

SENATE JOURNAL

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VOLUME 2

REGULAR SESSION

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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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TABLE OF CONTENTS

VOLUME I

Regular Session, January 13, 1992, through March 6, 1992	pages 1-1189
---	--------------

VOLUME II

Regular Session (continued), March 7, 1992, through March 12, 1992.....	pages 1190-1889
Appendix A – Legislative & Congressional Maps	pages 1892-1944
Roster of Members	pages 1946-1955
Governor's Messages	
Bills Signed After Adjournment	pages 1956-1960
Vetoed on Senate Bills	pages 1961-1968
Bills, Memorials, and Resolutions	
Passed by Both Houses	pages 1969-1977
History of Initiatives.....	page 1978
History of Bills	pages 1979-2046
General Index.....	pages 2046-2320

FIFTY-FIFTH DAY

MORNING SESSION

Senate Chamber, Olympia, Saturday, March 7, 1992

The Senate was called to order at 8:00 a.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Hayner, Matson, McDonald, Moore, Niemi and Patterson. On motion of Senator Anderson, Senators Hayner, Matson, McDonald and Patterson were excused. On motion of Senator Murray, Senators Niemi and Moore were excused.

The Sergeant at Arms Color Guard, consisting of Pages Jennifer Carrol and Robert Bryant, 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.

MESSAGES FROM THE HOUSE

March 6, 1992

MR. PRESIDENT:

The Speaker has signed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1631,
 SUBSTITUTE HOUSE BILL NO. 2212,
 HOUSE BILL NO. 2261,
 SUBSTITUTE HOUSE BILL NO. 2263,
 SUBSTITUTE HOUSE BILL NO. 2281,
 HOUSE BILL NO. 2294,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2305,
 HOUSE BILL NO. 2314,
 SUBSTITUTE HOUSE BILL NO. 2330,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2333,
 ENGROSSED HOUSE BILL NO. 2347,
 HOUSE BILL NO. 2358,
 ENGROSSED HOUSE BILL NO. 2360,
 HOUSE BILL NO. 2371,
 HOUSE BILL NO. 2374,
 SUBSTITUTE HOUSE BILL NO. 2391,
 SUBSTITUTE HOUSE BILL NO. 2465,
 HOUSE BILL NO. 2516,
 HOUSE BILL NO. 2543,
 SUBSTITUTE HOUSE BILL NO. 2560,
 SUBSTITUTE HOUSE BILL NO. 2639,
 HOUSE BILL NO. 2655,
 HOUSE BILL NO. 2662,
 SUBSTITUTE HOUSE BILL NO. 2673,
 SUBSTITUTE HOUSE BILL NO. 2714,
 SUBSTITUTE HOUSE BILL NO. 2735,

SUBSTITUTE HOUSE BILL NO. 2745,
HOUSE BILL NO. 2746,
SUBSTITUTE HOUSE BILL NO. 2768,
ENGROSSED HOUSE BILL NO. 2821,
HOUSE BILL NO. 2841,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2842,
SUBSTITUTE HOUSE BILL NO. 2845,
SUBSTITUTE HOUSE BILL NO. 2867, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

March 6, 1992

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6328, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

INTRODUCTION AND FIRST READING

SCR 8428 by Senator Hayner

Amending Engrossed House Concurrent Resolution No. 4426.

MOTION

On motion of Senator Newhouse, the rules were suspended, Senate Concurrent Resolution No. 8428 was advanced to second reading and placed on the second reading calendar.

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Saling, Gubernatorial Appointment No. 9269, Scott Lukins, as a member of the Board of Regents for Washington State University, was confirmed.

APPOINTMENT OF SCOTT LUKINS

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, McCaslin, McMullen, Metcalf, 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 - 43.

Excused: Senators Hayner, Matson, McDonald, Moore, Niemi, Patterson - 6.

MOTION

On motion of Senator Saling, Gubernatorial Appointment No. 9198, Kathleen Gutierrez, as a member of the Board of Trustees for Everett Community College District No. 5, was confirmed.

APPOINTMENT OF KATHLEEN GUTIERREZ

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, Conner, Craswell, Erwin, Gaspard, Hansen, 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, Sumner, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 45.

Excused: Senators Hayner, Matson, Moore, Niemi - 4.

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 6328.

SIGNED BY THE PRESIDENT

The President signed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1631,

SUBSTITUTE HOUSE BILL NO. 2212,

HOUSE BILL NO. 2261,

SUBSTITUTE HOUSE BILL NO. 2263,

SUBSTITUTE HOUSE BILL NO. 2281,

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SUBSTITUTE HOUSE BILL NO. 2768,

ENGROSSED HOUSE BILL NO. 2821,

HOUSE BILL NO. 2841,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2842,

SUBSTITUTE HOUSE BILL NO. 2845,

SUBSTITUTE HOUSE BILL NO. 2867.

MOTION

At 8:21 a.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 9:37 a.m. by President Pritchard.

POINT OF ORDER

Senator McCaslin: "A point of order, Mr. President. Could we slow the pace down a little bit? I just can't keep up."

REPLY BY THE PRESIDENT

President Pritchard: "That's what happens when you get older, Senator."

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8428, by Senator Hayner

Amending Engrossed House Concurrent Resolution No. 4426.

The concurrent resolution was read the second time.

MOTION

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

On page 1, line 4, after "budgets," insert "as agreed to by the leaders of all four caucuses,"

Debate ensued.

Senator Snyder demanded a roll call and the demand was sustained.

Further debate ensued.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senators Gaspard, Snyder and McMullen on page 1, line 4, to Senate Concurrent Resolution No. 8428.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 24; Nays, 25; Absent, 0; Excused, 0.

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, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Oke, Patterson, Roach, Saling, Sellar, L. Smith, Sumner, Thorsness, von Reichbauer, West - 25.

MOTION

On motion of Senator Newhouse, the rules were suspended, Senate Concurrent Resolution No. 8428 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 Senate Concurrent Resolution No. 8428.

Senate Concurrent Resolution No. 8428 was adopted by voice vote.

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

JOURNAL OF THE SENATE
MESSAGE FROM THE HOUSE

March 5, 1992

MR. PRESIDENT:

The House has passed REENGROSSED SUBSTITUTE SENATE BILL NO. 5121 with the following amendments:

On page 23, line 20 after "Sec. 11." strike all remaining material and insert "If specific funding for this act, referencing this act by bill number, is not provided by June 30, 1992 in the supplemental biennial operating appropriations act, this act shall be null and void."

On page 1, line 4 of the title, strike "making an appropriation" and insert "creating a new section", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

Senator Newhouse moved that the Senate refuse to concur in the House amendments to Reengrossed Substitute Senate Bill No. 5121 and asks the House to recede therefrom.

MOTION

Senator Madsen moved that the Senate do concur in the House amendments to Reengrossed Substitute Senate Bill No. 5121.

Debate ensued.

The President declared the question before the Senate to be the positive motion by Senator Madsen that the Senate do concur in the House amendments to Reengrossed Substitute Senate Bill No. 5121.

The motion by Senator Madsen failed and the Senate refuses to concur in the House amendments to Reengrossed Substitute Senate Bill No. 5121 and asks the House to recede therefrom.

MESSAGE FROM THE HOUSE

March 5, 1992

MR. PRESIDENT:

The House has passed ENGROSSED SENATE BILL NO. 5675 with the following amendments:

On page 1, line 6, after "stocks." strike everything through "plan." on line 7.

On page 1, line 4, after "river." insert "The plan shall include strategies for employing displaced timber workers to conduct salmon restoration and other tasks identified in the plan.", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Amondson, the Senate refuses to concur in the House amendments to Engrossed Senate Bill No. 5675 and asks the House to recede therefrom.

MESSAGE FROM THE HOUSE

March 5, 1992

MR. PRESIDENT:

The House has passed ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5724 with the following amendments:

Strike all material after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 90.48 RCW to read as follows:

(1) The department shall require each pulp mill and paper mill in the state to conduct and submit an engineering report on the cost of installing technology designed to reduce the amount of chlorinated organic compounds discharged into waters of the state. The department shall allow twenty-four months from the effective date of this act for pulp mills and paper mills to submit the engineering report.

(2) The department may not issue a permit establishing limits to the discharge of chlorinated organic compounds by a pulp mill and a paper mill under RCW 90.48.160 or 90.48.260 until ninety days after receiving the engineering report.

(3) Nothing in this section shall apply to dioxin compounds.

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 page 1, line 2 of the title, after "emissions;" strike the remainder of the title and insert "adding a new section to chapter 90.48 RCW; and declaring an emergency.", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Amondson, the Senate refuses to concur in the House amendments to Engrossed Second Substitute Senate Bill No. 5724 and asks the House to recede therefrom.

MESSAGE FROM THE HOUSE

March 3, 1992

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6085 with the following amendments:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 36.93.100 and 1991 c 363 s 96 are each amended to read as follows:

The board shall review and approve, disapprove, or modify any of the actions set forth in RCW 36.93.090 when any of the following shall occur within forty-five days of the filing of a notice of intention:

(1) Three members of a five-member boundary review board or five members of a boundary review board in a county with a population of one million or more files a request for review: PROVIDED, That the members of the boundary review board shall not be authorized to file a request for review of the following actions:

(a) The incorporation or change in the boundary of any city, town, or special purpose district;

(b) The extension of permanent water service outside of its existing corporate boundaries by a city, town, or special purpose district (~~where such~~) if (i) the extension is through the installation of water mains of six inches or less in diameter or (ii) the county legislative authority for the county in which the proposed extension is to be built is required or chooses to plan under RCW 36.70A.040 and has by a majority vote waived the authority of the board to initiate review of all other extensions; or

(c) The extension of permanent sewer service outside of its existing corporate boundaries by a city, town, or special purpose district (~~where such~~) if (i) the extension is through the installation of sewer mains of eight inches or less in diameter or (ii) the county legislative authority for the county in which the proposed extension is to be built is required or chooses to plan under RCW 36.70A.040 and has by a majority vote waived the authority of the board to initiate review of all other extensions;

(2) Any governmental unit affected, including the governmental unit for which the boundary change or extension of permanent water or sewer service is proposed, or the county within which the area of the proposed action is located, files a request for review of the specific action;

(3) A petition requesting review is filed and is signed by:

(a) Five percent of the registered voters residing within the area which is being considered for the proposed action (as determined by the boundary review board in its discretion subject to immediate review by writ of certiorari to the superior court); or

(b) An owner or owners of property consisting of five percent of the assessed valuation within such area;

(4) The majority of the members of boundary review boards concur with a request for review when a petition requesting the review is filed by five percent of the registered voters who deem themselves affected by the action and reside within one-quarter mile of the proposed action but not within the jurisdiction proposing the action.

If a period of forty-five days shall elapse without the board's jurisdiction having been invoked as set forth in this section, the proposed action shall be deemed approved.

If a review of a proposal is requested, the board shall make a finding as prescribed in RCW 36.93.150 within one hundred twenty days after the filing of such a request for review. If this period of one hundred twenty days shall elapse without the board making a finding as prescribed in RCW 36.93.150, the proposal shall be deemed approved unless the board and the person who submitted the proposal agree to an extension of the one hundred twenty day period.

NEW SECTION. Sec. 2. A new section is added to chapter 36.93 RCW to read as follows:

The decisions of a boundary review board located in a county that is required or chooses to plan under RCW 36.70A.040 must be consistent with RCW 36.70A.020, 36.70A.110, and 36.70A.210.

On page 1, line 1 of the title, after "boards;" strike the remainder of the title and insert "amending RCW 36.93.100; and adding a new section to chapter 36.93 RCW.", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Amondson, the Senate refuses to concur in the House amendments to Substitute Senate Bill No. 6085 and asks the House to recede therefrom.

MESSAGE FROM THE HOUSE

March 4, 1992

MR. PRESIDENT:

The House has passed ENGROSSED SENATE BILL NO. 6128 with the following amendments:

Strike everything after the enacting clause and insert:

Sec. 1. RCW 90.58.020 and 1982 1st ex.s. c 13 s 1 are each amended to read as follows:

The legislature finds that the shorelines of the state are among the most valuable and fragile of its natural resources and that there is great concern throughout the state relating to their utilization, protection, restoration, and preservation. In addition it finds that ever increasing pressures of additional uses are being placed on the shorelines necessitating increased coordination in the management and development of the shorelines of the state. The legislature further finds that much of the shorelines of the state and the uplands adjacent thereto are in private ownership; that unrestricted construction on the privately owned or publicly owned shorelines of the state is not in the best public interest; and therefore, coordinated planning is necessary in order to protect the public interest associated with the shorelines of the state while, at the same time, recognizing and protecting private property rights consistent with the public interest. There is, therefore, a clear and urgent demand for a planned, rational, and concerted effort, jointly performed by federal, state, and local governments, to prevent the inherent harm in an uncoordinated and piecemeal development of the state's shorelines.

It is the policy of the state to provide for the management of the shorelines of the state by planning for and fostering all reasonable and appropriate uses. This policy is designed to insure the development of these shorelines in a manner which, while allowing for limited reduction of rights of the public in the navigable waters, will promote and enhance the public interest. This policy contemplates protecting against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the state and their aquatic life, while protecting generally public rights of navigation and corollary rights incidental thereto.

The legislature declares that the interest of all of the people shall be paramount in the management of shorelines of state-wide significance. The department, in adopting guidelines for shorelines of state-wide significance, and local government, in developing master programs for shorelines of state-wide significance, shall give preference to uses in the following order of preference which:

- (1) Recognize and protect the state-wide interest over local interest;
- (2) Preserve the natural character of the shoreline;
- (3) Result in long term over short term benefit;
- (4) Protect the resources and ecology of the shoreline;
- (5) Increase public access to publicly owned areas of the shorelines;
- (6) Increase recreational opportunities for the public in the shoreline;
- (7) Provide for any other element as defined in RCW 90.58.100 deemed appropriate or necessary.

In the implementation of this policy the public's opportunity to enjoy the physical and aesthetic qualities of natural shorelines of the state shall be preserved to the greatest extent feasible consistent with the overall best interest of the state and the people generally. To this end uses shall be preferred which are consistent with control of pollution and prevention of damage to the natural environment, or are unique to or dependent upon use of the state's shoreline. Alterations of the natural condition of the shorelines of the state, in those limited instances when authorized, shall be

given priority for single family residences and their appurtenant structures, ports, shoreline recreational uses including but not limited to parks, marinas, piers, and other improvements facilitating public access to shorelines of the state, industrial and commercial developments which are particularly dependent on their location on or use of the shorelines of the state and other development that will provide an opportunity for substantial numbers of the people to enjoy the shorelines of the state. Alterations of the natural condition of the shorelines and wetlands of the state shall be recognized by the department. Shorelines and wetlands of the state shall be appropriately classified and these classifications shall be revised when circumstances warrant regardless of whether the change in circumstances occurs through man-made causes or natural causes. Any areas resulting from alterations of the natural condition of the shorelines and wetlands of the state no longer meeting the definition of "shorelines of the state" shall not be subject to the provisions of chapter 90.58 RCW.

Permitted uses in the shorelines of the state shall be designed and conducted in a manner to minimize, insofar as practical, any resultant damage to the ecology and environment of the shoreline area and any interference with the public's use of the water.

Sec. 2. RCW 90.58.100 and 1991 c 322 s 32 are each amended to read as follows:

(1) The master programs provided for in this chapter, when adopted and approved by the department, as appropriate, shall constitute use regulations for the various shorelines of the state. In preparing the master programs, and any amendments thereto, the department and local governments shall to the extent feasible:

(a) Utilize a systematic interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts;

(b) Consult with and obtain the comments of any federal, state, regional, or local agency having any special expertise with respect to any environmental impact;

(c) Consider all plans, studies, surveys, inventories, and systems of classification made or being made by federal, state, regional, or local agencies, by private individuals, or by organizations dealing with pertinent shorelines of the state;

(d) Conduct or support such further research, studies, surveys, and interviews as are deemed necessary;

(e) Utilize all available information regarding hydrology, geography, topography, ecology, economics, and other pertinent data;

(f) Employ, when feasible, all appropriate, modern scientific data processing and computer techniques to store, index, analyze, and manage the information gathered.

(2) The master programs shall include, when appropriate, the following:

(a) An economic development element for the location and design of industries, transportation facilities, port facilities, tourist facilities, commerce and other developments that are particularly dependent on their location on or use of the shorelines of the state;

(b) A public access element making provision for public access to publicly owned areas;

(c) A recreational element for the preservation and enlargement of recreational opportunities, including but not limited to parks, tidelands, beaches, and recreational areas;

(d) A circulation element consisting of the general location and extent of existing and proposed major thoroughfares, transportation routes, terminals, and other public utilities and facilities, all correlated with the shoreline use element;

(e) A use element which considers the proposed general distribution and general location and extent of the use on shorelines and adjacent land areas for housing, business, industry, transportation, agriculture, natural resources, recreation, education, public buildings and grounds, and other categories of public and private uses of the land;

(f) A conservation element for the preservation of natural resources, including but not limited to scenic vistas, aesthetics, and vital estuarine areas for fisheries and wildlife protection;

(g) An historic, cultural, scientific, and educational element for the protection and restoration of buildings, sites, and areas having historic, cultural, scientific, or educational values;

(h) An element that gives consideration to the state-wide interest in the prevention and minimization of flood damages; and

(i) Any other element deemed appropriate or necessary to effectuate the policy of this chapter.

(3) The master programs shall include such map or maps, descriptive text, diagrams and charts, or other descriptive material as are necessary to provide for ease of understanding.

(4) Master programs will reflect that state-owned shorelines of the state are particularly adapted to providing wilderness beaches, ecological study areas, and other recreational activities for the public and will give appropriate special consideration to same.

(5) Each master program shall contain provisions to allow for the varying of the application of use regulations of the program, including provisions for permits for conditional uses and variances, to insure that strict implementation of a program will not create unnecessary hardships or thwart the policy enumerated in RCW 90.58.020. Any such varying shall be allowed only if extraordinary circumstances are shown and the public interest suffers no substantial detrimental effect. The concept of this subsection shall be incorporated in the rules adopted by the department relating to the establishment of a permit system as provided in RCW 90.58.140(3).

(6) Each master program shall contain standards governing the protection of single family residences and appurtenant structures against shoreline erosion. The standards shall provide for both structural and non-structural methods of protection. 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 is designed to minimize harm to the shoreline natural environment.

Sec. 3. RCW 90.58.140 and 1990 c 201 s 2 are each amended to read as follows:

(1) A development shall not be undertaken on the shorelines of the state unless it is consistent with the policy of this chapter and, after adoption or approval, as appropriate, the applicable guidelines, rules, or master program.

(2) A substantial development shall not be undertaken on shorelines of the state without first obtaining a permit from the government entity having administrative jurisdiction under this chapter.

A permit shall be granted:

(a) From June 1, 1971, until such time as an applicable master program has become effective, only when the development proposed is consistent with: (i) The policy of RCW 90.58.020; and (ii) after their adoption, the guidelines and rules of the department; and (iii) so far as can be ascertained, the master program being developed for the area;

(b) After adoption or approval, as appropriate, by the department of an applicable master program, only when the development proposed is consistent with the applicable master program and the provisions of chapter 90.58 RCW.

(3) The local government shall establish a program, consistent with rules adopted by the department, for the administration and enforcement of the permit system provided in this section. The administration of the system so established shall be performed exclusively by the local government.

(4) Except as otherwise specifically provided in subsection (13) of this section, the local government shall require notification of the public of all applications for permits governed by any permit system established pursuant to subsection (3) of this section by ensuring that:

(a) A notice of such an application is published at least once a week on the same day of the week for two consecutive weeks in a legal newspaper of general circulation within the area in which the development is proposed; and

(b) Additional notice of such an application is given by at least one of the following methods:

(i) Mailing of the notice to the latest recorded real property owners as shown by the records of the county assessor within at least three hundred feet of the boundary of the property upon which the substantial development is proposed;

(ii) Posting of the notice in a conspicuous manner on the property upon which the project is to be constructed;

or

(iii) Any other manner deemed appropriate by local authorities to accomplish the objectives of reasonable notice to adjacent landowners and the public.

The notices shall include a statement that any person desiring to submit written comments concerning an application, or desiring to receive a copy of the final order concerning an application as expeditiously as possible after the issuance of the order, may submit the comments or requests for orders to the local government within thirty days of the last date the notice is to be published pursuant to subsection (a) of this subsection. The local government shall forward, in a timely manner following the issuance of an order, a copy of the order to each person who submits a request for the order.

If a hearing is to be held on an application, notices of such a hearing shall include a statement that any person may submit oral or written comments on an application at the hearing.

(5) The system shall include provisions to assure that construction pursuant to a permit will not begin or be authorized until thirty days from the date the final order was filed as provided in subsection (6) of this section; or until all review proceedings are terminated if the proceedings were initiated within thirty days from the date of filing as defined in subsection (6) of this section except as follows:

(a) In the case of any permit issued to the state of Washington, department of transportation, for the construction and modification of SR 90 (I-90) on or adjacent to Lake Washington, the construction may begin after thirty days from the date of filing, and the permits are valid until December 31, 1995;

(b) If a permit is granted by the local government and (i) the granting of the permit is appealed to the shorelines hearings board within thirty days of the date of filing, (ii) the hearings board approves the granting of the permit by the local government or approves a portion of the substantial development for which the local government issued the permit, and (iii) an appeal for judicial review of the hearings board decision is filed pursuant to chapter 34.05 RCW, the permittee may request, within ten days of the filing of the appeal with the court, a hearing before the court to determine whether construction may begin pursuant to the permit approved by the hearings board or to a revised permit issued pursuant to the order of the hearings board. If, at the conclusion of the hearing, the court finds that construction pursuant to such a permit would not involve a significant, irreversible damaging of the environment, the court may allow the permittee to begin the construction pursuant to the approved or revised permit as the court deems appropriate. The court may require the permittee to post bonds, in the name of the local government that issued the permit, sufficient to remove the substantial development or to restore the environment if the permit is ultimately disapproved by the courts, or to alter the substantial development if the alteration is ultimately ordered by the courts. Construction pursuant to a permit revised at the direction of the hearings board may begin only on that portion of the substantial development for which the local government had originally issued the permit, and construction pursuant to such a revised permit on other portions of the substantial development may not begin until after all review proceedings are terminated. In such a hearing before the court, the burden of proving whether the construction may involve significant irreversible damage to the environment and demonstrating whether such construction would or would not be appropriate is on the appellant;

(c) If a permit is granted by the local government and the granting of the permit is appealed directly to the superior court for judicial review pursuant to the proviso in RCW 90.58.180(1), the permittee may request the court to remand the appeal to the shorelines hearings board, in which case the appeal shall be so remanded and construction pursuant to such a permit shall be governed by the provisions of subsection (b) of this subsection or may otherwise begin after review proceedings before the hearings board are terminated if judicial review is not thereafter requested pursuant to chapter 34.05 RCW;

(d) If the permit is for a substantial development meeting the requirements of subsection (13) of this section, construction pursuant to that permit may not begin or be authorized until thirty days from the date the final order was filed as provided in subsection (6) of this section.

If a permittee begins construction pursuant to subsections (a), (b), (c), or (d) of this subsection, the construction is begun at the permittee's own risk. If, as a result of judicial review, the courts order the removal of any portion of the construction or the restoration of any portion of the environment involved or require the alteration of any portion of a substantial development constructed pursuant to a permit, the permittee is barred from recovering damages or costs involved in adhering to such requirements from the local government that granted the permit, the hearings board, or any appellant or intervener.

(6) Any ruling on an application for a permit under the authority of this section, whether it is an approval or a denial, shall, concurrently with the transmittal of the ruling to the applicant, be filed with the department and the attorney general. With regard to a permit other than a permit governed by subsection (12) of this section, "date of filing" as used herein means the date of actual receipt by the department. With regard to a permit for a variance or a conditional use, "date of filing" means the date a decision of the department rendered on the permit pursuant to subsection (12) of this section is transmitted by the department to the local government. The department shall notify in writing the local government and the applicant of the date of filing.

(7) Applicants for permits under this section have the burden of proving that a proposed substantial development is consistent with the criteria that must be met before a permit is granted. In any review of the granting or denial of an application for a permit as provided in RCW 90.58.180 (1) and (2), the person requesting the review has the burden of proof.

(8) Any permit may, after a hearing with adequate notice to the permittee and the public, be rescinded by the issuing authority upon the finding that a permittee has not complied with conditions of a permit. If the department is of the opinion that noncompliance exists, the department shall provide written notice to the local government and the permittee. If the department is of the opinion that the noncompliance continues to exist thirty days after the date of the notice, and the local government has taken no action to rescind the permit, the department may petition the hearings board for a rescission of the permit upon written notice of the petition to the local government and the permittee if the request by the department is made to the hearings board within fifteen days of the termination of the thirty-day notice to the local government.

(9) The holder of a certification from the governor pursuant to chapter 80.50 RCW shall not be required to obtain a permit under this section.

(10) A permit shall not be required for any development on shorelines of the state included within a preliminary or final plat approved by the applicable state agency or local government before April 1, 1971, if:

(a) The final plat was approved after April 13, 1961, or the preliminary plat was approved after April 30, 1969; and

(b) The development is completed within two years after June 1, 1971.

(11) The applicable state agency or local government is authorized to approve a final plat with respect to shorelines of the state included within a preliminary plat approved after April 30, 1969, and before April 1, 1971: PROVIDED, That any substantial development within the platted shorelines of the state is authorized by a permit granted pursuant to this section, or does not require a permit as provided in subsection (10) of this section, or does not require a permit because of substantial development occurred before June 1, 1971.

(12) Any permit for a variance or a conditional use by local government under approved master programs must be submitted to the department for its approval or disapproval.

(13)(a) An application for a substantial development permit for a limited utility extension or for the construction of a bulkhead or other measures to protect a single family residence and its appurtenant structures from shoreline erosion shall be subject to the following procedures:

(i) The public comment period under subsection (4) of this section shall be twenty days. The notice provided under subsection (4) of this section shall state the manner in which the public may obtain a copy of the local government decision on the application no later than two days following its issuance;

(ii) The local government shall issue its decision to grant or deny the permit within twenty-one days of the last day of the comment period specified in (i) of this subsection; and

(iii) If there is an appeal of the decision to grant or deny the permit to the local government legislative authority, the appeal shall be finally determined by the legislative authority within thirty days.

(b) For purposes of this section, a limited utility extension means the extension of a utility service that:

(i) Is categorically exempt under chapter 43.21C RCW for one or more of the following: Natural gas, electricity, telephone, water, or sewer;

~~((b)-(ii))~~ (ii) Will serve an existing use in compliance with this chapter; and

((e)-(iii)) (iii) Will not extend more than twenty-five hundred linear feet within the shorelines of the state. On page 1, line 2 of the title, after "purposes;" strike the remainder of the title and insert "and amending RCW 90.58.020, 90.58.100, and 90.58.140.", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Amondson, the Senate refuses to concur in the House amendments to Engrossed Senate Bill No. 6128 and asks the House to recede therefrom.

MESSAGE FROM THE HOUSE

March 5, 1992

MR. PRESIDENT:

The House has passed SENATE BILL NO. 6155 with the following amendments:

On page 2, line 26, after "(10)" insert "The terms "plan," "market area and pooling arrangement," "market area pooling plan," "market area and pooling plan," "market pool," and "market plan" all have the same meaning;

(11)"

On page 3, after line 4, insert the following:

NEW SECTION. Sec. 2. A new section is added to chapter 15.35 RCW to read as follows:

(1) Not less than sixty days before a referendum creating a market area and pooling plan with quotas is to be conducted under RCW 15.35.110, the director shall notify each producer-dealer regarding the referendum. Any producer-dealer may choose to vote on the referendum and each choosing to do so shall notify the director in writing of this choice not later than thirty days before the referendum is conducted. Such a producer-dealer and any person who becomes a producer-dealer or producer by acquiring the quota of such a producer-dealer shall be a fully regulated producer under such an approved plan and shall receive a quota which is not less than the sales of milk in fluid form from the producer facilities during the reference period used by the director in determining quotas for producers. Such a producer-dealer shall also be a fully regulated dealer under the terms of such an approved plan. RCW 15.35.310(1) does not apply to a producer-dealer who is subject to regulation under this subsection.

(2) If a person was not a producer-dealer at the time notice was provided to producer-dealers under subsection (1) of this section regarding a referendum on a proposed market area and pooling plan with quotas, the plan was approved by referendum, and the person subsequently became a producer-dealer (other than by virtue of the person's acquisition of the quota of a producer-dealer who is fully regulated under the plan), the person is subject to all of the terms of the plan for producers and dealers during the duration of the plan and RCW 15.35.310(1) does not apply to such a person with regard to that plan.

(3) This subsection applies: To a person who was a producer-dealer at the time the notice was provided to producer-dealers under subsection (1) of this section regarding a referendum which was approved and who did not notify the director under subsection (1) of this section to vote in that referendum; and to a person who acquires the quota of such a person.

If such a person's sales of milk in fluid form subsequent to the adoption of the plan increases such that those sales on an annual basis are more than fifty percent greater than the sales of milk in fluid form from the producer facilities during the reference period used by the director in determining quotas under the plan, RCW 15.35.310(1) does not apply to that person with regard to that plan. Such a producer-dealer shall be a fully regulated producer under such an approved plan and shall receive a quota which is not less than the producer-dealer's sales of milk in fluid form during the reference period used by the director in determining quotas for producers. Such a producer-dealer shall also be a fully regulated dealer under the terms of such an approved plan.

If changes are made, on a market area-wide basis, to the quotas established under the plan, the director shall by rule adjust the fifty percent limitation provided by this section by an equivalent amount.

Sec. 3. RCW 41.06.084 and 1990 c 37 s 2 are each amended to read as follows:

In addition to the exemptions set forth in RCW 41.06.070, the provisions of this chapter shall not apply in the department of agriculture to the director, the director's confidential secretary, the deputy director, not more than eight assistant directors, ~~(and)~~ the state veterinarian, and the milk pooling administrator employed under RCW 15.35.100.

