with such projects shall be based for the duration of the project and for two years after the end of the project on the average percentage of the kindergarten through twelfth grade enrollment in the specified categories during the 1991-92 school year or, for projects approved after the effective date of this section, during the school year before the start of the project.

(3) Funding under subsection (2) of this section is contingent on the following: (a) The funding is spent on children needing special services; and (b) the overall percentage of first through twelfth grade students in the district labeled as handicapped declines each year of the project after the 1991-92 school year, excluding handicapped students who transfer into the district.

(4) School districts with approved demonstration projects that wish to convert to a project under this section shall by May 1, 1992, notify the selection advisory committee and the superintendent of public instruction and propose appropriate modifications to the project.

(5) This section expires September 1, 1997.

NEW SECTION. Sec. 4. Sections 1 and 2 of this act shall expire January 1, 1996.

NEW SECTION. Sec. 5. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

On motion of Senator Bailey, the following title amendment was adopted:

On page 1, line 2 of the title, after "projects;" strike the remainder of the title and insert "amending RCW 28A.630.820 and 28A.630.840; adding a new section to chapter 28A.630 RCW; providing an expiration date; and declaring an emergency."

MOTION

On motion of Senator Bailey, the rules were suspended, Substitute House Bill No. 2551, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2551, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2551, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sumner, Sutherland, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 47.

Voting nay: Senators Moore, Talmadge - 2.

SUBSTITUTE HOUSE BILL NO. 2551, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Engrossed Substitute House Bill No. 2568, deferred on second reading March 5, 1992, after the Committee on Health and Long-Term Care amendment was adopted.

MOTION

Senator West moved that the following amendment by Senators West and Hayner be adopted:

On page 10, after line 18, insert the following:

Sec. 7. RCW 70.170.010 and 1989 1st ex.s. c 9 s 501 are each amended to read as follows:

(1) The legislature finds and declares that there is a need for health care information that helps the general public understand health care issues and how they can be better consumers and that is useful to purchasers, payers, and providers in making health care choices, determining and monitoring the quality of health care services, and ((negotiating payments)) making health care purchasing decisions. It is the purpose and intent of this chapter to establish a hospital data collection, storage, and retrieval system which supports these data needs and which also provides public officials and others engaged in the development of state health policy the information necessary for the analysis of health care issues.

(2) The legislature finds that rising health care costs and access to health care services are of vital concern to the people of this state. It is, therefore, essential that strategies be explored that moderate health care costs and promote access to health care services.

(3) The legislature further finds that access to health care is among the state's goals and the provision of such care should be among the purposes of health care providers and facilities. Therefore, the legislature intends that charity care requirements and related enforcement provisions for hospitals be explicitly established.

(4) The lack of reliable statistical information about the delivery of charity care is a particular concern that should be addressed. It is the purpose and intent of this chapter to require hospitals to provide, and report to the state, charity care to persons with acute care needs, and to have a state agency both monitor and report on the relative commitment of hospitals to the delivery of charity care services, as well as the relative commitment of public and private purchasers or payers to charity care funding.

(5) The intent of the information collection activities authorized under this chapter is to insure that:

(a) A comprehensive data system that meets the objectives of this section be developed in the most efficient, accurate, and unbiased manner possible;

(b) All public and private providers and purchasers of health care services regularly supply the types of relevant data necessary to insure a complete, comprehensive, and accurate data system;

(c) The data system shall not by design or operation result in any provider or purchaser of health care being placed at a competitive advantage over any other provider or purchasing of health care;

(d) Providers, health care purchasers, consumers, public agencies, and others have equal access to the system's data; and

(e) Providers, health care purchasers, consumers, public agencies, and others have access to useful information developed from the system's data that enables them to make the comparative decisions necessary to fulfill the health care purchasing, provider selection, and quality assurance objectives set forth in this section.

Sec. 8. RCW 70.170.020 and 1989 1st ex.s. c 9 s 502 are each amended to read as follows:

As used in this chapter:

- (1) "Council" means the health care access and cost control council created by this chapter.
- (2) "Department" means department of health.
- (3) "Hospital" means any health care institution which is required to qualify for a license under RCW 70.41.020(2); or as a psychiatric hospital under chapter 71.12 RCW.
- (4) "Secretary" means secretary of health.
- (5) "Charity care" means necessary hospital health care rendered to indigent persons, to the extent that the persons are unable to pay for the care or to pay deductibles or co-insurance amounts required by a third-party payer, as determined by the department.
- (6) "Sliding fee schedule" means a hospital-determined, publicly available schedule of discounts to charges for persons deemed eligible for charity care; such schedules shall be established after consideration of guidelines developed by the department.
- (7) "Special studies" means studies which have not been funded through the department's biennial or other legislative appropriations.
- (8) "Health care" means all care, goods, technologies, or services provided to persons by providers of care intended to ascertain, improve, or maintain the health of such persons. It specifically includes the care, goods, technologies, or services of health care practitioners, programs, facilities, or other health care entities regulated by Title 18 or 70 RCW.
- (9) "Providers" means all health care practitioners, programs, facilities, or other health care entities regulated pursuant to Title 18 or 70 RCW.
- (10) "Health care payors" includes all state health care payment programs; all disability insurers, health care service contractors, and health maintenance organizations subject to the jurisdiction of the insurance commissioner pursuant to Title 48 RCW; and all employers who provide health care benefits to employees through self-insurance.

(11) "Reporters" means providers and health care payors.

Sec. 9. RCW 70.170.030 and 1989 1st ex.s. c 9 s 503 are each amended to read as follows:

- (1) There is created the health care access and cost control council within the department of health consisting of the following: The director of the department of labor and industries; the administrator of the health care authority; the secretary of social and health services; the administrator of the basic health plan; a person representing the governor on matters of health policy; the secretary of health; and ~~((one member from the public at large to be selected by the governor who shall represent individual consumers of health care. The public member shall not have any fiduciary obligation to any health care facility or any financial interest in the provision of health care services.))~~ nine public members. Public members shall be appointed by the governor with consent of the senate. In selecting public members, the governor shall assure that the council collectively has the technical expertise in health care data systems design, data collection, and other technical areas relevant to the design and operation of a health care data system and also reflects the perspectives of the users and reporters of data. In its confirmation of gubernatorial nomination, the senate should verify the technical qualifications of appointments. Public members shall serve two-year terms and the governor shall designate four of the initial appointees to serve one-year terms in order to provide staggered terms; thereafter all public members shall serve two-year terms. All persons appointed to fill vacancies shall be appointed in the same manner as the persons they are replacing. Members employed by the state shall serve without pay and participation in the council's work shall be deemed performance of their employment. The public members shall be compensated in accordance with RCW 43.03.240 and shall be reimbursed for related travel expenses in accordance with RCW 43.03.050 and 43.03.060.
- (2) A member of the council designated by the governor shall serve as chairman. The council shall elect a vice-chairman from its members biennially. Meetings of the council shall be held as frequently as its duties require. The council shall keep minutes of its meetings and adopt procedures for the governing of its meetings, minutes, and transactions.
- (3) ~~((Four))~~ Eight members shall constitute a quorum, but ~~((a vacancy on the council shall not impair its power to act))~~ at least four of that number shall be public members. No action of the council shall be effective unless four members concur therein.

Sec. 10. RCW 70.170.040 and 1989 1st ex.s. c 9 s 504 are each amended to read as follows:

- (1) In order to advise the department and the board of health in preparing executive request legislation and the state health report according to RCW 43.20.050, and, in order to represent the public interest, the council shall monitor

and evaluate hospital and related health care services consistent with RCW 70.170.010. In fulfilling its responsibilities, the council shall have complete access to all the department's data and information systems.

(2) The council shall advise the department on the ~~((hospital))~~ health care data collection system required by this chapter.

(3) The council, in addition to participation in the development of the state health report, shall, from time to time, report to the governor and the appropriate committees of the legislature with proposed changes in hospital and related health care services, consistent with the findings in RCW 70.170.010.

~~((4) The department may undertake, with advice from the council and within available funds, the following studies:~~

~~(a) Recommendations regarding health care cost containment, and the assurance of access and maintenance of adequate standards of care;~~

~~(b) Analysis of the effects of various payment methods on health care access and costs;~~

~~(c) The utility of the certificate of need program and related health planning process;~~

~~(d) Methods of permitting the inclusion of advance medical technology on the health care system, while controlling inappropriate use;~~

~~(e) The appropriateness of allocation of health care services;~~

~~(f) Professional liabilities on health care access and costs, to include:~~

~~(i) Quantification of the financial effects of professional liability on health care reimbursement;~~

~~(ii) Determination of the effects, if any, of nonmonetary factors upon the availability of, and access to, appropriate and necessary basic health services such as, but not limited to, prenatal and obstetrical care; and~~

~~(iii) Recommendation of proposals that would mitigate cost and access impacts associated with professional liability.~~

~~The department shall report its findings and recommendations to the governor and the appropriate committees of the legislature not later than July 1, 1991.)~~

Sec. 11. RCW 70.170.050 and 1989 1st ex.s. c 9 s 505 are each amended to read as follows:

The ~~((department))~~ council shall have the authority to respond to requests ~~((of others))~~ for data, special studies, or analysis. The ~~((department))~~ council may require ~~((such sponsors to pay))~~ payment of any or all of the reasonable costs associated with such requests that might be approved, but in no event may costs directly associated with any such special study be charged against the funds generated by the assessment authorized under ~~((RCW 70.170.080))~~ section 20 of this act.

Sec. 12. RCW 70.170.070 and 1989 1st ex.s. c 9 s 507 are each amended to read as follows:

(1) Every person who shall violate or knowingly aid and abet the violation of RCW 70.170.060 (5) or (6), ~~((70.170.080))~~ section 20 of this act, or 70.170.100, or any valid orders or rules adopted pursuant to these sections, or who fails to perform any act which it is herein made his or her duty to perform, shall be guilty of a misdemeanor. Following official notice to the accused by the department of the existence of an alleged violation, each day of noncompliance upon which a violation occurs shall constitute a separate violation. Any person violating the provisions of this chapter may be enjoined from continuing such violation. The department has authority to levy civil penalties not exceeding one thousand dollars for violations of this chapter and determined pursuant to this section.

(2) Every person who shall violate or knowingly aid and abet the violation of RCW 70.170.060 (1) or (2), or any valid orders or rules adopted pursuant to such section, or who fails to perform any act which it is herein made his or her duty to perform, shall be subject to the following criminal and civil penalties:

(a) For any initial violations: The violating person shall be guilty of a misdemeanor, and the department may impose a civil penalty not to exceed one thousand dollars as determined pursuant to this section.

(b) For a subsequent violation of RCW 70.170.060 (1) or (2) within five years following a conviction: The violating person shall be guilty of a misdemeanor, and the department may impose a penalty not to exceed three thousand dollars as determined pursuant to this section.

(c) For a subsequent violation with intent to violate RCW 70.170.060 (1) or (2) within five years following a conviction: The criminal and civil penalties enumerated in (a) of this subsection; plus up to a three-year prohibition against the issuance of tax exempt bonds under the authority of the Washington health care facilities authority; and up to a three-year prohibition from applying for and receiving a certificate of need.

(d) For a violation of RCW 70.170.060 (1) or (2) within five years of a conviction under (c) of this subsection: The criminal and civil penalties and prohibition enumerated in (a) and (b) of this subsection; plus up to a one-year prohibition from participation in the state medical assistance or medical care services authorized under chapter 74.09 RCW.

(3) The provisions of chapter 34.05 RCW shall apply to all noncriminal actions undertaken by the department of health, the department of social and health services, and the Washington health care facilities authority pursuant to chapter 9, Laws of 1989 1st ex. sess. (this act).

NEW SECTION. Sec. 13. A new section is added to chapter 70.170 RCW to read as follows:

The council shall fund the creation and maintenance of the data base and studies provided for in RCW 70.170.100 and 70.170.110 from a surcharge levied on the data acquired in whatever manner it deems to be efficient and fair by rule. No such assessment shall amount to more than four one-hundredths of one percent of the gross billed amount for the service that is the subject matter of the data. The council may accept gifts, donations, grants, and other funds received by the council. All moneys collected under this section shall be deposited by the state treasurer in the health care data collection account which is hereby created in the state treasury. This account is the successor to the hospital data collection account, the balance of which shall be placed in the health care data collection account. The council may also charge, receive, and dispense funds or authorize any contractor or outside sponsor to charge for and reimburse the costs associated with special studies as specified in RCW 70.170.050.

Any amounts raised by the collection of assessments provided for in this section that are not required to meet appropriations in the budget act for the current fiscal year shall be available to the council in succeeding years.

Sec. 14. RCW 70.170.100 and 1990 c 269 s 12 are each amended to read as follows:

(1) The ~~((department))~~ council is responsible for the development, implementation, and custody of a state-wide ~~((hospital))~~ health care data system. As part of the design stage for development of the system, the ~~((department))~~ council shall undertake a needs assessment of the types of, and format for, ~~((hospital))~~ health care data needed by consumers, purchasers, ~~((payers, hospitals))~~ health care payors, providers, and state government as consistent with the intent of this chapter. The ~~((department))~~ council shall identify a set of ~~((hospital))~~ health care data elements and report specifications which satisfy these needs. The council shall ~~((review the design of the data system and may direct the department to))~~ contract with a private vendor ~~((for assistance in the design of the data system))~~ in the state of Washington for all work to be performed under this section. The data elements, specifications, and other ~~((design))~~ distinguishing features of this data system shall be made available for public review and comment and shall be published, with comments, as the ~~((department's first))~~ council's data plan by ~~((January 1, 1990))~~ July 1, 1993.

~~(2) ((Subsequent to the initial development of the data system as published as the department's first data plan, revisions to the data system shall be considered through the department's development of a biennial data plan, as proposed to, and funded by, the legislature through the biennial appropriations process. Costs of data activities outside of these data plans except for special studies shall be funded through legislative appropriations.~~

~~(3))~~ In designing the state-wide ~~((hospital))~~ health care data system and any data plans, the ~~((department))~~ council shall identify ~~((hospital))~~ health care data elements relating to ~~((both hospital finances))~~ health care costs, the quality of health care services and ~~((the))~~ use of ~~((services by patients))~~ health care by consumers. Data elements ~~((relating to hospital finances))~~ shall be reported ~~((by hospitals))~~ as the council directs by reporters in conformance with a uniform ~~((system of))~~ reporting ~~((as specified by the department and shall))~~ system established by the council, which shall be adopted by reporters. In the case of hospitals this includes data elements identifying each hospital's revenues, expenses, contractual allowances, charity care, bad debt, other income, total units of inpatient and outpatient services, and other financial information reasonably necessary to fulfill the purposes of this chapter, for hospital activities as a whole and, as feasible and appropriate, for specified classes of hospital purchasers and payers. Data elements relating to use of hospital services by patients shall, at least initially, be the same as those currently compiled by hospitals through inpatient discharge abstracts ~~((and reported to the Washington state hospital commission))~~. The council shall permit reporting by electronic transmission or hard copy as is practical and economical to reporters.

~~((4))~~ (3) The state-wide ~~((hospital))~~ health care data system shall be uniform in its identification of reporting requirements for ~~((hospitals))~~ reporters across the state to the extent that such uniformity is ~~((necessary))~~ useful to fulfill the purposes of this chapter. Data reporting requirements may reflect differences ~~((in hospital size; urban or rural location; scope, type, and method of providing service; financial structure; or other pertinent distinguishing factors))~~ that involve pertinent distinguishing features as determined by the council by rule. So far as ~~((possible))~~ is practical, the data system shall be coordinated with any requirements of the trauma care data registry as authorized in RCW 70.168.090, the federal department of health and human services in its administration of the medicare program, ~~((and))~~ the state in its role of gathering public health statistics, or any other payor program of consequence, so as to minimize any unduly burdensome reporting requirements imposed on ~~((hospitals))~~ reporters.

~~((5))~~ (4) In identifying financial reporting requirements under the state-wide ~~((hospital))~~ health care data system, the ~~((department))~~ council may require both annual reports and condensed quarterly reports from reporters, so as to achieve both accuracy and timeliness in reporting, but shall craft such requirements with due regard of the data reporting burdens of reporters.

~~((6) In designing the initial state wide hospital data system as published in the department's first data plan, the department shall review all existing systems of hospital financial and utilization reporting used in this state to determine their usefulness for the purposes of this chapter, including their potential usefulness as revised or simplified.~~

~~(7) Until such time as the state wide hospital data system and first data plan are developed and implemented and hospitals are able to comply with reporting requirements, the department shall require hospitals to continue to submit the hospital financial and patient discharge information previously required to be submitted to the Washington state hospital commission. Upon publication of the first data plan, hospitals shall have a reasonable period of time to comply with any new reporting requirements and, even in the event that new reporting requirements differ greatly from past requirements, shall comply within two years of July 1, 1989.~~

~~(8)) (5) The ((hospital)) health care data collected ((and)), maintained, and studied by the ((department)) council shall be available for retrieval in original or processed form to public and private requestors within a reasonable period of time after the date of request. The cost of retrieving data for state officials and agencies shall be funded through the state general appropriation. The cost of retrieving data for individuals and organizations engaged in research or private use of data or studies shall be funded by a fee schedule developed by the ((department which)) council that reflects the direct cost of retrieving the data or study in the requested form.~~

~~(6) All persons subject to this chapter shall comply with council requirements established by rule in the acquisition of data. The council shall each December 1 of even-numbered years report to the senate and house of representatives policy committees on health care on the status of the data system, the level of participation by payor and provider groups and recommended statutory changes necessary to meet the objectives established in this chapter.~~

Sec. 15. RCW 70.170.110 and 1989 1st ex.s. c 9 s 511 are each amended to read as follows:

The ((department shall provide, or)) council may contract with a private ((entity to provide, hospital analyses and reports)) vendor in the state of Washington to provide any studies or reports it chooses to conduct consistent with the purposes of this chapter. ((Prior to release, the department shall provide affected hospitals with an opportunity to review and comment on reports which identify individual hospital data with respect to accuracy and completeness, and otherwise shall focus on aggregate reports of hospital performance. These reports shall)) The department may perform such studies or any other studies consistent with the purposes of this chapter. These reports may include:

(1) Consumer guides on purchasing ((hospital care services and)) or consuming health care and publications providing verifiable and useful comparative information to ((consumers on hospitals and hospital)) the public on health care services and the quality of health care providers;

(2) Reports for use by classes of purchasers, ((payors)) health care payors, and providers as specified for content and format in the state-wide data system and data plan; ((and))

(3) Reports on relevant ((hospital)) health care policy ((issues)) including the distribution of hospital charity care obligations among hospitals; absolute and relative rankings of Washington and other states, regions, and the nation with respect to expenses, net revenues, and other key indicators; ((hospital)) provider efficiencies; and the effect of medicare, medicaid, and other public health care programs on rates paid by other purchasers of ((hospital)) health care; and

(4) Any other reports the council deems useful to assist the public in understanding the prudent and cost-effective use of the health care delivery system.

NEW SECTION. Sec. 16. A new section is added to chapter 70.170 RCW to read as follows:

The council shall by rule adopt a uniform approach to health care claims processing, information requirements, definition of terms coding, and submission and payment mechanisms to be used by all providers and health care payors subject to this chapter.

NEW SECTION. Sec. 17. RCW 70.170.080 and 1991 sp.s. c 13 s 71 and 1989 1st ex.s. c 9 s 508 are each repealed.

POINT OF ORDER

Senator Kreidler: "A point of order. Mr. President, I believe that this particular amendment is outside the scope and object of the bill before us. I believe if you take a look at the title and the content of the bill that we have before us, you will find that the amendment that we are considering right now is clearly outside the scope of the bill that was originally presented."

Further debate ensued.

There being no objection, the President deferred further action of Engrossed Substitute House Bill No. 2568.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2344, by House Committee on Judiciary (originally sponsored by Representatives Ludwig, Vance, Riley, Paris, Neher, Broback, Mielke, Scott, Tate, H. Myers, Rayburn, Roland, Orr, Lisk, Zellinsky, Dellwo, Dorn, Jacobsen, Winsley, Van Luven, Nealey, Former, G. Fisher, Kremen, Heavey, Chandler, Fuhrman, Bray, Mitchell, Bowman, Horn, Carlson, Sprenkle and Hochstatter)

Prescribing penalties for criminal street gang activities.

The bill was read the second time.

MOTIONS

On motion of Senator Nelson, the following Committee on Law and Justice amendment was adopted:

On page 14, line 14, after "by" strike "gang members" and insert "the criminal street gang"

Senator Talmadge moved that the following amendment by Senators Talmadge and Bailey be adopted:

On page 14, after line 14, insert the following:

Sec. 3. RCW 28A.635.020 and 1981 c 36 s 1 are each amended to read as follows:

(1) It shall be unlawful for any person to willfully disobey the order of the chief administrative officer of a public school district, or of an authorized designee of any such administrator, to leave any motor vehicle, building, grounds or other property which is owned, operated or controlled by the school district or approved private school if the person so ordered is under the influence of alcohol or drugs, or is committing, threatens to imminently commit or incites another to imminently commit any act which would disturb or interfere with or obstruct any lawful task, function, process or procedure of the school district or approved private school or any lawful task, function, process or procedure of any student, official, employee or invitee of the school district or approved private school. The order of a school officer or designee acting pursuant to this subsection shall be valid if the officer or designee reasonably believes a person ordered to leave is under the influence of alcohol or drugs, is committing acts, or is creating a disturbance as provided in this subsection.

(2) It shall be unlawful for any person to refuse to leave public property immediately adjacent to a building, grounds or property which is owned, operated or controlled by a school district or approved private school when ordered to do so by a law enforcement officer if such person is engaging in conduct which creates a substantial risk of causing injury to any person, or substantial harm to property, or such conduct amounts to disorderly conduct under RCW 9A.84.030.

(3) It shall be unlawful for any person to interfere with school activities. Interfering with school activities means conduct committed while school is in session and the person is on public premises adjacent to or on the grounds of any public or approved private school and the person:

(a) Makes any noise or diversion that disturbs or tends to disturb the peace or good order of a school session or a class or a school session and the person is requested to leave by a school authority; or

(b) Fails to leave the premises or immediate vicinity of the public or approved private school while the school is in session at the request of a school authority if the person is committing, threatens to commit, or is initiating the commission by another of an act that would disrupt, impair, interfere with, or obstruct the lawful mission, process, procedures, or functions of the public or approved private school.

(4) Nothing in this section shall be construed to prohibit or penalize activity consisting of the lawful exercise of freedom of speech, freedom of press and the right to peaceably assemble and petition the government for a redress of grievances: PROVIDED, That such activity neither does or threatens imminently to materially disturb or interfere with or obstruct any lawful task, function, process or procedure of the school district, or any lawful task, function, process or procedure of any student, official, employee or invitee of the school district: PROVIDED FURTHER, That such activity is not conducted in violation of a prohibition or limitation lawfully imposed by the school district upon entry or use of any motor vehicle, building, grounds or other property which is owned, operated or controlled by the school district.

~~((4))~~ (5) Any person guilty of violating this section shall be deemed guilty of a misdemeanor and, upon conviction therefor, shall be fined not more than five hundred dollars, or imprisoned in jail for not more than six months or both so fined and imprisoned.

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

POINT OF ORDER

Senator Nelson: "Mr. President, I rise to a point of order on this being beyond the scope and object of the bill. This particular amendment now addresses the area of education in RCW 28A and goes to the issue beyond what was the intent of the bill which was strictly criminal street gangs, where we are now amending Chapter 9.94A with criminal activities. Within the body of the amendment, we are now addressing unlawful activities in any one person, whereas in the bill, we precisely identified by gangs of three or more individuals of a specific group conducting criminal activities that doesn't necessarily have to be on school grounds. So, in one case, we have an amendment that goes beyond the total intent of gangs and at the same time it jumps into just providing identification on school grounds, whereas the original bill takes into consideration anywhere where gangs are conducting crime."

Further debate ensued.

MOTION

On motion of Senator Newhouse, further consideration of Substitute House Bill No. 2344 was deferred.

MOTION

On motion of Senator Newhouse, the Senate will now consider Substitute House Bill No. 2873.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2873, by House Committee on Energy and Utilities (originally sponsored by Representatives Grant, May and Rayburn)

Requiring financial assurance for the disposal of radioactive waste.

The bill was read the second time.

MOTION

On motion of Senator Thorsness, the rules were suspended, Substitute House Bill No. 2873 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2873.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2873 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 2; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, McDonald, McMullen, Metcalf, Moore, Murray, Nelson,

Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sumner, Sutherland, Thorsness, Vognil, von Reichbauer, West, Williams, Wojahn - 46.

Voting nay: Senator Talmadge - 1.

Absent: Senators Matson, McCaslin - 2.

SUBSTITUTE HOUSE BILL NO. 2873, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2874, by House Committee on Human Services (originally sponsored by Representatives Winsley, Grant, Tate, Ogden, Neher, Leonard, Padden, Paris, Brough, Basich and Mitchell)

Modifying the department of social and health services financial responsibility for funeral expenses of eligible persons.

The bill was read the second time.

MOTIONS

On motion of Senator McDonald, the following Committee on Ways and Means amendment was adopted:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 68.50.160 and 1943 c 247 s 29 are each amended to read as follows:

The right to control the disposition of the remains of a deceased person, unless other directions have been given by the decedent, vests in, and the duty of ~~((interment))~~ disposition and the liability for the reasonable cost of ~~((interment))~~ preparation, care, and disposition of such remains devolves upon the following in the order named:

- (1) The surviving spouse.
- (2) The surviving children of the decedent.
- (3) The surviving parents of the decedent.

The liability for the reasonable cost of ~~((interment))~~ preparation, care, and disposition devolves jointly and severally upon all kin of the decedent hereinbefore mentioned in the same degree of kindred and upon the estate of the decedent.

Sec. 2. RCW 74.08.120 and 1987 c 75 s 39 are each amended to read as follows:

The term "funeral" shall mean the mortuary services needed for the proper preparation, ~~((transportation within the local service area defined by the department))~~ preservation, and care of the remains of a deceased person with needed facilities and appropriate memorial services. "Transportation" shall mean transport of a body from place of death to mortuary and transportation to place of disposition, within the service area defined by the department. ~~((("Burial"))~~ "Disposition" includes necessary costs of a ~~((lot))~~ burial and cemetery plot or cremation and disposition site, and all services related to interment and the ~~((customary))~~ minimal memorial marking of a grave.

The department is hereby authorized to assume responsibility for payment for the funeral, transportation, and ~~((burial))~~ disposition of deceased persons dying without assets sufficient to pay for the minimum standard ~~((funeral))~~ services herein provided: PROVIDED, HOWEVER, That the secretary may furnish funeral assistance for deceased recipients if they leave assets to a surviving spouse and/or to minor children and if the assets are resources permitted to be owned by or available to an eligible applicant or recipient under RCW 74.04.005, and the department shall thereby have a lien against said assets as provided in RCW 43.20B.120. If the deceased person is survived by a spouse or is a minor child survived by his parent or parents, the department may take into consideration the assets of such surviving spouse, parent, or parents in determining whether or not the department will assume responsibility for the funeral, or disposition costs.

The department shall not pay more than cost for a minimum standard service rendered by each vendor. Payments to the funeral director and to the cemetery or crematorium will be made by separate vouchers. The standard of such services and the uniform amounts to be paid shall be determined by the department after giving due consideration to such advice and counsel as it shall obtain from the trade associations of the various vendors and related state

departments, agencies, and commissions. Payment made for any funeral, transportation, or burial service by relatives, friends, or any other third party above a donation level established by the department shall be subtracted from the payment made by the department.