Sec. 4. RCW 15.35.110 and 1991 c 239 s 8 are each amended to read as follows:

(1) The director, either upon his or her own motion or upon petition by ten percent of the producers in any proposed area, shall conduct a hearing to determine whether to establish or discontinue a market area pooling arrangement. Upon determination by the director that in order to satisfy the purposes of this chapter a pooling arrangement should be established, a referendum of affected individual producers and milk dealers shall be conducted by the department.

(2) In order for the director to establish a market area and pooling plan:

(a) Sixty-six and two-thirds percent of the producers and producer-dealers that vote must be in favor of establishing a market area and pooling plan; ~~(and)~~

(b) Sixty-six and two-thirds percent of the milk dealers and producer-dealers that vote must be in favor of establishing a market area and pooling plan; and

(c) Producer-dealers providing notice to the director under section 2(1) of this act, shall be authorized to vote both as producers and as milk dealers.

The director, within sixty days from the date the results of the referendum are filed with the secretary of state, shall establish a market pool in the market area, as provided for in this chapter.

(3) If fifty-one percent of the producers and producer-dealers voting representing fifty-one percent of the milk produced in the market area vote to terminate a pooling plan, the director, within one hundred twenty days, shall terminate all the provisions of said market area and pooling arrangement.

(4) A referendum of affected producers, producer-dealers, and milk dealers shall be conducted only when a market area pooling arrangement is to be established ~~((or terminated))~~. Only producers and producer-dealers who are subject to the plan may vote on the termination of a pooling plan.

Sec. 5. RCW 15.35.150 and 1991 c 239 s 11 are each amended to read as follows:

(1) Under a market pool and as used in this section, "quota" means a producer's or producer-dealer's portion of the total sales of milk in fluid form in a market area plus a reserve determined by the director.

(2) The director may in each market area subject to a market plan establish each producer's and each producer-dealer's initial quota in the market area. Such initial quotas shall be determined by the department after due notice and the opportunity for a hearing as provided in chapter 34.05 RCW. In making this determination, consideration shall be given to a history of the producer's production record. In no case shall a producer-dealer receive as a quota an amount which is less than his or her fluid milk sales for the reference period used by the director in determining quotas for other producers.

In any system of establishing quotas, provision shall be made for new producers to qualify for allocation of quota in a reasonable proportion and for old and new producers to participate in any new increase in fluid milk sales in a reasonable proportion. The director may establish a method to proportionately decrease quota allocations in the event decreases in fluid milk consumption occur.

All subsequent changes or new quotas issued shall be determined by the department after due notice and the opportunity for a hearing as provided in chapter 34.05 RCW.

Sec. 6. RCW 15.35.310 and 1991 c 239 s 16 are each amended to read as follows:

(1) Except as provided in section 2 of this act, the provisions of this chapter shall not apply to persons designated as producer-dealers, except that:

(a) The director may require pursuant to RCW 15.35.100 any information deemed necessary to verify a producer-dealer's status as a producer-dealer; and

(b) A producer-dealer shall comply with all requirements of this chapter applicable to milk dealers, except those which the director may deem unnecessary.

(2) The director shall upon request designate producer-dealers and adopt rules governing eligibility for designation of a producer-dealer and cancellation of such designation. To receive such designation, a producer-dealer shall, at a minimum:

(a) In its capacity as a handler, have and exercise complete and exclusive control over the operation and management of a plant at which it handles and processes milk received from its own milk production resources and facilities as designated in subsection (4)(a) of this section, the operation and management of which are under the complete and exclusive control of the producer-dealer in its capacity as a dairy farmer;

(b) Neither receive at its designated milk production resources and facilities nor receive, handle, process, or distribute at or through any of its milk handling, processing, or distributing resources and facilities, as designated in subsection (4)(b) of this section, milk products for reconstitution into fluid milk products, or fluid milk products derived from any source other than (i) its designated milk production resources and facilities, (ii) other milk dealers within the limitation specified in subsection (2)(e) of this section, or (iii) nonfat milk solids which are used to fortify fluid milk products;

(c) Neither be directly nor indirectly associated with the business control or management of, nor have a financial interest in, another dealer's operation; nor shall any other dealer be so associated with the producer-dealer's operation;

(d) Not allow milk from the designated milk production resources and facilities of the producer-dealer to be delivered in the name of another person as producer milk to another handler; and

(e) Not handle fluid milk products derived from sources other than the designated milk production facilities and resources, except for fluid milk product purchased from pool plants which do not exceed in the aggregate a daily average during the month of one hundred pounds.

(3) Designation of any person as a producer-dealer following a cancellation of its prior designation shall be preceded by performance in accordance with subsection (2) of this section for a period of one month.

(4) Designation of a person as a producer-dealer shall include the determination and designation of the milk production, handling, processing, and distributing resources and facilities, all of which shall be deemed to constitute an integrated operation, as follows:

(a) As milk production resources and facilities: All resources and facilities, milking herd, buildings housing such herd, and the land on which such buildings are located, used for the production of milk:

(i) Which are directly, indirectly, or partially owned, operated, or controlled by the producer-dealer; (ii) In which the producer-dealer in any way has an interest including any contractual arrangement; and (iii) Which are directly, indirectly, or partially owned, operated, or controlled by any partner or stockholder of the producer-dealer. However, for purposes of this item (4)(a)(iii) any such milk production resources and facilities which the producer-dealer proves to the satisfaction of the director do not constitute an actual or potential source of milk supply for the producer-dealer's operation as such shall not be considered a part of the producer-dealer's milk production resources and facilities; and

(b) As milk handling, processing, and distributing resources and facilities: All resources and facilities including store outlets used for handling, processing, and distributing any fluid milk product:

(i) Which are directly, indirectly, or partially owned, operated, or controlled by the producer-dealer; or (ii) In which the producer-dealer in any way has an interest, including any contractual arrangement, or with respect to which the producer-dealer directly or indirectly exercises any degree of management or control.

(5) Designation as a producer-dealer shall be canceled automatically upon determination by the director that any of the requirements of subsection (2) of this section are not continuing to be met, such cancellation to be effective on the first day of the month following the month in which the requirements were not met, or the conditions for cancellation occurred.

On page 1, line 1 of the title, after "orders;" strike the remainder of the title and insert "amending RCW 15.35.080, 41.06.084, 15.35.110, 15.35.150, and 15.35.310; and adding a new section to chapter 15.35 RCW.", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Amondson, further consideration of Senate Bill No. 6155 was deferred.

MESSAGE FROM THE HOUSE

March 5, 1992

MR. PRESIDENT:

The House has passed ENGROSSED SENATE BILL NO. 6407 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 39.04 RCW to read as follows:

(1) The provisions of RCW 4.84.250 through 4.84.280 shall apply to an action arising out of a public works contract in which the state or a municipality, or other public body that contracts for public works, is a party, except that: (a) The maximum amount of the pleading shall be two hundred fifty thousand dollars; and (b) in applying RCW 4.84.280, the time period for serving offers of settlement on the adverse party shall be the period not less than thirty days and not more than one hundred twenty days after completion of the service and filing of the summons and complaint.

(2) The rights provided for under this section may not be waived by the parties to a public works contract that is entered into on or after the effective date of this act, and a provision in such a contract that provides for waiver of these rights is void as against public policy. However, this subsection shall not be construed as prohibiting the parties from mutually agreeing to a clause in a public works contract that requires submission of a dispute arising under the contract to arbitration.

(3) In awarding contracts subject to this section, the public owner in determining the lowest responsible bidder may give consideration to, in addition to price, the following factors:

(a) The ability of the contractor to complete the contract within the prescribed schedule outlined in the contract specifications; and

(b) The compliance of the contractor with federal, state, and local laws pertaining to the contract.

On page 1, line 1 of the title, after "contracts;" strike the remainder of the title and insert "and adding a new section to chapter 39.04 RCW.", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Newhouse, further consideration of Engrossed Senate Bill No. 6407 was deferred.

MESSAGE FROM THE HOUSE

March 3, 1992

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5092 with the following amendments:

On page 2, line 18, strike "returns to the employ of" and insert "applies for reemployment with"

On page 3, line 2, strike "authorized leave was granted" and insert "member left the employ of the employer to enter the armed forces"

On page 4, line 6, strike "returns to the employ of" and insert "applies for reemployment with"

On page 4, beginning on line 18, strike "authorized leave was granted" and insert "member left the employ of the employer to enter the armed forces"

On page 5, line 16, strike "returns to the employ of" and insert "applies for reemployment with"

On page 5, beginning on line 28, strike "authorized leave was granted" and insert "member left the employ of the employer to enter the armed forces", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Newhouse, the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 5092.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5092, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5092, as amended by the House, 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, 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, Vognilid, von Reichbauer, West, Williams, Wojahn - 47.

Absent: Senators Hansen, Hayner - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5092, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 5, 1992

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5116 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 46.61 RCW to read as follows:

If a law enforcement officer investigating a violation of RCW 46.61.370 has reasonable cause to believe that a violation has occurred, the officer may request the owner of the motor vehicle to supply information identifying the driver of the vehicle at the time the violation occurred. When requested, the owner of the motor vehicle shall identify the driver to the best of the owner's ability. The owner of the vehicle is not required to supply identification information to the law enforcement officer if the owner believes the information is self-incriminating.

NEW SECTION. Sec. 2. A new section is added to chapter 46.61 RCW to read as follows:

(1) The driver of a school bus who observes a violation of RCW 46.61.370 may prepare a written report on a form provided by the state patrol or another law enforcement agency indicating that a violation has occurred. The driver of the school bus or a school official may deliver the report to a law enforcement officer of the state, county, or municipality in which the violation occurred but not more than seventy-two hours after the violation occurred. The driver shall include in the report the time and location at which the violation occurred, the vehicle license plate number, and a description of the vehicle involved in the violation.

(2) The law enforcement officer shall initiate an investigation of the reported violation within ten working days after receiving the report described in subsection (1) of this section by contacting the owner of the motor vehicle involved in the reported violation and requesting the owner to supply information identifying the driver. Failure to investigate within the ten working day period does not prohibit further investigation or prosecution. If, after an investigation, the law enforcement officer is able to identify the driver and has reasonable cause to believe a violation of RCW 46.61.370 has occurred, the law enforcement officer shall prepare a notice of traffic infraction and have it served upon the driver of the vehicle.

NEW SECTION. Sec. 3. The superintendent of public instruction, in cooperation with a least one school district, shall conduct a pilot program to test the feasibility of using video cameras to identify motorists and vehicles that illegally pass school buses when the bus is loading and unloading students. The superintendent shall report his or her findings to the legislature by December 30, 1992.

NEW SECTION. Sec. 4. A new section is added to chapter 46.37 RCW to read as follows:

(1) A school bus may be equipped with a single hazard strobe lamp. The lamp must meet the standards and specifications established by the chief of the Washington state patrol and must be mounted on the center line of the roof in the rear one-half of the bus, but no closer than six feet from the rear of the bus measured from a vertical plane tangent to the rearmost point of the bus body.

(2) A hazard strobe lamp may be used when the bus is occupied with school children or when one or more of the following conditions exist:

(a) The bus is in motion in inclement, sight-obscuring conditions, including but not limited to, rain, fog, snow, and smoke;

(b) There is a need to improve the visibility of the bus when stopping on, standing on, or starting onto a highway; or

(c) There is limited visibility caused by geographic hazards, including but not limited to, winding roadways, hills, trees, and buildings.

NEW SECTION. Sec. 5. If specific funding for the purposes of section 3 of this act, referencing this act by bill number, is not provided by June 30, 1992, in the omnibus appropriations act, section 3 of this act shall be null and void.

On page 1, line 1 of the title, after "safety;" strike the remainder of the title and insert "adding new sections to chapter 46.61 RCW; adding a new section to chapter 46.37 RCW; and creating new sections.", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

Senator Amondson moved that the Senate do concur in the House amendments to Substitute Senate Bill No. 5116.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Amondson that the Senate do concur in the House amendments to Substitute Senate Bill No. 5116.

The motion by Senator Amondson carried and the Senate concurred in the House amendments to Substitute Senate Bill No. 5116.

MOTION

On motion of Senator Anderson, Senators Hayner and McDonald were excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5116, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5116, as amended by the House, 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, 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 - 47.

Excused: Senators Hayner, McDonald - 2.

SUBSTITUTE SENATE BILL NO. 5116, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 5, 1992

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5305 with the following amendments:

On page 1, after line 12, insert the following:

NEW SECTION. Sec. 2. A new section is added to chapter 28A.600 RCW to read as follows:

(1) The superintendent of public instruction shall encourage school districts to utilize community service as an alternative to student suspension. Community service shall include the provision of volunteer services by students in social and educational organizations including, but not limited to, hospitals, fire and police stations, nursing homes, food banks, day care organizations, and state and local government offices.

(2) At a minimum, by February 1, 1993, the superintendent shall prepare and distribute information to school districts regarding existing programs, the potential benefits and considerations of using community service as an alternative to suspension, and recommended guidelines for starting new programs. The superintendent also shall address, and attempt to clarify and resolve, any potential liability, supervision, and transportation issues associated with using community service as an alternative to suspension.

On page 1, line 1 of the title, after "adding" strike "a new section" and insert "new sections", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

- On motion of Senator Amondson, the Senate concurred in the House amendments to Substitute Senate Bill No. 5305.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5305, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5305, as amended by the House, 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, 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 Hayner - 1.

SUBSTITUTE SENATE BILL NO. 5305, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 3, 1992

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5342 with the following amendments:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 51.44.070 and 1989 c 190 s 1 are each amended to read as follows:

(1) For every case resulting in death or permanent total disability the department shall transfer on its books from the accident fund of the proper class and/or appropriate account to the "reserve fund" a sum of money for that case equal to the estimated present cash value of the monthly payments provided for it, to be calculated upon the basis of an annuity covering the payments in this title provided to be made for the case. Such annuity values shall be based upon rates of mortality, disability, remarriage, and interest as determined by the department, taking into account the experience of the reserve fund in such respects.

Similarly, a self-insurer in these circumstances shall pay into the reserve fund a sum of money computed in the same manner, and the disbursements therefrom shall be made as in other cases.

(2) As an alternative to payment procedures otherwise provided under law, in the event of death or permanent total disability to workers of self-insured employers, a self-insured employer may upon establishment of such obligation file with the department a bond, ~~((or))~~ an assignment of account from a federally or state chartered commercial banking institution authorized to conduct business in the state of Washington, or purchase an annuity, in an amount deemed by the department to be reasonably sufficient to insure payment of the pension benefits provided by law. Any purchase of an annuity shall be from an institution meeting the following minimum requirements: (a) The institution must be rated no less than "A+" by A.M. Best, and no less than "AA" by Moody's and by Standard & Poor's; (b) the value of the assets of the institution must not be less than ten billion dollars; (c) not more than ten percent of the institution's assets may include bonds that are rated less than "BBB" by Moody's and Standard & Poor's; (d) not more than five percent of the assets may be held as equity in real estate; and (e) not more than twenty-five percent of the assets may be first mortgages, and not more than five percent may be second mortgages. The department shall adopt rules governing assignments of account and annuities. Such rules shall ensure that the funds are available if needed, even in the case of failure of the banking institution, the institution authorized to provide annuities, or ~~((or))~~ the employer's business.

The annuity value for every such case shall be determined by the department based upon the department's experience as to rates of mortality, disability, remarriage, and interest. The amount of the required bond ~~((or))~~, assignment of account, or annuity may be reviewed and adjusted periodically by the department, based upon periodic redeterminations by the department as to the outstanding annuity value for the case.

~~Under such alternative, the department shall ((make the monthly payments from the pension reserve fund for the benefits provided for by RCW 51.32.050 and 51.32.060 to the self insured beneficiary or beneficiaries and the department shall be reimbursed for all such payments from the particular self insured employer through periodic charges not less than quarterly in a manner to be determined by the director.~~

Any self insured employer electing this alternative method of providing for payment)) administer the payment of this obligation to the beneficiary or beneficiaries. The department shall be reimbursed for all such payments from the self-insured employer through periodic charges not less than quarterly in a manner to be determined by the director. The self-insured employer shall additionally pay to the department a deposit equal to the first three months' payments otherwise required under RCW 51.32.050 and 51.32.060. Such deposit shall be placed in the reserve fund in accordance with RCW 51.44.140 and shall be returned to the respective self-insured employer when monthly payments are no longer required for such particular obligation.

If a self-insurer delays or refuses to reimburse the department beyond fifteen days after the reimbursement charges become due, there shall be a penalty paid by the self-insurer upon order of the director of an additional amount equal to twenty-five percent of the amount then due which shall be paid into the pension reserve fund. Such an order shall conform to the requirements of RCW 51.52.050.

On page 1, line 1 of the title, after "employers;" strike the remainder of the title and insert "and amending RCW 51.44.070.", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Amondson, the Senate concurred in the House amendments to Substitute Senate Bill No. 5342.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5342, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5342, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 2; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, 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, Williams, Wojahn - 46.

Absent: Senators McMullen, West - 2.

Excused: Senator Hayner - 1.

SUBSTITUTE SENATE BILL NO. 5342, as amended by the House, having received the 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.

There being no objection, the Senate resumed consideration of the Message from the House and the amendments to Senate Bill No. 5116 deferred earlier today.

MOTION

On motion of Senator Amondson, the Senate refuses to concur in the House amendments to Substitute Senate Bill No. 5116 and asks the House to recede therefrom.

There being no objection, the Senate resumed consideration of the Message from the House and the amendments to Engrossed Senate Bill No. 6407, deferred earlier today.

MOTION

On motion of Senator Amondson, the Senate refuses to concur in the House amendments to Engrossed Senate Bill No. 6407 and asks the House to recede therefrom.

MESSAGE FROM THE HOUSE

March 3, 1992

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5510 with the following amendments:

On page 4, after line 14, insert the following:

NEW SECTION. Sec. 2. The department of retirement systems shall incorporate the development of individual member accounts receivable into its information systems projects for fiscal years 1993 and 1994, so that by January 1, 1994, members of state retirement systems who are otherwise eligible to restore previously withdrawn contributions have the option to make the restoration in annual installments.

NEW SECTION. Sec. 3. Section 1 of this act shall take effect January 1, 1994.

On page 1, strike everything on line 2 of the title and insert "amending RCW 41.40.150; creating a new section; and providing an effective date.", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Amondson, the Senate concurred in the House amendments to Senate Bill No. 5510.

MOTION

On motion of Senator Newhouse, further consideration of Senate Bill No. 5510, as amended by the House, was deferred.

MESSAGE FROM THE HOUSE

March 3, 1992

MR. PRESIDENT:

The House has passed REENGROSSED SUBSTITUTE SENATE BILL NO. 5526 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1.

(1) An agreement, written or oral, express or implied, between an employer and employee under which the employee agrees not to compete, either alone or as an employee of another, with the employer in providing products, processes, or services after termination of employment with the employer, entered into after the effective date of this act, is unenforceable unless:

(a)(i) The agreement is bargained for and agreed to as a condition of initial employment of the employee by the employer; or

(ii) The agreement is bargained for during employment and additional consideration is provided by the employer to the employee for entering into the agreement; and

(b) The agreement is reasonable under all the circumstances existing at the time the agreement was entered into.

(2) Whether the agreement is reasonable under all the circumstances existing at the time the agreement was entered into shall be determined giving consideration to at least the following factors:

(a) The agreement is necessary for the protection of the business or goodwill of the employer;

(b) The agreement imposes upon the employee no greater restraint than is reasonably necessary to secure the employer's business or goodwill; and

(c) The degree of injury to the public from the loss of the service and skill of the employee is not so great that it warrants nonenforcement of the agreement.

(3) Continued employment by itself shall not be considered additional consideration for the purposes of subsection (1)(a)(ii) of this section.

(4) This section does not restrict the right of a person to protect trade secrets or other proprietary information by lawful means under applicable law.

NEW SECTION. Sec. 2. The provisions of section 1 of this act are intended to be additional to other remedies permitted by law and shall be liberally construed to carry out the purposes of section 1 of this act.

NEW SECTION. Sec. 3. Sections 1 and 2 of this act are each added to chapter 49.44 RCW.

NEW SECTION. Sec. 4. This act shall take effect July 1, 1992.

NEW SECTION. Sec. 5. 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 page 1, line 1 of the title, after "agreements;" strike the remainder of the title and insert "adding new sections to chapter 49.44 RCW; and providing an effective date.", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Amondson, the Senate concurred in the House amendments to Reengrossed Substitute Senate Bill No. 5526.

MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Amondson moved to reconsider the vote by which the Senate concurred in the House amendments to Reengrossed Substitute Senate Bill No. 5526.

The President Pro Tempore declared the question before the Senate to be the motion by Senator Amondson to reconsider the vote by which the Senate concurred in the House amendments to Reengrossed Substitute Senate Bill No. 5526.

The motion by Senator Amondson for reconsideration of the vote by which the Senate concurred in the House amendments to Reengrossed Substitute Senate Bill No. 5526 carried.

MOTION

On motion of Senator Amondson, on reconsideration, the Senate refuses to concur in the House amendments to Reengrossed Substitute Senate Bill No. 5526 and asks the House to recede therefrom.

MESSAGE FROM THE HOUSE

March 4, 1992

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5557 with the following amendments:

On page 3, after line 1, insert a new section as follows:

NEW SECTION. Sec. 2. A new section is added to chapter 58.09 RCW to read as follows:

When the public interest will be served, the department of natural resources shall adopt rules and regulations limiting the exemption under RCW 58.09.090 over instances when retracements or resurveys are not required to be recorded.

On page 2, beginning on line 6, strike "subdivision plat or" and insert "and surveyed subdivision plat or filed or recorded and"

On page 1, beginning on line 1 of the title, strike "and amending RCW 58.09.090" and insert "amending RCW 58.09.090; and adding a new section to chapter 58.09 RCW", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Amondson, the Senate concurred in the House amendments to Substitute Senate Bill No. 5557.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5557, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5557, as amended by the House, 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, 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 Hayner - 1.

SUBSTITUTE SENATE BILL NO. 5557, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 3, 1992

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5727 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 35.63 RCW to read as follows:

A council or board that adopts a moratorium or interim zoning control, without holding a public hearing on the proposed moratorium or interim zoning control, shall hold a public hearing on the adopted moratorium or interim zoning control within at least sixty days of its adoption, whether or not the council or board received a recommendation on the

matter from the commission. If the council or board does not adopt findings of fact justifying its action before this hearing, then the council or board shall do so immediately after this public hearing. A moratorium or interim zoning control adopted under this section may be effective for not longer than six months, but may be effective for up to one year if a work plan is developed for related studies providing for such a longer period. A moratorium or interim zoning control may be renewed for one or more six-month periods if a subsequent public hearing is held and findings of fact are made prior to each renewal.

NEW SECTION. Sec. 2. A new section is added to chapter 35.22 RCW to read as follows:

A first class city that plans under the authority of its charter is subject to the provisions of section 1 of this act.

NEW SECTION. Sec. 3. A new section is added to chapter 35A.63 RCW to read as follows:

A legislative body that adopts a moratorium or interim zoning ordinance, without holding a public hearing on the proposed moratorium or interim zoning ordinance, shall hold a public hearing on the adopted moratorium or interim zoning ordinance within at least sixty days of its adoption, whether or not the legislative body received a recommendation on the matter from the planning agency. If the legislative body does not adopt findings of fact justifying its action before this hearing, then the legislative body shall do so immediately after this public hearing. A moratorium or interim zoning ordinance adopted under this section may be effective for not longer than six months, but may be effective for up to one year if a work plan is developed for related studies providing for such a longer period. A moratorium of interim zoning ordinance may be renewed for one or more six-month periods if a subsequent public hearing is held and findings of fact are made prior to each renewal.

NEW SECTION. Sec. 4. A new section is added to chapter 36.70 RCW to read as follows:

A board that adopts a moratorium, interim zoning map, interim zoning ordinance, or interim official control without holding a public hearing on the proposed moratorium, interim zoning map, interim zoning ordinance, or interim official control, shall hold a public hearing on the adopted moratorium, interim zoning map, interim zoning ordinance, or interim official control within at least sixty days of its adoption, whether or not the board received a recommendation on the matter from the commission or department. If the board does not adopt findings of fact justifying its action before this hearing, then the board shall do so immediately after this public hearing. A moratorium, interim zoning map, interim zoning ordinance, or interim official control adopted under this section may be effective for not longer than six months, but may be effective for up to one year if a work plan is developed for related studies providing for such a longer period. A moratorium, interim zoning map, interim zoning ordinance, or interim official control may be renewed for one or more six-month periods if a subsequent public hearing is held and findings of fact are made prior to each renewal.

NEW SECTION. Sec. 5. A new section is added to chapter 36.32 RCW to read as follows:

A charter county that plans under the authority of its charter is subject to the provisions of section 4 of this act.

NEW SECTION. Sec. 6. A new section is added to chapter 36.70A RCW to read as follows:

A county or city governing body that adopts a moratorium, interim zoning map, interim zoning ordinance, or interim official control without holding a public hearing on the proposed moratorium, interim zoning map, interim zoning ordinance, or interim official control, shall hold a public hearing on the adopted moratorium, interim zoning map, interim zoning ordinance, or interim official control within at least sixty days of its adoption, whether or not the governing body received a recommendation on the matter from the planning commission or department. If the governing body does not adopt findings of fact justifying its action before this hearing, then the governing body shall do so immediately after this public hearing. A moratorium, interim zoning map, interim zoning ordinance, or interim official control adopted under this section may be effective for not longer than six months, but may be effective for up to one year if a work plan is developed for related studies providing for such a longer period. A moratorium, interim zoning map, interim zoning ordinance, or interim official control may be renewed for one or more six-month periods if a subsequent public hearing is held and findings of fact are made prior to each renewal.

This section does not apply to the designation of critical areas, agricultural lands, forest lands, and mineral resource lands, under RCW 36.70A.170, and the conservation of these lands and protection of these areas under RCW 36.70A.060, prior to such actions being taken in a comprehensive plan adopted under RCW 36.70A.070 and implementing development regulations adopted under RCW 36.70A.120, if a public hearing is held on such proposed actions.

NEW SECTION. Sec. 7. A new section is added to chapter 70.05 RCW to read as follows:

A local board of health that adopts a moratorium affecting water hookups, sewer hookups, or septic systems without holding a public hearing on the proposed moratorium, shall hold a public hearing on the adopted moratorium within at least sixty days of its adoption. If the board does not adopt findings of fact justifying its action before this hearing, then the board shall do so immediately after this public hearing. A moratorium adopted under this section may be effective for not longer than six months, but may be effective for up to one year if a work plan is developed for related studies providing for such a longer period. A moratorium may be renewed for one or more six-month periods if a subsequent public hearing is held and findings of fact are made prior to each renewal.

On page 1, line 2 of the title, after "agencies;" strike the remainder of the title and insert "adding a new section to chapter 35.63 RCW; adding a new section to chapter 35.22 RCW; adding a new section to chapter 35A.63 RCW; adding a new section to chapter 36.70 RCW; adding a new section to chapter 36.32 RCW; adding a new section to chapter 36.70A RCW; and adding a new section to chapter 70.05 RCW.", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Amondson, further consideration of Engrossed Substitute Senate Bill No. 5727 was deferred.

MESSAGE FROM THE HOUSE

March 3, 1992

MR. PRESIDENT:

The House has passed ENGROSSED SENATE BILL NO. 6008 with the following amendments:

On page 1, beginning on line 6, strike all of section 2

On page 1, line 1 of the title, after "11.92.095;" strike the remainder of the title and insert "and repealing RCW 11.92.095.", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Amondson, the Senate concurred in the House amendments to Engrossed Senate Bill No. 6008.

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, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6008, as amended by the House, 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, 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 Hayner - 1.

ENGROSSED SENATE BILL NO. 6008, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 5, 1992

MR. PRESIDENT:

The House has passed ENGROSSED SENATE BILL NO. 6023 with the following amendments:

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.

Sec. 2. RCW 43.131.333 and 1988 c 288 s 15 are each amended to read as follows:

The center for international trade in forest products in the college of forest resources at the University of Washington shall be terminated on June 30, ((1992)) 1994, as provided in RCW 43.131.334.

Sec. 3. RCW 43.131.334 and 1988 c 288 s 16 are each amended to read as follows:

Sections 1 through 5, chapter 122, Laws of 1985 and chapter 76.56 RCW, as now existing or as hereafter amended, are each repealed, effective June 30, ((1993)) 1995.

On page 1, line 2 of the title, after "products;" strike the remainder of the title and insert "and amending RCW 76.56.020, 43.131.333, and 43.131.334.", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Amondson, the Senate concurred in the House amendments to Engrossed Senate Bill No. 6023.

MOTION

On motion of Senator Linda Smith, Senator West was excused.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6023, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6023, as amended by the House, 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, 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, Williams, Wojahn - 46.

Absent: Senator Vognild - 1.

Excused: Senators Hayner, West - 2.

ENGROSSED SENATE BILL NO. 6023, as amended by the House, having received the 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 the Message from the House on Senate Bill No. 5510, deferred earlier today after the Senate concurred in the House amendments.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5510, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5510, as amended by the House, 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, 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, Williams, Wojahn - 47.

Excused: Senators Hayner, West - 2.

SENATE BILL NO. 5510, as amended by the House, having received the 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.

MESSAGE FROM THE HOUSE

March 3, 1992

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5986 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 59.18 RCW to read as follows:

The legislature recognizes that tenants have a number of duties under the residential landlord tenant act. These duties include the duty to pay rent and give sufficient notice before terminating the tenancy, the duty to pay drayage and storage costs under certain circumstances, and the duty to not create a nuisance or common waste. The legislature finds that tenants are sometimes threatened by other tenants with firearms or other deadly weapons. Some landlords refuse to evict those tenants who threaten the well-being of other tenants even after an arrest has been made for the threatening behavior. The legislature also finds that some tenants who hold protective orders are still subjected to threats and acts of domestic violence. These tenants with protective orders must sometimes move quickly so that the person being restrained does not know where they reside. Tenants who move out of dwelling units because they fear for their safety often forfeit their damage deposit and last month's rent because they did not provide the requisite notice to terminate the tenancy. Some tenants remain in unsafe situations because they cannot afford to lose the money held as a deposit by the landlord. There is no current mechanism that authorizes the suspension of the tenant's duty to give the requisite notice before terminating a tenancy if they are endangered by others. There also is no current mechanism that imposes a duty on the tenant to pay drayage and storage costs when the landlord stores his or her property after an eviction. It is the intent of the legislature to provide a mechanism for tenants who are threatened to terminate their tenancies without suffering undue economic loss, to provide additional mechanisms to allow landlords to evict tenants who endanger others, and to establish a mechanism for tenants to pay drayage and storage costs under certain circumstances when the landlord stores the tenant's property after an eviction.

Sec. 2. RCW 59.18.130 and 1991 c 154 s 3 are each amended to read as follows:

Each tenant shall pay the rental amount at such times and in such amounts as provided for in the rental agreement or as otherwise provided by law and comply with all obligations imposed upon tenants by applicable provisions of all municipal, county, and state codes, statutes, ordinances, and regulations, and in addition shall:

(1) Keep that part of the premises which he or she occupies and uses as clean and sanitary as the conditions of the premises permit;

(2) Properly dispose from his or her dwelling unit all rubbish, garbage, and other organic or flammable waste, in a clean and sanitary manner at reasonable and regular intervals, and assume all costs of extermination and fumigation for infestation caused by the tenant;

(3) Properly use and operate all electrical, gas, heating, plumbing and other fixtures and appliances supplied by the landlord;

(4) Not intentionally or negligently destroy, deface, damage, impair, or remove any part of the structure or dwelling, with the appurtenances thereto, including the facilities, equipment, furniture, furnishings, and appliances, or permit any member of his or her family, invitee, licensee, or any person acting under his or her control to do so. Violations may be prosecuted under chapter 9A.48 RCW if the destruction is intentional and malicious;

(5) Not permit a nuisance or common waste;

(6) Not engage in drug-related activity at the rental premises, or allow a subtenant, sublessee, resident, or anyone else to engage in drug-related activity at the rental premises with the knowledge or consent of the tenant. "Drug-related activity" means that activity which constitutes a violation of chapter 69.41, 69.50, or 69.52 RCW;

(7) Maintain the smoke detection device in accordance with the manufacturer's recommendations, including the replacement of batteries where required for the proper operation of the smoke detection device, as required in RCW 48.48.140(3); ((and))

(8) Not engage in any activity at the rental premises that is:

(a) Imminently hazardous to the physical safety of other persons on the premises; and

(b)(i) Entails physical assaults upon another person which result in an arrest; or

(ii) Entails the unlawful use of a firearm or other deadly weapon as defined in RCW 9A.04.110 which results in an arrest, including threatening another tenant or the landlord with a firearm or other deadly weapon under section 5 of this act. Nothing in this subsection (8) shall authorize the termination of tenancy and eviction of the victim of a physical assault or the victim of the use or threatened use of a firearm or other deadly weapon; and

(9) Upon termination and vacation, restore the premises to their initial condition except for reasonable wear and tear or conditions caused by failure of the landlord to comply with his or her obligations under this chapter: PROVIDED, That the tenant shall not be charged for normal cleaning if he or she has paid a nonrefundable cleaning fee.

Sec. 3. RCW 59.18.180 and 1988 c 150 s 7 are each amended to read as follows:

If the tenant fails to comply with any portion of RCW 59.18.130 or 59.18.140, and such noncompliance can substantially affect the health and safety of the tenant or other tenants, or substantially increase the hazards of fire or accident that can be remedied by repair, replacement of a damaged item, or cleaning, the tenant shall comply within thirty days after written notice by the landlord specifying the noncompliance, or, in the case of emergency as promptly as conditions require. If the tenant fails to remedy the noncompliance within that period the landlord may enter the dwelling unit and cause the work to be done and submit an itemized bill of the actual and reasonable cost of repair, to be payable on the next date when periodic rent is due, or on terms mutually agreed to by the landlord and tenant, or immediately if the rental agreement has terminated. Any substantial noncompliance by the tenant of RCW 59.18.130 or 59.18.140 shall constitute a ground for commencing an action in unlawful detainer in accordance with the provisions of chapter 59.12 RCW, and a landlord may commence such action at any time after written notice pursuant to such chapter. The tenant shall have a defense to an unlawful detainer action filed solely on this ground if it is determined at the hearing authorized under the provisions of chapter 59.12 RCW that the tenant is in substantial compliance with the provisions of this section, or if the tenant remedies the noncomplying condition within the thirty day period provided for above or any shorter period determined at the hearing to have been required because of an emergency: PROVIDED, That if the defective condition is remedied after the commencement of an unlawful detainer action, the tenant may be liable to the landlord for statutory costs and reasonable attorney's fees.

If drug-related activity is alleged to be a basis for termination of tenancy under RCW 59.18.130(6), 59.12.030(5), or 59.20.140(5), the compliance provisions of this section do not apply and the landlord may proceed directly to an unlawful detainer action.

If activity on the premises that creates an imminent hazard to the physical safety of other persons on the premises as defined in RCW 59.18.130(8) is alleged to be the basis for termination of the tenancy, and the tenant is arrested as a result of this activity, then the compliance provisions of this section do not apply and the landlord may proceed directly to an unlawful detainer action against the tenant who was arrested for this activity.

A landlord may not be held liable in any cause of action for bringing an unlawful detainer action against a tenant for drug-related activity or for creating an imminent hazard to the physical safety of others under this section, if the unlawful detainer action was brought in good faith. Nothing in this section shall affect a landlord's liability under RCW 59.18.380 to pay all damages sustained by the tenant should the writ of restitution be wrongfully sued out.

Sec. 4. RCW 59.18.075 and 1988 c 150 s 11 are each amended to read as follows:

(1) Any law enforcement agency which seizes a legend drug pursuant to a violation of chapter 69.41 RCW, a controlled substance pursuant to a violation of chapter 69.50 RCW, or an imitation controlled substance pursuant to a violation of chapter 69.52 RCW, shall make a reasonable attempt to discover the identity of the landlord and shall notify the landlord in writing, at the last address listed in the property tax records and at any other address known to the law enforcement agency, of the seizure and the location of the seizure of the illegal drugs or substances.

(2) Any law enforcement agency which arrests a tenant for threatening another tenant with a firearm or other deadly weapon, or for some other unlawful use of a firearm or other deadly weapon on the rental premises, or for

physically assaulting another person on the rental premises, shall make a reasonable attempt to discover the identity of the landlord and notify the landlord about the arrest in writing, at the last address listed in the property tax records and at any other address known to the law enforcement agency.

NEW SECTION. Sec. 5. A new section is added to chapter 59.18 RCW to read as follows:

If a tenant notifies the landlord that he or she, or another tenant who shares that particular dwelling unit has been threatened by another tenant, and:

(1) The threat was made with a firearm or other deadly weapon as defined in RCW 9A.04.110; and

(2) The tenant who made the threat is arrested as a result of the threatening behavior; and

(3) The landlord fails to file an unlawful detainer action against the tenant who threatened another tenant within seven calendar days after receiving notice of the arrest from a law enforcement agency;

then the tenant who was threatened may terminate the rental agreement and quit the premises upon written notice to the landlord without further obligation under the rental agreement.

A tenant who terminates a rental agreement under this section is discharged from payment of rent for any period following the quitting date, and is entitled to a pro rata refund of any prepaid rent, and shall receive a full and specific statement of the basis for retaining any of the deposit together with any refund due in accordance with RCW 59.18.280.

Nothing in this section shall be construed to require a landlord to terminate a rental agreement or file an unlawful detainer action.

NEW SECTION. Sec. 6. A new section is added to chapter 59.18 RCW to read as follows:

If a tenant is threatened by the landlord with a firearm or other deadly weapon as defined in RCW 9A.04.110, and the threat leads to an arrest of the landlord, then the tenant may terminate the rental agreement and quit the premises without further obligation under the rental agreement. The tenant is discharged from payment of rent for any period following the quitting date, and is entitled to a pro rata refund of any prepaid rent, and shall receive a full and specific statement of the basis for retaining any of the deposit together with any refund due in accordance with RCW 59.18.280.

NEW SECTION. Sec. 7. A new section is added to chapter 59.18 RCW

to read as follows:

If a tenant notifies the landlord in writing that:

(1) He or she has a valid order for protection under chapter 26.50 RCW; and

(2) The person to be restrained has violated the order since the tenant occupied the dwelling unit; and

(3) The tenant has notified the sheriff of the county or the peace officers of the municipality in which the tenant resides of the violation; and

(4) A copy of the order for protection is available for the landlord;

then the tenant may terminate the rental agreement and quit the premises without further obligation under the rental agreement. A tenant who terminates a rental agreement under this section is discharged from the payment of rent for any period following the quitting date, and is entitled to a pro rata refund of any prepaid rent, and shall receive a full and specific statement of the basis for retaining any of the deposit together with any refund due in accordance with RCW 59.18.280.

NEW SECTION. Sec. 8. A new section is added to chapter 59.18 RCW to read as follows:

(1) A landlord may, upon the execution of a writ of restitution by the sheriff, enter and take possession of any property of the tenant found on the premises and store the property in any reasonably secure place. If, however, the tenant or the tenant's representative objects to the storage of the property, the property shall be deposited upon the nearest public property and may not be moved and stored by the landlord. If the tenant is not present at the time the writ of restitution is executed, it shall be presumed that the tenant does not object to the storage of the property as provided in this section. RCW 59.18.310 shall apply to the moving and storage of a tenant's property when the premises are abandoned by the tenant.

(2) Property moved and stored under this section shall be returned to the tenant after the tenant has paid the actual or reasonable drayage and storage costs, whichever is less, or until it is sold or disposed of by the landlord in accordance with subsection (3) of this section.

(3) Prior to the sale or disposal of property stored pursuant to this section with a cumulative value of over fifty dollars, the landlord shall notify the tenant of the pending sale or disposal. After forty-five days from the date the notice of the sale or disposal is mailed or personally delivered to the tenant, the landlord may sell or dispose of the property, including personal papers, family pictures, and keepsakes.

If the property that is being stored has a cumulative value of fifty dollars or less, then the landlord may sell or dispose of the property in the manner provided in this section, except for personal papers, family pictures, and keepsakes. Prior to the sale or disposal of property stored pursuant to this section with a cumulative value of fifty dollars or less, the landlord shall notify the tenant of the pending sale or disposal. The notice shall either be mailed or personally delivered to the tenant. After seven days from the date the notice is mailed or delivered to the tenant, the landlord may sell or dispose of the property.

The landlord may apply any income derived from the sale of the tenant's property against moneys due the landlord for drayage and storage of the property. The amount of sale proceeds that the landlord may apply towards such costs may not exceed the actual or reasonable costs for drayage and storage of the property, whichever is less. Any excess income derived from the sale of such property shall be held by the landlord for the benefit of the tenant for a period of one year from the date of the sale. If no claim is made or action commenced by the tenant for the recovery

of the excess income prior to the expiration of that period of time, then the balance shall be treated as abandoned property and deposited by the landlord with the department of revenue pursuant to chapter 63.29 RCW.

(4) Nothing in this section shall be construed as creating a right of distress for rent.

(5) When serving a tenant with a writ of restitution pursuant to RCW 59.12.100 and 59.18.410, the sheriff shall provide written notice to the tenant that: (a) Upon execution of the writ, the landlord may store the tenant's property; (b) if the property is stored, it may not be returned to the tenant unless the tenant pays the actual or reasonable costs of drayage and storage, whichever is less; (c) if the tenant objects to storage of the property, it will not be stored but will be placed on the nearest public property; and (d) if the tenant is not present at the time of the execution of the writ, it shall be presumed the tenant does not object to storage of the property.

NEW SECTION. Sec. 9. A new section is added to chapter 63.29 RCW to read as follows:

Intangible property held by a landlord as a result of a sheriff's sale pursuant to section 8 of this act that remains unclaimed for a period of one year from the date of the sale is presumed abandoned.

NEW SECTION. Sec. 10. A new section is added to chapter 7.48 RCW to read as follows:

The unlawful use of a firearm or other deadly weapon by a person in, or adjacent to his or her dwelling, that imminently threatens the physical safety of other people in the adjacent area, so as to essentially interfere with the comfortable enjoyment of their residences, is a nuisance and may be abated, and the person who unlawfully used the firearm or deadly weapon is subject to the punishment provided in this chapter. This section does not apply unless the person who unlawfully used the firearm or other deadly weapon is arrested for this activity.

NEW SECTION. Sec. 11. This act shall take effect June 1, 1992.

On page 1, line 1 of the title, after "act;" strike the remainder of the title and insert "amending RCW 59.18.130, 59.18.180, and 59.18.075; adding new sections to chapter 59.18 RCW; adding a new section to chapter 63.29 RCW; adding a new section to chapter 7.48 RCW; prescribing penalties; and providing an effective date.", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Amondson, the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 5986.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5986, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5986, as amended by the House, 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, 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, Williams, Wojahn - 47.

Excused: Senators Hayner, West - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5986, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 3, 1992

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6042 with the following amendments:

On page 17, line 10, after "(f)" strike "The" and insert "Subject to the provisions of subsection (8) of this section, the"

On page 18, line 7, after "(a)" strike "The" and insert "Subject to the provisions of subsection (8) of this section, the"

On page 18, beginning on line 25, after "(8)", strike all material through "units," on line 27 and insert "In showing or projecting the location and dimensions of the vertical boundaries of a unit under subsections (2)(f) and (4)(a) of this section, it is not necessary to show the thickness of the walls constituting the vertical boundaries or otherwise show the distance of those vertical boundaries either from the exterior surface of the building containing that unit or from adjacent vertical boundaries of other units if: (a) The walls are designated to be the vertical boundaries of that unit; (b) the unit is located within a building, the location and dimensions of the building having been shown on the survey map under subsection (2)(b) of this section; and (c) the graphic general location of the vertical boundaries are shown in relation to the exterior surfaces of that building and to the vertical boundaries of other units within that building., and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Amondson, the Senate concurred in the House amendments to Substitute Senate Bill No. 6042.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6042, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6042, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; 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, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sumner, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Williams, Wojahn - 46.

Voting nay: Senator Matson - 1.

Excused: Senators Hayner, West - 2.

SUBSTITUTE SENATE BILL NO. 6042, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 3, 1992

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6086 with the following amendments:

On page 2, line 22, strike "to be submitted" and insert "whose names are to be forwarded"

On page 2, line 29, strike "submitted" and insert "forwarded"

On page 3, line 6, strike "submitted by" and insert "forwarded from"

On page 4, line 4, strike "all" and insert "((all))", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Amondson, the Senate concurred in the House amendments to Substitute Senate Bill No. 6086.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6086, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6086, as amended by the House, 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, 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, Williams, Wojahn - 47.

Excused: Senators Hayner, West - 2.

SUBSTITUTE SENATE BILL NO. 6086, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 4, 1992

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6104 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 9A.36 RCW to read as follows:

(1) A person eighteen years of age or older is guilty of the crime of assault of a child in the first degree if the child is under the age of thirteen and the person:

- (a) Commits the crime of assault in the first degree, as defined in RCW 9A.36.011, against the child; or
- (b) Intentionally assaults the child and either:

(i) Recklessly inflicts great bodily harm; or

(ii) Causes substantial bodily harm, and the person has previously engaged in a pattern or practice either of (A) assaulting the child which has resulted in bodily harm that is greater than transient physical pain or minor temporary marks, or (B) causing the child physical pain or agony that is equivalent to that produced by torture.

(2) Assault of a child in the first degree is a class A felony.

NEW SECTION. Sec. 2. A new section is added to chapter 9A.36 RCW to read as follows:

(1) A person eighteen years of age or older is guilty of the crime of assault of a child in the second degree if the child is under the age of thirteen and the person:

(a) Commits the crime of assault in the second degree, as defined in RCW 9A.36.021, against a child; or

(b) Intentionally assaults the child and causes bodily harm that is greater than transient physical pain or minor temporary marks, and the person has previously engaged in a pattern or practice either of (i) assaulting the child which has resulted in bodily harm that is greater than transient pain or minor temporary marks, or (ii) causing the child physical pain or agony that is equivalent to that produced by torture.

(2) Assault of a child in the second degree is a class B felony.

NEW SECTION. Sec. 3. A new section is added to chapter 9A.36 RCW to read as follows:

(1) A person eighteen years of age or older is guilty of the crime of assault of a child in the third degree if the child is under the age of thirteen and the person commits the crime of assault in the third degree as defined in RCW 9A.36.031(1)(d) or (f) against the child.

(2) Assault of a child in the third degree is a class C felony.

Sec. 4. RCW 9.94A.320 and 1991 c 32 s 3 are each amended to read as follows:

TABLE 2

CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

XV	Aggravated Murder 1 (RCW 10.95.020)
XIV	Murder 1 (RCW 9A.32.030)
	Homicide by abuse (RCW 9A.32.055)
XIII	Murder 2 (RCW 9A.32.050)
XII	Assault 1 (RCW 9A.36.011)
	<u>Assault of a Child 1 (RCW 9A.36.--- (section 1 of this</u>
	<u>act))</u>
XI	Rape 1 (RCW 9A.44.040)
	Rape of a Child 1 (RCW 9A.44.073)
X	Kidnapping 1 (RCW 9A.40.020)

- Rape 2 (RCW 9A.44.050)
- Rape of a Child 2 (RCW 9A.44.076)
- Child Molestation 1 (RCW 9A.44.083)
- Damaging building, etc., by explosion with threat to human being (RCW 70.74.280(1))
- Over 18 and deliver heroin or narcotic from Schedule I or II to someone under 18 (RCW 69.50.406)
- Leading Organized Crime (RCW 9A.82.060(1)(a))
- IX Assault of a Child 2 (RCW 9A.36.--- (section 2 of this act))
- Robbery 1 (RCW 9A.56.200)
- Manslaughter 1 (RCW 9A.32.060)
- Explosive devices prohibited (RCW 70.74.180)
- Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a))
- Endangering life and property by explosives with threat to human being (RCW 70.74.270)
- Over 18 and deliver narcotic from Schedule III, IV, or V or a nonnarcotic from Schedule I-V to someone under 18 and 3 years junior (RCW 69.50.406)
- Controlled Substance Homicide (RCW 69.50.415)
- Sexual Exploitation (RCW 9.68A.040)
- Inciting Criminal Profiteering (RCW 9A.82.060(1)(b))
- VIII Arson 1 (RCW 9A.48.020)
- Promoting Prostitution 1 (RCW 9A.88.070)
- Selling for profit (controlled or counterfeit) any controlled substance (RCW 69.50.410)
- Manufacture, deliver, or possess with intent to deliver heroin or cocaine (RCW 69.50.401(a)(1)(i))
- Manufacture, deliver, or possess with intent to deliver methamphetamine (RCW 69.50.401(a)(1)(ii))
- Vehicular Homicide, by being under the influence of intoxicating liquor or any drug or by the operation of any vehicle in a reckless manner (RCW 46.61.520)
- VII Burglary 1 (RCW 9A.52.020)
- Vehicular Homicide, by disregard for the safety of others (RCW 46.61.520)
- Introducing Contraband 1 (RCW 9A.76.140)
- Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1) (b) and (c))
- Child Molestation 2 (RCW 9A.44.086)
- Dealing in depictions of minor engaged in sexually explicit conduct (RCW 9.68A.050)
- Sending, bringing into state depictions of minor engaged in sexually explicit conduct (RCW 9.68A.060)
- Involving a minor in drug dealing (RCW 69.50.401(f))
- VI Bribery (RCW 9A.68.010)
- Manslaughter 2 (RCW 9A.32.070)
- Rape of a Child 3 (RCW 9A.44.079)
- Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130)
- Damaging building, etc., by explosion with no threat to human being (RCW 70.74.280(2))
- Endangering life and property by explosives with no threat to human being (RCW 70.74.270)
- Incest 1 (RCW 9A.64.020(1))
- Manufacture, deliver, or possess with intent to deliver narcotics from Schedule I or II (except heroin or cocaine) (RCW 69.50.401(a)(1)(i))
- Intimidating a Judge (RCW 9A.72.160)
- Bail Jumping with Murder 1 (RCW 9A.76.170(2)(a))
- V Criminal Mistreatment 1 (RCW 9A.42.020)
- Rape 3 (RCW 9A.44.060)

- Sexual Misconduct with a Minor 1 (RCW 9A.44.093)
 Child Molestation 3 (RCW 9A.44.089)
 Kidnapping 2 (RCW 9A.40.030)
 Extortion 1 (RCW 9A.56.120)
 Incest 2 (RCW 9A.64.020(2))
 Perjury 1 (RCW 9A.72.020)
 Extortionate Extension of Credit (RCW 9A.82.020)
 Advancing money or property for extortionate extension of credit (RCW 9A.82.030)
 Extortionate Means to Collect Extensions of Credit (RCW 9A.82.040)
 Rendering Criminal Assistance 1 (RCW 9A.76.070)
 Bail Jumping with class A Felony (RCW 9A.76.170(2)(b))
 Delivery of imitation controlled substance by person eighteen or over to person under eighteen (RCW 69.52.030(2))
- IV Residential Burglary (RCW 9A.52.025)
 Theft of Livestock 1 (RCW 9A.56.080)
 Robbery 2 (RCW 9A.56.210)
 Assault 2 (RCW 9A.36.021)
 Escape 1 (RCW 9A.76.110)
 Arson 2 (RCW 9A.48.030)
 Bribing a Witness/Bribe Received by Witness (RCW 9A.72.090, 9A.72.100)
 Malicious Harassment (RCW 9A.36.080)
 Threats to Bomb (RCW 9.61.160)
 Willful Failure to Return from Furlough (RCW 72.66.060)
 Hit and Run -- Injury Accident (RCW 46.52.020(4))
 Vehicular Assault (RCW 46.61.522)
 Manufacture, deliver, or possess with intent to deliver narcotics from Schedule III, IV, or V or nonnarcotics from Schedule I-V (except marijuana or methamphetamines) (RCW 69.50.401(a)(1)(ii) through (iv))
 Influencing Outcome of Sporting Event (RCW 9A.82.070)
 Use of Proceeds of Criminal Profiteering (RCW 9A.82.080 (1) and (2))
- III Knowingly Trafficking in Stolen Property (RCW 9A.82.050(2))
 Criminal mistreatment 2 (RCW 9A.42.030)
 Extortion 2 (RCW 9A.56.130)
 Unlawful Imprisonment (RCW 9A.40.040)
 Assault 3 (RCW 9A.36.031)
Assault of a Child 3 (RCW 9A.36.--- (section 3 of this act))
 Custodial Assault (RCW 9A.36.100)
 Unlawful possession of firearm or pistol by felon (RCW 9.41.040)
 Harassment (RCW 9A.46.020)
 Promoting Prostitution 2 (RCW 9A.88.080)
 Willful Failure to Return from Work Release (RCW 72.65.070)
 Burglary 2 (RCW 9A.52.030)
 Introducing Contraband 2 (RCW 9A.76.150)
 Communication with a Minor for Immoral Purposes (RCW 9.68A.090)
 Patronizing a Juvenile Prostitute (RCW 9.68A.100)
 Escape 2 (RCW 9A.76.120)
 Perjury 2 (RCW 9A.72.030)
 Bail Jumping with class B or C Felony (RCW 9A.76.170(2)(c))
 Intimidating a Public Servant (RCW 9A.76.180)
 Tampering with a Witness (RCW 9A.72.120)
 Manufacture, deliver, or possess with intent to deliver marijuana (RCW 69.50.401(a)(1)(ii))
 Delivery of a material in lieu of a controlled substance

- (RCW 69.50.401(c))
- Manufacture, distribute, or possess with intent to distribute an imitation controlled substance (RCW 69.52.030(1))
- Recklessly Trafficking in Stolen Property (RCW 9A.82.050(1))
- Theft of livestock 2 (RCW 9A.56.080)
- Securities Act violation (RCW 21.20.400)
- II Malicious Mischief 1 (RCW 9A.48.070)
- Possession of Stolen Property 1 (RCW 9A.56.150)
- Theft 1 (RCW 9A.56.030)
- Possession of controlled substance that is either heroin or narcotics from Schedule I or II (RCW 69.50.401(d))
- Possession of phencyclidine (PCP) (RCW 69.50.401(d))
- Create, deliver, or possess a counterfeit controlled substance (RCW 69.50.401(b))
- Computer Trespass 1 (RCW 9A.52.110)
- Reckless Endangerment 1 (RCW 9A.36.045)
- I Theft 2 (RCW 9A.56.040)
- Possession of Stolen Property 2 (RCW 9A.56.160)
- Forgery (RCW 9A.60.020)
- Taking Motor Vehicle Without Permission (RCW 9A.56.070)
- Vehicle Prowl 1 (RCW 9A.52.095)
- Attempting to Elude a Pursuing Police Vehicle (RCW 46.61.024)
- Malicious Mischief 2 (RCW 9A.48.080)
- Reckless Burning 1 (RCW 9A.48.040)
- Unlawful Issuance of Checks or Drafts (RCW 9A.56.060)
- Unlawful Use of Food Stamps (RCW 9.91.140 (2) and (3))
- False Verification for Welfare (RCW 74.08.055)
- Forged Prescription (RCW 69.41.020)
- Forged Prescription for a Controlled Substance (RCW 69.50.403)
- Possess Controlled Substance that is a Narcotic from Schedule III, IV, or V or Non-narcotic from Schedule I-V (except phencyclidine) (RCW 69.50.401(d))

Sec. 5. RCW 9.41.010 and 1983 c 232 s 1 are each amended to read as follows:

(1) "Short firearm" or "pistol" as used in this chapter means any firearm with a barrel less than twelve inches in length.

(2) "Crime of violence" as used in this chapter means:

(a) Any of the following felonies, as now existing or hereafter amended: Any felony defined under any law as a class A felony or an attempt to commit a class A felony, criminal solicitation of or criminal conspiracy to commit a class A felony, manslaughter in the first degree, manslaughter in the second degree, indecent liberties if committed by forcible compulsion, rape in the second degree, kidnapping in the second degree, arson in the second degree, assault in the second degree, assault of a child in the second degree, extortion in the first degree, burglary in the second degree, and robbery in the second degree;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, which is comparable to a felony classified as a crime of violence in subsection (2)(a) of this section; and

(c) Any federal or out-of-state conviction for an offense comparable to a felony classified as a crime of violence under subsection (2) (a) or (b) of this section.

(3) "Firearm" as used in this chapter means a weapon or device from which a projectile may be fired by an explosive such as gunpowder.

(4) "Commercial seller" as used in this chapter means a person who has a federal firearms license.

Sec. 6. RCW 9.94A.030 and 1991 c 348 s 4, 1991 c 290 s 3, and 1991 c 181 s 1 are each reenacted and amended to read as follows:

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

(1) "Collect," or any derivative thereof, "collect and remit," or "collect and deliver," when used with reference to the department of corrections, means that the department is responsible for monitoring and enforcing the offender's sentence with regard to the legal financial obligation, receiving payment thereof from the offender, and, consistent with current law, delivering daily the entire payment to the superior court clerk without depositing it in a departmental account.

(2) "Commission" means the sentencing guidelines commission.

(3) "Community corrections officer" means an employee of the department who is responsible for carrying out specific duties in supervision of sentenced offenders and monitoring of sentence conditions.

(4) "Community custody" means that portion of an inmate's sentence of confinement in lieu of earned early release time served in the community subject to controls placed on the inmate's movement and activities by the department of corrections.

(5) "Community placement" means that period during which the offender is subject to the conditions of community custody and/or postrelease supervision, which begins either upon completion of the term of confinement (postrelease supervision) or at such time as the offender is transferred to community custody in lieu of earned early release. Community placement may consist of entirely community custody, entirely postrelease supervision, or a combination of the two.

(6) "Community service" means compulsory service, without compensation, performed for the benefit of the community by the offender.

(7) "Community supervision" means a period of time during which a convicted offender is subject to crime-related prohibitions and other sentence conditions imposed by a court pursuant to this chapter or RCW 46.61.524. For first-time offenders, the supervision may include crime-related prohibitions and other conditions imposed pursuant to RCW 9.94A.120(5). For purposes of the interstate compact for out-of-state supervision of parolees and probationers, RCW 9.95.270, community supervision is the functional equivalent of probation and should be considered the same as probation by other states.

(8) "Confinement" means total or partial confinement as defined in this section.

(9) "Conviction" means an adjudication of guilt pursuant to Titles 10 or 13 RCW and includes a verdict of guilty, a finding of guilty, and acceptance of a plea of guilty.

(10) "Court-ordered legal financial obligation" means a sum of money that is ordered by a superior court of the state of Washington for legal financial obligations which may include restitution to the victim, statutorily imposed crime victims' compensation fees as assessed pursuant to RCW 7.68.035, court costs, county or interlocal drug funds, court-appointed attorneys' fees, and costs of defense, fines, and any other financial obligation that is assessed to the offender as a result of a felony conviction.

(11) "Crime-related prohibition" means an order of a court prohibiting conduct that directly relates to the circumstances of the crime for which the offender has been convicted, and shall not be construed to mean orders directing an offender affirmatively to participate in rehabilitative programs or to otherwise perform affirmative conduct.

(12)(a) "Criminal history" means the list of a defendant's prior convictions, whether in this state, in federal court, or elsewhere. The history shall include, where known, for each conviction (i) whether the defendant has been placed on probation and the length and terms thereof; and (ii) whether the defendant has been incarcerated and the length of incarceration.