NEW SECTION. Sec. 3. A new section is added to chapter 74.08 RCW to read as follows:

If the deceased person is an adult and is survived by a parent or parents, or children, the department may take into consideration the assets of such parent, parents, or children in determining whether or not the department will assume responsibility for the funeral, transportation, or disposition costs.

On motion of Senator McDonald, the following title amendment was adopted:

On page 1, line 1 of the title, after "person;" strike the remainder of the title and insert "amending RCW 68.50.160 and 74.08.120; and adding a new section to chapter 74.08 RCW."

MOTION

On motion of Senator McDonald, the rules were suspended, Substitute House Bill No. 2874, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2874, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2874, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sumner, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 48.

Absent: Senator Moore - 1.

SUBSTITUTE HOUSE BILL NO. 2874, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2348, by House Committee on Judiciary (originally sponsored by Representatives Sheldon, Belcher, Brough, Riley, Broback, Ludwig, Vance, Wineberry, Beck, Former, Locke, Fraser, P. Johnson, Inslee, Ebersole, Scott, Bowman, H. Myers, D. Sommers, Paris, Rasmussen, Prentice, Mielke, R. Johnson, Neher, Dorn, Cooper, Franklin, Rayburn, G. Fisher, Heavey, Roland, G. Cole, J. Kohl, Mitchell, Brekke, Orr, Spanel, May, Ogden, Leonard, Silver, Sprenkle, O'Brien and Appelwick)

Protecting the privacy of child victims of sexual abuse.

The bill was read the second time.

MOTION

Senator Talmadge moved that the following amendment by Senators Talmadge and Nelson be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature recognizes that the cooperation of child victims of sexual offenses and their families is integral to the successful prosecution of sexual offenses against children. The legislature finds that disclosure of information identifying child victims of sexual offenses may subject the child to unwanted contacts by the media, public scrutiny, and embarrassment. Disclosure of this information can also have a chilling effect on the willingness of child victims and their families to report sexual offenses and to cooperate with the investigation and prosecution of the crime. The legislature further finds that disclosure of the child victim's name and other identifying information is not essential to accurate and necessary release of information to the public concerning the operation of the criminal justice system.

NEW SECTION. Sec. 2. A new section is added to chapter 10.04 RCW to read as follows:

(1) When a defendant is charged with a crime that is a violation of chapter 9A.44 or 9.68A RCW and the victim is less than eighteen years old, the court, on its own motion, or the motion of either the prosecuting attorney or defense attorney, may order that during any court proceedings the victim shall be referred to only by initials or such other designation as the court provides, and that the victim's identity shall not be stated in open court. The court may also provide that the identity and address of the victim in any investigative records or other documents offered or admitted into evidence at any of the court proceedings must first be deleted and replaced with initials or such other designation as the court provides.

(2) The court may refuse to issue an order under subsection (1) of this section only if the court makes a finding that the order would impair the defendant in presenting a defense.

NEW SECTION. Sec. 3. A new section is added to chapter 10.46 RCW to read as follows:

(1) When a defendant is charged with a crime that is a violation of chapter 9A.44 or 9.68A RCW and the victim is less than eighteen years old, the court, on its own motion, or the motion of either the prosecuting attorney or defense attorney, may order that during any court proceedings the victim shall be referred to only by initials or such other designation as the court provides, and that the victim's identity shall not be stated in open court. The court may also provide that the identity and address of the victim in any investigative records or other documents offered or admitted into evidence at any of the court proceedings must first be deleted and replaced with initials or such other designation as the court provides.

(2) The court may refuse to issue an order under subsection (1) of this section only if the court makes a finding that the order would impair the defendant in presenting a defense.

Sec. 4. RCW 13.40.140 and 1981 c 299 s 11 are each amended to read as follows:

(1) A juvenile shall be advised of his or her rights when appearing before the court.

(2) A juvenile and his or her parent, guardian, or custodian shall be advised by the court or its representative that the juvenile has a right to be represented by counsel at all critical stages of the proceedings. Unless waived, counsel shall be provided to a juvenile who is financially unable to obtain counsel without causing substantial hardship to himself or herself or the juvenile's family, in any proceeding where the juvenile may be subject to transfer for criminal prosecution, or in any proceeding where the juvenile may be in danger of confinement. The ability to pay part of the cost of counsel does not preclude assignment. In no case may a juvenile be deprived of counsel because of a parent, guardian, or custodian refusing to pay therefor. The juvenile shall be fully advised of his or her right to an attorney and of the relevant services an attorney can provide.

(3) The right to counsel includes the right to the appointment of experts necessary, and the experts shall be required pursuant to the procedures and requirements established by the supreme court.

(4) Upon application of a party, the clerk of the court shall issue, and the court on its own motion may issue, subpoenas requiring attendance and testimony of witnesses and production of records, documents, or other tangible objects at any hearing, or such subpoenas may be issued by an attorney of record.

(5) All proceedings shall be transcribed verbatim by means which will provide an accurate record.

(6) The general public and press shall be permitted to attend any hearing unless the court, for good cause, orders a particular hearing to be closed. The presumption shall be that all such hearings will be open.

(7) When a juvenile is alleged to have committed an offense that is a violation of chapter 9A.44 or 9.68A RCW and the victim is less than eighteen years old, the court, on its own motion, or the motion of either the prosecuting attorney, the juvenile court probation counselor, or the defense attorney, may order that during any court proceedings the victim shall be referred to only by initials or such other designation as the court provides, and that the victim's identity shall not be stated in open court. The court may also provide that the identity and address of the victim in any

investigative records or other documents offered or admitted into evidence at any of the court proceedings must first be deleted and replaced with initials or such other designation as the court provides. The court may refuse to issue an order under this subsection only if the court makes a finding that the order would impair the alleged offender in presenting a defense.

(8) In all adjudicatory proceedings before the court, all parties shall have the right to adequate notice, discovery as provided in criminal cases, opportunity to be heard, confrontation of witnesses except in such cases as this chapter expressly permits the use of hearsay testimony, findings based solely upon the evidence adduced at the hearing, and an unbiased fact-finder.

~~((8))~~ (9) A juvenile shall be accorded the same privilege against self-incrimination as an adult. An extrajudicial statement which would be constitutionally inadmissible in a criminal proceeding may not be received in evidence at an adjudicatory hearing over objection. Evidence illegally seized or obtained may not be received in evidence over objection at an adjudicatory hearing to prove the allegations against the juvenile if the evidence would be inadmissible in an adult criminal proceeding. An extrajudicial admission or confession made by the juvenile out of court is insufficient to support a finding that the juvenile committed the acts alleged in the information unless evidence of a corpus delicti is first independently established in the same manner as required in an adult criminal proceeding.

~~((9))~~ (10) Waiver of any right which a juvenile has under this chapter must be an express waiver intelligently made by the juvenile after the juvenile has been fully informed of the right being waived.

~~((10))~~ (11) Whenever this chapter refers to waiver or objection by a juvenile, the word juvenile shall be construed to refer to a juvenile who is at least twelve years of age. If a juvenile is under twelve years of age, the juvenile's parent, guardian, or custodian shall give any waiver or offer any objection contemplated by this chapter.

NEW SECTION. Sec. 5. A new section is added to chapter 42.17 RCW to read as follows:

Information revealing the identity of child victims of sexual offenses who are under age eighteen is confidential and not subject to public disclosure. Identifying information means the child victim's name, address, location, photograph, and in cases in which the child victim is a relative or stepchild of the alleged perpetrator, identification of the relationship between the child and the alleged perpetrator. Sexual offenses include violations of chapters 9A.44 and 9.68A RCW.

Debate ensued.

Senator Rasmussen demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the adoption of the striking amendment by Senators Talmadge and Nelson to Substitute House Bill No. 2348.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 17; Nays, 29; Absent, 3; Excused, 0.

Voting yea: Senators Bluechel, Hansen, Hayner, McCaslin, McDonald, Metcalf, Murray, Nelson, Newhouse, Niemi, Patterson, Rasmussen, Sellar, Sumner, Talmadge, Thorsness, Williams - 17.

Voting nay: Senators Amondson, Anderson, Bailey, Barr, Bauer, Cantu, Conner, Craswell, Erwin, Gaspard, Jesernig, Kreidler, Madsen, Matson, McMullen, Oke, Owen, Pelz, Rinehart, Roach, Saling, Skratek, A. Smith, Snyder, Stratton, Sutherland, von Reichbauer, West, Wojahn - 29.

Absent: Senators Moore, L. Smith, Vognild - 3.

MOTION

On motion of Senator Nelson, the rules were suspended, Substitute House Bill No. 2348 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

MOTION

On motion of Senator Murray, Senator Moore was excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2348.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2348 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 5; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sumner, Sutherland, Thorsness, Vognil, von Reichbauer, West, Wojahn - 43.

Voting nay: Senators McMullen, Murray, Niemi, Talmadge, Williams - 5.

Excused: Senator Moore - 1.

SUBSTITUTE HOUSE BILL NO. 2348, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2811, by Representatives Braddock, Locke, H. Sommers, Wang, Prentice, Moyer, Schmidt, Paris, Wineberry and Anderson

Exempting excess nursing supplies cost from the reimbursement of the pilot facility for persons living with AIDS.

The bill was read the second time.

MOTIONS

On motion of Senator West, the following Committee on Health and Long-Term Care amendment was adopted:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 74.46.500 and 1980 c 177 s 50 are each amended to read as follows:

(1) The administration and operations cost center shall include all items not included in the cost centers of nursing services, food, and property.

(2) Subject to subsection (4) of this section, the administration and operations cost center reimbursement rate for each facility shall be based on the computation in this subsection and shall not exceed the eighty-fifth percentile of (a) the rates of all reporting facilities derived from the computation below, or (b) reporting facilities grouped in accordance with subsection (3) of this section:

AR = TAC/TPD, where

AR = the administration and operations cost center reimbursement rate for a facility;

TAC = the total costs of the administration and operations cost center plus the retained sayings from such cost center as provided in RCW 74.46.180 of a facility; and

TPD = the total patient days for a facility for the prior year.

(3) The secretary may group facilities based on factors which could reasonably influence cost requirements of this cost center, other than ownership or legal organization characteristics.

(4) In applying the eighty-fifth percentile reimbursement limit authorized by subsection (2) of this section to the pilot facility specially designed to meet the needs of persons living with AIDS as defined by RCW 70.24.017, and specifically authorized for this purpose under the 1989 amendment to the Washington state health plan, the department shall exempt the cost of nursing supplies reported by the pilot facility in excess of the average of nursing supplies cost for medicaid nursing facilities state-wide.

NEW SECTION. Sec. 2. If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1992, in the omnibus appropriations act, this act shall be null and void.

On motion of Senator West, the following title amendment was adopted:

On page 1, line 2 of the title, after "AIDS;" strike the remainder of the title and insert "amending RCW 74.46.500; and creating a new section."

MOTION

On motion of Senator West, the rules were suspended, House Bill No. 2811, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2811, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2811, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sumner, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 47.

Absent: Senator Owen - 1.

Excused: Senator Moore - 1.

HOUSE BILL NO. 2811, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2350, by Representatives Leonard and Winsley (by request of Department of Social and Health Services)

Making changes regarding the coordination of general assistance programs.

The bill was read the second time.

MOTION

On motion of Senator Roach, the rules were suspended, House Bill No. 2350 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2350.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2350 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 2; Absent, 1; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sumner, Sutherland, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 45.

Voting nay: Senators Pelz, Talmadge - 2.

Absent: Senator Kreidler - 1.

Excused: Senator Moore - 1.

HOUSE BILL NO. 2350, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2299, by House Committee on Commerce and Labor (originally sponsored by Representatives Heavey, Franklin, McLean, R. King, Lisk and Jones)

Adopting the Washington lease-purchase agreement act.

The bill was read the second time.

MOTION

On motion of Senator Matson, the rules were suspended, Substitute House Bill No. 2299 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2299.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2299 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sumner, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 48.

Excused: Senator Moore - 1.

SUBSTITUTE HOUSE BILL NO. 2299, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Substitute House Bill No. 2676 and the pending amendment by Senators Cantu, Madsen, Hayner and Snyder on page 3, after line 15, deferred earlier today.

RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator Talmadge, the President finds that Substitute House Bill No. 2676 is a measure which establishes a process for cities and counties to plan for economic development related projects of regional or state significance.

"The amendment by Senators Cantu, Madsen, Hayner and Snyder would establish a process for counties, in consultation with cities, to plan for siting of major industrial developments outside urban growth areas.

"The President, therefore, finds that the proposed amendment does not change the scope and object of the bill and the point of order is not well taken."

The amendment by Senators Cantu, Madsen, Hayner and Snyder on page 3, line 15, to Substitute House Bill No. 2676 was ruled in order.

The President declared the question before the Senate to be the adoption of the amendment by Senators Cantu, Madsen, Hayner and Snyder on page 3, line 15, to Substitute House Bill No. 2676.

Debate ensued.

The amendment by Senators Cantu, Madsen, Hayner and Snyder on page 3, line 15, to Substitute House Bill No. 2676 was adopted.

MOTIONS

On motion of Senator McCaslin, the following title amendment was adopted:

On page 1, line 2 of the title, after "significance;" strike "adding a new section" and insert "adding new sections"

On motion of Senator McCaslin, the rules were suspended, Substitute House Bill No. 2676, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2676, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2676, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 39; Nays, 9; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Nelson, Newhouse, Oke, Owen, Patterson, Rasmussen, Roach, Saling, Sellar, L. Smith, Snyder, Stratton, Sumner, Sutherland, Thorsness, Vognild, von Reichbauer, West, Williams - 39.

Voting nay: Senators Kreidler, Murray, Niemi, Pelz, Rinehart, Skratek, A. Smith, Talmadge, Wojahn - 9.

Excused: Senator Moore - 1.

SUBSTITUTE HOUSE BILL NO. 2676, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Substitute House Bill No. 2817 and the pending Committee on Financial Institutions and Insurance striking amendment, deferred earlier today.

RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator Niemi, the President finds that Substitute House Bill No. 2817 is a measure which directs the Insurance Commissioner to study the availability of health insurance coverage for small employers and report to the Legislature.

"The Committee on Financial Institutions amendment would establish basic and standard health benefit plans for all small employers, provide various rules regarding premiums and coverages, and make other changes including the establishment of a health benefit plan committee and modifications to the State Health Insurance Pool.

"The President, therefore, finds that the proposed committee amendment does change the scope and object of the bill and the point of order is well taken."

The Committee on Financial Institutions and Insurance striking amendment to Substitute House Bill No. 2817 was ruled out of order.

MOTION

On motion of Senator Newhouse, and there being no objection, further consideration of Substitute House Bill No. 2817 was deferred.

There being no objection, the Senate resumed consideration of House Bill No. 2290 and the pending Committee on Commerce and Labor striking amendment, deferred earlier today.

RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator Vognild, the President finds that House Bill No. 2290 is a measure which regulates fire protection sprinkler system contractors by imposing certain penalties and providing for enforcement proceedings.

"The Committee on Commerce and Labor striking amendment also imposes penalties and provides for enforcement proceedings against contractors and, in addition, would exempt some existing nonresidential structures from having to install or improve sprinkler systems.

"The President, therefore, finds that the proposed committee amendment does change the scope and object of the bill and the point of order is well taken."

The Committee on Commerce and Labor striking amendment to House Bill No. 2290 was ruled out of order.

MOTION

On motion of Senator Vognild, and there being no objection, further consideration of House Bill No. 2290 was deferred.

There being no objection, the Senate resumed consideration of Substitute House Bill No. 2344 and the pending amendment by Senators Talmadge and Bailey on page 14, after line 14, deferred earlier today.

RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator Nelson, the President finds that Substitute House Bill No. 2344 is a measure which defines criminal street gangs and makes a felony committed in association with a gang an aggravating circumstance under the Sentencing Reform Act.

"The proposed amendment by Senators Talmadge and Bailey would make it unlawful to interfere with school activities as defined.

"The President, therefore, finds that the proposed amendment does change the scope and object of the bill and the point of order is well taken."

The amendment by Senators Talmadge and Bailey on page 14, after line 14, to Substitute House Bill No. 2344 was ruled out of order.

MOTION

On motion of Senator Stratton, the following amendment by Senators Stratton, Vognild, Saling and McDonald was adopted:

On page 14, after line 14, insert the following:

NEW SECTION. Sec. 3. The legislature finds and declares that:

(1) The number of youth who are members and associates of gangs and commit gang violence has significantly increased throughout the entire greater Puget Sound, Spokane, and other areas of the state;

(2) Youth gang violence has caused a tremendous strain on the progress of the communities impacted. The loss of life, property, and positive opportunity for growth caused by youth gang violence has reached intolerable levels. Increased youth gang activity has seriously strained the budgets of many local jurisdictions, as well as threatened the ability of the educational system to educate our youth;

(3) Among youth gang members the high school drop-out rate is significantly higher than among nongang members. Since the economic future of our state depends on a highly educated and skilled work force, this high school drop-out rate threatens the economic welfare of our future work force, as well as the future economic growth of our state;

(4) The unemployment rate among youth gang members is higher than that among the general youth population. The unusual unemployment rate, lack of education and skills, and the increased criminal activity could significantly impact our future prison population;

(5) Most youth gangs are subcultural. This implies that gangs provide the nurturing, discipline, and guidance to gang youth and potential gang youth that is generally provided by communities and other social systems. The subcultural designation means that youth gang participation and violence can be effectively reduced in Washington communities and schools through the involvement of community, educational, criminal justice, and employment systems working in a unified manner with parents and individuals who have a firsthand knowledge of youth gangs and at-risk youth; and

(6) A strong unified effort among parents and community, educational, criminal justice, and employment systems would facilitate: (a) The learning process; (b) the control and reduction of gang violence; (c) the prevention of youth joining negative gangs; and (d) the intervention into youth gangs.

NEW SECTION. Sec. 4. It is the intent of the legislature to cause the development of positive prevention and intervention pilot programs for elementary and secondary age youth through cooperation between individual schools, local organizations, and government. It is also the intent of the legislature that if the prevention and intervention pilot programs are determined to be effective in reducing problems associated with youth gang violence, that other counties in the state be eligible to receive special state funding to establish similar positive prevention and intervention programs.

NEW SECTION. Sec. 5. Unless the context otherwise requires, the following definitions shall apply throughout sections 3 through 14 of this act:

(1) "School" means any public school within a school district any portion of which is in a county with a population of over three hundred fifty thousand.

(2) "Community organization" means any organization recognized by a city or county as such, as well as private, nonprofit organizations registered with the secretary of state.

(3) "Gang risk prevention and intervention pilot program" means a community-based positive prevention and intervention program for gang members, potential gang members, at-risk youth, and elementary through high school-aged youth directed at all of the following:

(a) Reducing the probability of youth involvement in gang activities and consequent violence.

(b) Establishing ties, at an early age, between youth and community organizations.

(c) Committing local business and community resources to positive programming for youth.

(d) Committing state resources to assist in creating the gang risk prevention and intervention pilot programs.

(4) "Cultural awareness retreat" means a program that temporarily relocates at-risk youth or gang members from their usual social environment to a different social environment, with the specific purpose of having them performing activities which will enhance or increase their positive behavior and potential life successes.

(5) "Criminal street gang" or "street gang" means the same as defined in RCW 9.94A.030 or a similar gang that has engaged in a pattern of violence.

NEW SECTION. Sec. 6.

(1) The department of community development may contract with school districts for the development, administration, and implementation in the county of community-based gang risk prevention and intervention pilot programs.

(2) Proposals by the school district for gang risk prevention and intervention pilot program grant funding shall begin with school years no sooner than the 1993-94 session, and last for a duration of two years.

(3) The school district proposal shall include:

(a) A description of the program goals, activities, and curriculum. The description of the program goals shall include a list of measurable objectives for the purpose of evaluation by the school district. To the extent possible, proposals shall contain empirical data on current problems, such as drop-out rates and occurrences of violence on and off campus by school-age individuals.

(b) A description of the individual school or schools and the geographic area to be affected by the program.

(c) A demonstration of broad-based support for the program from business and community organizations.

(d) A clear description of the experience, expertise, and other qualifications of the community organizations to conduct an effective prevention and intervention program in cooperation with a school or a group of schools.

(e) A proposed budget for expenditure of the grant.

NEW SECTION. Sec. 7.

(1) A school district in a county with a population of over three hundred fifty thousand may request proposals for establishing gang risk prevention and intervention pilot programs from either public entities that apply jointly with individual schools or community organizations. The proposals shall be reviewed and recommendations for awarding grants shall be made by a committee made up of: (a) A representative from the school district taking the proposal, appointed by the school district's board of directors; (b) a representative appointed by the director of the department of community development or designate; and (c) a representative from the local juvenile court administration.

(2) A school district, upon its election to enter into a contract pursuant to section 6 of this act, shall, no later than March 1, 1993, distribute a standard request for proposals.

(3) Proposals made to the school district must comply with the conditions of the grant.

(4) The school district shall additionally monitor and evaluate the gang risk prevention and intervention pilot programs pursuant to the following criteria:

(a) Success in obtaining stated goals.

(b) Reduction in drop-out rates.

(c) Reduction in violence among students, on and off campus.

(d) Development of techniques for early identification of at-risk youth.

(5) The school district shall report to the department of community development the results of the program.

NEW SECTION. Sec. 8. Gang risk prevention and intervention pilot programs shall include, but are not limited to:

(1) Counseling for targeted at-risk students, parents, and families, individually and collectively.

(2) Exposure to positive sports and cultural activities, promoting affiliations between youth and the local community.

(3) Job training, which may include apprentice programs in coordination with local businesses, job skills development at the school, or information about vocational opportunities in the community.

(4) Positive interaction with local law enforcement personnel.

(5) The use of local organizations to provide job search training skills.

(6) Cultural awareness retreats.

(7) The use of specified state resources, as requested.

(8) Full service schools under section 11 of this act.

(9) Community service such as volunteerism and citizenship.

NEW SECTION. Sec. 9.

(1) Upon request from the local community organization receiving an award under section 7 of this act or the granting local school district, or both, the employment security department shall provide a job counselor or counselors to assist at cultural awareness retreats. The counselor shall provide assistance with the following:

(a) Testing for job occupation preferences.

(b) Information on the skills needed for different occupations.

(c) Coordinating the personal appearance of small business owners or corporate managers to explain the type of skills and characteristics businesses currently need in prospective employees, as well as those of prospective future employees.

(d) Establishing a business mentor program between the small business owners or corporate managers and the youth who are willing to participate.

(e) Establishing a specific program that provides help with employment opportunities for youth who attend cultural awareness retreats.

The department may provide other services than those specified.

(2) Upon request from the local community organization awarded the grant, the local school district, or both, the department may provide those services specified in subsection (1) of this section for the youth who are receiving services from the local community organization.

NEW SECTION. Sec. 10. Upon request from the local community organization receiving an award under section 7 of this act or the granting local school district, or both, the department of labor and industries shall:

(1) Provide information and assistance with regards to the skills and educational backgrounds needed to apply for apprenticeship programs.

(2) Provide direction and assistance with applications for apprenticeship programs.

(3) Explore and examine the feasibility of establishing preapprenticeship programs for those youth who cannot qualify for apprenticeships because of age or educational deficiencies, and are participating or have participated in the retreat.

(4) Provide assistance for and coordination of the personal appearance of representatives of the joint apprenticeship committee with the specific purpose of discussing the skills needed to perform different occupations.

(5) Provide assistance for and coordination of the establishment of a joint apprenticeship mentor program with those youth who are participating or have participated in the retreat program.

The department may provide other services.

Upon request from the local community organization receiving the award under section 7 of this act or the local school district, or both, the department shall provide the services in this section either at the grant-receiving school or at the cultural awareness retreat, or both.

NEW SECTION. Sec. 11.

(1) The purpose of a full service school shall be to increase the interaction between youth and the community at large. A full service school shall provide a wide range of opportunities for all citizens, including goals under RCW 28A.620.010 (1), (2), (3), and (6), and subsection (2) of this section.

(2) The local school district and the local community organization that received a grant under section 7 of this act shall work with other community organizations, the superintendent of public instruction, and school personnel in the selected school to determine the services needed by the community that shall be offered at the full service school.

NEW SECTION. Sec. 12.

(1) Upon request, the division of juvenile rehabilitation shall through cooperation with private business or through interagency agreement with the state parks and recreation commission or department of natural resources, or both, provide facilities for cultural awareness retreats. The requests for facilities must be made by one of the following: (a) The community organization receiving the grant, or (b) the local school district that assisted in awarding the grant. The division may provide other services as requested.

(2) The services may be, but are not limited to, persons knowledgeable of juvenile gang behavior.

(3) Upon receiving a request for cultural awareness retreat facilities, the division shall notify the departments of employment security and labor and industries of the organization requesting the retreat, and the time, place, and date of the retreat.

NEW SECTION. Sec. 13. Cultural awareness retreats shall include but are not limited to the following programs:

(1) To develop positive attitudes and self-esteem.

(2) To develop youth decision-making ability.

(3) To assist with career development and educational development.

(4) To help develop respect for the community, and ethnic origin.

NEW SECTION. Sec. 14. If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1992, in the omnibus appropriations act, this act shall be null and void.

NEW SECTION. Sec. 15. Sections 4 through 13 of this act shall constitute a new chapter in Title 43 RCW. Renumber the remaining sections consecutively and correct internal references accordingly.

On motion of Senator Nelson, the following title amendment was adopted:

On page 1, line 2 of the title, after "9.94A.030;" insert "adding a new chapter to Title 43 RCW; creating new sections;"

MOTION

On motion of Senator Nelson, the rules were suspended, Substitute House Bill No. 2344, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2344, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2344, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 2; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sumner, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 45.

Voting nay: Senator Pelz - 1.

Absent: Senators Craswell, Metcalf - 2.

Excused: Senator Moore - 1.

SUBSTITUTE HOUSE BILL NO. 2344, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of House Bill No. 2290, deferred on second reading earlier today, after the Committee on Commerce and Labor striking amendment was ruled out of order.

MOTIONS

On motion of Senator Anderson, the following amendments by Senators Anderson and McMullen were considered simultaneously and were adopted:

On page 1, line 11, after "felony." insert "This section may not be construed to create any criminal liability for a prime contractor or an owner of a structure unless it is proved that the prime contractor or owner had actual knowledge of an illegal construction, installation, or maintenance of a fire protection sprinkler system by a fire protection sprinkler system contractor."

On page 2, line 5, after "misdemeanor." insert "This section may not be construed to create any criminal liability for a prime contractor or an owner of an occupancy unless it is proved that the prime contractor or owner had actual knowledge of an illegal construction, installation, or maintenance of a fire protection sprinkler system by a fire protection sprinkler system contractor."

On motion of Senator Anderson, the following amendment was adopted:

On page 1, after line 11, insert the following:

Sec. 2. RCW 18.160.030 and 1990 c 177 s 4 are each amended to read as follows:

(1) This chapter shall be administered by the state director of fire protection.

(2) The state director of fire protection shall have the authority, and it shall be his or her duty to:

(a) Issue such administrative regulations as necessary for the administration of this chapter;

(b)(i) Set reasonable fees for licenses, certificates, testing, and other aspects of the administration of this chapter.