(b) "Criminal history" shall always include juvenile convictions for sex offenses and shall also include a defendant's other prior convictions in juvenile court if: (i) The conviction was for an offense which is a felony or a serious traffic offense and is criminal history as defined in RCW 13.40.020(6)(a); (ii) the defendant was fifteen years of age or older at the time the offense was committed; and (iii) with respect to prior juvenile class B and C felonies or serious traffic offenses, the defendant was less than twenty-three years of age at the time the offense for which he or she is being sentenced was committed.

(13) "Department" means the department of corrections.

(14) "Determinate sentence" means a sentence that states with exactitude the number of actual years, months, or days of total confinement, of partial confinement, of community supervision, the number of actual hours or days of community service work, or dollars or terms of a legal financial obligation. The fact that an offender through "earned early release" can reduce the actual period of confinement shall not affect the classification of the sentence as a determinate sentence.

(15) "Disposable earnings" means that part of the earnings of an individual remaining after the deduction from those earnings of any amount required by law to be withheld. For the purposes of this definition, "earnings" means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonuses, or otherwise, and, notwithstanding any other provision of law making the payments exempt from garnishment, attachment, or other process to satisfy a court-ordered legal financial obligation, specifically includes periodic payments pursuant to pension or retirement programs, or insurance policies of any type, but does not include payments made under Title 50 RCW, except as provided in RCW 50.40.020 and 50.40.050, or Title 74 RCW.

(16) "Drug offense" means:

(a) Any felony violation of chapter 69.50 RCW except possession of a controlled substance (RCW 69.50.401(d)) or forged prescription for a controlled substance (RCW 69.50.403);

(b) Any offense defined as a felony under federal law that relates to the possession, manufacture, distribution, or transportation of a controlled substance; or

(c) Any out-of-state conviction for an offense that under the laws of this state would be a felony classified as a drug offense under (a) of this subsection.

(17) "Escape" means:

(a) Escape in the first degree (RCW 9A.76.110), escape in the second degree (RCW 9A.76.120), willful failure to return from furlough (RCW 72.66.060), willful failure to return from work release (RCW 72.65.070), or willful failure to comply with any limitations on the inmate's movements while in community custody (RCW 72.09.310); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as an escape under (a) of this subsection.

(18) "Felony traffic offense" means:

(a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW 46.61.522), eluding a police officer (RCW 46.61.024), or felony hit-and-run injury-accident (RCW 46.52.020(4)); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a felony traffic offense under (a) of this subsection.

(19) "Fines" means the requirement that the offender pay a specific sum of money over a specific period of time to the court.

(20)(a) "First-time offender" means any person who is convicted of a felony (i) not classified as a violent offense or a sex offense under this chapter, or (ii) that is not the manufacture, delivery, or possession with intent to manufacture or deliver a controlled substance classified in schedule I or II that is a narcotic drug or the selling for profit [of] any controlled substance or counterfeit substance classified in schedule I, RCW 69.50.204, except leaves and flowering tops of marijuana, and except as provided in (b) of this subsection, who previously has never been convicted of a felony in this state, federal court, or another state, and who has never participated in a program of deferred prosecution for a felony offense.

(b) For purposes of (a) of this subsection, a juvenile adjudication for an offense committed before the age of fifteen years is not a previous felony conviction except for adjudications of sex offenses.

(21) "Nonviolent offense" means an offense which is not a violent offense.

(22) "Offender" means a person who has committed a felony established by state law and is eighteen years of age or older or is less than eighteen years of age but whose case has been transferred by the appropriate juvenile court to a criminal court pursuant to RCW 13.40.110. Throughout this chapter, the terms "offender" and "defendant" are used interchangeably.

(23) "Partial confinement" means confinement for no more than one year in a facility or institution operated or utilized under contract by the state or any other unit of government, or, if home detention or work crew has been ordered by the court, in an approved residence, for a substantial portion of each day with the balance of the day spent in the community. Partial confinement includes work release, home detention, work crew, and a combination of work crew and home detention as defined in this section.

(24) "Postrelease supervision" is that portion of an offender's community placement that is not community custody.

(25) "Restitution" means the requirement that the offender pay a specific sum of money over a specific period of time to the court as payment of damages. The sum may include both public and private costs. The imposition of a restitution order does not preclude civil redress.

(26) "Serious traffic offense" means:

(a) Driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502), actual physical control while under the influence of intoxicating liquor or any drug (RCW 46.61.504), reckless driving (RCW 46.61.500), or hit-and-run an attended vehicle (RCW 46.52.020(5)); or

(b) Any federal, out-of-state, county, or municipal conviction for an offense that under the laws of this state would be classified as a serious traffic offense under (a) of this subsection.

(27) "Serious violent offense" is a subcategory of violent offense and means:

(a) Murder in the first degree, homicide by abuse, murder in the second degree, assault in the first degree, kidnapping in the first degree, or rape in the first degree, assault of a child in the first degree, or an attempt, criminal solicitation, or criminal conspiracy to commit one of these felonies; or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a serious violent offense under (a) of this subsection.

(28) "Sentence range" means the sentencing court's discretionary range in imposing a nonappealable sentence.

(29) "Sex offense" means:

(a) A felony that is a violation of chapter 9A.44 RCW or RCW 9A.64.020 or 9.68A.090 or that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit such crimes;

(b) A felony with a finding of sexual motivation under RCW 9.94A.127; or

(c) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a sex offense under (a) of this subsection.

(30) "Sexual motivation" means that one of the purposes for which the defendant committed the crime was for the purpose of his or her sexual gratification.

(31) "Total confinement" means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for twenty-four hours a day, or pursuant to RCW 72.64.050 and 72.64.060.

(32) "Victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a direct result of the crime charged.

(33) "Violent offense" means:

(a) Any of the following felonies, as now existing or hereafter amended: Any felony defined under any law as a class A felony or an attempt to commit a class A felony, criminal solicitation of or criminal conspiracy to commit a class A felony, manslaughter in the first degree, manslaughter in the second degree, indecent liberties if committed by forcible compulsion, kidnapping in the second degree, arson in the second degree, assault in the second degree, assault of a child in the second degree, extortion in the first degree, robbery in the second degree, vehicular assault, and vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a violent offense in (a) of this subsection; and

(c) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a violent offense under (a) or (b) of this subsection.

(34) "Work crew" means a program of partial confinement consisting of civic improvement tasks for the benefit of the community of not less than thirty-five hours per week that complies with RCW 9.94A.135. The civic improvement tasks shall be performed on public property or on private property owned or operated by nonprofit entities, except that, for emergency purposes only, work crews may perform snow removal on any private property. The civic improvement tasks shall have minimal negative impact on existing private industries or the labor force in the county where the service or labor is performed. The civic improvement tasks shall not affect employment opportunities for people with developmental disabilities contracted through sheltered workshops as defined in RCW 82.04.385. Only those offenders sentenced to a facility operated or utilized under contract by a county are eligible to participate on a work crew. Offenders sentenced for a sex offense as defined in subsection (29) of this section are not eligible for the work crew program.

(35) "Work release" means a program of partial confinement available to offenders who are employed or engaged as a student in a regular course of study at school. Participation in work release shall be conditioned upon the offender attending work or school at regularly defined hours and abiding by the rules of the work release facility.

(36) "Home detention" means a program of partial confinement available to offenders wherein the offender is confined in a private residence subject to electronic surveillance. Home detention may not be imposed for offenders convicted of a violent offense, any sex offense, any drug offense, reckless burning in the first or second degree as defined in RCW 9A.48.040 or 9A.48.050, assault in the third degree as defined in RCW 9A.36.031, assault of a child in the third degree, unlawful imprisonment as defined in RCW 9A.40.040, or harassment as defined in RCW 9A.46.020. Home detention may be imposed for offenders convicted of possession of a controlled substance (RCW 69.50.401(d)) or forged prescription for a controlled substance (RCW 69.50.403) if the offender fulfills the participation conditions set forth in this subsection and is monitored for drug use by treatment alternatives to street crime (TASC) or a comparable court or agency-referred program.

(a) Home detention may be imposed for offenders convicted of burglary in the second degree as defined in RCW 9A.52.030 or residential burglary conditioned upon the offender: (i) Successfully completing twenty-one days in a work release program, (ii) having no convictions for burglary in the second degree or residential burglary during the preceding two years and not more than two prior convictions for burglary or residential burglary, (iii) having no convictions for a violent felony offense during the preceding two years and not more than two prior convictions for a violent felony offense, (iv) having no prior charges of escape, and (v) fulfilling the other conditions of the home detention program.

(b) Participation in a home detention program shall be conditioned upon: (i) The offender obtaining or maintaining current employment or attending a regular course of school study at regularly defined hours, or the offender performing parental duties to offspring or minors normally in the custody of the offender, (ii) abiding by the rules of the home detention program, and (iii) compliance with court-ordered legal financial obligations. The home detention program may also be made available to offenders whose charges and convictions do not otherwise disqualify them if medical or health-related conditions, concerns or treatment would be better addressed under the home detention program, or where the health and welfare of the offender, other inmates, or staff would be jeopardized by the offender's incarceration. Participation in the home detention program for medical or health-related reasons is conditioned on the offender abiding by the rules of the home detention program and complying with court-ordered restitution.

Sec. 7. RCW 9.94A.120 and 1991 c 221 s 2, 1991 c 181 s 3, and 1991 c 104 s 3 are each reenacted and amended to read as follows:

When a person is convicted of a felony, the court shall impose punishment as provided in this section.

(1) Except as authorized in subsections (2), (5), and (7) of this section, the court shall impose a sentence within the sentence range for the offense.

(2) The court may impose a sentence outside the standard sentence range for that offense if it finds, considering the purpose of this chapter, that there are substantial and compelling reasons justifying an exceptional sentence.

(3) Whenever a sentence outside the standard range is imposed, the court shall set forth the reasons for its decision in written findings of fact and conclusions of law. A sentence outside the standard range shall be a determinate sentence.

(4) An offender convicted of the crime of murder in the first degree shall be sentenced to a term of total confinement not less than twenty years. An offender convicted of the crime of assault in the first degree or assault of a child in the first degree where the offender used force or means likely to result in death or intended to kill the victim shall be sentenced to a term of total confinement not less than five years. An offender convicted of the crime of rape in the first degree shall be sentenced to a term of total confinement not less than five years, and shall not be eligible for

furlough, work release or other authorized leave of absence from the correctional facility during such minimum five-year term except for the purpose of commitment to an inpatient treatment facility. The foregoing minimum terms of total confinement are mandatory and shall not be varied or modified as provided in subsection (2) of this section.

(5) In sentencing a first-time offender the court may waive the imposition of a sentence within the sentence range and impose a sentence which may include up to ninety days of confinement in a facility operated or utilized under contract by the county and a requirement that the offender refrain from committing new offenses. The sentence may also include up to two years of community supervision, which, in addition to crime-related prohibitions, may include requirements that the offender perform any one or more of the following:

- (a) Devote time to a specific employment or occupation;
- (b) Undergo available outpatient treatment for up to two years, or inpatient treatment not to exceed the standard range of confinement for that offense;
- (c) Pursue a prescribed, secular course of study or vocational training;
- (d) Remain within prescribed geographical boundaries and notify the court or the community corrections officer prior to any change in the offender's address or employment;
- (e) Report as directed to the court and a community corrections officer; or
- (f) Pay all court-ordered legal financial obligations as provided in RCW 9.94A.030 and/or perform community service work.

(6) If a sentence range has not been established for the defendant's crime, the court shall impose a determinate sentence which may include not more than one year of confinement, community service work, a term of community supervision not to exceed one year, and/or other legal financial obligations. The court may impose a sentence which provides more than one year of confinement if the court finds, considering the purpose of this chapter, that there are substantial and compelling reasons justifying an exceptional sentence.

(7)(a)(i) When an offender is convicted of a sex offense other than a violation of RCW 9A.44.050 or a sex offense that is also a serious violent offense and has no prior convictions for a sex offense or any other felony sex offenses in this or any other state, the sentencing court, on its own motion or the motion of the state or the defendant, may order an examination to determine whether the defendant is amenable to treatment.

The report of the examination shall include at a minimum the following: The defendant's version of the facts and the official version of the facts, the defendant's offense history, an assessment of problems in addition to alleged deviant behaviors, the offender's social and employment situation, and other evaluation measures used. The report shall set forth the sources of the evaluator's information.

The examiner shall assess and report regarding the defendant's amenability to treatment and relative risk to the community. A proposed treatment plan shall be provided and shall include, at a minimum:

- (A) Frequency and type of contact between offender and therapist;
- (B) Specific issues to be addressed in the treatment and description of planned treatment modalities;
- (C) Monitoring plans, including any requirements regarding living conditions, lifestyle requirements, and monitoring by family members and others;
- (D) Anticipated length of treatment; and
- (E) Recommended crime-related prohibitions.

The court on its own motion may order, or on a motion by the state shall order, a second examination regarding the offender's amenability to treatment. The evaluator shall be selected by the party making the motion. The defendant shall pay the cost of any second examination ordered unless the court finds the defendant to be indigent in which case the state shall pay the cost.

(ii) After receipt of the reports, the court shall consider whether the offender and the community will benefit from use of this special sexual offender sentencing alternative and consider the victim's opinion whether the offender should receive a treatment disposition under this subsection. If the court determines that this special sex offender sentencing alternative is appropriate, the court shall then impose a sentence within the sentence range. If this sentence is less than eight years of confinement, the court may suspend the execution of the sentence and impose the following conditions of suspension:

(A) The court shall place the defendant on community supervision for the length of the suspended sentence or three years, whichever is greater; and

(B) The court shall order treatment for any period up to three years in duration. The court in its discretion shall order outpatient sex offender treatment or inpatient sex offender treatment, if available. A community mental health center may not be used for such treatment unless it has an appropriate program designed for sex offender treatment. The offender shall not change sex offender treatment providers or treatment conditions without first notifying the prosecutor, the community corrections officer, and the court, and shall not change providers without court approval after a hearing if the prosecutor or community corrections officer object to the change. In addition, as conditions of the suspended sentence, the court may impose other sentence conditions including up to six months of confinement, not to exceed the sentence range of confinement for that offense, crime-related prohibitions, and requirements that the offender perform any one or more of the following:

- (I) Devote time to a specific employment or occupation;
- (II) Remain within prescribed geographical boundaries and notify the court or the community corrections officer prior to any change in the offender's address or employment;

- (III) Report as directed to the court and a community corrections officer;
 - (IV) Pay all court-ordered legal financial obligations as provided in RCW 9.94A.030, perform community service work, or any combination thereof; or
 - (V) Make recoupment to the victim for the cost of any counseling required as a result of the offender's crime.
- (iii) The sex offender therapist shall submit quarterly reports on the defendant's progress in treatment to the court and the parties. The report shall reference the treatment plan and include at a minimum the following: Dates of attendance, defendant's compliance with requirements, treatment activities, the defendant's relative progress in treatment, and any other material as specified by the court at sentencing.
- (iv) At the time of sentencing, the court shall set a treatment termination hearing for three months prior to the anticipated date for completion of treatment. Prior to the treatment termination hearing, the treatment professional and community corrections officer shall submit written reports to the court and parties regarding the defendant's compliance with treatment and monitoring requirements, and recommendations regarding termination from treatment, including proposed community supervision conditions. Either party may request and the court may order another evaluation regarding the advisability of termination from treatment. The defendant shall pay the cost of any additional evaluation ordered unless the court finds the defendant to be indigent in which case the state shall pay the cost. At the treatment termination hearing the court may: (A) Modify conditions of community supervision, and either (B) terminate treatment, or (C) extend treatment for up to the remaining period of community supervision.
- (v) The court may revoke the suspended sentence at any time during the period of community supervision and order execution of the sentence if: (A) The defendant violates the conditions of the suspended sentence, or (B) the court finds that the defendant is failing to make satisfactory progress in treatment. All confinement time served during the period of community supervision shall be credited to the offender if the suspended sentence is revoked.
- (vi) After July 1, 1991, examinations and treatment ordered pursuant to this subsection shall only be conducted by sex offender treatment providers certified by the department of health pursuant to chapter 18.155 RCW.

For purposes of this subsection, "victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a result of the crime charged. "Victim" also means a parent or guardian of a victim who is a minor child unless the parent or guardian is the perpetrator of the offense.

(b) When an offender is convicted of any felony sex offense committed before July 1, 1987, and is sentenced to a term of confinement of more than one year but less than six years, the sentencing court may, on its own motion or on the motion of the offender or the state, order the offender committed for up to thirty days to the custody of the secretary of social and health services for evaluation and report to the court on the offender's amenability to treatment at these facilities. If the secretary of social and health services cannot begin the evaluation within thirty days of the court's order of commitment, the offender shall be transferred to the state for confinement pending an opportunity to be evaluated at the appropriate facility. The court shall review the reports and may order that the term of confinement imposed be served in the sexual offender treatment program at the location determined by the secretary of social and health services or the secretary's designee, only if the report indicates that the offender is amenable to the treatment program provided at these facilities. The offender shall be transferred to the state pending placement in the treatment program. Any offender who has escaped from the treatment program shall be referred back to the sentencing court.

If the offender does not comply with the conditions of the treatment program, the secretary of social and health services may refer the matter to the sentencing court. The sentencing court shall commit the offender to the department of corrections to serve the balance of the term of confinement.

If the offender successfully completes the treatment program before the expiration of the term of confinement, the court may convert the balance of confinement to community supervision and may place conditions on the offender including crime-related prohibitions and requirements that the offender perform any one or more of the following:

- (i) Devote time to a specific employment or occupation;
- (ii) Remain within prescribed geographical boundaries and notify the court or the community corrections officer prior to any change in the offender's address or employment;
- (iii) Report as directed to the court and a community corrections officer;
- (iv) Undergo available outpatient treatment.

If the offender violates any of the terms of community supervision, the court may order the offender to serve out the balance of the community supervision term in confinement in the custody of the department of corrections.

After June 30, 1993, this subsection (b) shall cease to have effect.

(c) When an offender commits any felony sex offense on or after July 1, 1987, and is sentenced to a term of confinement of more than one year but less than six years, the sentencing court may, on its own motion or on the motion of the offender or the state, request the department of corrections to evaluate whether the offender is amenable to treatment and the department may place the offender in a treatment program within a correctional facility operated by the department.

Except for an offender who has been convicted of a violation of RCW 9A.44.040 or 9A.44.050, if the offender completes the treatment program before the expiration of his term of confinement, the department of corrections may request the court to convert the balance of confinement to community supervision and to place conditions on the offender including crime-related prohibitions and requirements that the offender perform any one or more of the following:

- (i) Devote time to a specific employment or occupation;

- (ii) Remain within prescribed geographical boundaries and notify the court or the community corrections officer prior to any change in the offender's address or employment;
- (iii) Report as directed to the court and a community corrections officer;
- (iv) Undergo available outpatient treatment.

If the offender violates any of the terms of his community supervision, the court may order the offender to serve out the balance of his community supervision term in confinement in the custody of the department of corrections.

Nothing in (c) of this subsection shall confer eligibility for such programs for offenders convicted and sentenced for a sex offense committed prior to July 1, 1987. This subsection (c) does not apply to any crime committed after July 1, 1990.

(d) Offenders convicted and sentenced for a sex offense committed prior to July 1, 1987, may, subject to available funds, request an evaluation by the department of corrections to determine whether they are amenable to treatment. If the offender is determined to be amenable to treatment, the offender may request placement in a treatment program within a correctional facility operated by the department. Placement in such treatment program is subject to available funds.

(8)(a) When a court sentences a person to a term of total confinement to the custody of the department of corrections for an offense categorized as a sex offense or a serious violent offense committed after July 1, 1988, but before July 1, 1990, assault in the second degree, assault of a child in the second degree, any crime against a person where it is determined in accordance with RCW 9.94A.125 that the defendant or an accomplice was armed with a deadly weapon at the time of commission, or any felony offense under chapter 69.50 or 69.52 RCW, committed on or after July 1, 1988, the court shall in addition to the other terms of the sentence, sentence the offender to a one-year term of community placement beginning either upon completion of the term of confinement or at such time as the offender is transferred to community custody in lieu of earned early release in accordance with RCW 9.94A.150 (1) and (2). When the court sentences an offender under this subsection to the statutory maximum period of confinement then the community placement portion of the sentence shall consist entirely of such community custody to which the offender may become eligible, in accordance with RCW 9.94A.150 (1) and (2). Any period of community custody actually served shall be credited against the community placement portion of the sentence.

(b) When a court sentences a person to a term of total confinement to the custody of the department of corrections for an offense categorized as a sex offense or serious violent offense committed on or after July 1, 1990, the court shall in addition to other terms of the sentence, sentence the offender to community placement for two years or up to the period of earned early release awarded pursuant to RCW 9.94A.150 (1) and (2), whichever is longer. The community placement shall begin either upon completion of the term of confinement or at such time as the offender is transferred to community custody in lieu of earned early release in accordance with RCW 9.94A.150 (1) and (2). When the court sentences an offender under this subsection to the statutory maximum period of confinement then the community placement portion of the sentence shall consist entirely of the community custody to which the offender may become eligible, in accordance with RCW 9.94A.150 (1) and (2). Any period of community custody actually served shall be credited against the community placement portion of the sentence. Unless a condition is waived by the court, the terms of community placement for offenders sentenced pursuant to this section shall include the following conditions:

- (i) The offender shall report to and be available for contact with the assigned community corrections officer as directed;
 - (ii) The offender shall work at department of corrections-approved education, employment, and/or community service;
 - (iii) The offender shall not consume controlled substances except pursuant to lawfully issued prescriptions;
 - (iv) An offender in community custody shall not unlawfully possess controlled substances; and
 - (v) The offender shall pay supervision fees as determined by the department of corrections.
- (c) The court may also order any of the following special conditions:
- (i) The offender shall remain within, or outside of, a specified geographical boundary;
 - (ii) The offender shall not have direct or indirect contact with the victim of the crime or a specified class of individuals;
 - (iii) The offender shall participate in crime-related treatment or counseling services;
 - (iv) The offender shall not consume alcohol;
 - (v) The residence location and living arrangements of a sex offender shall be subject to the prior approval of the department of corrections; or
 - (vi) The offender shall comply with any crime-related prohibitions.

(d) Prior to transfer to, or during, community placement, any conditions of community placement may be removed or modified so as not to be more restrictive by the sentencing court, upon recommendation of the department of corrections.

(9) If the court imposes a sentence requiring confinement of thirty days or less, the court may, in its discretion, specify that the sentence be served on consecutive or intermittent days. A sentence requiring more than thirty days of confinement shall be served on consecutive days. Local jail administrators may schedule court-ordered intermittent sentences as space permits.

(10) If a sentence imposed includes payment of a legal financial obligation, the sentence shall specify the total amount of the legal financial obligation owed, and shall require the offender to pay a specified monthly sum toward that legal financial obligation. Restitution to victims shall be paid prior to any other payments of monetary obligations. Any

legal financial obligation that is imposed by the court may be collected by the department, which shall deliver the amount paid to the county clerk for credit. The offender's compliance with payment of legal financial obligations shall be supervised by the department. All monetary payments ordered shall be paid no later than ten years after the last date of release from confinement pursuant to a felony conviction or the date the sentence was entered. Independent of the department, the party or entity to whom the legal financial obligation is owed shall have the authority to utilize any other remedies available to the party or entity to collect the legal financial obligation. Nothing in this section makes the department, the state, or any of its employees, agents, or other persons acting on their behalf liable under any circumstances for the payment of these legal financial obligations. If an order includes restitution as one of the monetary assessments, the county clerk shall make disbursements to victims named in the order.

(11) Except as provided under RCW 9.94A.140(1) and 9.94A.142(1), a court may not impose a sentence providing for a term of confinement or community supervision or community placement which exceeds the statutory maximum for the crime as provided in chapter 9A.20 RCW.

(12) All offenders sentenced to terms involving community supervision, community service, community placement, or legal financial obligation shall be under the supervision of the secretary of the department of corrections or such person as the secretary may designate and shall follow explicitly the instructions of the secretary including reporting as directed to a community corrections officer, remaining within prescribed geographical boundaries, notifying the community corrections officer of any change in the offender's address or employment, and paying the supervision fee assessment.

(13) All offenders sentenced to terms involving community supervision, community service, or community placement under the supervision of the department of corrections shall not own, use, or possess firearms or ammunition. Offenders who own, use, or are found to be in actual or constructive possession of firearms or ammunition shall be subject to the appropriate violation process and sanctions. "Constructive possession" as used in this subsection means the power and intent to control the firearm or ammunition. "Firearm" as used in this subsection means a weapon or device from which a projectile may be fired by an explosive such as gunpowder.

(14) The sentencing court shall give the offender credit for all confinement time served before the sentencing if that confinement was solely in regard to the offense for which the offender is being sentenced.

(15) A departure from the standards in RCW 9.94A.400 (1) and (2) governing whether sentences are to be served consecutively or concurrently is an exceptional sentence subject to the limitations in subsections (2) and (3) of this section, and may be appealed by the defendant or the state as set forth in RCW 9.94A.210 (2) through (6).

(16) The court shall order restitution whenever the offender is convicted of a felony that results in injury to any person or damage to or loss of property, whether the offender is sentenced to confinement or placed under community supervision, unless extraordinary circumstances exist that make restitution inappropriate in the court's judgment. The court shall set forth the extraordinary circumstances in the record if it does not order restitution.

(17) As a part of any sentence, the court may impose and enforce an order that relates directly to the circumstances of the crime for which the offender has been convicted, prohibiting the offender from having any contact with other specified individuals or a specific class of individuals for a period not to exceed the maximum allowable sentence for the crime, regardless of the expiration of the offender's term of community supervision or community placement.

(18) In any sentence of partial confinement, the court may require the defendant to serve the partial confinement in work release, in a program of home detention, on work crew, or in a combined program of work crew and home detention.

(19) All court-ordered legal financial obligations collected by the department and remitted to the county clerk shall be credited and paid where restitution is ordered. Restitution shall be paid prior to any other payments of monetary obligations.

Sec. 8. RCW 9.94A.150 and 1990 c 3 s 202 are each amended to read as follows:

No person serving a sentence imposed pursuant to this chapter and committed to the custody of the department shall leave the confines of the correctional facility or be released prior to the expiration of the sentence except as follows:

(1) Except as otherwise provided for in subsection (2) of this section, the term of the sentence of an offender committed to a correctional facility operated by the department, may be reduced by earned early release time in accordance with procedures that shall be developed and promulgated by the correctional agency having jurisdiction in which the offender is confined. The earned early release time shall be for good behavior and good performance, as determined by the correctional agency having jurisdiction. The correctional agency shall not credit the offender with earned early release credits in advance of the offender actually earning the credits. Any program established pursuant to this section shall allow an offender to earn early release credits for presentence incarceration. If an offender is transferred from a county jail to the department of corrections, the county jail facility shall certify to the department the amount of time spent in custody at the facility and the amount of earned early release time. In the case of an offender convicted of a serious violent offense or a sex offense that is a class A felony committed on or after July 1, 1990, the aggregate earned early release time may not exceed fifteen percent of the sentence. In no other case shall the aggregate earned early release time exceed one-third of the total sentence;

(2) A person convicted of a sex offense or an offense categorized as a serious violent offense, assault in the second degree, assault of a child in the second degree, any crime against a person where it is determined in accordance with RCW 9.94A.125 that the defendant or an accomplice was armed with a deadly weapon at the time of commission, or any felony offense under chapter 69.50 or 69.52 RCW may become eligible, in accordance with a program developed by the

department, for transfer to community custody status in lieu of earned early release time pursuant to subsection (1) of this section;

(3) An offender may leave a correctional facility pursuant to an authorized furlough or leave of absence. In addition, offenders may leave a correctional facility when in the custody of a corrections officer or officers;

(4) The governor, upon recommendation from the clemency and pardons board, may grant an extraordinary release for reasons of serious health problems, senility, advanced age, extraordinary meritorious acts, or other extraordinary circumstances;

(5) No more than the final six months of the sentence may be served in partial confinement designed to aid the offender in finding work and reestablishing him or herself in the community;

(6) The governor may pardon any offender;

(7) The department of corrections may release an offender from confinement any time within ten days before a release date calculated under this section; and

(8) An offender may leave a correctional facility prior to completion of his sentence if the sentence has been reduced as provided in RCW 9.94A.160.