However, the license fee for fire protection sprinkler system contractors engaged solely in the installation, inspection, maintenance, or servicing of NFPA 13-D fire protection sprinkler systems shall not exceed one hundred dollars, and the license fee for fire protection sprinkler system contractors engaged solely in the installation, inspection, maintenance, or servicing of NFPA 13-R fire protection sprinkler systems shall not exceed three hundred dollars;

(ii) Adopt rules establishing a special category restricted to contractors registered under chapter 18.27 RCW who install underground systems that service fire protection sprinkler systems. The rules shall be adopted within ninety days of the effective date of this act;

- (c) Enforce the provisions of this chapter;
 - (d) Conduct investigations of complaints to determine if any infractions of this chapter or the regulations developed under this chapter have occurred;
 - (e) Work with the fire sprinkler advisory committee consisting of fire protection sprinkler system contractors and other related officials;
 - (f) Assign a certificate number to each certificate of competency holder; and
 - (g) Adopt rules necessary to implement and administer a program which requires the affixation of a seal any time a fire protection sprinkler system is installed, which seal shall include the certificate number of any certificate of competency holder who installs, in whole or in part, the fire protection sprinkler system.
- Renumber the sections consecutively and correct internal references accordingly.

MOTIONS

On motion of Senator Anderson, the following title amendment was adopted:
On page 1, line 1 of the title, after "systems;" insert "amending RCW 18.160.030;"

On motion of Senator Anderson, the rules were suspended, House Bill No. 2290, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2290, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2290, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 4; Absent, 1; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Conner, Craswell, Erwin, Gaspard, Hansen, Jesernig, Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 43.

Voting nay: Senators Bluechel, Cantu, Hayner, Sumner - 4.

Absent: Senator Pelz - 1.

Excused: Senator Moore - 1.

HOUSE BILL NO. 2290, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

POINT OF ORDER SPECIAL ORDER OF BUSINESS

Senator Newhouse: "Mr. President, I rise to a point of order. We have now reached the time of 4:55 p.m. for the Special Order of Business on Engrossed Substitute House Bill No. 2610."

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2610, by House Committee on Transportation (originally sponsored by Representatives R. Fisher, Haugen, Hine, Zellinsky, Winsley, Nelson, Mitchell, Wang, Prentice, R. Meyers, R. King, Schmidt, Locke, Heavey, Pruitt, J. Kohl, Jacobsen, Dorn, Fraser, Appelwick, Franklin, Roland, Wineberry, Betzoff, Cantwell, G. Cole, Belcher, Braddock, May, Valle, Ebersole, Morris, Leonard, Scott, Horn, Anderson, Vance, Basich, Kremen, Paris, G. Fisher, Ferguson and Spanel)

Authorizing regional transit authorities and creating a regional transportation council.

The bill was read the second time.

POINT OF ORDER

Senator Talmadge: "A point of order, Mr. President. With respect to the fair start bill, my understanding was that the regional transportation authority bill had been made a special order of business at 4:55 p.m. The Senate did not get to that matter of the fair start bill."

REPLY BY THE PRESIDENT

President Pritchard: "I'm sorry. I'm not aware of it."

Senator Talmadge: "What I'm asking, Mr. President, in light of the five o'clock deadline and the fact that we really didn't get to it, is the fair start bill, Substitute House Bill No. 2695, still alive in light of that?"

President Pritchard: "Yes, it is."

MOTIONS

Senator Patterson moved that the following Committee on Transportation amendment be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. LEGISLATIVE INTENT. The legislature recognizes that existing transportation facilities in the central Puget Sound area are inadequate to address mobility needs of the area. The geography of the region, travel demand growth, and public resistance to new roadways combine to further necessitate the rapid development of alternative modes of travel.

The legislature finds that local governments have been effective in cooperatively planning a multicounty, high capacity transportation system. However, a continued multijurisdictional approach to funding, construction, and operation of a multicounty high capacity transportation system may impair the successful implementation of such a system.

The legislature finds that a single agency will be more effective than several local jurisdictions working collectively at planning, developing, operating, and funding a high capacity transportation system. The single agency's services must be carefully integrated and coordinated with public transportation services currently provided. As the single agency's services are established, any public transportation services currently provided that are duplicative should be eliminated. Further, the single agency must coordinate its activities with other agencies providing local and state roadway services, implementing comprehensive planning, and implementing transportation demand management programs and assist in developing infrastructure to support high capacity systems including but not limited to feeder systems, park and ride facilities, intermodal centers, and related roadway and operational facilities. Coordination can be best achieved through common governance, such as integrated governing boards.

It is therefore the policy of the state of Washington to empower counties in the state's most populous region to create a local agency for planning and implementing a high capacity transportation system within that region. The authorization for such an agency, except as specifically provided in this chapter, is not intended to limit the powers of existing transit agencies.

NEW SECTION. Sec. 2. DEFINITIONS. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

- (1) "Authority" means a regional transit authority authorized under this chapter.
- (2) "Board" means the board of a regional transit authority.
- (3) "Service area" or "area" means the area included within the boundaries of a regional transit authority.
- (4) "System" means a regional transit system authorized under this chapter and under the jurisdiction of a regional transit authority.

(5) "Facilities" means any lands, interest in land, air rights over lands, and improvements thereto including vessel terminals, and any equipment, vehicles, vessels, and other components necessary to support the system.

NEW SECTION. Sec. 3. REGIONAL TRANSIT AUTHORITY. Two or more contiguous counties each having a population of four hundred thousand persons or more may establish a regional transit authority to develop and operate a high capacity transportation system as defined in chapter 81.104 RCW.

The authority shall be formed in the following manner:

(1) The joint regional policy committee created pursuant to RCW 81.104.040 shall adopt a system and financing plan, including the definition of the service area. This action shall be completed by September 1, 1992, contingent upon satisfactory completion of the planning process defined in RCW 81.104.100. In addition to the requirements of RCW 81.104.100, the plan for the proposed system shall provide explicitly for a minimum portion of new tax revenues to be allocated to local transit agencies for interim express services. Upon adoption the joint regional policy committee shall immediately transmit the plan to the county legislative authorities within the adopted service area.

(2) The legislative authorities of the counties within the service area shall decide by resolution whether to participate in the authority. This action shall be completed within forty-five days following receipt of the adopted plan.

(3) If any of the counties does not opt to participate in the authority, the joint regional policy committee shall, within forty-five days, redefine the system and financing plan and resubmit the adopted redefined plan to the remaining county legislative authorities for their decision as to whether to participate. This action shall be completed within forty-five days following receipt of the redefined plan.

(4) Each county that chooses to participate in the authority shall appoint its board members as set forth in section 4 of this act and shall submit its list of members to the secretary of the Washington state department of transportation. These actions must be completed within thirty days following each county's decision to participate in the authority.

(5) The secretary shall call the first meeting of the authority, to be held within thirty days following receipt of the appointments. At its first meeting, the authority shall elect officers and provide for the adoption of rules and other operating procedures.

(6) The authority is formally constituted at its first meeting and the board shall begin taking steps toward implementation of the system and financing plan adopted by the joint regional policy committee. Upon formation of the authority, the joint regional policy committee shall cease to exist. The authority may make minor modifications to the plan as deemed necessary and shall at a minimum review local transit agencies' plans to ensure feeder service/high capacity transit service integration, ensure fare integration, and ensure avoidance of parallel competitive services.

(7) The authority shall place on the ballot within two years of the authority's formation, a single ballot proposition to ratify formation of the authority, approve the system and finance plan, and authorize the imposition of the taxes to support the plan within its service area. In addition to the system plan requirements contained in RCW 81.104.100(2)(d), the system plan submitted to voters shall contain an equity element which:

(a) Identifies revenues anticipated to be generated by corridor and by county within the authority's boundaries;

(b) Identifies the phasing of construction and operation of high capacity system facilities, services, and benefits in each corridor. Phasing decisions should give priority to jurisdictions which have adopted transit-supportive land use plans; and

(c) Identifies the degree to which revenues generated within each county will benefit the residents of that county, and identifies when such benefits will accrue.

A simple majority of those voting within the boundaries of the authority is required for approval. If the vote is affirmative, the authority shall begin implementation of the plan. However, the authority may not submit any authorizing proposition for voter-approved taxes prior to July 1, 1993; nor may the authority issue bonds or form any local improvement district prior to July 1, 1993.

(8) If the vote fails, the board may redefine the system and financing plan, make changes to the authority boundaries, and make corresponding changes to the composition of the board. If the composition of the board is changed, the participating counties shall revise the membership of the board accordingly. The board may then submit the revised plan to voters. No single system and financing plan may be submitted to the voters more than twice.

If the authority is unable to achieve a positive vote within two years from the date of the first election on a system plan, the board may, by resolution, reconstitute the authority as a single-county body. With a two-thirds vote of the entire membership of the voting members, the board may also dissolve the authority.

NEW SECTION. Sec. 4. GOVERNANCE.

(1) The regional transit authority shall be governed by a board consisting of representatives appointed by the county executive and confirmed by the council or other legislative authority of each member county. Membership shall be based on population from that portion of each county which lies within the service area. Board members shall be appointed initially on the basis of one for each one hundred forty-five thousand population within the county. Such appointments shall be made following consultation with city and town jurisdictions within the service area. In addition, the secretary of transportation or the secretary's designee shall serve as a member of the board and may have voting status with approval of a majority of the other members of the board.

Each member of the board except the secretary of transportation or the secretary's designee shall be an elected official who serves on the legislative authority of or as mayor of a city within the boundaries of the authority, or on the legislative authority of the county and fifty percent of the population of whose district is within the authority boundaries. When making appointments, each county executive shall ensure that representation on the board includes an elected city official representing the largest city in each county and assures proportional representation from other cities, and representation from unincorporated areas of each county within the service area. At least one-half of all appointees from each county shall serve on the governing authority of a public transportation system.

Members appointed from each county shall serve staggered four-year terms. Vacancies shall be filled by appointment for the remainder of the unexpired term of the position being vacated.

The governing board shall be reconstituted, with regard to the number of representatives from each county, on a population basis, using the official office of financial management population estimates, five years after its initial formation and, at minimum, in the year following each official federal census. The board membership may be reduced, maintained, or expanded to reflect population changes but under no circumstances may the board membership exceed twenty-five.

(2) Major decisions of the authority shall require a favorable vote of two-thirds of the entire membership of the voting members. "Major decisions" include at least the following: System plan adoption and amendment; system phasing decisions; annual budget adoption; authorization of annexations; modification of board composition; and executive director employment.

(3) Each member of the board is eligible to be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060 and to receive compensation as provided in RCW 43.03.250.

NEW SECTION. Sec. 5. AREA INCLUDED.

(1) At the time of formation, the area to be included within the boundary of the authority shall be that area set forth in the system plan adopted by the joint regional policy committee. Prior to submitting the system and financing plan to the voters, the authority may make adjustments to the boundaries as deemed appropriate but must assure that, to the extent possible, the boundaries: (a) Include the largest-population urban growth area designated by each county under chapter 36.70A RCW; and (b) follow election precinct boundaries. If a portion of any city is determined to be within the service area, the entire city must be included within the boundaries of the authority.

(2) After voters within the authority boundaries have approved the system and financing plan, elections to add areas contiguous to the authority boundaries may be called by resolution of the regional transit authority, after consultation with affected transit agencies and with the concurrence of the legislative authority of the city or town if the area is incorporated, or with the concurrence of the county legislative authority if the area is unincorporated. Only those areas that would benefit from the services provided by the authority may be included and services or projects proposed for the area must be consistent with the regional transportation plan. The election may include a single ballot proposition providing for annexation to the authority boundaries and imposition of the taxes at rates already imposed within the authority boundaries.

NEW SECTION. Sec. 6. AUTHORITY POWERS. An authority shall have the following powers:

(1) To establish offices, departments, boards, and commissions that are necessary to carry out the purposes of the authority, and to prescribe the functions, powers, and duties thereof.

(2) To appoint or provide for the appointment of, and to remove or to provide for the removal of, all officers and employees of the authority.

(3) To fix the salaries, wages, and other compensation of all officers and employees of the authority.

(4) To employ such engineering, legal, financial, or other specialized personnel as may be necessary to accomplish the purposes of the authority.

NEW SECTION. Sec. 7. GENERAL POWERS. In addition to the powers specifically granted by this chapter an authority shall have all powers necessary to implement a high capacity transportation system and to develop revenues

for system support. An authority may contract with the United States or any agency thereof, any state or agency thereof, any public transportation benefit area, any county, county transportation authority, city, metropolitan municipal corporation, special district, or governmental agency, within or without the state, and any private person, firm, or corporation for: (1) The purpose of receiving gifts or grants or securing loans or advances for preliminary planning and feasibility studies; (2) the design, construction, or operation of high capacity transportation system facilities; or (3) the provision or receipt of services, facilities, or property rights to provide revenues for the system. An authority shall have the power to contract pursuant to RCW 39.33.050. In addition, an authority may contract with any governmental agency or with any private person, firm, or corporation for the use by either contracting party of all or any part of the facilities, structures, lands, interests in lands, air rights over lands and rights of way of all kinds which are owned, leased, or held by the other party and for the purpose of planning, constructing, or operating any facility or performing any service that the authority may be authorized to operate or perform, on such terms as may be agreed upon by the contracting parties. Before any contract for the lease or operation of any authority facilities is let to any private person, firm, or corporation, a general schedule of rental rates for equipment with or without operators applicable to all private certificated carriers shall be publicly posted, and for other facilities competitive bids shall first be called upon such notice, bidder qualifications, and bid conditions as the board shall determine. This shall allow use of negotiated procurements.

NEW SECTION. Sec. 8. ADDITIONAL POWERS--ACQUISITION OF FACILITIES. An authority shall have the following powers in addition to the general powers granted by this chapter:

(1) To carry out the planning processes set forth in RCW 81.104.100;

(2) To acquire by purchase, condemnation, gift, or grant and to lease, construct, add to, improve, replace, repair, maintain, operate, and regulate the use of high capacity transportation facilities and properties within authority boundaries including surface, underground, or overhead railways, tramways, busways, buses, bus sets, entrained and linked buses, ferries, or other means of local transportation except taxis, and including escalators, moving sidewalks, personal rapid transit systems or other people-moving systems, passenger terminal and parking facilities and properties, and such other facilities and properties as may be necessary for passenger, vehicular, and vessel access to and from such people-moving systems, terminal and parking facilities and properties, together with all lands, rights of way, property, equipment, and accessories necessary for such high capacity transportation systems. When developing specifications for high capacity transportation system operating equipment, an authority shall take into account efforts to establish or sustain a domestic manufacturing capacity for such equipment. The right of eminent domain shall be exercised by an authority in the same manner and by the same procedure as or may be provided by law for cities of the first class, except insofar as such laws may be inconsistent with the provisions of this chapter. Public transportation facilities and properties which are owned by any city, county, county transportation authority, public transportation benefit area, or metropolitan municipal corporation may be acquired or used by an authority only with the consent of the agency owning such facilities. Such agencies are hereby authorized to convey or lease such facilities to an authority or to contract for their joint use on such terms as may be fixed by agreement between the agency and the authority.

The facilities and properties of an authority whose vehicles will operate primarily within the rights of way of public streets, roads, or highways, may be acquired, developed, and operated without the corridor and design hearings that are required by RCW 35.58.273 for mass transit facilities operating on a separate right of way;

(3) To dispose of any real or personal property acquired in connection with any authority function and that is no longer required for the purposes of the authority, in the same manner as provided for cities of the first class. When an authority determines that a facility or any part thereof that has been acquired from any public agency without compensation is no longer required for authority purposes, but is required by the agency from which it was acquired, the authority shall by resolution transfer it to such agency.

(4) To fix rates, tolls, fares, and charges for the use of such facilities and to establish various routes and classes of service. Fares or charges may be adjusted or eliminated for any distinguishable class of users.

NEW SECTION. Sec. 9. AGREEMENTS WITH OPERATORS OF HIGH CAPACITY TRANSPORTATION SERVICES. Except in accordance with an agreement made as provided in this section, upon the date an authority begins high capacity transportation service, no person or private corporation may operate a high capacity transportation service within the authority boundary with the exception of services owned or operated by any corporation or organization solely for the purposes of the corporation or organization and for the use of which no fee or fare is charged.

The authority and any person or corporation legally operating a high capacity transportation service wholly within or partly within and partly without the authority boundary on the date an authority begins high capacity transportation service may enter into an agreement under which such person or corporation may continue to operate such service or any part thereof for such time and upon such terms and conditions as provided in such agreement. Such agreement shall provide for a periodic review of the terms and conditions contained therein. Where any such high capacity transportation service will be required to cease to operate within the authority boundary, the authority may agree with the owner of such service to purchase the assets used in providing such service, or if no agreement can be reached,

an authority shall condemn such assets in the manner and by the same procedure as is or may be provided by law for the condemnation of other properties for cities of the first class, except insofar as such laws may be inconsistent with this chapter.

Wherever a privately owned public carrier operates wholly or partly within an authority boundary, the Washington utilities and transportation commission shall continue to exercise jurisdiction over such operation as provided by law.

NEW SECTION. Sec. 10. TRANSFER OF LOCAL GOVERNMENT POWERS TO AUTHORITY. An authority shall have and exercise all rights with respect to the construction, acquisition, maintenance, operation, extension, alteration, repair, control and management of high capacity transportation system facilities that are identified in the system plan developed pursuant to RCW 81.104.100 that any city, county, county transportation authority, metropolitan municipal corporation, or public transportation benefit area within the authority boundary has been previously empowered to exercise and such powers shall not thereafter be exercised by such agencies without the consent of the authority. Nothing in this chapter shall restrict development, construction, or operation of a personal rapid transit system by a city or county.

An authority may adopt, in whole or in part, and may complete, modify, or terminate any planning, environmental review, or procurement processes related to the high capacity transportation system that had been commenced by a joint regional policy committee or a city, county, county transportation authority, metropolitan municipality, or public transportation benefit area prior to the formation of the authority.

NEW SECTION. Sec. 11. ACQUISITION OF EXISTING SYSTEM. If an authority acquires any existing components of a high capacity transportation system, it shall assume and observe all existing labor contracts relating to the transportation system and, to the extent necessary for operation of facilities, all of the employees of such acquired transportation system whose duties are necessary to operate efficiently the facilities acquired shall be appointed to comparable positions to those which they held at the time of such transfer, and no employee or retired or pensioned employee of such transportation systems shall be placed in any worse position with respect to pension seniority, wages, sick leave, vacation or other benefits that he or she enjoyed as an employee of the transportation system prior to such acquisition. At such times as may be required by such contracts, the authority shall engage in collective bargaining with the duly appointed representatives of any employee labor organization having existing contracts with the acquired transportation system and may enter into labor contracts with such employee labor organization. Facilities and equipment which are acquired after July 1, 1993, related to high capacity transportation services which are to be assumed by the authority as specifically identified in the adopted system plan shall be acquired by the authority in a manner consistent with sections 7 through 10 of this act.

NEW SECTION. Sec. 12. AUTHORITY FINANCES. The board of an authority, by resolution, shall designate a person having experience in financial or fiscal matters as treasurer of the authority. The board may designate, with the concurrence of the treasurer, the treasurer of a county within which the authority is located. Such a treasurer shall possess all of the powers, responsibilities, and duties the county treasurer possesses for a public transportation benefit area authority related to investing surplus authority funds. The board shall require a bond with a surety company authorized to do business in the state of Washington in an amount and under the terms and conditions the board, by resolution, from time to time finds will protect the authority against loss. The premium on any such bond shall be paid by the authority.

All authority funds shall be paid to the treasurer and shall be disbursed by the treasurer only on warrants issued by the authority upon orders or vouchers approved by the board.

The treasurer shall establish a special fund, into which shall be paid all authority funds, and the treasurer shall maintain such special accounts as may be created by the authority into which shall be placed all money as the board may, by resolution, direct.

If the treasurer of the authority is the treasurer of a county, all authority funds shall be deposited with the county depository under the same restrictions, contracts, and security as provided for county depositories. If the treasurer of the authority is some other person, all funds shall be deposited in such bank or banks authorized to do business in this state that have qualified for insured deposits under any federal deposit insurance act as the board, by resolution, shall designate.

The authority may by resolution designate a person having experience in financial or fiscal matters, as the auditor of the authority. Such auditor shall possess all of the powers, responsibilities, and duties related to creating and maintaining funds, issuing warrants, and maintaining a record of receipts and disbursements.

The board may provide and require a reasonable bond of any other person handling moneys or securities of the authority, but the authority shall pay the premium on the bond.

NEW SECTION. Sec. 13. BONDING. Notwithstanding RCW 39.36.020(1), an authority may at any time contract indebtedness or borrow money for authority purposes and may issue general obligation bonds in an amount not exceeding, together with any existing indebtedness of the authority not authorized by the voters, one and one-half percent of the value of the taxable property within the boundaries of the authority; and with the assent of three-fifths of the voters

therein voting at an election called for that purpose, may contract indebtedness or borrow money for authority purposes and may issue general obligation bonds therefor, provided the total indebtedness of the authority shall not exceed five percent of the value of the taxable property therein. Such bonds shall be issued and sold in accordance with chapter 39.46 RCW.

The term "value of the taxable property" shall have the meaning set forth in RCW 39.36.015.

NEW SECTION. Sec. 14. REVENUE BONDS.

(1) An authority may issue revenue bonds to provide funds to carry out its authorized functions without submitting the matter to the voters of the authority. The authority shall create a special fund or funds for the sole purpose of paying the principal of and interest on the bonds of each such issue, into which fund or funds the authority may obligate itself to pay such amounts of the gross revenue of the high capacity transportation system constructed, acquired, improved, added to, or repaired out of the proceeds of sale of such bonds, as the authority shall determine and may obligate the authority to pay such amounts out of otherwise unpledged revenue that may be derived from the ownership, use, or operation of properties or facilities owned, used, or operated incident to the performance of the authorized function for which such bonds are issued or out of otherwise unpledged fees, tolls, charges, tariffs, fares, rentals, special taxes, or other sources of payment lawfully authorized for such purpose, as the authority shall determine. The principal of, and interest on, such bonds shall be payable only out of such special fund or funds, and the owners of such bonds shall have a lien and charge against the gross revenue of such high capacity transportation system or any other revenue, fees, tolls, charges, tariffs, fares, special taxes, or other authorized sources pledged to the payment of such bonds.

Such revenue bonds and the interest thereon issued against such fund or funds shall be a valid claim of the owners thereof only as against such fund or funds and the revenue pledged therefor, and shall not constitute a general indebtedness of the authority.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter 39.46 RCW.

NEW SECTION. Sec. 15. LOCAL IMPROVEMENT DISTRICTS AUTHORIZED.

(1) An authority may form a local improvement district to provide any transportation improvement it has the authority to provide, impose special assessments on all property specially benefitted by the transportation improvements, and issue special assessment bonds or revenue bonds to fund the costs of the transportation improvement. Local improvement districts shall be created and assessments shall be made and collected pursuant to chapters 35.43, 35.44, 35.49, 35.50, 35.51, 35.53, and 35.54 RCW.

(2) The board shall by resolution establish for each special assessment bond issue the amount, date, terms, conditions, denominations, maximum fixed or variable interest rate or rates, maturity or maturities, redemption rights, registration privileges, if any, covenants, and form, including registration as to principal and interest, registration as to principal only, or bearer. Registration may include, but not be limited to: (a) A book entry system of recording the ownership of a bond whether or not physical bonds are issued; or (b) recording the ownership of a bond together with the requirement that the transfer of ownership may only be effected by the surrender of the old bond and either the reissuance of the old bond or the issuance of a new bond to the new owner. Facsimile signatures may be used on the bonds and any coupons. The maximum term of any special assessment bonds shall not exceed thirty years beyond the date of issue. Special assessment bonds issued pursuant to this section shall not be an indebtedness of the authority issuing the bonds, and the interest and principal on the bonds shall only be payable from special assessments made for the improvement for which the bonds were issued and any local improvement guaranty fund that the authority has created. The owner or bearer of a special assessment bond or any interest coupon issued pursuant to this section shall not have any claim against the authority arising from the bond or coupon except for the payment from special assessments made for the improvement for which the bonds were issued and any local improvement guaranty fund the authority has created. The authority issuing the special assessment bonds is not liable to the owner or bearer of any special assessment bond or any interest coupon issued pursuant to this section for any loss occurring in the lawful operation of its local improvement guaranty fund. The substance of the limitations included in this subsection shall be plainly printed, written, or engraved on each special assessment bond issued pursuant to this section.

(3) Assessments shall reflect any credits given by the authority for real property or property right donations made pursuant to RCW 47.14.030.

(4) The board may establish and pay moneys into a local improvement guaranty fund to guarantee special assessment bonds issued by the authority.

NEW SECTION. Sec. 16. BONDING LIMITS. Prior to the issuance of any bonds by the authority pursuant to this chapter, the authority shall obtain the approval of sixty percent of those voting in an election called for the purpose of approving the issuance of such bonds. Such election may not be called sooner than one year after the approval of the system and finance plan by voters pursuant to section 3 of this act.

NEW SECTION. Sec. 17. COUNTY ASSESSOR'S DUTIES. It shall be the duty of the assessor of each component county to certify annually to a regional transit authority the aggregate assessed valuation of all taxable property within the boundaries of the authority as the same appears from the last assessment roll of the county.

NEW SECTION. Sec. 18. INTERIM FINANCING. A regional transit authority may apply for high capacity transportation account funds and for central Puget Sound account funds for high capacity transit planning and system development.

Transit agencies contained wholly or partly within a regional transit authority may make grants or loans to the authority for high capacity transportation planning and system development.

Sec. 19. RCW 81.104.010 and 1991 c 318 s 1 are each amended to read as follows:

Increasing congestion on Washington's roadways calls for identification and implementation of high capacity transportation system alternatives. (~~("High capacity transportation system" means a system of public transportation services within an urbanized region operating principally on exclusive rights of way, and the supporting services and facilities necessary to implement such a system, including high occupancy vehicle lanes, which taken as a whole, provides a substantially higher level of passenger capacity, speed, and service frequency than traditional public transportation systems operating principally in general purpose roadways.~~) The legislature believes that local jurisdictions should coordinate and be responsible for high capacity transportation policy development, program planning, and implementation. The state should assist by working with local agencies on issues involving rights of way, partially financing projects meeting established state criteria including development and completion of the high occupancy vehicle lane system, authorizing local jurisdictions to finance high capacity transportation systems through voter-approved tax options, and providing technical assistance and information.

NEW SECTION. Sec. 20. A new section is added to chapter 81.104 RCW to read as follows:

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

(1) "High capacity transportation system" means a system of public transportation services within an urbanized region operating principally on exclusive rights of way, and the supporting services and facilities necessary to implement such a system, including interim express services and high occupancy vehicle lanes, which taken as a whole, provides a substantially higher level of passenger capacity, speed, and service frequency than traditional public transportation systems operating principally in general purpose roadways.

(2) "Regional transit system" means a high capacity transportation system under the jurisdiction of one or more transit agencies except where a regional transit authority created under chapter 81.--- RCW (sections 1 through 18 of this act) exists, in which case "regional transit system" means the high capacity transportation system under the jurisdiction of a regional transit authority.

(3) "Transit agency" means city-owned transit systems, county transportation authorities, metropolitan municipal corporations, and public transportation benefit areas.