Sec. 9. RCW 9.94A.310 and 1991 c 32 s 2 are each amended to read as follows:

(1) SERIOUSNESS SCORE	TABLE 1 Sentencing Grid									
	OFFENDER SCORE									
	0	1	2	3	4	5	6	7	8	9 or more
XV	Life Sentence without Parole/Death Penalty									
XIV	23y4m 240- 320	24y4m 250- 333	25y4m 261- 347	26y4m 271- 361	27y4m 281 - 374	28y4m 291- 388	30y4m 312- 416	32y10m 338- 450	36y 370- 493	40y 411- 548
XIII	12y 123- 164	13y 134- 178	14y 144- 192	15y 154- 205	16y 165- 219	17y 175- 233	19y 195- 260	21y 216- 288	25y 257- 342	29y 298- 397
XII	9y 93- 123	9y11m 102- 136	10y9m 111- 147	11y8m 120- 160	12y6m 129- 171	13y5m 138- 184	15y9m 162- 216	17y3m 178- 236	20y3m 209- 277	23y3m 240- 318
XI	7y6m 78- 102	8y4m 86- 114	9y2m 95- 125	9y11m 102- 136	10y9m 111- 147	11y7m 120- 158	14y2m 146- 194	15y5m 159- 211	17y11m 185- 245	20y5m 210- 280
X	5y 51- 68	5y6m 57- 75	6y 62- 82	6y6m 67- 89	7y 72- 96	7y6m 77- 102	9y6m 98- 130	10y6m 108- 144	12y6m 129- 171	14y6m 149- 198
IX	3y 31- 41	3y6m 36- 48	4y 41- 54	4y6m 46- 61	5y 51- 68	5y6m 57- 75	7y6m 77- 102	8y6m 87- 116	10y6m 108 - 144	12y6m 129- 171
VIII	2y 21- 27	2y6m 26- 34	3y 31- 41	3y6m 36- 48	4y 41- 54	4y6m 46- 61	6y6m 67- 89	7y6m 77- 102	8y6m 87- 116	10y6m 108- 144
VII	18m 15- 20	2y 21- 27	2y6m 26- 34	3y 31- 41	3y6m 36- 48	4y 41- 54	5y6m 57- 75	6y6m 67- 89	7y6m 77 - 102	8y6m 87- 116
VI	13m 12+ 14	18m 15- 20	2y 21- 27	2y6m 26- 34	3y 31- 41	3y6m 36- 48	4y6m 46- 61	5y6m 57- 75	6y6m 67 - 89	7y6m 77- 102
V	9m 6-	13m 12+-	15m 13-	18m 15-	2y2m 22-	3y2m 33-	4y 41-	5y 51-	6y 62 -	7y 72-

	12	14	17	20	29	43	54	68	82	96
IV	6m 3- 9	9m 6- 12	13m 12+ 14	15m 13- 17	18m 15- 20	2y2m 22- 29	3y2m 33- 43	4y2m 43- 57	5y2m 53 - 70	6y2m 63- 84
III	2m 1- 3	5m 3- 8	8m 4- 12	11m 9- 12	14m 12+ 16	20m 17- 22	2y2m 22- 29	3y2m 33- 43	4y2m 43- 57	5y 51- 68
II	4m 0-90 Days	6m 2- 6	8m 3- 9	13m 4- 12	16m 12+ 14	20m 14- 18	2y2m 17- 22	3y2m 22- 29	4y2m 33 - 43	43- 57
I	3m 0-60 Days	4m 0-90 Days	5m 2- 5	8m 2- 6	13m 3- 8	16m 4- 12	20m 12+ 14	2y2m 14- 18	17 - 22	22- 29

NOTE: Numbers in the first horizontal row of each seriousness category represent sentencing midpoints in years(y) and months(m). Numbers in the second and third rows represent presumptive sentencing ranges in months, or in days if so designated. 12+ equals one year and one day.

(2) For persons convicted of the anticipatory offenses of criminal attempt, solicitation, or conspiracy under chapter 9A.28 RCW, the presumptive sentence is determined by locating the sentencing grid sentence range defined by the appropriate offender score and the seriousness level of the completed crime, and multiplying the range by 75 percent.

(3) The following additional times shall be added to the presumptive sentence if the offender or an accomplice was armed with a deadly weapon as defined in this chapter and the offender is being sentenced for one of the crimes listed in this subsection. If the offender or an accomplice was armed with a deadly weapon and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection, the following times shall be added to the presumptive range determined under subsection (2) of this section:

- (a) 24 months for Rape 1 (RCW 9A.44.040), Robbery 1 (RCW 9A.56.200), or Kidnapping 1 (RCW 9A.40.020)
- (b) 18 months for Burglary 1 (RCW 9A.52.020)
- (c) 12 months for Assault 2 (RCW 9A.36.020 or 9A.36.021), Assault of a Child 2 (RCW 9A.36.--- (section 2 of this act)), Escape 1 (RCW 9A.76.110), Kidnapping 2 (RCW 9A.40.030), Burglary 2 of a building other than a dwelling (RCW 9A.52.030), Theft of Livestock 1 or 2 (RCW 9A.56.080), or any drug offense.

(4) The following additional times shall be added to the presumptive sentence if the offender or an accomplice committed the offense while in a county jail or state correctional facility as that term is defined in this chapter and the offender is being sentenced for one of the crimes listed in this subsection. If the offender or an accomplice committed one of the crimes listed in this subsection while in a county jail or state correctional facility as that term is defined in this chapter, and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection, the following times shall be added to the presumptive sentence range determined under subsection (2) of this section:

- (a) Eighteen months for offenses committed under RCW 69.50.401(a)(1)(i) or 69.50.410;
- (b) Fifteen months for offenses committed under RCW 69.50.401(a)(1)(ii), (iii), and (iv);
- (c) Twelve months for offenses committed under RCW 69.50.401(d).

For the purposes of this subsection, all of the real property of a state correctional facility or county jail shall be deemed to be part of that facility or county jail.

(5) An additional twenty-four months shall be added to the presumptive sentence for any ranked offense involving a violation of chapter 69.50 RCW if the offense was also a violation of RCW 69.50.435.

Sec. 10. RCW 9.94A.360 and 1990 c 3 s 706 are each amended to read as follows:

The offender score is measured on the horizontal axis of the sentencing grid. The offender score rules are as follows:

The offender score is the sum of points accrued under this section rounded down to the nearest whole number.

(1) A prior conviction is a conviction which exists before the date of sentencing for the offense for which the offender score is being computed. Convictions entered or sentenced on the same date as the conviction for which the offender score is being computed shall be deemed "other current offenses" within the meaning of RCW 9.94A.400.

(2) Except as provided in subsection (4) of this section, class A and sex prior felony convictions shall always be included in the offender score. Class B prior felony convictions other than sex offenses shall not be included in the offender score, if since the last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender had spent ten consecutive years in the community without being convicted of any felonies. Class C prior felony convictions other than sex offenses shall not be included in the offender score if, since the last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender had spent five

consecutive years in the community without being convicted of any felonies. Serious traffic convictions shall not be included in the offender score if, since the last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender spent five years in the community without being convicted of any serious traffic or felony traffic offenses. This subsection applies to both adult and juvenile prior convictions.

(3) Out-of-state convictions for offenses shall be classified according to the comparable offense definitions and sentences provided by Washington law.

(4) Always include juvenile convictions for sex offenses. Include other class A juvenile felonies only if the offender was 15 or older at the time the juvenile offense was committed. Include other class B and C juvenile felony convictions only if the offender was 15 or older at the time the juvenile offense was committed and the offender was less than 23 at the time the offense for which he or she is being sentenced was committed.

(5) Score prior convictions for felony anticipatory offenses (attempts, criminal solicitations, and criminal conspiracies) the same as if they were convictions for completed offenses.

(6) In the case of multiple prior convictions, for the purpose of computing the offender score, count all convictions separately, except:

(a) Prior adult offenses which were found, under RCW 9.94A.400(1)(a), to encompass the same criminal conduct, shall be counted as one offense, the offense that yields the highest offender score. The current sentencing court shall determine with respect to other prior adult offenses for which sentences were served concurrently whether those offenses shall be counted as one offense or as separate offenses, and if the court finds that they shall be counted as one offense, then the offense that yields the highest offender score shall be used;

(b) Juvenile prior convictions entered or sentenced on the same date shall count as one offense, the offense that yields the highest offender score, except for juvenile prior convictions for violent offenses with separate victims, which shall count as separate offenses; and

(c) In the case of multiple prior convictions for offenses committed before July 1, 1986, for the purpose of computing the offender score, count all adult convictions served concurrently as one offense, and count all juvenile convictions entered on the same date as one offense. Use the conviction for the offense that yields the highest offender score.

(7) If the present conviction is one of the anticipatory offenses of criminal attempt, solicitation, or conspiracy, count each prior conviction as if the present conviction were for a completed offense.

(8) If the present conviction is for a nonviolent offense and not covered by subsection (12) or (13) of this section, count one point for each adult prior felony conviction and one point for each juvenile prior violent felony conviction and 1/2 point for each juvenile prior nonviolent felony conviction.

(9) If the present conviction is for a violent offense and not covered in subsection (10), (11), (12), or (13) of this section, count two points for each prior adult and juvenile violent felony conviction, one point for each prior adult nonviolent felony conviction, and 1/2 point for each prior juvenile nonviolent felony conviction.

(10) If the present conviction is for Murder 1 or 2, Assault 1, Assault of a Child 1, Kidnaping 1, Homicide by Abuse, or Rape 1, count three points for prior adult and juvenile convictions for crimes in these categories, two points for each prior adult and juvenile violent conviction (not already counted), one point for each prior adult nonviolent felony conviction, and 1/2 point for each prior juvenile nonviolent felony conviction.

(11) If the present conviction is for Burglary 1, count prior convictions as in subsection (9) of this section; however count two points for each prior adult Burglary 2 or residential burglary conviction, and one point for each prior juvenile Burglary 2 or residential burglary conviction.

(12) If the present conviction is for a felony traffic offense count two points for each adult or juvenile prior conviction for Vehicular Homicide or Vehicular Assault; for each felony offense or serious traffic offense, count one point for each adult and 1/2 point for each juvenile prior conviction.

(13) If the present conviction is for a drug offense count three points for each adult prior felony drug offense conviction and two points for each juvenile drug offense. All other adult and juvenile felonies are scored as in subsection (9) of this section if the current drug offense is violent, or as in subsection (8) of this section if the current drug offense is nonviolent.

(14) If the present conviction is for Willful Failure to Return from Furlough, RCW 72.66.060, or Willful Failure to Return from Work Release, RCW 72.65.070, count only prior escape convictions in the offender score. Count adult prior escape convictions as one point and juvenile prior escape convictions as 1/2 point.

(15) If the present conviction is for Escape 1, RCW 9A.76.110, or Escape 2, RCW 9A.76.120, count adult prior convictions as one point and juvenile prior convictions as 1/2 point.

(16) If the present conviction is for Burglary 2 or residential burglary, count priors as in subsection (8) of this section; however, count two points for each adult and juvenile prior Burglary 1 conviction, two points for each adult prior Burglary 2 or residential burglary conviction, and one point for each juvenile prior Burglary 2 or residential burglary conviction.

(17) If the present conviction is for a sex offense, count priors as in subsections (8) through (16) of this section; however count three points for each adult and juvenile prior sex offense conviction.

(18) If the present conviction is for an offense committed while the offender was under community placement, add one point.

Sec. 11. RCW 9.94A.440 and 1989 c 332 s 2 are each amended to read as follows:

(1) Decision not to prosecute.

STANDARD: A prosecuting attorney may decline to prosecute, even though technically sufficient evidence to prosecute exists, in situations where prosecution would serve no public purpose, would defeat the underlying purpose of the law in question or would result in decreased respect for the law.

GUIDELINE/COMMENTARY:

Examples

The following are examples of reasons not to prosecute which could satisfy the standard.

(a) Contrary to Legislative Intent - It may be proper to decline to charge where the application of criminal sanctions would be clearly contrary to the intent of the legislature in enacting the particular statute.

(b) Antiquated Statute - It may be proper to decline to charge where the statute in question is antiquated in that:

- (i) It has not been enforced for many years; and
- (ii) Most members of society act as if it were no longer in existence; and
- (iii) It serves no deterrent or protective purpose in today's society; and
- (iv) The statute has not been recently reconsidered by the legislature.

This reason is not to be construed as the basis for declining cases because the law in question is unpopular or because it is difficult to enforce.

(c) De Minimus Violation - It may be proper to decline to charge where the violation of law is only technical or insubstantial and where no public interest or deterrent purpose would be served by prosecution.

(d) Confinement on Other Charges - It may be proper to decline to charge because the accused has been sentenced on another charge to a lengthy period of confinement; and

- (i) Conviction of the new offense would not merit any additional direct or collateral punishment;
- (ii) The new offense is either a misdemeanor or a felony which is not particularly aggravated; and
- (iii) Conviction of the new offense would not serve any significant deterrent purpose.

(e) Pending Conviction on Another Charge - It may be proper to decline to charge because the accused is facing a pending prosecution in the same or another county; and

- (i) Conviction of the new offense would not merit any additional direct or collateral punishment;
- (ii) Conviction in the pending prosecution is imminent;
- (iii) The new offense is either a misdemeanor or a felony which is not particularly aggravated; and
- (iv) Conviction of the new offense would not serve any significant deterrent purpose.

(f) High Disproportionate Cost of Prosecution - It may be proper to decline to charge where the cost of locating or transporting, or the burden on, prosecution witnesses is highly disproportionate to the importance of prosecuting the offense in question. This reason should be limited to minor cases and should not be relied upon in serious cases.

(g) Improper Motives of Complainant - It may be proper to decline charges because the motives of the complainant are improper and prosecution would serve no public purpose, would defeat the underlying purpose of the law in question or would result in decreased respect for the law.

(h) Immunity - It may be proper to decline to charge where immunity is to be given to an accused in order to prosecute another where the accused's information or testimony will reasonably lead to the conviction of others who are responsible for more serious criminal conduct or who represent a greater danger to the public interest.

(i) Victim Request - It may be proper to decline to charge because the victim requests that no criminal charges be filed and the case involves the following crimes or situations:

- (i) Assault cases where the victim has suffered little or no injury;
- (ii) Crimes against property, not involving violence, where no major loss was suffered;
- (iii) Where doing so would not jeopardize the safety of society.

Care should be taken to insure that the victim's request is freely made and is not the product of threats or pressure by the accused.

The presence of these factors may also justify the decision to dismiss a prosecution which has been commenced.

Notification

The prosecutor is encouraged to notify the victim, when practical, and the law enforcement personnel, of the decision not to prosecute.

(2) Decision to prosecute.

STANDARD:

Crimes against persons will be filed if sufficient admissible evidence exists, which, when considered with the most plausible, reasonably foreseeable defense that could be raised under the evidence, would justify conviction by a reasonable and objective fact-finder. With regard to offenses prohibited by RCW 9A.44.040, 9A.44.050, 9A.44.073, 9A.44.076, 9A.44.079, 9A.44.083, 9A.44.086, 9A.44.089, and 9A.64.020 the prosecutor should avoid pre-filing agreements or diversions intended to place the accused in a program of treatment or counseling, so that treatment, if determined to be beneficial, can be provided pursuant to RCW 9.94A.120(7).

Crimes against property/other crimes will be filed if the admissible evidence is of such convincing force as to make it probable that a reasonable and objective fact-finder would convict after hearing all the admissible evidence and the most plausible defense that could be raised.

See table below for the crimes within these categories.

CATEGORIZATION OF CRIMES FOR PROSECUTING STANDARDS

CRIMES AGAINST PERSONS

Aggravated Murder
1st Degree Murder
2nd Degree Murder
1st Degree Kidnaping
1st Degree Assault
1st Degree Assault of a Child
1st Degree Rape
1st Degree Robbery
1st Degree Rape of a Child
1st Degree Arson
2nd Degree Kidnaping
2nd Degree Assault
2nd Degree Assault of a Child
2nd Degree Rape
2nd Degree Robbery
1st Degree Burglary
1st Degree Manslaughter
2nd Degree Manslaughter
1st Degree Extortion
Indecent Liberties
Incest
2nd Degree Rape of a Child
Vehicular Homicide
Vehicular Assault
3rd Degree Rape
3rd Degree Rape of a Child
1st Degree Child Molestation
2nd Degree Child Molestation
3rd Degree Child Molestation
2nd Degree Extortion
1st Degree Promoting Prostitution
Intimidating a Juror
Communication with a Minor
Intimidating a Witness
Intimidating a Public Servant
Bomb Threat (if against person)
3rd Degree Assault
3rd Degree Assault of a Child
Unlawful Imprisonment
Promoting a Suicide Attempt
Riot (if against person)

CRIMES AGAINST PROPERTY/OTHER CRIMES

2nd Degree Arson
1st Degree Escape
2nd Degree Burglary
1st Degree Theft
1st Degree Perjury
1st Degree Introducing Contraband
1st Degree Possession of Stolen Property
Bribery
Bribing a Witness
Bribe received by a Witness
Bomb Threat (if against property)
1st Degree Malicious Mischief
2nd Degree Theft
2nd Degree Escape

2nd Degree Introducing Contraband
 2nd Degree Possession of Stolen Property
 2nd Degree Malicious Mischief
 1st Degree Reckless Burning
 Taking a Motor Vehicle without Authorization
 Forgery
 2nd Degree Perjury
 2nd Degree Promoting Prostitution
 Tampering with a Witness
 Trading in Public Office
 Trading in Special Influence
 Receiving/Granting Unlawful Compensation
 Bigamy
 Eluding a Pursuing Police Vehicle
 Willful Failure to Return from Furlough
 Riot (if against property)
 Thefts of Livestock

ALL OTHER UNCLASSIFIED FELONIES

Selection of Charges/Degree of Charge

(1) The prosecutor should file charges which adequately describe the nature of defendant's conduct. Other offenses may be charged only if they are necessary to ensure that the charges:

- (a) Will significantly enhance the strength of the state's case at trial; or
- (b) Will result in restitution to all victims.

(2) The prosecutor should not overcharge to obtain a guilty plea. Overcharging includes:

- (a) Charging a higher degree;
- (b) Charging additional counts.

This standard is intended to direct prosecutors to charge those crimes which demonstrate the nature and seriousness of a defendant's criminal conduct, but to decline to charge crimes which are not necessary to such an indication. Crimes which do not merge as a matter of law, but which arise from the same course of conduct, do not all have to be charged.

GUIDELINES/COMMENTARY:

Police Investigation

A prosecuting attorney is dependent upon law enforcement agencies to conduct the necessary factual investigation which must precede the decision to prosecute. The prosecuting attorney shall ensure that a thorough factual investigation has been conducted before a decision to prosecute is made. In ordinary circumstances the investigation should include the following:

- (1) The interviewing of all material witnesses, together with the obtaining of written statements whenever possible;
- (2) The completion of necessary laboratory tests; and
- (3) The obtaining, in accordance with constitutional requirements, of the suspect's version of the events.

If the initial investigation is incomplete, a prosecuting attorney should insist upon further investigation before a decision to prosecute is made, and specify what the investigation needs to include.

Exceptions

In certain situations, a prosecuting attorney may authorize filing of a criminal complaint before the investigation is complete if:

- (1) Probable cause exists to believe the suspect is guilty; and
- (2) The suspect presents a danger to the community or is likely to flee if not apprehended; or
- (3) The arrest of the suspect is necessary to complete the investigation of the crime.

In the event that the exception to the standard is applied, the prosecuting attorney shall obtain a commitment from the law enforcement agency involved to complete the investigation in a timely manner. If the subsequent investigation does not produce sufficient evidence to meet the normal charging standard, the complaint should be dismissed.

Investigation Techniques

The prosecutor should be fully advised of the investigatory techniques that were used in the case investigation including:

- (1) Polygraph testing;
- (2) Hypnosis;
- (3) Electronic surveillance;
- (4) Use of informants.

Pre-Filing Discussions with Defendant

Discussions with the defendant or his/her representative regarding the selection or disposition of charges may occur prior to the filing of charges, and potential agreements can be reached.

Sec. 12. RCW 9A.46.060 and 1988 c 145 s 15 are each amended to read as follows:

As used in this chapter, "harassment" may include but is not limited to any of the following crimes:

- (1) Harassment (RCW 9A.46.020);
- (2) Malicious harassment (RCW 9A.36.080);
- (3) Telephone harassment (RCW 9.61.230);
- (4) Assault in the first degree (RCW 9A.36.011);
- (5) Assault of a child in the first degree (RCW 9A.36.--- (section 1 of this act));
- (6) Assault in the second degree (RCW 9A.36.021);
- ~~((6) Simple assault [Assault in the fourth degree])~~ (7) Assault of a child in the second degree (RCW 9A.36.---
(section 2 of this act));
- (8) Assault in the fourth degree (RCW 9A.36.041);
- ~~((7))~~ (9) Reckless endangerment (~~(in the second degree)~~) in the second degree (RCW 9A.36.050);
- ~~((8))~~ (10) Extortion in the first degree (RCW 9A.56.120);
- ~~((9))~~ (11) Extortion in the second degree (RCW 9A.56.130);
- ~~((10))~~ (12) Coercion (RCW 9A.36.070);
- ~~((11))~~ (13) Burglary in the first degree (RCW 9A.52.020);
- ~~((12))~~ (14) Burglary in the second degree (RCW 9A.52.030);
- ~~((13))~~ (15) Criminal trespass in the first degree (RCW 9A.52.070);
- ~~((14))~~ (16) Criminal trespass in the second degree (RCW 9A.52.080);
- ~~((15))~~ (17) Malicious mischief in the first degree (RCW 9A.48.070);
- ~~((16))~~ (18) Malicious mischief in the second degree (RCW 9A.48.080);
- ~~((17))~~ (19) Malicious mischief in the third degree (RCW 9A.48.090);
- ~~((18))~~ (20) Kidnapping in the first degree (RCW 9A.40.020);
- ~~((19))~~ (21) Kidnapping in the second degree (RCW 9A.40.030);
- ~~((20))~~ (22) Unlawful imprisonment (RCW 9A.40.040);
- ~~((21))~~ (23) Rape in the first degree (RCW 9A.44.040);
- ~~((22))~~ (24) Rape in the second degree (RCW 9A.44.050);
- ~~((23))~~ (25) Rape in the third degree (RCW 9A.44.060);
- ~~((24))~~ (26) Indecent liberties (RCW 9A.44.100);
- ~~((25))~~ (27) Rape of a child in the first degree (RCW 9A.44.073);
- ~~((26))~~ (28) Rape of a child in the second degree (RCW 9A.44.076);
- ~~((27))~~ (29) Rape of a child in the third degree (RCW 9A.44.079);
- ~~((28))~~ (30) Child molestation in the first degree (RCW 9A.44.083);
- ~~((29))~~ (31) Child molestation in the second degree (RCW 9A.44.086); and
- ~~((30))~~ (32) Child molestation in the third degree (RCW 9A.44.089).

Sec. 13. RCW 9A.82.010 and 1989 c 20 s 17 are each amended to read as follows:

Unless the context requires the contrary, the definitions in this section apply throughout this chapter.

- (1) "Creditor" means a person making an extension of credit or a person claiming by, under, or through a person making an extension of credit.
- (2) "Debtor" means a person to whom an extension of credit is made or a person who guarantees the repayment of an extension of credit or in any manner undertakes to indemnify the creditor against loss resulting from the failure of a person to whom an extension is made to repay the same.
- (3) "Extortionate extension of credit" means an extension of credit with respect to which it is the understanding of the creditor and the debtor at the time the extension is made that delay in making repayment or failure to make repayment could result in the use of violence or other criminal means to cause harm to the person, reputation, or property of any person.
- (4) "Extortionate means" means the use, or an express or implicit threat of use, of violence or other criminal means to cause harm to the person, reputation, or property of any person.
- (5) "To collect an extension of credit" means to induce in any way a person to make repayment thereof.
- (6) "To extend credit" means to make or renew a loan or to enter into an agreement, tacit or express, whereby the repayment or satisfaction of a debt or claim, whether acknowledged or disputed, valid or invalid, and however arising, may or shall be deferred.
- (7) "Repayment of an extension of credit" means the repayment, satisfaction, or discharge in whole or in part of a debt or claim, acknowledged or disputed, valid or invalid, resulting from or in connection with that extension of credit.
- (8) "Dealer in property" means a person who buys and sells property as a business.
- (9) "Stolen property" means property that has been obtained by theft, robbery, or extortion.
- (10) "Traffic" means to sell, transfer, distribute, dispense, or otherwise dispose of stolen property to another person, or to buy, receive, possess, or obtain control of stolen property, with intent to sell, transfer, distribute, dispense, or otherwise dispose of the property to another person.

(11) "Control" means the possession of a sufficient interest to permit substantial direction over the affairs of an enterprise.

(12) "Enterprise" includes any individual, sole proprietorship, partnership, corporation, business trust, or other profit or nonprofit legal entity, and includes any union, association, or group of individuals associated in fact although not a legal entity, and both illicit and licit enterprises and governmental and nongovernmental entities.

(13) "Financial institution" means any bank, trust company, savings and loan association, savings bank, mutual savings bank, credit union, or loan company under the jurisdiction of the state or an agency of the United States.

(14) "Criminal profiteering" means any act, including any anticipatory or completed offense, committed for financial gain, that is chargeable or indictable under the laws of the state in which the act occurred and, if the act occurred in a state other than this state, would be chargeable or indictable under the laws of this state had the act occurred in this state and punishable as a felony and by imprisonment for more than one year, regardless of whether the act is charged or indicted, as any of the following:

- (a) Murder, as defined in RCW 9A.32.030 and 9A.32.050;
- (b) Robbery, as defined in RCW 9A.56.200 and 9A.56.210;
- (c) Kidnapping, as defined in RCW 9A.40.020 and 9A.40.030;
- (d) Forgery, as defined in RCW 9A.60.020 and 9A.60.030;
- (e) Theft, as defined in RCW 9A.56.030, 9A.56.040, 9A.56.060, and 9A.56.080;
- (f) Child selling or child buying, as defined in RCW 9A.64.030;
- (g) Bribery, as defined in RCW 9A.68.010, 9A.68.020, 9A.68.040, and 9A.68.050;
- (h) Gambling, as defined in RCW 9.46.220 and 9.46.230;
- (i) Extortion, as defined in RCW 9A.56.120 and 9A.56.130;
- (j) Extortionate extension of credit, as defined in RCW 9A.82.020;
- (k) Advancing money for use in an extortionate extension of credit, as defined in RCW 9A.82.030;
- (l) Collection of an extortionate extension of credit, as defined in RCW 9A.82.040;
- (m) Collection of an unlawful debt, as defined in RCW 9A.82.045;
- (n) Delivery or manufacture of controlled substances or possession with intent to deliver or manufacture controlled substances under chapter 69.50 RCW;
- (o) Trafficking in stolen property, as defined in RCW 9A.82.050;
- (p) Leading organized crime, as defined in RCW 9A.82.060;
- (q) Obstructing criminal investigations or prosecutions in violation of RCW 9A.72.090, 9A.72.100, 9A.72.110, 9A.72.120, 9A.72.130, 9A.76.070, or 9A.76.180;
- (r) Fraud in the purchase or sale of securities, as defined in RCW 21.20.010;
- (s) Promoting pornography, as defined in RCW 9.68.140;
- (t) Sexual exploitation of children, as defined in RCW 9.68A.040, 9.68A.050, and 9.68A.060;
- (u) Promoting prostitution, as defined in RCW 9A.88.070 and 9A.88.080;
- (v) Arson, as defined in RCW 9A.48.020 and 9A.48.030;
- (w) Assault, as defined in RCW 9A.36.011 and 9A.36.021;
- (x) Assault of a child, as defined in RCW 9A.36.--- and 9A.36.--- (sections 1 and 2 of this act);
- (y) A pattern of equity skimming, as defined in RCW 61.34.020; or
- ~~((z))~~ (z) Commercial telephone solicitation in violation of RCW 19.158.040(1).

(15) "Pattern of criminal profiteering activity" means engaging in at least three acts of criminal profiteering, one of which occurred after July 1, 1985, and the last of which occurred within five years, excluding any period of imprisonment, after the commission of the earliest act of criminal profiteering. In order to constitute a pattern, the three acts must have the same or similar intent, results, accomplices, principals, victims, or methods of commission, or be otherwise interrelated by distinguishing characteristics including a nexus to the same enterprise, and must not be isolated events. However, in any civil proceedings brought pursuant to RCW 9A.82.100 by any person other than the attorney general or county prosecuting attorney in which one or more acts of fraud in the purchase or sale of securities are asserted as acts of criminal profiteering activity, it is a condition to civil liability under RCW 9A.82.100 that the defendant has been convicted in a criminal proceeding of fraud in the purchase or sale of securities under RCW 21.20.400 or under the laws of another state or of the United States requiring the same elements of proof, but such conviction need not relate to any act or acts asserted as acts of criminal profiteering activity in such civil action under RCW 9A.82.100.

(16) "Records" means any book, paper, writing, record, computer program, or other material.

(17) "Documentary material" means any book, paper, document, writing, drawing, graph, chart, photograph, phonograph record, magnetic tape, computer printout, other data compilation from which information can be obtained or from which information can be translated into usable form, or other tangible item.

(18) "Unlawful debt" means any money or other thing of value constituting principal or interest of a debt that is legally unenforceable in the state in full or in part because the debt was incurred or contracted:

- (a) In violation of any one of the following:
 - (i) Chapter 67.16 RCW relating to horse racing;
 - (ii) Chapter 9.46 RCW relating to gambling;
- (b) In a gambling activity in violation of federal law; or

(c) In connection with the business of lending money or a thing of value at a rate that is at least twice the permitted rate under the applicable state or federal law relating to usury.

(19) (a) "Beneficial interest" means:

(i) The interest of a person as a beneficiary under a trust established under Title 11 RCW in which the trustee for the trust holds legal or record title to real property;

(ii) The interest of a person as a beneficiary under any other trust arrangement under which a trustee holds legal or record title to real property for the benefit of the beneficiary; or

(iii) The interest of a person under any other form of express fiduciary arrangement under which one person holds legal or record title to real property for the benefit of the other person.

(b) "Beneficial interest" does not include the interest of a stockholder in a corporation or the interest of a partner in a general partnership or limited partnership.

(c) A beneficial interest shall be considered to be located where the real property owned by the trustee is located.

(20) "Real property" means any real property or interest in real property, including but not limited to a land sale contract, lease, or mortgage of real property.

(21) (a) "Trustee" means:

(i) A person acting as a trustee under a trust established under Title 11 RCW in which the trustee holds legal or record title to real property;

(ii) A person who holds legal or record title to real property in which another person has a beneficial interest; or

(iii) A successor trustee to a person who is a trustee under subsection (21)(a) (i) or (ii) of this section.

(b) "Trustee" does not mean a person appointed or acting as:

(i) A personal representative under Title 11 RCW;

(ii) A trustee of any testamentary trust;

(iii) A trustee of any indenture of trust under which a bond is issued; or

(iv) A trustee under a deed of trust.

Sec. 14. RCW 13.34.130 and 1991 c 127 s 4 are each amended to read as follows:

If, after a fact-finding hearing pursuant to RCW 13.34.110, as now or hereafter amended, it has been proven by a preponderance of the evidence that the child is dependent within the meaning of RCW 13.34.030(2); after consideration of the predisposition report prepared pursuant to RCW 13.34.110 and after a disposition hearing has been held pursuant to RCW 13.34.110, the court shall enter an order of disposition pursuant to this section.

(1) The court shall order one of the following dispositions of the case:

(a) Order a disposition other than removal of the child from his or her home, which shall provide a program designed to alleviate the immediate danger to the child, to mitigate or cure any damage the child has already suffered, and to aid the parents so that the child will not be endangered in the future. In selecting a program, the court should choose those services that least interfere with family autonomy, provided that the services are adequate to protect the child.

(b) Order that the child be removed from his or her home and ordered into the custody, control, and care of a relative or the department of social and health services or a licensed child placing agency for placement in a foster family home or group care facility licensed pursuant to chapter 74.15 RCW or in a home not required to be licensed pursuant to chapter 74.15 RCW. Unless there is reasonable cause to believe that the safety or welfare of the child would be jeopardized or that efforts to reunite the parent and child will be hindered, such child shall be placed with a grandparent, brother, sister, stepbrother, stepsister, uncle, aunt, or first cousin with whom the child has a relationship and is comfortable, and who is willing and available to care for the child. An order for out-of-home placement may be made only if the court finds that reasonable efforts have been made to prevent or eliminate the need for removal of the child from the child's home and to make it possible for the child to return home, specifying the services that have been provided to the child and the child's parent, guardian, or legal custodian, and that:

(i) There is no parent or guardian available to care for such child;

(ii) The parent, guardian, or legal custodian is not willing to take custody of the child;

(iii) A manifest danger exists that the child will suffer serious abuse or neglect if the child is not removed from the home and an order under RCW 26.44.063 would not protect the child from danger; or

(iv) The extent of the child's disability is such that the parent, guardian, or legal custodian is unable to provide the necessary care for the child and the parent, guardian, or legal custodian has determined that the child would benefit from placement outside of the home.

(2) If the court has ordered a child removed from his or her home pursuant to ~~((RCW 13.34.130))~~ subsection (1)(b) of this section, the court may order that a petition seeking termination of the parent and child relationship be filed if the court finds it is recommended by the supervising agency, that it is in the best interests of the child and that it is not reasonable to provide further services to reunify the family because the existence of aggravated circumstances make it unlikely that services will effectuate the return of the child to the child's parents in the near future. In determining whether aggravated circumstances exist, the court shall consider one or more of the following:

(a) Conviction of the parent of rape of the child in the first, second, or third degree as defined in RCW 9A.44.073, 9A.44.076, and 9A.44.079;

(b) Conviction of the parent of criminal mistreatment of the child in the first or second degree as defined in RCW 9A.42.020 and 9A.42.030;

(c) Conviction of the parent of one of the following assault crimes, when the child is the victim: Assault ((of the child)) in the first or second degree as defined in RCW 9A.36.011 and 9A.36.021 or assault of a child in the first or second degree as defined in RCW 9A.36.--- or 9A.36.--- (sections 1 and 2 of this act);

(d) Conviction of the parent of murder, manslaughter, or homicide by abuse of the child's other parent, sibling, or another child;

(e) A finding by a court that a parent is a sexually violent predator as defined in RCW 71.09.020;

(f) Failure of the parent to complete available treatment ordered under this chapter or the equivalent laws of another state, where such failure has resulted in a prior termination of parental rights to another child and the parent has failed to effect significant change in the interim.

(3) Whenever a child is ordered removed from the child's home, the agency charged with his or her care shall provide the court with:

(a) A permanent plan of care that may include one of the following: Return of the child to the home of the child's parent, adoption, guardianship, or long-term placement with a relative or in foster care with a written agreement.

(b) Unless the court has ordered, pursuant to ~~((RCW 13.34.130))~~ subsection (2) of this section, that a termination petition be filed, a specific plan as to where the child will be placed, what steps will be taken to return the child home, and what actions the agency will take to maintain parent-child ties. All aspects of the plan shall include the goal of achieving permanence for the child.

(i) The agency plan shall specify what services the parents will be offered in order to enable them to resume custody, what requirements the parents must meet in order to resume custody, and a time limit for each service plan and parental requirement.

(ii) The agency shall be required to encourage the maximum parent-child contact possible, including regular visitation and participation by the parents in the care of the child while the child is in placement. Visitation may be limited or denied only if the court determines that such limitation or denial is necessary to protect the child's health, safety, or welfare.

(iii) A child shall be placed as close to the child's home as possible, preferably in the child's own neighborhood, unless the court finds that placement at a greater distance is necessary to promote the child's or parents' well-being.

(iv) The agency charged with supervising a child in placement shall provide all reasonable services that are available within the agency, or within the community, or those services which the department of social and health services has existing contracts to purchase. It shall report to the court if it is unable to provide such services.

(c) If the court has ordered, pursuant to ~~((RCW 13.34.130))~~ subsection (2) of this section, that a termination petition be filed, a specific plan as to where the child will be placed, what steps will be taken to achieve permanency for the child, services to be offered or provided to the child, and, if visitation would be in the best interests of the child, a recommendation to the court regarding visitation between parent and child pending a fact-finding hearing on the termination petition. The agency shall not be required to develop a plan of services for the parents or provide services to the parents.

(4) If there is insufficient information at the time of the disposition hearing upon which to base a determination regarding the suitability of a proposed placement with a relative, the child shall remain in foster care and the court shall direct the supervising agency to conduct necessary background investigations as provided in chapter 74.15 RCW and report the results of such investigation to the court within thirty days. However, if such relative appears otherwise suitable and competent to provide care and treatment, the criminal history background check need not be completed before placement, but as soon as possible after placement. Any placements with relatives, pursuant to this section, shall be contingent upon cooperation by the relative with the agency case plan and compliance with court orders related to the care and supervision of the child including, but not limited to, court orders regarding parent-child contacts and any other conditions imposed by the court. Noncompliance with the case plan or court order shall be grounds for removal of the child from the relative's home, subject to review by the court.

(5) Except for children whose cases are reviewed by a citizen review board under chapter 13.70 RCW, the status of all children found to be dependent shall be reviewed by the court at least every six months from the beginning date of the placement episode or the date dependency is established, whichever is first, at a hearing in which it shall be determined whether court supervision should continue. The review shall include findings regarding the agency and parental completion of disposition plan requirements, and if necessary, revised permanency time limits.

(a) A child shall not be returned home at the review hearing unless the court finds that a reason for removal as set forth in this section no longer exists. The parents, guardian, or legal custodian shall report to the court the efforts they have made to correct the conditions which led to removal. If a child is returned, casework supervision shall continue for a period of six months, at which time there shall be a hearing on the need for continued intervention.

(b) If the child is not returned home, the court shall establish in writing:

(i) Whether reasonable services have been provided to or offered to the parties to facilitate reunion, specifying the services provided or offered;

(ii) Whether the child has been placed in the least-restrictive setting appropriate to the child's needs, including whether consideration has been given to placement with the child's relatives;

(iii) Whether there is a continuing need for placement and whether the placement is appropriate;

(iv) Whether there has been compliance with the case plan by the child, the child's parents, and the agency supervising the placement;

(v) Whether progress has been made toward correcting the problems that necessitated the child's placement in out-of-home care;

(vi) Whether the parents have visited the child and any reasons why visitation has not occurred or has been infrequent;

(vii) Whether additional services are needed to facilitate the return of the child to the child's parents; if so, the court shall order that reasonable services be offered specifying such services; and

(viii) The projected date by which the child will be returned home or other permanent plan of care will be implemented.

(c) The court at the review hearing may order that a petition seeking termination of the parent and child relationship be filed.

Sec. 15. RCW 13.34.190 and 1990 c 284 s 33 are each amended to read as follows:

After hearings pursuant to RCW 13.34.110, the court may enter an order terminating all parental rights to a child if the court finds that:

(1) The allegations contained in the petition as provided in RCW 13.34.180 (1) through (6) are established by clear, cogent, and convincing evidence; or

(2) RCW 13.34.180 (3) and (4) may be waived because the allegations under RCW 13.34.180 (1), (2), (5), and (6) are established beyond a reasonable doubt; or

~~((e)-(3)))~~ (3) The allegation under RCW 13.34.180(7) is established beyond a reasonable doubt. In determining whether RCW 13.34.180 (5) and (6) are established beyond a reasonable doubt, the court shall consider one or more of the following:

(a) Conviction of the parent of rape of the child in the first, second, or third degree as defined in RCW 9A.44.073, 9A.44.076, and 9A.44.079;

(b) Conviction of the parent of criminal mistreatment of the child in the first or second degree as defined in RCW 9A.42.020 or 9A.42.030;

(c) Conviction of the parent of one of the following assault crimes, when the child is the victim: Assault ((of the child)) in the first or second degree as defined in RCW 9A.36.011 and 9A.36.021 or assault of a child in the first or second degree as defined in RCW 9A.36.--- or 9A.36.--- (sections 1 and 2 of this act);

(d) Conviction of the parent of murder, manslaughter, or homicide by abuse of the child's other parent, sibling, or another child;

(e) A finding by a court that a parent is a sexually violent predator as defined in RCW ~~((9A.88.010))~~ 71.09.020;

(f) Failure of the parent to complete available treatment ordered under this chapter or the equivalent laws of another state, where such failure has resulted in a prior termination of parental rights to another child and the parent has failed to effect significant change in the interim; and

~~((3)-(4)))~~ (4) Such an order is in the best interests of the child.

Sec. 16. RCW 43.43.830 and 1990 c 146 s 8 and 1990 c 3 s 1101 are each reenacted and amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout RCW 43.43.830 through 43.43.840.

(1) "Applicant" means:

(a) Any prospective employee who will or may have unsupervised access to children under sixteen years of age or developmentally disabled persons or vulnerable adults during the course of his or her employment or involvement with the business or organization;

(b) Any prospective volunteer who will have regularly scheduled unsupervised access to children under sixteen years of age, developmentally disabled persons, or vulnerable adults during the course of his or her employment or involvement with the business or organization under circumstances where such access will or may involve groups of (i) five or fewer children under twelve years of age, (ii) three or fewer children between twelve and sixteen years of age, (iii) developmentally disabled persons, or (iv) vulnerable adults; or

(c) Any prospective adoptive parent, as defined in RCW 26.33.020.

(2) "Business or organization" means a business or organization licensed in this state, any agency of the state, or other governmental entity, that educates, trains, treats, supervises, or provides recreation to developmentally disabled persons, vulnerable adults, or children under sixteen years of age, including school districts and educational service districts.

(3) "Civil adjudication" means a specific court finding of sexual abuse or exploitation or physical abuse in a dependency action under RCW 13.34.040 or in a domestic relations action under Title 26 RCW. In the case of vulnerable adults, civil adjudication means a specific court finding of abuse or financial exploitation in a protection proceeding under chapter 74.34 RCW. It does not include administrative proceedings. The term "civil adjudication" is further limited to court findings that identify as the perpetrator of the abuse a named individual, over the age of eighteen years, who was a party to the dependency or dissolution proceeding or was a respondent in a protection proceeding in which the finding was made and who contested the allegation of abuse or exploitation.

(4) "Conviction record" means "conviction record" information as defined in RCW 10.97.030(3) relating to a crime against children or other persons committed by either an adult or a juvenile. It does not include a conviction for an offense that has been the subject of an expungement, pardon, annulment, certificate of rehabilitation, or other

OOOequivalent procedure based on a finding of the rehabilitation of the person convicted, or a conviction that has been the subject of a pardon, annulment, or other equivalent procedure based on a finding of innocence. It does include convictions for offenses for which the defendant received a deferred or suspended sentence, unless the record has been expunged according to law.

(5) "Crime against children or other persons" means a conviction of any of the following offenses: Aggravated murder; first or second degree murder; first or second degree kidnaping; first, second, or third degree assault; first, second, or third degree assault of a child; first, second, or third degree rape; first, second, or third degree rape of a child; first or second degree robbery; first degree arson; first degree burglary; first or second degree manslaughter; first or second degree extortion; indecent liberties; incest; vehicular homicide; first degree promoting prostitution; communication with a minor; unlawful imprisonment; simple assault; sexual exploitation of minors; first or second degree criminal mistreatment; child abuse or neglect as defined in RCW 26.44.020; first or second degree custodial interference; malicious harassment; first, second, or third degree child molestation; first or second degree sexual misconduct with a minor; first or second degree rape of a child; patronizing a juvenile prostitute; child abandonment; promoting pornography; selling or distributing erotic material to a minor; custodial assault; violation of child abuse restraining order; child buying or selling; prostitution; felony indecent exposure; or any of these crimes as they may be renamed in the future.

(6) "Crimes relating to financial exploitation" means a conviction for first, second, or third degree extortion; first, second, or third degree theft; first or second degree robbery; forgery; or any of these crimes as they may be renamed in the future.

(7) "Disciplinary board final decision" means any final decision issued by the disciplinary board or the director of the department of licensing for the following businesses or professions:

- (a) Chiropractic;
- (b) Dentistry;
- (c) Dental hygiene;
- (d) Massage;
- (e) Midwifery;
- (f) Naturopathy;
- (g) Osteopathy;
- (h) Physical therapy;
- (i) Physicians;
- (j) Practical nursing;
- (k) Registered nursing;
- (l) Psychology; and
- (m) Real estate brokers and salesmen.

(8) "Unsupervised" means not in the presence of:

- (a) Another employee or volunteer from the same business or organization as the applicant; or
- (b) Any relative or guardian of any of the children or developmentally disabled persons to which the applicant has access during the course of his or her employment or involvement with the business or organization.

(9) "Vulnerable adult" means a person sixty years of age or older who has the functional, mental, or physical inability to care for himself or herself or a patient in a state hospital as defined in chapter 72.23 RCW.

(10) "Financial exploitation" means the illegal or improper use of a vulnerable adult or that adult's resources for another person's profit or advantage.

(11) "Agency" means any person, firm, partnership, association, corporation, or facility which receives, provides services to, houses or otherwise cares for vulnerable adults.

Sec. 17. RCW 71.09.020 and 1990 1st ex.s. c 12 s 2 are each amended to read as follows:

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

(1) "Sexually violent predator" means any person who has been convicted of or charged with a crime of sexual violence and who suffers from a mental abnormality or personality disorder which makes the person likely to engage in predatory acts of sexual violence.

(2) "Mental abnormality" means a congenital or acquired condition affecting the emotional or volitional capacity which predisposes the person to the commission of criminal sexual acts in a degree constituting such person a menace to the health and safety of others.

(3) "Predatory" means acts directed towards strangers or individuals with whom a relationship has been established or promoted for the primary purpose of victimization.

(4) "Sexually violent offense" means an act committed on, before, or after July 1, 1990, that is: (a) An act defined in Title 9A RCW as rape in the first degree, rape in the second degree by forcible compulsion, rape of a child in the first or second degree, statutory rape in the first or second degree, indecent liberties by forcible compulsion, indecent liberties against a child under age fourteen, incest against a child under age fourteen, or child molestation in the first or second degree; (b) a felony offense in effect at any time prior to July 1, 1990, that is comparable to a sexually violent offense as defined in (a) of this subsection, or any federal or out-of-state conviction for a felony offense that under the laws of this state would be a sexually violent offense as defined in this subsection; (c) an act of murder in the first or second degree, assault in the first or second degree, assault of a child in the first or second degree, kidnapping in the first or second degree, burglary in the first degree, residential burglary, or unlawful imprisonment, which act, either at

the time of sentencing for the offense or subsequently during civil commitment proceedings pursuant to chapter 71.09 RCW, has been determined beyond a reasonable doubt to have been sexually motivated, as that term is defined in RCW 9.94A.030; or (d) an act as described in chapter 9A.28 RCW, that is an attempt, criminal solicitation, or criminal conspiracy to commit one of the felonies designated in (a), (b), or (c) of this subsection.

On page 1, line 2 of the title, after "child;" strike the remainder of the title and insert "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.", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Amondson, the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 6104.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6104, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6104, as amended by the House, 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, 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, Williams, Wojahn - 47.

Excused: Senators Hayner, West - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6104, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 3, 1992

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6120 with the following amendment:

On page 2, line 7, after "person" strike the remainder of the section and insert "who places orders for his own account for resale, or purchases for his own account for resale, or sells or takes orders for the direct sale of products to the ultimate consumer.", and the amendment and the bill are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Amondson, the Senate concurred in the House amendment to Substitute Senate Bill No. 6120.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6120, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6120, as amended by the House, 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, 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, Sumner, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, Williams, Wojahn - 46.

Absent: Senator Metcalf - 1.

Excused: Senators Hayner, West - 2.

SUBSTITUTE SENATE BILL NO. 6120, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 4, 1992

MR. PRESIDENT:

The House has passed **ENGROSSED SENATE BILL NO. 6161** with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 43.30 RCW to read as follows:

(1) The legislature finds that the department of natural resources has a need to maintain the real property asset base it manages and needs an accounting mechanism to complete transactions without reducing the real property asset base.

(2) The natural resources real property replacement account is created in the state treasury. This account shall consist of funds transferred or paid for the disposal or transfer of real property by the department of natural resources under section 2 of this act. The funds in this account shall be used solely for the acquisition of replacement real property and may be spent only when, and as, authorized by legislative appropriation.

NEW SECTION. Sec. 2. A new section is added to chapter 79.01 RCW to read as follows:

(1) For the purposes of this section, "public agency" means any agency, political subdivision, or unit of local government of this state including, but not limited to, municipal corporations, quasi-municipal corporations, special purpose districts, and local service districts; any agency of the state government; any agency of the United States; and any Indian tribe recognized as such by the federal government.

(2) With the approval of the board of natural resources, the department of natural resources may directly transfer or dispose of real property, without public auction, in the following circumstances:

(a) Transfers in lieu of condemnations;

(b) Transfers to public agencies; and

(c) Transfers to resolve trespass and property ownership disputes.

(3) Real property to be transferred or disposed of under this section shall be transferred or disposed of only after appraisal and for at least fair market value, and only if such transaction is in the best interest of the state or affected trust.

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 page 1, line 2 of the title, after "lands;" strike the remainder of the title and insert "adding a new section to chapter 43.30 RCW; adding a new section to chapter 79.01 RCW; and declaring an emergency.", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Amondson, the Senate concurred in the House amendments to Engrossed Senate Bill No. 6161.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6161, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6161, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 3; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Jesernig, Kreidler, Madsen, McCaslin, 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, Williams, Wojahn - 44.

Absent: Senators Matson, McDonald, Metcalf - 3.

Excused: Senators Hayner, West - 2.

ENGROSSED SENATE BILL NO. 6161, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 4, 1992

MR. PRESIDENT:

The House has passed SENATE BILL NO. 6220 with the following amendments:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 28A.630.140 and 1988 c 1 s 1 are each amended to read as follows:

Initial applications to participate in the schools for the twenty-first century pilot program shall be submitted by the school district board of directors to the state board of education not later than May 31, 1988. Subject to available funding, additional applications may be submitted for board consideration by November 1 of subsequent years. Each application shall contain a proposed plan which:

- (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 provisions for some or all certificated school staff, including certificated administrative staff, and classified school employees whose primary duties are the daily educational instruction of students, to be employed on supplemental contracts with additional compensation for a minimum of an average of ten additional days beyond the general state funded school year allocations for the participating employees, and staff development time as provided by legislative appropriation, and, notwithstanding ~~((the provisions of RCW 28A.58.095(1)))~~ RCW 28A.400.200, district resources may be used to fund the employment of staff beyond the average of ten additional days for the purposes of the pilot project;
- (4) Includes budget plans for the project and additional anticipated sources of funding, including private grants and contributions, if any;
- (5) Identifies the technical resources desired, the potential costs of those resources, and the institutions of higher education, educational service districts, or consultants available to provide such services;
- (6) Identifies the evaluation and accountability processes to be used to measure school-wide student and project performance, and identifies a model which provides the basis for a staff incentive pay system. Implementation of the staff incentive pay system is not required;
- (7) Justifies each request for waiver of specific state statutes or administrative rules during at least the first two years of the project;
- (8) Includes a written statement that school directors and administrators are willing to exempt the pilot school(s) from specifically identified local rules, as needed;
- (9) 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 pilot school(s) project; and
- (10) Includes written statements of support from the district's board of directors, the district superintendent, the principal and staff of the building requesting to become a pilot school; and statements of support, willingness to participate, or concerns from any interested parent, business, or community organization.

NEW SECTION. Sec. 2. A new section is added to chapter 28A.630 RCW to read as follows:

- (1) The state board of education shall submit by January 15, 1995, to the legislature and the governor, a final report on the schools for the twenty-first century program. This report shall include but is not limited to the following information:
 - (a) Improvements in student performance resulting from activities carried out under the schools for the twenty-first century program;
 - (b) The relationship between improvements in student performance and increasing local decision-making authority under the schools for the twenty-first century program; and
 - (c) Identification of restructuring that occurred with and without the granting of waivers of state statutes or administrative rules.
- (2) The state board of education and the superintendent of public instruction, from available funds, may contract for an independent evaluation of the schools for the twenty-first century program.
- (3) This section shall expire January 30, 1995.

On page 1, line 1 of the title, after "century;" strike the remainder of the title and insert "amending RCW 28A.630.140; and adding a new section to chapter 28A.630 RCW.", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Amondson, the Senate concurred in the House amendments to Senate Bill No. 6220.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6220, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6220, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; 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, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sumner, Sutherland, Thorsness, Vognilid, von Reichbauer, Williams, Wojahn - 46.

Voting nay: Senator Talmadge - 1.

Excused: Senators Hayner, West - 2.

SENATE BILL NO. 6220, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 5, 1992

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6393 with the following amendment:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 15.36 RCW to read as follows:

There is levied on all milk processed in this state an assessment not to exceed one-half of one cent per hundredweight. The director shall determine, by rule, an assessment, that with contribution from the general fund, will support an inspection program to maintain compliance with the provisions of the pasteurized milk ordinance of the national conference on interstate milk shipment. All assessments shall be levied on the operator of the first milk plant receiving the milk for processing. This shall include milk plants that produce their own milk for processing and milk plants that receive milk from other sources. All moneys collected under this section shall be paid to the director by the twentieth day of the succeeding month for the previous month's assessments. The director shall deposit the funds into the dairy inspection account hereby created within the agricultural local fund established in RCW 43.23.230. The funds shall be used only to provide inspection services to the dairy industry. All interest accrued on the account shall be credited to the dairy inspection program. If the operator of a milk plant fails to remit any assessments, that sum shall be a lien on any property owned by him or her, and shall be reported by the director and collected in the manner and with the same priority over other creditors as prescribed for the collection of delinquent taxes under chapters 84.60 and 84.64 RCW.

This section shall take effect July 1, 1992, and shall expire June 30, 1994.

NEW SECTION. Sec. 2. A new section is added to chapter 15.36 RCW to read as follows:

(1) There is created a dairy inspection program advisory committee. The committee shall consist of nine members. The committee shall be appointed by the director from names submitted by dairy producer organizations or from handlers of milk products. The committee shall consist of four members who are producers of milk or their representatives, and four members who are handlers or their representatives, and one member who must be a producer-handler.

(2) The purpose of this advisory committee is to assist the director by providing recommendations regarding the dairy inspection program, that are consistent with the pasteurized milk ordinance. The advisory committee shall (a) review and evaluate the program including the efficiency of the administration of the program, the adequacy of the level of inspection staff, the ratio of inspectors to number of dairy farm inspections per year, and the ratio of inspectors to management employees; and (b) consider alternatives to the state program, which may include privatization of various elements of the inspection program.

(3) The committee shall meet as necessary to complete its work. Meetings of the committee are subject to the open public meetings act.

(4) Not later than October 15, 1992, the advisory committee shall issue a preliminary report of its findings to the dairy industry. The committee shall solicit comments from the dairy industry which shall be reflected in the committee's final report.

(5) Not later than December 1, 1992, the advisory committee shall report to the agricultural committees of the house of representatives and senate its recommendations for long-term structure and funding of the dairy inspection program.

Sec. 3. RCW 69.07.040 and 1991 c 137 s 3 are each amended to read as follows:

It shall be unlawful for any person to operate a food processing plant or process foods in the state without first having obtained an annual license from the department, which shall expire on a date set by rule by the director. License fees shall be prorated where necessary to accommodate staggering of expiration dates. Application for a license shall be on a form prescribed by the director and accompanied by ~~((a twenty five dollar annual))~~ the license fee. The license fee is determined by computing the gross annual sales for the accounting year immediately preceding the license year. If the license is for a new operator, the license fee shall be based on an estimated gross annual sales for the initial license period.

<p><u>If gross annual sales are:</u></p> <p><u>\$0 to \$50,000</u></p> <p><u>\$50,001 to \$500,000</u></p> <p><u>\$500,001 to \$1,000,000</u></p> <p><u>\$1,000,001 to \$5,000,000</u></p> <p><u>\$5,000,001 to \$10,000,000</u></p> <p><u>Greater than \$10,000,000</u></p>	<p><u>The license fee is:</u></p> <p><u>\$50.00</u></p> <p><u>\$100.00</u></p> <p><u>\$200.00</u></p> <p><u>\$350.00</u></p> <p><u>\$500.00</u></p> <p><u>\$750.00</u></p>
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Such application shall include the full name of the applicant for the license and the location of the food processing plant he or she intends to operate. If such applicant is an individual, receiver, trustee, firm, partnership, association or corporation, the full name of each member of the firm or partnership, or names of the officers of the association or corporation shall be given on the application. Such application shall further state the principal business address of the applicant in the state and elsewhere and the name of a person domiciled in this state authorized to receive and accept service of summons of legal notices of all kinds for the applicant. The application shall also specify the type of food to be processed and the method or nature of processing operation or preservation of that food and any other necessary information. Upon the approval of the application by the director and compliance with the provisions of this chapter, including the applicable regulations adopted hereunder by the department, the applicant shall be issued a license or renewal thereof.

Licenses shall be issued to cover only those products, processes, and operations specified in the license application and approved for licensing. Wherever a license holder wishes to engage in processing a type of food product that is different than the type specified on the application supporting the licensee's existing license and processing that type of food product would require a major addition to or modification of the licensee's processing facilities or has a high potential for harm, the licensee shall submit an amendment to the current license application. In such a case, the licensee may engage in processing the new type of food product only after the amendment has been approved by the department.

If upon investigation by the director, it is determined that a person is processing food for retail sale and is not under permit, license, or inspection by a local health authority, then that person may be considered a food processor and subject to the provisions of this chapter.

Sec. 4. RCW 69.07.050 and 1991 c 137 s 4 are each amended to read as follows:

If the application for renewal of any license provided for under this chapter is not filed prior to the expiration date as established by rule by the director, an additional fee of ~~((fifteen dollars))~~ ten percent of the cost of the license shall be assessed and added to the original fee and shall be paid by the applicant before the renewal license shall be issued: PROVIDED, That such additional fee shall not be charged if the applicant furnishes an affidavit certifying that he or she has not operated a food processing plant or processed foods subsequent to the expiration of his or her license.

Sec. 5. RCW 69.07.120 and 1967 ex.s. c 121 s 12 are each amended to read as follows:

All moneys received by the department under the provisions of this chapter shall be paid into the ((state treasury)) food processing inspection account hereby created within the agricultural local fund established in RCW 43.23.230 and shall be used solely to carry out the provisions of this chapter and chapter 69.04 RCW., and the amendment and the bill are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Amondson, the Senate refuses to concur in the House amendment to Substitute Senate Bill No. 6393 and asks the House to recede therefrom.

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

SECOND READING

HOUSE BILL NO. 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.

The bill was read the second time.

MOTION

On motion of Senator Patterson, the rules were suspended, House Bill No. 2896 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. 2896.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2896 and the bill passed the Senate by the following vote: Yeas, 38; Nays, 11; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Barr, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hayner, Kreidler, Madsen, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Rasmussen, Rinehart, Roach, Sellar, Skratek, A. Smith, L. Smith, Snyder, Sumner, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 38.

Voting nay: Senators Amondson, Anderson, Bauer, Hansen, Jesernig, Matson, McCaslin, Pelz, Saling, Stratton, Sutherland - 11.

HOUSE BILL NO. 2896, having received the 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. 2553, by House Committee on Transportation (originally sponsored by Representatives R. Fisher, Betzoff, R. Meyers and Dellwo) (by request of Governor Gardner)

Adopting the 1992 supplemental transportation budget.

The bill was read the second time.

MOTION

Senator Patterson moved that the following Committee on Transportation amendment be adopted:

Strike everything after the enacting clause and insert the following:

Sec. 1. 1991 sp.s. c 15 s 1 (uncodified) is amended to read as follows:

The transportation budget of the state is hereby adopted and, subject to the provisions hereinafter set forth, the several amounts hereinafter specified, or as much thereof as may be necessary to accomplish the purposes designated, are hereby appropriated from the several accounts and funds hereinafter named to the designated state agencies and offices for salaries, wages, and other expenses, for capital projects, and for other specified purposes, including the payment of any final judgments arising out of such activities, for the period ending June 30, 1993. No moneys are provided in this act for major relocation of the Washington state patrol (~~or the department of licensing~~). The department of general administration shall evaluate space requirements for all transportation agencies, including the Washington state patrol headquarters, through the year 2010, and make recommendations regarding how these space requirements shall be met to the office of financial management, the legislative transportation committee, the house of representatives capital facilities and financing committee, and the senate ways and means committee, by January 1, 1993. No moneys from any

transportation fund or account may be expended for this purpose. Any bill enacted during the 1991 or 1992 legislative sessions requiring expenditure from a transportation related fund or account that was not heard by either of the respective transportation committees is not funded in this act.

Sec. 2. 1991 sp.s. c 15 s 21 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF AGRICULTURE

Motor Vehicle Fund--State Appropriation	\$	409,000
<i>(((\$209,000 or as much thereof as is necessary, is appropriated from))</i>		

The motor vehicle fund--state appropriation is provided solely for the motor fuel quality testing program. *((Annual))* Semi-annual reports shall be submitted to the legislative transportation committee commencing January 15, 1992.