Sec. 21. RCW 81.104.030 and 1991 c 318 s 3 and 1991 c 309 s 2 are each reenacted and amended to read as follows:

(1) In any county with a population of from two hundred ten thousand to less than one million that is not bordered by a county with a population of one million or more, and in each county with a population of less than two hundred ten thousand, (~~(city-owned transit systems, county transportation authorities, metropolitan municipal corporations, and public transportation benefit areas)~~) transit agencies may elect to establish high capacity transportation service. Such agencies shall form a regional policy committee with proportional representation based upon population distribution within the designated service area and a representative of the department of transportation, or such agencies may use the designated metropolitan planning organization as the regional policy committee.

(~~(City-owned transit systems, county transportation authorities, metropolitan municipal corporations, and public transportation benefit areas)~~) Transit agencies participating in joint regional policy committees shall seek voter approval within their own service boundaries of a high capacity transportation system plan and financing plan.

(2) (~~(City-owned transit systems, county transportation authorities, metropolitan municipal corporations, and public transportation benefit areas)~~) Transit agencies in counties adjoining state or international boundaries are authorized to participate in the regional high capacity transportation programs of an adjoining state or Canadian province.

Sec. 22. RCW 81.104.040 and 1991 c 318 s 4 are each amended to read as follows:

(~~(4)~~) Transit agencies in each county with a population of one million or more, and in each county with a population of from two hundred ten thousand to less than one million bordering a county with a population of one million or more that are (~~currently~~) authorized on January 1, 1991, to provide high capacity transportation planning and operating services(~~(, including but not limited to city-owned transit systems, county transportation authorities, metropolitan municipal corporations, and public transportation benefit areas,)~~) must establish through interlocal agreements a joint regional policy committee with proportional representation based upon the population distribution within each agency's designated service area, as determined by the parties to the agreement.

~~((a))~~ (1) The membership of the joint regional policy committee shall consist of locally elected officials who serve on the legislative authority of the existing transit systems and a representative from the department of transportation. Nonvoting membership for elected officials from adjoining counties may be allowed at the committee's discretion.

~~((b))~~ (2) The joint regional policy committee shall be responsible for the preparation and adoption of a regional high capacity transportation implementation program, which shall include the system plan, project plans, and a financing plan. This program shall be in conformance with the regional transportation planning organization's regional transportation plan and consistent with RCW 81.104.080.

~~((c))~~ (3) The joint regional policy committee shall present ~~((a))~~ an adopted high capacity transportation system plan and financing plan to the boards of directors of the transit agencies within the service area ~~((for adoption.~~

~~(d) Transit agencies shall present the adopted high capacity transportation system plan and financing plan for voter approval within four years of the execution of the interlocal agreements. A simple majority vote is required for approval of the high capacity transportation system plan and financing plan in any service district within each county. The implementation program may proceed in any service area approving the system and financing plans.~~

~~(2) High capacity transportation planning, construction, operations, and funding shall be governed through the interlocal agreement process, including but not limited to provision for a cost allocation and distribution formula, service corridors, station area locations, right of way transfers, and feeder transportation systems. The interlocal agreement shall include a mechanism for resolving conflicts among parties to the agreement)) or to the regional transit authority, if such authority has been formed. The authority shall proceed as prescribed in section 3 of this act.~~

Sec. 23. RCW 81.104.050 and 1991 c 318 s 5 are each amended to read as follows:

Regional high capacity transportation service ~~((boundaries))~~ may be expanded beyond the established ~~((service))~~ district boundaries through interlocal agreements among the transit agencies and ~~((the local jurisdictions within which such expanded service is proposed))~~ any regional transit authorities in existence.

Sec. 24. RCW 81.104.100 and 1991 sp.s. c 15 s 68 are each amended to read as follows:

To assure development of an effective high capacity transportation system, local authorities shall follow the following planning process:

(1) Regional, multimodal transportation planning is the ongoing urban transportation planning process conducted in each urbanized area by its regional transportation planning organization. During this process, regional transportation goals are identified, travel patterns are analyzed, and future land use and travel are projected. The process provides a comprehensive view of the region's transportation needs but does not select specified modes to serve those needs. The process shall identify a priority corridor or corridors for further study of high capacity transportation facilities if it is deemed feasible by local officials.

(2) High capacity transportation system planning is the detailed evaluation of a range of high capacity transportation system options, including: Do nothing, low capital, and ranges of higher capital facilities. To the extent possible this evaluation shall take into account the urban mass transportation administration's requirements identified in subsection (3) of this section.

High capacity transportation system planning shall proceed as follows:

(a) Organization and management. The responsible local transit agency or agencies shall define roles for various local agencies, review background information, provide for public involvement, and develop a detailed work plan for the system planning process.

(b) Development of options. Options to be studied shall be developed to ensure an appropriate range of technologies and service policies can be evaluated. A do-nothing option and a low capital option that maximizes the current system shall be developed. Several higher capital options that consider a range of capital expenditures for several candidate technologies shall be developed.

(c) Analysis methods. The local transit agency shall develop reports describing the analysis and assumptions for the estimation of capital costs, operating and maintenance costs, methods for travel forecasting, a financial plan and an evaluation methodology.

(d) The system plan submitted to the voters pursuant to RCW 81.104.140 shall address, but is not limited to the following issues:

- (i) Identification of level and types of high capacity transportation services to be provided;
- (ii) A plan of high occupancy vehicle lanes to be constructed;
- (iii) Identification of route alignments and station locations with sufficient specificity to permit calculation of costs, ridership, and system impacts;
- (iv) Performance characteristics of technologies in the system plan;
- (v) Patronage forecasts;
- (vi) A financing plan describing: Phasing of investments; capital and operating costs and expected revenues; cost-effectiveness represented by a total cost per system rider and new rider estimate; estimated ridership and the cost

of service for each individual high capacity line (~~((Hane))~~); and identification of the operating revenue to operating expense ratio.

The financing plan shall specifically differentiate the proposed use of funds between high capacity transportation facilities and services, and high occupancy vehicle facilities(~~(, and expanded local/feeder service)~~);

(vii) Description of the relationship between the high capacity transportation system plan and adopted land use plans;

(viii) An assessment of social, economic, and environmental impacts; and

(ix) Mobility characteristics of the system presented, including but not limited to: Qualitative description of system/service philosophy and impacts; qualitative system reliability; travel time and number of transfers between selected residential, employment, and activity centers; and system and activity center mode splits.

(3) High capacity transportation project planning is the detailed identification of alignments, station locations, equipment and systems, construction schedules, environmental effects, and costs. High capacity transportation project planning shall proceed as follows: The local transit agency shall analyze and produce information needed for the preparation of environmental impact statements. The impact statements shall address the impact that development of such a system will have on abutting or nearby property owners. The process of identification of alignments and station locations shall include notification of affected property owners by normal legal publication. At minimum, such notification shall include notice on the same day for at least three weeks in at least two newspapers of general circulation in the county where such project is proposed. Special notice of hearings by the conspicuous posting of notice, in a manner designed to attract public attention, in the vicinity of areas identified for station locations or transfer sites shall also be provided.

In order to increase the likelihood of future federal funding, the project planning processes shall follow the urban mass transportation administration's requirements as described in "Procedures and Technical Methods for Transit Project Planning", published by the United States department of transportation, urban mass transportation administration, September 1986, or the most recent edition. Nothing in this subsection shall be construed to preclude detailed evaluation of more than one corridor in the planning process.

The department of transportation shall provide system and project planning review and monitoring in cooperation with the expert review panel identified in RCW 81.104.110. In addition, the local transit agency shall maintain a continuous public involvement program and seek involvement of other government agencies.

Sec. 25. RCW 81.104.120 and 1990 c 43 s 33 are each amended to read as follows:

(1) (~~((City owned transit service, county transportation authorities, metropolitan municipal corporations, and public transportation benefit areas))~~) Transit agencies and regional transit authorities may operate or contract for commuter rail service where it is deemed to be a reasonable alternative transit mode. A reasonable alternative is one whose passenger costs per mile, including costs of trackage, equipment, maintenance, operations, and administration are equal to or less than comparable bus, entrained bus, trolley, or personal rapid transit systems.

(2) A county may use funds collected under RCW 81.100.030 or 81.100.060 to contract with one or more transit agencies or regional transit authorities for planning, operation, and maintenance of commuter rail projects which: (a) Are consistent with the regional transportation plan; (b) have met the project planning and oversight requirements of RCW 81.104.100 and 81.104.110; and (c) have been approved by the voters within the service area of each transit agency or regional transit authority participating in the project. The phrase "approved by the voters" includes specific funding authorization for the commuter rail project.

(3) The utilities and transportation commission shall maintain safety responsibility for passenger rail service operating on freight rail lines. Agencies providing passenger rail service on lines other than freight rail lines shall maintain safety responsibility for that service.

Sec. 26. RCW 81.104.140 and 1991 c 318 s 11 and 1991 c 309 s 4 are each reenacted and amended to read as follows:

(1) Agencies authorized to provide high capacity transportation service, including (~~((city owned transit systems, county transportation authorities, metropolitan municipal corporations and public transportation benefit areas))~~) transit agencies and regional transit authorities, are hereby granted dedicated funding sources for such systems. These dedicated funding sources, as set forth in RCW 81.104.150, 81.104.160, and 81.104.170, are authorized only for agencies located in (a) each county with a population of two hundred ten thousand or more and (b) each county with a population of from one hundred twenty-five thousand to less than two hundred ten thousand except for those counties that do not border a county with a population as described under (a) of this subsection. In any county with a population of one million or more or in any county having a population of four hundred thousand or more bordering a county with a population of one million or more, these funding sources may be imposed only by a regional transit authority.

(2) Agencies planning to construct and operate a high capacity transportation system should also seek other funds, including federal, state, local, and private sector assistance.

(3) Funding sources should satisfy each of the following criteria to the greatest extent possible:

- (a) Acceptability;
- (b) Ease of administration;
- (c) Equity;
- (d) Implementation feasibility;
- (e) Revenue reliability; and
- (f) Revenue yield.

(4) Agencies participating in regional high capacity transportation system development (~~((through interlocal agreements))~~) are authorized to levy and collect the following voter-approved local option funding sources:

- (a) Employer tax as provided in RCW 81.104.150;
- (b) Special motor vehicle excise tax as provided in RCW 81.104.160; and
- (c) Sales and use tax as provided in RCW 81.104.170.

Revenues from these taxes may be used only to support those purposes prescribed in subsection (10) of this section. Before the date of an election authorizing an agency to impose any of the taxes enumerated in this section and authorized in RCW 81.104.150, 81.104.160, and 81.104.170, the agency must comply with the process prescribed in RCW 81.104.100 (1) and (2) and 81.104.110. No construction on exclusive right of way may occur before the requirements of RCW 81.104.100(3) are met.

(5) Authorization in subsection (4) of this section shall not adversely affect the funding authority of (~~((existing))~~) transit agencies not provided for in this chapter. Local option funds may be used to support implementation of interlocal agreements with respect to the establishment of regional high capacity transportation service. Except when a regional transit authority exists, local jurisdictions shall retain control over moneys generated within their boundaries, although funds may be commingled with those generated in other areas for planning, construction, and operation of high capacity transportation systems as set forth in the agreements.

(6) Agencies planning to construct and operate high capacity transportation systems may contract with the state for collection and transference of voter-approved local option revenue.

(7) Dedicated high capacity transportation funding sources authorized in RCW 81.104.150, 81.104.160, and 81.104.170 shall be subject to voter approval by a simple majority. A single ballot proposition may seek approval for one or more of the authorized taxing sources. The ballot title shall reference the document identified in subsection (8) of this section.

(8) Agencies shall provide to the registered voters in the area a document describing the systems plan and the financing plan set forth in RCW 81.104.100. It shall also describe the relationship of the system to regional issues such as development density at station locations and activity centers, and the interrelationship of the system to adopted land use and transportation demand management goals within the region. This document shall be provided to the voters at least twenty days prior to the date of the election.

(9) For any election in which voter approval is sought for a high capacity transportation system plan and financing plan pursuant to RCW 81.104.040, a local voter's pamphlet shall be produced as provided in chapter 29.81A RCW.

(10) Agencies providing high capacity transportation service shall retain responsibility for revenue encumbrance, disbursement, and bonding. Funds may be used for any purpose relating to planning, construction, and operation of high capacity transportation systems(~~(s))~~) and commuter rail systems, (~~((and feeder transportation systems))~~) personal rapid transit, busways, bus sets, and entrained and linked buses.

Sec. 27. RCW 81.104.150 and 1990 c 43 s 41 are each amended to read as follows:

Cities that operate transit systems, county transportation authorities, metropolitan municipal corporations, (~~((and))~~) public transportation benefit areas, (~~((solely for the purpose of providing high capacity transportation service))~~) and regional transit authorities may submit an authorizing proposition to the voters and if approved may impose an excise tax of up to two dollars per month per employee on all employers located within the agency's jurisdiction, measured by the number of full-time equivalent employees, solely for the purpose of providing high capacity transportation service. The rate of tax shall be approved by the voters. This tax may not be imposed by (~~((an))~~): (1) A transit agency when the county within which it is located is imposing an excise tax pursuant to RCW 81.100.030; or (2) a regional transit authority when any county within the authority's boundaries is imposing an excise tax pursuant to RCW 81.100.030. The agency imposing the tax authorized in this section may provide for exemptions from the tax to such educational, cultural, health, charitable, or religious organizations as it deems appropriate.

Sec. 28. RCW 81.104.160 and 1991 c 318 s 12 are each amended to read as follows:

(~~((Any city that operates a))~~) Cities that operate transit systems, county transportation (~~((authority))~~) authorities, metropolitan municipal corporations, (~~((or))~~) public transportation benefit areas, (~~((solely for the purpose of providing high capacity transportation service))~~) and regional transit authorities may submit an authorizing proposition to the voters, and

if approved, may levy and collect an excise tax, at a rate approved by the voters, but not exceeding eighty one-hundredths of one percent on the value, under chapter 82.44 RCW, of every motor vehicle owned by a resident of ~~((such city, county transportation authority, metropolitan municipal corporation, or public transportation benefit area))~~ the taxing district, solely for the purpose of providing high capacity transportation service. In any county imposing a motor vehicle excise tax surcharge pursuant to RCW 81.100.060, the maximum tax rate under this section shall be reduced to a rate equal to eighty one-hundredths of one percent on the value less the equivalent motor vehicle excise tax rate of the surcharge imposed pursuant to RCW 81.100.060. This rate shall not apply to vehicles licensed under RCW 46.16.070 except vehicles with an unladen weight of six thousand pounds or less, RCW 46.16.079, 46.16.080, 46.16.085, or 46.16.090.