Sec. 3. 1991 sp.s. c 15 s 5 (uncodified) is amended to read as follows:

FOR THE COUNTY ROAD ADMINISTRATION BOARD

Motor Vehicle Fund--County Arterial Preservation		
Account--State Appropriation	\$	((22,427,000))
		23,732,000
Motor Vehicle Fund--Rural Arterial Trust Account--		
State Appropriation	\$	37,413,000
Motor Vehicle Fund--Private Local Appropriation	\$	62,409
Motor Vehicle Fund--State Appropriation	\$	((1,190,000))
		1,241,420
TOTAL APPROPRIATION	\$	((61,030,000))
		62,448,829

\$153,319 of the motor vehicle fund--county arterial preservation account--state appropriation and \$153,319 of the motor vehicle fund--rural arterial trust account--state appropriation, or as much thereof as may be necessary, are provided solely to provide transportation planning assistance to counties.

Sec. 4. 1991 sp.s. c 15 s 6 (uncodified) is amended to read as follows:

FOR THE TRANSPORTATION IMPROVEMENT BOARD

Motor Vehicle Fund--Transportation Improvement		
Account--State Appropriation	\$	104,000,000
Motor Vehicle Fund--Urban Arterial Trust Account--		
State Appropriation	\$	51,848,000
TOTAL APPROPRIATION	\$	155,848,000

((The legislative transportation committee shall evaluate methods to improve legislative oversight of transportation improvement account projects.)) The legislative transportation committee shall designate an interim committee of house and senate transportation committee members to evaluate the transportation improvement account and urban arterial trust account programs of the transportation improvement board to determine the appropriateness of project selection criteria and the structure of the two programs based on current transportation needs. Recommendations shall include but not be limited to changes to selection criteria, changes to the method of implementing selection criteria, changes in level of funding for the two programs, whether to combine the small cities components of the two programs, suggested limits on the obligation of funds, and methods to improve legislative oversight of projects in terms of total cost and scope. The recommendations shall be submitted to the legislative transportation committee by December 15, 1992.

Sec. 5. 1991 sp.s. c 15 s 14 (uncodified) is amended to read as follows:

FOR THE LEGISLATIVE TRANSPORTATION COMMITTEE

Motor Vehicle Fund--State Appropriation	\$	((3,028,000))
		2,905,000
High Capacity Transportation Account--		
State Appropriation	\$	950,000
TOTAL APPROPRIATION	\$	((3,978,000))
		3,855,000

(1) Of the high capacity transportation account appropriation provided for in this section, \$550,000 is a reappropriation for continuation of stage 1 of the public transportation study described in section 12(4), chapter 298, Laws of 1990, and \$400,000 is for a portion of the cost of stage 2.

(2) The appropriation provided for in section 41, chapter 15, Laws of 1991 sp.s., includes funds to carry out the studies described in section 12 (5) and (6), chapter 298, Laws of 1990: PROVIDED, That the completion dates for both studies shall be June 30, 1993.

(3) The committee is authorized to conduct performance analysis and other reviews of state transportation agencies and programs to ensure that the agencies and programs: (a) Are being conducted in accordance with legislative intent; (b) are being conducted in an efficient and effective manner; and (c) continue to serve their intended purposes. The findings and recommendations of any such reviews shall be reported to the legislature.

Sec. 6. 1991 sp.s. c 15 s 8 (uncodified) is amended to read as follows:

FOR THE STATE PATROL--FIELD OPERATIONS BUREAU

Motor Vehicle Fund--State Patrol Highway Account--		
State Appropriation	\$	((131,301,000))
		<u>136,892,000</u>
Motor Vehicle Fund--State Patrol Highway Account--		
Federal Appropriation	\$	3,033,000
TOTAL APPROPRIATION	\$	((134,334,000))
		<u>139,925,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Any user of Washington state patrol aircraft shall pay its pro rata share of all operating and maintenance costs including capitalization.

(2) \$482,000 of the state patrol highway account--state appropriation is provided solely for implementation of House Bill No. 2693, or Senate Bill No. 6286. The appropriation provided in this subsection is contingent upon passage during the 1992 legislative session of House Bill No. 2693 or Senate Bill No. 6286.

Sec. 7. 1991 sp.s. c 15 s 9 (uncodified) is amended to read as follows:

FOR THE STATE PATROL--SUPPORT SERVICES BUREAU

Motor Vehicle Fund--State Patrol Highway Account--		
State Appropriation	\$	((52,914,000))
		<u>52,894,000</u>

The appropriations in this section are subject to the following conditions and limitations. \$54,000 of the state patrol highway account--state appropriation is provided solely for implementation of House Bill No. 2693 or Senate Bill No. 6286. The appropriation provided in this subsection is contingent upon passage during the 1992 legislative session of House Bill No. 2693 or Senate Bill No. 6286.

Sec. 8. 1991 sp.s. c 15 s 10 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING--VEHICLE SERVICES

Motor Vehicle Fund--State Appropriation	\$	((47,105,000))
		<u>45,695,000</u>
General Fund--Marine Fuel Tax Refund Account--		
State Appropriation	\$	25,000
General Fund--Wildlife Account--State Appropriation	\$	((502,000))
		<u>504,000</u>
TOTAL APPROPRIATION	\$	((47,632,000))
		<u>46,224,000</u>

~~(The legislature recognizes the need to address issues remaining unresolved from the 1991 title and registration study required by the legislature and the governor. The intent of the legislature is to better align the fee structure with the costs associated with providing services for the state. Evidence from the 1991 study indicates inequities exist in cost recovery and/or profits realized between large and small county auditors and their subagents. Further, no policy exists regarding how counties treat excess revenues generated from providing this service. The Washington association of counties, the Washington association of county officials, representatives of the subagents, and the department of licensing, under the direction of the legislative transportation committee, shall report to the legislative transportation committee by December 1, 1991, their recommendations for resolving these policy issues and inequities.)~~

Sec. 9. 1991 sp.s. c 15 s 11 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING--DRIVER SERVICES

General Fund--Public Safety and Education Account--		
State Appropriation	\$	((4,388,000))
		<u>4,394,000</u>
Highway Safety Fund--State Appropriation	\$	((48,376,000))
		<u>48,256,000</u>
Highway Safety Fund--Motorcycle Safety Education Account--		
State Appropriation	\$	884,000
TOTAL APPROPRIATION	\$	((53,648,000))
		<u>53,534,000</u>

Sec. 10. 1991 sp.s. c 15 s 12 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING--MANAGEMENT OPERATIONS

General Fund--Wildlife Account--State Appropriation	\$	((47,000))
		<u>45,000</u>
Highway Safety Fund--State Appropriation	\$	((4,796,000))
		<u>4,660,000</u>
Highway Safety Fund--Motorcycle		
Safety Education Account--State Appropriation	\$	((95,000))
		<u>92,000</u>
Motor Vehicle Fund--State Appropriation	\$	((4,424,000))
		<u>4,300,000</u>

General Fund--Public Safety and Education Account-- State Appropriation	\$	((418,000))
		<u>406,000</u>
TOTAL APPROPRIATION	\$	((9,780,000))
		<u>9,503,000</u>

Sec. 11. 1991 sp.s. c 15 s 13 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING--INFORMATION SYSTEMS

General Fund--Wildlife Account--State Appropriation	\$	((56,000))
		<u>53,000</u>
Highway Safety Fund--State Appropriation	\$	((3,506,000))
		<u>5,970,000</u>
Highway Safety Fund--Motorcycle Safety Education Account--State Appropriation	\$	((58,000))
		<u>55,000</u>
Motor Vehicle Fund--State Appropriation	\$	((5,961,000))
		<u>9,620,000</u>
General Fund--Public Safety and Education Account-- State Appropriation	\$	((252,000))
		<u>241,000</u>
TOTAL APPROPRIATION	\$	((9,833,000))
		<u>15,939,000</u>

The appropriation for the licensing application migration project (LAMP) is conditioned upon compliance with the provisions of section ~~((54 of chapter 15, Laws of 1991 sp.s))~~ 30 of this act. If section 30 of this act is not enacted during the 1992 legislative session, then the \$6,652,000 appropriation, of which \$3,991,000 is motor vehicle fund--state and \$2,661,000 highway safety fund--state, for the licensing application migration project (LAMP) shall lapse. Of the \$6,652,000 appropriation provided for LAMP, \$333,000 is provided solely as a contingency amount.

Sec. 12. 1991 sp.s. c 15 s 18 (uncodified) is amended to read as follows:

FOR THE AIR TRANSPORTATION COMMISSION

Transportation Fund--State Appropriation	\$	((553,000))
		<u>909,000</u>

(1) The appropriation contained in this section shall be reduced on a dollar for dollar basis if federal funding for any element of the commission's work plan is granted after July 1, 1992.

(2) \$206,000 of the appropriation contained in this section is null and void if House Bill No. 2609 is not enacted by July 1, 1992.

NEW SECTION. Sec. 13. A new section is added to 1991 sp.s. c 15 to read as follows:

Recognizing that the federal 1991 intermodal surface transportation efficiency act establishes an eighty million dollar national "Scenic Byways" grant program and a new apportionment program called "Transportation Enhancement Activities" that will provide forty-four million dollars to Washington state, the department of transportation is directed to place high priority on obtaining such funds for further development of a scenic and recreational highways program.

In developing the scenic and recreational highways program, the department shall consult with the department of trade and economic development, the department of community development, the department of natural resources, the parks and recreation commission, affected cities, towns, and counties, regional transportation planning organizations, and other interested parties. The scenic and recreational highways program shall identify entire highway loops or similar tourist routes that could be developed to promote tourist activity and provide concurrent economic growth while protecting the scenic and recreational quality surrounding state highways.

Sec. 14. 1991 sp.s. c 15 s 22 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--HIGHWAY CONSTRUCTION--PROGRAM A

Motor Vehicle Fund--State Appropriation	\$	149,838,000
Motor Vehicle Fund--Federal Appropriation	\$	98,600,000
Motor Vehicle Fund--Local Appropriation	\$	2,000,000
TOTAL APPROPRIATION	\$	250,438,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations in this section are provided for the location, design, right of way, and construction of state highway projects designated as category "A" under RCW 47.05.030. It is the intent of the legislature that this appropriation does not commit the legislature to the transportation commission's proposed category "A" program update.

(2) The department shall study a highway heritage program to preserve Washington's unique scenic character along its highway corridors and provide travelers with a continuing opportunity to appreciate and obtain information regarding unique natural, cultural, and historic features that are near or accessible by highways.

The department shall:

(a) Work with the parks and recreation commission, the Washington state historical society, the department of trade and economic development, and cities and counties to identify projects, establish priorities for expenditures of funds under this program, and recommend a strategy for implementing an ongoing program and sources of funding;

(b) Work with public and private landowners, local governments, and private organizations and associations to propose actions to achieve the purposes of this section without land acquisition, to the greatest extent possible, including coordination with local land use and open space plans, state agency programs relating to open space, conservation, urban forestry, and natural resources management;

(c) Study acquisition by purchase, gift, devise, bequest, grant, or exchange, title to or interest or right in real property adjacent to state highways to accomplish any of the following: Preserve natural beauty or viewpoints, preserve natural buffers between highways, or enhance the visual quality of entrances to cities or other land uses;

(d) Study provision of directional signs and signs with information regarding historical or cultural sites and significant natural features.

The department shall report its findings to the legislative transportation committee by December 1, 1992.

The appropriation to carry out the study in this subsection is provided in section 41, chapter 15, Laws of 1991 sp.s. and shall lapse unless \$10,000 is received from the department of trade and economic development by October 1, 1991.

(3) The department shall complete the six fish barrier removal projects identified as high priority by the department of fisheries. The department shall cooperate with the departments of fisheries and wildlife to identify, estimate costs of, and prioritize additional fish barrier removal projects on state highways.

(4) In order to accommodate the federal 1991 intermodal surface transportation efficiency act (P.L. 101-240; 105 Stat. 1914), the department of transportation may transfer dollar for dollar from the motor vehicle fund--state appropriation to the motor vehicle fund--federal appropriation.

Sec. 15. 1991 sp.s. c 15 s 23 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--HIGHWAY CONSTRUCTION--PROGRAM B

Motor Vehicle Fund--State Appropriation	\$	((42,000,000))	
			<u>50,658,000</u>
Motor Vehicle Fund--Federal Appropriation	\$	((407,000,000))	
			<u>483,492,000</u>
Motor Vehicle Fund--Local Appropriation	\$		<u>8,000,000</u>
TOTAL APPROPRIATION	\$	((457,000,000))	<u>542,150,000</u>

The appropriations in this section are provided for the location, design, right of way, and construction of state highway projects on the interstate system designated as category "B" under RCW 47.05.030. The appropriations in this section are subject to the following conditions and limitations:

(1) ~~((42,000,000))~~ \$47,000,000 of the motor vehicle fund--state appropriation includes a maximum of ~~((32,000,000))~~ \$37,000,000 in proceeds from the sale of bonds authorized by RCW 47.10.790 and 47.10.801: PROVIDED, That the transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(2) Should cash flow demands exceed the motor vehicle fund--federal appropriation, the motor vehicle fund--state appropriation is increased proportionally to provide matching state funds from the sale of bonds authorized by RCW 47.10.801 and 47.10.790 not to exceed \$10,000,000 and it is understood that the department shall seek authority to expend unanticipated receipts for the federal portion.

(3) It is further recognized that the department may make use of federal cash flow obligations on interstate construction contracts in order to complete the interstate highway system as expeditiously as possible.

(4) It is the intent of the legislature that the department shall place special emphasis on delivering the HOV projects contained in the document dated March, 1991, entitled "Puget Sound HOV Core Lane Needs: 2000". The department shall report progress on program delivery to the legislative transportation committee by November 1, 1991 and December 1, 1992.

(5) Up to \$2,150,000 of the appropriation in this section is provided for the construction of the demonstration projects specified in the federal 1991 intermodal surface transportation efficiency act (P.L. 101-240; 105 Stat. 1914).

Sec. 16. 1991 sp.s. c 15 s 25 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--HIGHWAY CONSTRUCTION--PROGRAM C

Motor Vehicle Fund--State Appropriation	\$	((66,800,000))	
			<u>77,300,000</u>
Transportation Fund--State Appropriation	\$	((119,000,000))	
			<u>115,500,000</u>
Motor Vehicle Fund--Federal Appropriation	\$	((16,000,000))	
			<u>28,006,000</u>
Motor Vehicle Fund--Local Appropriation	\$		<u>4,000,000</u>
TOTAL APPROPRIATION	\$	((205,800,000))	<u>224,806,000</u>

The appropriations in this section are provided for the location, design, right of way acquisition, and construction of state highway projects designated as category "C" under RCW 47.05.030.

(1) In order to accommodate the federal 1991 intermodal surface transportation efficiency act (P.L. 101-240; 105 Stat. 1914), the department of transportation may transfer dollar for dollar from the motor vehicle fund--state appropriation to the motor vehicle fund--federal appropriation.

(2) The department is authorized to proceed with construction of rest areas provided local and/or private contributions of at least forty percent of total project costs are made. Local and/or private contributions may be in the form of in-kind contributions including but not limited to donations of property and services. The department is further authorized to construct rest areas if the department successfully obtains federal funds from either the federal "Scenic Byways" grant program and/or the "Transportation Enhancement Activities" program. If such federal funds are obtained, the department of transportation may transfer dollar for dollar from the motor vehicle fund--state appropriation to the motor vehicle fund--federal appropriation.

(3) Up to \$12,006,000 of the appropriation in this section is provided for the construction of the demonstration projects specified in the federal 1991 intermodal surface transportation efficiency act (P.L. 101-240; 105 Stat. 1914).

(4) The legislature finds that state route 160 currently requires extraordinary and unexpected repair and maintenance due to a major slide, and that the local jurisdiction which was to have assumed responsibility for the route pursuant to section 15, chapter 342, Laws of 1991, does not have adequate resources available to repair and maintain this route. Up to \$5,000,000 of the motor vehicle fund--state appropriation is provided for state route 160 and it is the intent of the legislature that this appropriation shall be used solely for state route 160, and that this route remain part of the state highway system until further legislative action.

Sec. 17. 1991 sp.s. c 15 s 27 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--HIGHWAY CONSTRUCTION--PROGRAM C

Motor Vehicle Fund--Puyallup Tribal Settlement

Account--State Appropriation	\$	((3,450,000))
		<u>9,450,000</u>

Motor Vehicle Fund--Puyallup Tribal Settlement

Account--Federal Appropriation	\$	2,550,000
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Motor Vehicle Fund--Puyallup Tribal Settlement

Account--Local Appropriation	\$	<u>2,000,000</u>
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TOTAL APPROPRIATION	\$	((6,000,000))
		<u>14,000,000</u>

Up to \$8,000,000 of the appropriation contained in this section is provided for the SR 509 project.

Sec. 18. 1991 sp.s. c 15 s 28 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--HIGHWAY MANAGEMENT AND FACILITIES--PROGRAM D

Motor Vehicle Fund--State Appropriation	\$	((39,302,000))
		<u>39,599,000</u>

Motor Vehicle Fund--Transportation Capital Facilities

Account--State Appropriation	\$	((33,149,000))
		<u>36,634,000</u>

TOTAL APPROPRIATION	\$	((72,451,000))
		<u>76,233,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,700,000 of the transportation capital facilities account--state appropriation is contingent upon the sale of bonds authorized in RCW 47.02.120.

(2) The transportation capital facilities account--state appropriation will be funded by a state treasurer revenue transfer of (((\$31,449,000)) \$34,934,000 from the motor vehicle fund to the transportation capital facilities account.

(3) ((No later than August, 1991, the department shall present a comprehensive plan to the legislative transportation committee for creation of an urban mobility office including recommendations on HOV programs, growth management, the freeway and arterial management effort (FAME), and other associated programs or activities. The plan shall include recommended methods for quantifying reductions in congestion)) Up to \$2,200,000 of the transportation capital facilities account--state appropriation is provided for emergency environmental projects. The department shall seek state and/or federal moneys from environmental regulatory agencies for the purpose set forth in this subsection. If such moneys are obtained, the department shall transfer dollar for dollar from the motor vehicle fund--state appropriation--transportation capital facilities account to the new fund source or sources.

Sec. 19. 1991 sp.s. c 15 s 32 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--NONINTERSTATE BRIDGES--PROGRAM H

Motor Vehicle Fund--State Appropriation	\$	53,200,000
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Motor Vehicle Fund--Federal Appropriation	\$	52,400,000
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Motor Vehicle Fund--Local Appropriation	\$	1,000,000
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TOTAL APPROPRIATION	\$	106,600,000
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The appropriations in this section are provided to preserve the structural and operating integrity of existing bridges. It is the intent of the legislature that this appropriation does not commit the legislature to the transportation commission's proposed twenty-year bridge program.

In order to accommodate the federal 1991 intermodal surface transportation efficiency act (P.L. 101-240; 105 Stat. 1914) the department of transportation may transfer dollar for dollar from the motor vehicle fund--state appropriation to the motor vehicle fund--federal appropriation.

Sec. 20. 1991 sp.s. c 15 s 33 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--HIGHWAY MAINTENANCE AND OPERATIONS--PROGRAM M

Motor Vehicle Fund--State Appropriation	\$	((215,160,000))
		<u>217,750,000</u>
Motor Vehicle Fund--Local Appropriation	\$	750,000
TOTAL APPROPRIATION	\$	((215,910,000))
		<u>218,500,000</u>

~~((The department shall place emphasis on the development and construction of rest areas. The department shall establish criteria for prioritizing rest area construction state wide. The department shall report the criteria and priority array to the legislative transportation committee by August 1, 1991.))~~

The department may, as part of its regular maintenance program, begin correcting existing fish passage barriers. Up to \$742,000 is provided for the incident response program. This program may not be used to compete with private industry in removing or relocating vehicles, but shall be for the purpose of assisting in coordinating the response of both public and private efforts to clear obstructions in an efficient manner.

Sec. 21. 1991 sp.s. c 15 s 35 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION MANAGEMENT AND SUPPORT--PROGRAM S

Transportation Fund--State Appropriation	\$	700,000
Motor Vehicle Fund--Puget Sound Capital Construction		
Account--State Appropriation	\$	465,000
Motor Vehicle Fund--Puget Sound Ferry Operations		
Account--State Appropriation	\$	885,000
Motor Vehicle Fund--State		
Appropriation	\$	((33,770,000))
		<u>33,855,000</u>
TOTAL APPROPRIATION	\$	((35,820,000))
		<u>35,905,000</u>

Sec. 22. 1991 sp.s. c 15 s 36 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--PLANNING, RESEARCH, AND PUBLIC TRANSPORTATION--PROGRAM T

For public transportation and rail programs:

Transportation Fund--State Appropriation	\$	((8,295,000))
		<u>9,849,000</u>
Transportation Fund--Federal/Local Appropriation	\$	((5,518,000))
		<u>5,735,000</u>
Public Transportation Systems Account--State		
<u>Appropriation</u>	\$	<u>300,000</u>
Central Puget Sound Public Transportation Account--State		
<u>Appropriation</u>	\$	<u>100,000</u>
High Capacity Transportation Account--		
State Appropriation	\$	15,640,000
For planning and research:		
Motor Vehicle Fund--State Appropriation	\$	((17,830,000))
		<u>18,526,000</u>
Motor Vehicle Fund--Federal Appropriation	\$	((9,000,000))
		<u>9,346,000</u>
TOTAL APPROPRIATION	\$	((56,283,000))
		<u>59,496,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~((By December 15, 1991, the department of transportation, in cooperation with local units of government and Amtrak, shall submit to the legislative transportation committee a program to improve Amtrak services in Washington. The program may include but is not limited to the following:~~

~~(a) Improvements to tracks, grade crossings, and signal systems necessary to increase operating speeds. In developing these recommendations, the department shall involve the utilities and transportation commission and other affected state and local agencies;~~

~~(b) Station improvements;~~

~~(c) Resumption of service between Seattle, Washington, and Vancouver, British Columbia; and~~

~~(d) New or additional service on other routes for which there is adequate demand and reasonable opportunity for cost recovery))~~ The transportation fund--state appropriation contained in this section includes up to \$5,000,000 to implement the recommendations contained in the 1991 Amtrak study for capital improvements to stations and crossings. Improvements may be made to those locations where Amtrak services are currently provided. The expenditure of state moneys for station and crossing improvements at locations where Amtrak services are not currently provided, is conditioned on a prior commitment in writing by Amtrak to the department of transportation to expand service to additional Washington state locations. Prior to the expenditure of state moneys for capital improvements, the department of transportation shall seek additional funding from federal and private sources, which includes, but is not limited to, in-kind and cash contributions. Funding priorities for capital improvements shall be based on the level of local in-kind and cash contributions.

~~(2) ((Funds are provided for acquisition of rail rights of way under RCW 47.76.140: PROVIDED, That funds expended for the Stampede Pass corridor connecting Ravensdale in King County and Cle Elum in Kittitas County may be expended only if the corridor is acquired jointly with the city of Tacoma. The department shall enter into an agreement with the City of Tacoma to develop appropriate restrictions on the use of the right of way designed to protect Tacoma's Green River water supply. Following acquisition, the department may not expend or authorize the expenditure of funds for improvements to tracks, bridges, and associated elements without prior legislative approval. Funds may be expended for necessary maintenance and preservation, such as fire and weed control. This appropriation shall lapse if \$1,100,000 is not reappropriated for the purchase of corridors from the essential rail banking account.~~

~~(3))~~ Moneys in this appropriation for the Spokane intermodal transportation center may be expended only after the Washington state transportation commission has received funding commitments from all other project participants.

~~((4))~~ (3) Of the amount provided for regional transportation planning organizations, funds not allocated to such organizations may be used for a discretionary grant program for special regional planning projects, to be administered by the department of transportation.

~~((5))~~ (4) The amount provided for implementation of the universal bus pass program at the University of Washington shall be expended solely for one-time infrastructure costs for modification of roads to accommodate buses, modification of parking facilities, bus shelters, security lighting for night shuttle programs, and bike storage facilities. It is the intent of the legislature that comparable comprehensive programs be developed in the near future for all universities and colleges within the greater Seattle area. To that end, Metro, community transit and Pierce transit, and Seattle area colleges and universities shall work together and submit a plan to the legislative transportation committee identifying potential services, costs and implementation schedules. The plan shall be submitted by November 1992.

(5) In order to accommodate the federal 1991 intermodal surface transportation efficiency act (P.L. 101-240; 105 Stat. 1914) the department of transportation may transfer dollar for dollar from the motor vehicle fund--state appropriation to the motor vehicle fund--federal appropriation.

(6) The legislature finds that there is a significant state interest in transportation systems and facilities that serve regional and state-wide travel. Further, the state growth management act gives local governments significant authority to develop plans for all transportation systems, including regional and state-wide facilities. While the department of transportation and the transportation commission have broad authority to develop state-wide transportation plans, the relationship between these plans and local growth management plans is unclear.

The department of transportation is directed to report to the 1993 legislature on a proposed definition of transportation issues of state-wide significance, the recommended role of the state, regions, and local governments in addressing these issues, and a proposed process for their inclusion in local comprehensive plans. The department shall involve local governments, regional transportation planning organizations, and the department of community development in the development of these recommendations.

(7) Up to \$415,000 of the appropriation in this section is provided for funding of the demonstration projects specified in the federal 1991 intermodal surface transportation efficiency act (P.L. 101-240; 105 Stat 1914).

(8) Up to \$300,000 of the public transportation systems account--state appropriation in this section is provided for grants to transit agencies with populations of less than 200,000 to assist in preparation of the agencies' transit development plans, due June 1, 1993, pursuant to RCW 35.58.2795.

(9) In order to fulfill the purposes of the 1991 federal intermodal surface transportation efficiency act (P.L. 101-240; 105 Stat. 1914) the Central Puget Sound Public Transportation Account--State Appropriation is to fund a study on the interrelationships of land-use planning and zoning to transit ridership. The study shall be conducted by a county of more than 1,000,000 persons: PROVIDED, That the county provide matching funds of \$50,000: AND PROVIDED FURTHER, That this appropriation be contingent on the passage of Senate Bill No. 6209 (Chapter --, Laws of 1992) or Engrossed House Bill No. 2830. A report on the findings shall be provided to the legislative transportation committee, the department of transportation, and the office of the governor no later than November 30, 1993.

Sec. 23. 1991 sp.s. c 15 s 38 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--MARINE CONSTRUCTION--PROGRAM W
Motor Vehicle Fund--Puget Sound Capital Construction

Account--State Appropriation \$ ((107,324,000))
117,849,000

Motor Vehicle Fund--Puget Sound Capital Construction		
Account--Federal Appropriation	\$	16,937,000
Motor Vehicle Fund--Puget Sound Capital Construction		
Account--Private/Local Appropriation	\$	1,500,000
TOTAL APPROPRIATION	\$	((125,761,000))
		<u>136,286,000</u>

The appropriations in this section are provided for improving the Washington state ferry system, including, but not limited to, vessel acquisition, vessel construction, major and minor vessel improvements, and terminal construction and improvements. The appropriations in this section are subject to the following conditions and limitations:

The appropriations in this section are provided to carry out only the projects in the department of transportation's 1991-93 biennial budget request dated March 1991, as approved by the transportation commission. The department of transportation shall revise these projects to reconcile them with the 1989-91 actual expenditures within sixty days of the beginning of the biennium. The department shall also reevaluate such projects, based on the findings and recommendations of the April 5, 1991, Final Report by Booz.Allen, Hamilton and M. Rosenblatt and Son, Inc. on the Washington State Ferries' Vessel Refurbishment Programs, and, if appropriate, make the necessary project revisions, after consultation with the legislative transportation committee, prior to September 1, 1991.

The Puget Sound capital construction account--state appropriation includes the reappropriation of \$18,965,000 and \$15,000,000 in proceeds from the sale of bonds authorized by RCW 47.60.560 and \$10,000,000 in proceeds from the sale of bonds authorized by House Bill No. 2896, Laws of 1992, which shall be used toward the completion of an auto passenger vessel or vessels-jumbo class: PROVIDED, That the department of transportation may use current revenues available to the Puget Sound capital construction account in lieu of bond proceeds for any part of the state appropriation.

The legislature intends that the construction and assembly of any auto passenger vessel or vessels-jumbo class resulting from bond sale proceeds authorized by House Bill No. 2896, Laws of 1992, occur within Washington state.

The appropriation in this section contains an amount for prerefurbishment inspections as identified in Recommendation 8 of the April 5, 1991, Final Report by Booz.Allen, Hamilton and M. Rosenblatt and Son, Inc. on the Washington State Ferries' Vessel Refurbishment Programs.

The Puget Sound capital construction account--state appropriation includes \$1,082,000 to be expended solely for the design of a jumbo class automobile ferry vessel.

The department shall consult the legislative transportation committee regarding the expenditure of moneys appropriated in this section and shall provide the committee with a monthly report concerning the status of the capital program authorized in this section.

\$300,000 of the Puget Sound capital construction account--state appropriation is provided to implement Recommendation Numbers 7 and 19 of the April 5, 1991, Final Report by Booz.Allen, Hamilton and M. Rosenblatt and Son, Inc. on the Washington State Ferries' Vessel Refurbishment Programs. Of that amount \$200,000 is provided for implementing a formal hazardous materials program and \$100,000 is provided for audiogauge steel testing.

The department of transportation shall establish a task force to assess and oversee the implementation of the recommendations contained in the April 5, 1991, Final Report by Booz.Allen, Hamilton and M. Rosenblatt and Son, Inc. on the Washington State Ferries' Vessel Refurbishment Programs. The task force shall be comprised of department of transportation management, representatives of Washington state ferry system employee organizations, the shipbuilding industry, the legislative transportation committee, and any other entity or individual as deemed appropriate by the department. The task force shall provide a progress report to the legislative transportation committee by December 1, 1991 and December 1, 1992.