Sec. 29. RCW 81.104.170 and 1990 2nd ex.s. c 1 s 902 are each amended to read as follows:

~~((The legislative bodies of))~~ Cities that operate transit systems, county transportation authorities, metropolitan municipal corporations, ((and)) public transportation benefit areas, ((solely for the purpose of providing high capacity transportation service)) and regional transit authorities may submit an authorizing proposition to the voters and if approved by a majority of persons voting, fix and impose a sales and use tax in accordance with the terms of this chapter, solely for the purpose of providing high capacity transportation service.

The tax authorized pursuant to this section shall be in addition to the tax authorized by RCW 82.14.030 and shall be collected from those persons who are taxable by the state pursuant to chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within ~~((such city, county transportation authority, metropolitan municipal corporation, or public transportation benefit area, as the case may be))~~ the taxing district. The maximum rate of such tax shall be approved by the voters and shall not exceed one percent of the selling price (in the case of a sales tax) or value of the article used (in the case of a use tax). The maximum rate of such tax that may be imposed shall not exceed nine-tenths of one percent ~~((if))~~ in any county that imposes a tax ((is imposed in the county)) under RCW 82.14.340, or within a regional transit authority if any county within the authority imposes a tax under RCW 82.14.340.

Sec. 30. RCW 81.104.180 and 1990 c 43 s 44 are each amended to read as follows:

Cities that operate transit systems, county transportation authorities, metropolitan municipal corporations, ~~((and))~~ public transportation benefit areas, and regional transit authorities are authorized to pledge revenues from the employer tax authorized by RCW 81.104.150, the special motor vehicle excise tax authorized by RCW 81.104.160, and the sales and use tax authorized by RCW 81.104.170, to retire bonds issued solely for the purpose of providing high capacity transportation service.

Sec. 31. RCW 81.104.190 and 1990 c 43 s 45 are each amended to read as follows:

Cities that operate transit systems, county transportation authorities, metropolitan municipal corporations, ~~((and))~~ public transportation benefit areas, and regional transit systems may contract with the state department of revenue or other appropriate entities for administration and collection of any tax authorized by RCW 81.104.150, 81.104.160, and 81.104.170.

NEW SECTION. Sec. 32. A new section is added to chapter 47.80 RCW to read as follows:

EXECUTIVE BOARD MEMBERSHIP. In order to qualify for state planning funds available to regional transportation planning organizations, the regional transportation planning organizations containing any county with a population in excess of one million shall provide voting membership on its executive board to the state transportation commission, the state department of transportation, and the three largest public port districts within the region as determined by gross operating revenues. It shall further assure that at least fifty percent of the county and city local elected officials who serve on the executive board also serve on transit agency boards or on a regional transit authority.

NEW SECTION. Sec. 33. Sections 1 through 18 of this act shall constitute a new chapter in Title 81 RCW.

NEW SECTION. Sec. 34. Section headings as used in this act do not constitute any part of the law.

NEW SECTION. Sec. 35. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 36. This act shall take effect July 1, 1992.

Senator Vognild moved that the following amendment to the Committee on Transportation amendment be adopted:

On page 18, beginning on line 1, strike all of NEW SECTION, Sec. 16.

Renumber the following sections consecutively and correct internal references accordingly.

Debate ensued.

POINT OF INQUIRY

Senator Patterson: "Senator Vognild, when they speak of assessed valuation, what is the assessed valuation of the area involved? Do you have any figures that indicate what one and one-half percent of the assessed valuation--I assume that is of property in the corridor that we are dealing with?"

Senator Vognild: "Yes, Senator, the estimated assessed valuation based on 1990 figures would be King County, one hundred and one point seven billion dollars; Pierce County, eighteen point five billion; Snohomish County, nineteen point seven billion. That is a hundred and forty billion dollars in assessed valuation. The one point five limitation on bonds that they could issue would equal approximately two point one billion."

Senator Patterson: "Thank you."

The President declared the question before the Senate to be the adoption of the amendment by Senator Vognild on page 18, beginning on line 1, to the Committee on Transportation striking amendment.

The motion by Senator Vognild carried and the amendment to the Committee on Transportation striking amendment was adopted.

MOTION

Senator Pelz moved that the following amendments to the Committee on Transportation amendment be considered simultaneously and be adopted:

On page 27, line 14 of the amendment, after "81.104.150" strike ", 81.104.160, and 81.104.170" and insert "((;)) and 81.104.160~~((; and 81.104.170))~~"

On page 28, line 10 of the amendment, after "81.104.150;" insert "and"

On page 28, beginning on line 11 of the amendment, after "81.104.160" strike all material through "81.104.170" on line 13 and insert ((; and

~~(e) Sales and use tax as provided in RCW 81.104.170))~~"

On page 28, beginning on line 17 of the amendment, after "81.104.150" strike ", 81.104.160, and 81.104.170" and insert "((;)) and 81.104.160~~((; and 81.104.170))~~"

On page 29, line 7 of the amendment, after "81.104.150" strike ", 81.104.160, and 81.104.170" and insert "((;)) and 81.104.160~~((; and 81.104.170))~~"

On page 31, beginning on line 13 of the amendment, strike all of section 29

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

On page 32, line 14 of the amendment, after "81.104.150" strike "," and insert "((;)) and"

On page 32, line 15 of the amendment, after "81.104.160," strike "and the sales and use tax authorized by RCW 81.104.170," and insert "~~((and the sales and use tax authorized by RCW 81.104.170,))~~"

On page 32, beginning on line 24 of the amendment, after "81.104.150" strike ", 81.104.160, and 81.104.170" and insert "((;)) and 81.104.160~~((; and 81.104.170))~~"

On page 33, after line 11 of the amendment, insert the following:

NEW SECTION. Sec. 1. RCW 81.104.170 and 1990 2nd ex.s. c 1 s 902 & 1990 c 43 s 43 are each repealed. Renumber the remaining sections consecutively and correct any internal references accordingly.

POINT OF INQUIRY

Senator Rasmussen: "Senator Pelz, what you are telling me, I can hardly believe. You mean that they will put another cent and a half sales tax on people that can't afford to buy a coat for their kids and they have never had a car and they still pay a cent and half more sales tax?"

Senator Pelz: "Are you asking me whether the sales tax can stand to go from eight point two to nine point one cents in this state?"

Senator Rasmussen: "Yes, and this would apply to people who may not support a car, but they do need coats and shoes for their kids. Will they be paying for this?"

Senator Pelz: "Economists will tell you that we are dangerously close to the point in our tax structure, and you get there around the nine percent mark, where people start to make major amounts of their purchases out of state. They travel out of state more; they use catalog sales. We are close to the point where the sales tax is going to become a real impediment to commerce in this state. I think that this point nine puts us over that."

Senator Rasmussen: "Thank you, Senator Pelz."

Further debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator Pelz on page 27, 28, 29, 31, 32 and 33, to the Committee on Transportation striking amendment.

The motion by Senator Pelz failed and the amendments to the Committee on Transportation striking amendment were not adopted.

The President declared the question before the Senate to be the adoption of the Committee on Transportation striking amendment, as amended, to Engrossed Substitute House Bill No. 2610.

The motion by Senator Patterson carried and the Committee on Transportation amendment, as amended, was adopted.

MOTIONS

On motion of Senator Patterson, the following title amendment was adopted:

On page 1, line 1 of the title, after "transportation;" strike the remainder of the title and insert "amending RCW 81.104.010, 81.104.040, 81.104.050, 81.104.100, 81.104.120, 81.104.150, 81.104.160, 81.104.170, 81.104.180, and 81.104.190; reenacting and amending RCW 81.104.030 and 81.104.140; adding a new section to chapter 81.104 RCW; adding a new section to chapter 47.80 RCW; adding a new chapter to Title 81 RCW; creating a new section; and providing an effective date."

On motion of Senator Patterson, the rules were suspended, Engrossed Substitute House Bill No. 2610, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2610, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2610, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 34; Nays, 11; Absent, 3; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Conner, Erwin, Gaspard, Jesernig, Kreidler, Madsen, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Oke, Owen, Patterson, Pelz, Rinehart, Roach, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sumner, Thorsness, Vognild, von Reichbauer, Williams, Wojahn - 34.

Voting nay: Senators Bluechel, Cantu, Craswell, Hansen, Hayner, McCaslin, Niemi, Rasmussen, Saling, Sutherland, Talmadge - 11.

Absent: Senators Matson, Sellar, West - 3.

Excused: Senator Moore - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2610, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Substitute House Bill No. 2695 and the pending Committee on Education striking amendment, deferred earlier today.

RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator Talmadge, the President finds that Substitute House Bill No. 2695 is a measure which establishes the fair start program to assist school districts in providing prevention and intervention services for elementary grade students.

"The proposed Committee on Education amendment would, among other things, prohibit the expenditure of any fair start funds for services or information about abortions, contraceptives, or birth control.

"The President, therefore, finds that the proposed committee amendment does not change the scope and object of the bill and the point of order is not well taken."

The Committee on Education striking amendment to Substitute House Bill No. 2695 was ruled in order.

There being no objection, the Senate resumed consideration of the amendment by Senators Niemi, Skratek and Rinehart on page 3, beginning on line 16, to the Committee on Education amendment, and the request for a roll call which had been sustained, deferred earlier today.

Debate ensued.

PARLIAMENTARY INQUIRY

Senator Niemi: "Mr. President, I have a point of parliamentary inquiry. Is a two-thirds vote needed for final passage of Substitute House Bill No. 2695, with the adoption of the Education Committee amendment, as required by Article II, Section 1(c) of the State Constitution? The State Constitution requires a two-thirds vote anytime an initiative approved by the people is amended within two years of its passage. This bill contains an amendment to Initiative 120 and should be subject to a two-thirds vote. Now, I refer, specifically, in Initiative 120 to New Section 1, Sub 4, which states, "The state shall not discriminate against the exercise of these rights and the regulation or provision of benefits, facilities, services or information."

REPLY BY THE PRESIDENT

President Pritchard: "Knowing that this was coming up, we have gone through this and the President has decided that Senator Niemi is right and this thing does call for a two-thirds vote, if it is adopted. If it stays in the bill, then on final passage it would take a two-thirds vote."

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senators Niemi, Skratek and Rinehart on page 3, beginning on line 16, to Substitute House Bill No. 2695.

ROLL CALL

The Secretary called the roll and the amendment to the committee amendment was not adopted by the following vote: Yeas, 21; Nays, 27; Absent, 0; Excused, 1.

Voting yea: Senators Bauer, Conner, Gaspard, Hansen, Jesernig, Kreidler, Madsen, McMullen, Murray, Niemi, Owen, Pelz, Rinehart, Skratek, A. Smith, Snyder, Sutherland, Talmadge, Vognild, Williams, Wojahn - 21.

Voting nay: Senators Amondson, Anderson, Bailey, Barr, Bluechel, Cantu, Craswell, Erwin, Hayner, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Oke, Patterson, Rasmussen, Roach, Saling, Sellar, L. Smith, Stratton, Sumner, Thorsness, von Reichbauer, West - 27.

Excused: Senator Moore - 1.

The President declared the question before the Senate to be the adoption of the Committee on Education striking amendment to Substitute House Bill No. 2695.

The Committee on Education striking amendment to Substitute House Bill No. 2695 was adopted.

MOTIONS

On motion of Senator Bailey, the following title amendment was adopted:

On page 1, line 1 of the title, after "program;" strike the remainder of the title and insert "adding new sections to chapter 28A.600 RCW; and creating a new section."

On motion of Senator Bailey, the rules were suspended, Substitute House Bill No. 2695, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2695, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2695, as amended by the Senate, and the bill failed to receive the two-thirds majority by the following vote: Yeas, 31; Nays, 17; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bluechel, Cantu, Conner, Craswell, Erwin, Hansen, Jesernig, Matson, McCaslin, McMullen, Metcalf, Nelson, Newhouse, Oke, Owen, Patterson, Rasmussen, Roach, Saling, Sellar, L. Smith, Stratton, Sumner, Sutherland, Thorsness, von Reichbauer, West - 31.

Voting nay: Senators Bauer, Gaspard, Hayner, Kreidler, Madsen, McDonald, Murray, Niemi, Pelz, Rinehart, Skratek, A. Smith, Snyder, Talmadge, Vognild, Williams, Wojahn - 17.

Excused: Senator Moore - 1.

SUBSTITUTE HOUSE BILL NO. 2695, as amended by the Senate, having failed to receive the constitutional two-thirds majority, was declared lost.

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

MESSAGE FROM THE HOUSE

March 6, 1992

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2964, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

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

INTRODUCTION AND FIRST READING OF HOUSE BILL

ESHB 2964 by House Committee on Revenue (originally sponsored by Representatives Wang, Winsley, Locke, Peery, R. Fisher and Brekke)

Modifying rental car taxation and providing funding for traffic safety education programs.

MOTION

On motion of Senator Newhouse, the rules were suspended, Engrossed Substitute House Bill No. 2964 was advanced to second reading and placed on the second reading calendar.

MOTION

At 5:55 p.m., on motion of Senator Newhouse, the Senate adjourned until 8:00 a.m., Saturday, March 7, 1992.

JOEL PRITCHARD, President of the Senate.

GORDON A. GOLOB, Secretary of the Senate.

**HISTORY OF BILLS
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