In order to accommodate the federal 1991 intermodal surface transportation efficiency act (P.L. 101-240; 105 Stat. 1914), the department may transfer on a dollar for dollar basis, motor vehicle fund--Puget Sound capital construction account--state appropriation to the motor vehicle fund--Puget Sound capital construction account--federal appropriation.

Sec. 24. 1991 sp.s. c 15 s 39 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--MARINE--PROGRAM X

Marine Operating Fund--State Appropriation	\$	((204,767,000))
		<u>205,755,000</u>

The appropriation in this section is subject to the following conditions and limitations:

(1) The marine operating fund is hereby created in the state treasury.

To fund the appropriations in this act, the department shall transfer operating subsidies from the Puget Sound ferry operations account and ferry user revenues from the ferry system revolving account to the marine operating fund.

The department shall transfer moneys from the ferry system revolving account to the marine operating fund so as to minimize the need for revenues from the Puget Sound ferry operations account during June of each respective fiscal year in support of the expenditures necessary for the operation and maintenance of the state ferry system as authorized in this section.

(2) The appropriation is based on the budgeted expenditure of \$24,562,547 for vessel operating fuel in the 1991-93 biennium. If the actual cost of fuel is less than this budgeted amount, the excess amount shall not be expended. If the actual cost exceeds this amount, the department shall request a supplemental appropriation.

(3) The appropriation contained in this section provides for the compensation of ferry employees, including increases. The expenditures for compensation paid to ferry employees during the 1991-93 biennium shall not exceed

~~(\$135,862,000)~~ \$136,582,000 plus a dollar amount, as prescribed by the office of financial management, that is equal to any insurance benefit increase granted general government employees in excess of \$256.07 a month annualized per eligible marine employee multiplied by the number of eligible marine employees for the respective fiscal year, a dollar amount as prescribed by the office of financial management for salary increases during the 1991-93 biennium, and a dollar amount as prescribed by the office of financial management for costs associated with pension amortization charges and cost of living allowances. For the purposes of this section, the expenditures for compensation paid to ferry employees shall be limited to salaries and wages and employee benefits as defined in the office of financial management's policies, regulations, and procedures named under objects of expenditure "A" and "B" (7.2.6.2). Of the ~~(\$135,862,000)~~ \$136,582,000 provided for compensation, plus the prescribed insurance benefit, pension, and salary increase dollar amount:

(a) The maximum dollar amount that shall be allocated from the governor's compensation salary appropriation is in addition to the appropriation contained in this section and may be used to increase compensation costs, effective January 1, 1992;

(b) The maximum dollar amount that shall be allocated from the governor's compensation salary appropriation is in addition to the appropriation contained in this section and shall be used to maintain any 1991-92 compensation increase and may be used to increase compensation costs, effective January 1, 1993.

In no event may the June 30, 1992, hourly salary rate increase exceed any average hourly salary rate increase granted during the 1991-92 fiscal year.

In no event may the June 30, 1993, hourly salary rate increase exceed any salary rate increase granted during the 1992-93 fiscal year.

(c) The prescribed insurance benefit increase dollar amount that shall be allocated from the governor's compensation insurance benefits appropriation is in addition to the appropriation contained in this section and may be used to increase compensation costs, effective July 1, 1991;

(d) The prescribed insurance benefit increase dollar amount that shall be allocated from the governor's compensation insurance benefits appropriation is in addition to the appropriation contained in this section and may be used to increase compensation costs, effective July 1, 1992.

(4) The intent of the legislature is to eliminate the current passenger-only service between Seattle and Bremerton. The transportation commission is responsible for evaluating other potential passenger-only routes and determining the location of a new passenger-only route. The transfer of the Seattle/Bremerton passenger-only vessel to a new route should be implemented as soon as it is feasible.

(5) The appropriation in this section includes \$1,091,290 for an additional eight-hour automobile ferry service between Seattle and Bremerton during the 1992-93 fiscal period commencing with the elimination of the passenger only service.

(6) The department of transportation shall provide the legislative transportation committee with a monthly report concerning the status of the operating program authorized in this section.

(7) The transportation commission is directed to continue its evaluation of passenger-only vessel designs capable of providing high speed service between Seattle and Bremerton. The commission shall provide the legislative transportation committee with a report concerning the status of the evaluation by September 30, 1991 and December 1, 1992.

Sec. 25. 1991 sp.s. c 15 s 41 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--LOCAL PROGRAMS--PROGRAM Z

Motor Vehicle Fund--State Appropriation	\$	11,132,000
Motor Vehicle Fund--Federal Appropriation	\$	((95,300,000))
		96,383,000
Motor Vehicle Fund--Local Appropriation	\$	10,000,000
TOTAL APPROPRIATION	\$	((116,432,000))
		117,515,000

(1) The appropriations in this section include \$3,150,000 from the motor vehicle fund--state appropriation for transportation expenditures related to the United States navy home port in Everett.

(2) The appropriations contain \$309,000 of state funds from the proceeds of bonds for Columbia Basin county roads authorized in chapter 121, Laws of 1951; chapter 311, Laws of 1955; and chapter 121, Laws of 1965 for reimbursable expenditures on cooperative projects authorized by state or federal laws. If these moneys are not expended during 1991-93, this appropriation shall revert to the motor vehicle fund.

(3) Up to \$1,083,000 of the appropriation in this section is provided for the construction of the demonstration projects specified in the federal 1991 intermodal surface transportation efficiency act (P.L. 101-240; 105 Stat. 1914).

Sec. 26. 1991 sp.s. c 15 s 57 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE PATROL--CAPITAL

As used in this section, "St Patrol Hiwy Acct" means the State Patrol Highway Account.

(1) Design and construct WSP/DOL district offices-Tacoma (90-2-013)

Reappropriation	Appropriation
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St Patrol Hiwy Acct	5,413,000
Motor Vehicle Acct--State	924,000
Highway Safety Fund--State	924,000
Total Appropriation	7,261,000

Project Costs Through 6/30/91	Estimated Costs 7/1/91 and Thereafter	Estimated Total Costs
750,000		8,011,000

((3)) (2) Complete Construction District Headquarters-Everett
(90-2-018)

	Reappropriation	Appropriation
St Patrol Hiwy Acct	3,200,000	<u>1,300,000</u>
Project Costs Through 6/30/91	Estimated Costs 7/1/91 and Thereafter	Estimated Total Costs
300,000	((3,200,000)) <u>4,500,000</u>	((3,500,000)) <u>4,800,000</u>

((4)) (3) Replace underground storage tanks-Ten locations (92-1-002)

	Reappropriation	Appropriation
St Patrol Hiwy Acct		((1,656,000)) <u>1,469,000</u>
Project Costs Through 6/30/91	Estimated Costs 7/1/91 and Thereafter	Estimated Total Costs
376,000		((2,032,000)) <u>1,932,000</u>

((5)) (4) Minor works (92-2-004)

	Reappropriation	Appropriation
St Patrol Hiwy Acct		((435,000)) <u>278,000</u>
Project Costs Through 6/30/91	Estimated Costs 7/1/91 and Thereafter	Estimated Total Costs
1,654,000	((759,200)) <u>602,200</u>	((2,848,200)) <u>2,691,200</u>

((6)) (5) Property acquisition for communications site-Maple Falls (92-2-0064)

	Reappropriation	Appropriation
St Patrol Hiwy Acct		17,000

Project Costs Through 6/30/91	Estimated Costs 7/1/91 and Thereafter <u>17,000</u>	Estimated Total Costs 17,000
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((7)) (6) BAW FAW replacement communication tower (92-2-010)

	Reappropriation	Appropriation
St Patrol Hiwy Acct		((234,000))
		<u>184,000</u>
Project Costs Through 6/30/91	Estimated Costs 7/1/91 and Thereafter <u>184,000</u>	Estimated Total Costs ((234,000)) <u>184,000</u>

The state patrol and the department of licensing shall coordinate their activities when siting facilities. This coordination shall result in the colocation of driver and vehicle licensing and vehicle inspection service facilities whenever possible.

The department and state patrol shall explore alternative state services, such as vehicle emission testing, that would be feasible to colocate in these joint facilities. The department and state patrol shall reach agreement with the department of transportation for the purposes of offering department of transportation permits at these one-stop transportation centers. All services provided by the department or the state patrol at these transportation service facilities shall be provided at cost to the participating agencies.

In those instances where the community need or the agencies needs do not warrant colocation this proviso shall not apply.

The state patrol shall examine, whenever possible, the colocation of the emergency response activities of the state patrol and other agencies responsible for emergency response activities. The examination shall include an evaluation of the Camp Murray site. The state patrol shall report to the legislature by December 1, 1992 on the examination.

Sec. 27. 1991 sp.s. c 14 s 29 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE PATROL

- (1) Crime laboratory, Tacoma: To design and construct a new eight thousand-square foot crime lab facility in Tacoma, to be co-located with the Washington State Patrol/Department of Licensing District headquarters (92-1-008)

The appropriation in this section shall not be expended for consolidation of laboratory services currently being performed in the Kelso and Kennewick crime laboratories.

Appropriation:

St Bldg Constr Acct	\$	2,017,000
Prior Biennia (Expenditures)	\$	20,000
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	2,037,000

- (2) Spokane crime laboratory: For safety enhancements (92-1-008)

Appropriation:

St Bldg Constr Acct	\$	192,000
Prior Biennia (Expenditures)	\$	4,500
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	196,500

(3) Headquarters: Design a new headquarters facility in Olympia (90-2-040)		
Appropriation:		
WSP Highway Acct	\$	((3,400,000))
		<u>750,000</u>
Prior Biennia (Expenditures)	\$	250,000
Future Biennia (Projected Costs)	\$	((45,323,000))
		<u>0</u>

TOTAL	\$	((48,973,000))
		<u>1,000,000</u>
(4) Everett district headquarters--Crime laboratory (90-2-018)		
Reappropriation:		
St Bldg Constr Acct	\$	455,000
Prior Biennia (Expenditures)	\$	15,000
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	470,000

NEW SECTION. Sec. 28. A new section is added to 1991 sp.s. c 15 to read as follows:
FOR DEPARTMENT OF TRANSPORTATION

Motor Vehicle Fund--State Appropriation Transfer:
 For transfer to transportation equipment fund \$ 146,000

This appropriation is provided to replace equipment lost and other associated costs in the Kent maintenance facility fire.

NEW SECTION. Sec. 29. A new section is added to 1991 sp.s. c 15 to read as follows:

The office of financial management shall conduct a study, in conjunction with the department of transportation, the department of licensing, and the Washington state patrol, of the methods used by the revolving fund agencies to determine actual services provided to the transportation agencies. The study shall determine whether or not allocation methodologies used to assign these costs to transportation agencies are consistent with accepted accounting principles.

NEW SECTION. Sec. 30. A new section is added to 1991 sp.s. c 15 to read as follows:

Agencies shall comply with the following requirements regarding information technology projects if directed to do so by specific appropriation proviso within this act.

It is the intent of the legislature that information technology projects in state government be managed and completed successfully. Information technology projects should be divided into distinct phases. Each phase of a project should be successfully completed before subsequent phases are commenced. In addition to the post-implementation review, project reviews and quality assurance measures are to be conducted throughout the project.

The legislature, department of information services and office of financial management, should evaluate each project's scope, duration, and risk in determining whether appropriations should be for a fiscal year or a biennium, and whether specific phases or the entire project can be accomplished within a specified time period.

Work shall not commence on any task in a subsequent phase of a project after a key decision point review unless there is approval to proceed, based upon approval of the deliverables from the preceding phase and approval of the updated project management plan for the subsequent phase, by the project agreement participants and written notification to the legislative transportation committee.

(1) Prior to requesting moneys from the legislature, or as a condition of receiving an appropriation for planning or development of information technology projects, an agency shall complete a project needs assessment process. The needs assessment process shall detail the key issues to be addressed by the information technology project. The needs assessment process shall precede the feasibility study.

The needs assessment process must include: The project's scope; key business and technical issues to be addressed; major business objectives; alternative project approaches; project justifications; project management approach including phases necessary to complete the project; and evaluation of initial feasibility of the project. The purpose of

the needs assessment process is to provide the legislature, office of financial management, and the department of information services with the high level information that is needed to grant approval to proceed with the project.

(2) The agency shall produce a feasibility study for each information systems project in accordance with published department of information services instructions. The study shall examine and evaluate the costs and benefits of maintaining the current technology or process versus the costs and benefits of the proposed system. The study shall identify if and in what amounts any fiscal savings, costs, and benefits will occur, and what programs or fund sources will be affected. Benefits of information technology projects shall not be limited to future fiscal savings, but may include maintenance of, or improvements in service delivery by the agency to the citizens of the state. The feasibility study shall be an evolving document. The feasibility study shall be accompanied by the project management plan described in subsection (3) of this section.

(3) The agency shall produce a project management plan which shall document how the agency will manage the project identified in the feasibility study. The plan shall be an evolving document. Each subsequent phase of the project shall have an updated project management plan submitted as a prerequisite for approval to begin the next phase.

The project management plan shall cover all factors critical to the entire project; shall specifically address management plans for successfully completing the subsequent phase; and shall address all factors critical to the overall project, including, but not limited to, the following elements:

(a) Project organization: Define agency executive personnel accountable for project success; define oversight and management committee structures; identify key personnel including key project positions that are not yet filled; address agency and vendor staffing requirements, including backfilling requirements; and other key resources needed for successful project implementation.

(b) A description of scope change and cost control procedures.

(c) A risk assessment and risk mitigation plan.

(d) A description of project oversight and quality assurance procedures.

(e) A project workplan: Explaining the appropriately defined phases, key management decision points, scheduling of other activities, estimated costs for the next phase or phases to be conducted in a specified time period, a description of project management procedures including communication strategies, documentation control, and issues management.

(4) A project agreement shall be prepared by the sponsoring agency, in a format prescribed by the department of information services, following approval of the project management plan and feasibility study by the department of information services, the office of financial management, and appropriation by the legislature.

The project agreement shall address all pertinent information included in the needs assessment, project management plan, feasibility study, and the budget request information submitted to the office of financial management and the legislature.

The agency head, the director of the department of information services, and the director of the office of financial management shall evaluate and approve the project agreement. A copy of the final project agreement shall be provided to the legislative transportation committee. Any changes to the agreement shall be made with the mutual written consent of the parties. The legislative transportation committee shall receive written prior notification of all proposed changes in a timely manner and may provide written comments on such proposed changes.

(5) Prior to reaching key decision points identified in the project management plan a project status report shall be submitted to the department of information services, the office of financial management, and the legislative transportation committee for each project. Project status reports shall examine and evaluate project management, accomplishments, budget, action to address variances, risk management, and other significant issues critical to completion of a project.

(6) In instances where a project review is requested in accordance with department of information services policies, the review shall examine and evaluate: System requirements specifications; scope; executive commitment and project management procedures system architecture; change controls; documentation; user involvement; training; availability and capability of resources; programming languages and techniques; system inputs and outputs; plans for testing, conversion, implementation, and post-implementation; and other aspects critical to successful construction, integration, and implementation of information technology projects as appropriate. Copies of written project review reports shall be forwarded to the office of financial management and the legislative transportation committee by the agency.

(7) The agency and the department of information services shall provide the legislative transportation committee and the office of financial management with a written bi-monthly project oversight and risk assessment report for each project. The report shall include, but not be limited to, the following: Project name, agency undertaking the project, a description of the project, key project activities during the next sixty to ninety days, base-line cost data, costs to date, schedule to date, risk assessments, risk management, and recommendations.

(8) A written post-implementation review report shall be prepared by the agency for each information systems project in accordance with published department of information services instructions. In addition to the information requested pursuant to the department of information services instructions, post-implementation reports shall evaluate the degree to which a project accomplished its major objectives including, but not limited to, a comparison of original cost and benefit estimates to actual costs and benefits achieved. Copies of post-implementation review reports shall be provided to the department of information services, the office of financial management, and the legislative transportation committee.

(9) Where major variances in project scope, cost, or risk occur, the sponsoring agency shall inform the department of information services of the change. The director of the sponsoring agency and the director of the department of information services shall jointly report such findings in writing to the legislative transportation committee and office of financial management. A major variance is defined as a budget change in excess of \$1,000,000 or ten percent, whichever is lower; an increase in risk category to high; or a change in scope that could result in major change in budget or risk.

NEW SECTION. Sec. 31. A new section is added to chapter 36.70A RCW to read as follows:

(1) All state agencies shall use the 1987 federal delineation manual for delineating jurisdictional wetlands in any wetland program administered by the state.

(2) If a subsequent version of the delineation manual is adopted by the United States army corps of engineers in accordance with the requirements for notice and public comment of the rule-making process of the federal administrative procedures act, the department of community development shall notify the appropriate standing committees of the house of representatives and the senate prior to the next regular session of the legislature.

NEW SECTION. Sec. 32. 1991 c 342 s 15 is repealed.

NEW SECTION. Sec. 33. 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 Murray: "Mr. President, I rise to a point of order. I challenge the scope and object of the committee amendment. The amendment before you has to do with the transportation budget. Section 31 of the committee amendment, however, adds a new section to RCW 36.70A, the Growth Management Act. There is nothing within the statute requiring funding from the transportation budget. The transportation budget funds are related to transportation. Section 31 establishes a policy for all new agencies. Actually, the transportation budget in Section 1, states specifically that any bill enacted during the 1991 or 1992 legislative sessions requiring expenditures from a transportation related fund or account that was not heard by either of the respective transportation committees is not funded in this act.

"However, none of the bills addressing the designation of wetlands were heard by the transportation committee this session and, therefore, the cost of using a new method of designating wetlands will not be funded in the transportation budget. For these reasons, Section 31 changes the scope and object of Engrossed Substitute House Bill No. 2553."

Further debate ensued.

MOTION

On motion of Senator Newhouse, further consideration of Engrossed Substitute House Bill No. 2553 was deferred.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 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.

The bill was read the second time.

MOTION

Senator Bluechel moved that the following Committee on Ways and Means amendment be adopted:

Strike everything after the enacting clause and insert the following:

"PART 1
GENERAL GOVERNMENT"

NEW SECTION. Sec. 1. A new section is added to chapter 14, Laws

of 1991 sp.s. to read as follows:

FOR THE OFFICE OF THE SECRETARY OF STATE

- (1) Central Washington Archives: To design a regional archives facility at Central Washington University in Ellensburg (93-2-001)

The appropriation in this subsection is subject to the following conditions and limitations: No moneys may be spent until preplanning documents have been reviewed and approved by the office of financial management under section 28 of this act.

Appropriation:

St Bldg Constr Acct	\$	360,000
Prior Biennia (Expenditures)	\$	17,500
Future Biennia (Projected Costs)	\$	3,909,500
TOTAL	\$	4,287,000

Sec. 2. 1991 sp.s. c 14 s 6 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT

- (1) Local jail facilities (88-2-001)

Reappropriation:

St Bldg Constr Acct	\$	308,000
Prior Biennia (Expenditures)	\$	2,692,000
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	3,000,000

- (2) For environmental cleanup related to underground storage tanks (92-5-003)

The appropriation in this subsection is subject to the following conditions and limitations:

(a) The moneys provided in this subsection shall be allocated to the agencies and institutions of the state for removal, replacement, and environmental cleanup projects related to underground storage tanks.

(b) No moneys appropriated in this subsection or in any subsection specifically referencing this subsection may be expended unless the office of financial management, in consultation with the department of general administration, has reviewed and approved the cost estimates for the project. Projects to replace underground storage tanks shall conform with guidelines to minimize the risk of environmental contamination and reduce unnecessary duplication of tanks. The guidelines shall be adopted by the department of general administration and shall provide for consideration of environmental risks associated with tank installations, interagency agreements for sharing fueling facilities, and the feasibility of alternative fueling systems.

Appropriation:

St Bldg Constr Acct	\$	3,729,000
CEP & RI Acct	\$	390,000
For Dev Acct	\$	37,000
Res Mgmt Cost Acct	\$	118,000
Subtotal Appropriation	\$	4,274,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	4,274,000

- (3) For asbestos removal or abatement projects

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The moneys provided in this subsection shall be allocated to agencies and institutions of the state for asbestos removal or abatement projects.

((e)) (b) Moneys may be allocated for an asbestos removal or abatement project only to the extent that the project is necessary to eliminate or reduce a hazard to human health and the project is completed in compliance with asbestos project standards adopted by the department of general administration. The department of general administration shall adopt standards to restrict the amount of asbestos removal to the minimum amount necessary.

~~((4))~~ (c) Subsections (3)(b) ~~(and (e))~~ of this section do not apply to moneys reappropriated in this act for projects for which, before the effective date of this act, the design has been completed, bids have been requested, or a contract has been entered into.

Reappropriation:

St Bldg Constr Acct	\$	4,919,000
CEP & RI Acct	\$	25,000
Subtotal Reappropriation		\$ 4,944,000

Appropriation:

St Bldg Constr Acct	\$	9,588,000
CEP & RI Acct	\$	540,000
Subtotal Appropriation		\$ 10,128,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL		\$ 14,448,000

(4) Higher education: Branch campuses site acquisition and development (90-5-002)

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The appropriations in this subsection are provided solely for the acquisition of land and/or construction of facilities for branch campuses recommended by the higher education coordinating board, and shall be allocated to appropriate public institutions of higher education upon approval of the board.

(b) Allocations from the appropriation in this subsection for land acquisition in the Spokane area shall be subject to the provisions of chapter 205, Laws of 1991 (House Bill No. 2198) and approval by the higher education coordinating board.

(c) No facility may be constructed on the Spokane riverfront property, other than the Spokane Intercollegiate Research and Technology Institute (SIRTI) building, until a master plan for facilities that incorporates the SIRTI building and provides for maximum joint use of facilities, is completed by the joint center board and approved by the higher education coordinating board.

~~((e))~~ (d) Any allocations made from the appropriation in this subsection for construction projects costing more than \$4,000,000 shall not be expended on design documents or construction until project preplanning documents have been reviewed and approved by the office of financial management under section 59 ~~(of this act)~~, chapter 14, Laws of 1991 sp.s.

Reappropriation:

St Bldg Constr Acct	\$	31,301,667
Appropriation:		
St Bldg Constr Acct	\$	31,000,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	109,000,000
TOTAL		\$ 171,301,667

(5) Capital plan improvements: To develop state-wide capital cost standards, planning guidelines and policies, and internal rent strategies

The appropriation in this subsection is subject to the following conditions and limitations: The office of financial management shall establish state-wide guidelines to minimize funding of state agency staffing and overhead costs from capital budget appropriations. The guidelines shall provide for uniform agency reporting of staffing and overhead costs charged to capital funds and accounts, including engineering and architectural services provided through the department of general administration. The office of financial management shall report to the fiscal committees of the legislature by January 1, 1993, on the guidelines established pursuant to this subsection.

Appropriation:

St Bldg Constr Acct	\$	282,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0

TOTAL \$ 282,000

**Sec. 3. 1991 sp.s. c 14 s 7 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

- (1) Life and safety projects: To improve life and safety deficiencies and correct code violations on the capitol campus (88-1-006)

Reappropriation:

Cap Bldg Constr Acct \$ 23,000

Prior Biennia (Expenditures) \$ 90,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 113,000

- (2) Minor works: To complete minor works and other projects, including inadequate building systems (88-2-008), Northern State facility repairs (90-1-012), boiler plant structural repairs (90-1-016), building exterior repairs (90-2-006), mechanical system repairs (90-2-009), and building interior repairs (90-2-010)

Reappropriation:

St Bldg Constr Acct \$ 2,621,000

Prior Biennia (Expenditures) \$ 6,178,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 8,799,000

- (3) Capitol Campus minor works: To complete minor works and other projects on the Capitol Campus, including boiler plant structural repairs (88-1-003), sidewalk and street repairs (90-2-005), building exterior repairs (90-2-006), and Capitol Lake shoreline repairs (90-3-013)

Reappropriation:

Cap Bldg Constr Acct \$ 1,278,000

Prior Biennia (Expenditures) \$ 1,587,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,865,000

- (4) Burien criminal justice training center: To complete renovations to the Burien criminal justice training center (90-3-025)

Reappropriation:

St Bldg Constr Acct \$ 5,000,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 5,000,000

- (5) Natural Resources Building: To complete construction of the Natural Resources Building (90-5-003)

Reappropriation:

East Cap Constr Acct \$ 45,400,000

Prior Biennia (Expenditures) \$ 27,600,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 73,000,000

- (6) Remodel of the John A. Cherberg Building (88-2-040)

The reappropriation in this subsection is subject to the following conditions and limitations: The project shall include review and development of program requirements for current and future facilities needs, including furnishings and equipment, for the Washington State Senate whose offices are currently located in the Institutions, Legislative, and John A. Cherberg Buildings. The project shall also include review and redesign,

as necessary, of the proposed John A. Cherberg Building remodel, including construction and the acquisition of all furnishings and equipment required.

Reappropriation:	
St Bldg Constr Acct	\$ 3,000,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 0
TOTAL	<u>\$ 3,000,000</u>

- (7) Northern State Multi-Service Center: To complete the design for and to construct a sixteen-bed evaluation and treatment facility at the Northern State Multi-Service Center to provide care for the mentally ill consistent with chapter 71.24 RCW (90-5-027)

The reappropriation in this subsection is subject to the following conditions and limitations:

(a) No moneys from this reappropriation may be expended for construction until the department secures a lease with a county or a group of counties for use of the facility. The lease shall provide for payment to the department for all operations and management costs associated with the facility and a space rental charge. In establishing the space rental charge, the department shall consider fair market rent or lease rates charged for comparable facilities used by regional support networks.

(b) No moneys from this reappropriation may be expended for ~~((furnishings or))~~ equipment with a useful life expectancy of less than twenty years.

Reappropriation:	
St Bldg Constr Acct	\$ 1,700,000
Prior Biennia (Expenditures)	\$ 50,000
Future Biennia (Projected Costs)	\$ 0
TOTAL	<u>\$ 1,750,000</u>

- (8) Olympia Archives Storage Building: To complete design and construction of the archives storage building at Olympia Airdustrial Park (90-4-024)

Reappropriation:	
St Bldg Constr Acct	\$ 1,800,000
Appropriation:	
St Bldg Constr Acct	\$ 671,000
Prior Biennia (Expenditures)	\$ 215,000
Future Biennia (Projected Costs)	\$ 0
TOTAL	<u>\$ 2,686,000</u>

- (9) Small and emergency repairs: For unexpected small and emergency repairs on the Capitol Campus, and at other general administration facilities throughout the state (92-1-001) (92-2-002)

Appropriation:	
Cap Bldg Constr Acct	\$ 645,000
St Bldg Constr Acct	\$ 261,000
Subtotal Appropriation	<u>\$ 906,000</u>
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 2,571,000
TOTAL	<u>\$ 3,477,000</u>

- (10) Underground storage tanks: To remove and replace underground storage tanks on the Capitol Campus and at the Northern State multi-service center (92-1-005)

The appropriation in this subsection may be expended only after compliance with section 6(2) ~~((of this act))~~, chapter 14, Laws of 1991 sp.s.

Appropriation:	
St Bldg Constr Acct	\$ 140,000

Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	1,371,000

TOTAL	\$	1,511,000

- (11) Highway-Licenses Building: To complete the design for and to renovate the Highway-Licenses Building on the Capitol Campus (88-5-011) (92-2-003)

The new appropriation in this subsection is subject to the following conditions and limitations:

(a) No moneys may be spent for construction until the department of general administration develops a space rental charge to be assessed to agencies occupying the building being renovated with this appropriation. The space rental charge shall be sufficient to fully reimburse the annual debt service costs of the new appropriation in this subsection, and shall be assessed until the department has developed and implemented space rental charges for facilities owned by the department on a state-wide basis.

(b) No moneys may be spent until preplanning documents have been reviewed and approved by the office of financial management under section 59 (~~of this act~~), chapter 14, Laws of 1991 sp.s.

(c) \$133,000 is provided solely to plan for and manage the temporary relocation and housing of tenants of the building renovated with this appropriation.

Reappropriation:

Cap Purch & Dev Acct	\$	150,000
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Appropriation:

St Bldg Constr Acct	\$	22,438,000
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Prior Biennia (Expenditures)	\$	350,000
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Future Biennia (Projected Costs)	\$	0
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TOTAL	\$	22,938,000

- (12) General Administration Building: To preplan renovation of the General Administration Building (92-2-005)

The appropriation in this subsection shall not be expended for design documents until the project redesign documents have been reviewed and approved by the office of financial management under section 28 of this act.

Appropriation:

Cap Bldg Constr Acct	\$	1,200,000
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Prior Biennia (Expenditures)	\$	0
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Future Biennia (Projected Costs)	\$	22,101,000
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TOTAL	\$	23,301,000

- (13) Minor works preplanning: To develop preplans and studies of minor works projects on the Capitol Campus (92-2-026)

Appropriation:

Cap Bldg Constr Acct	\$	750,000
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Prior Biennia (Expenditures)	\$	0
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Future Biennia (Projected Costs)	\$	0
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TOTAL	\$	750,000

- (14) Capitol Lake: To develop a dredging plan and dredge Capitol Lake, to repair lake dam gates, and to repair shoreline areas damaged by erosion (92-2-015) (92-3-019)

\$200,000 of the appropriation in this subsection is provided solely to develop a management plan and to implement projects to reduce sedimentation and other pollution in the Deschutes river watershed. Eligible projects shall include, but are not limited to, stream corridor conservation, bank stabilization, agricultural soil conservation, silvicultural soil conservation, and sedimentation and pollution monitoring. When implementing this subsection, the department shall coordinate with the departments of natural resources, ecology, fisheries, wildlife, and transportation, and with affected local governments and Indian tribes.

Appropriation:	
St Bldg Constr Acct	\$ 3,125,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 0
TOTAL	\$ 3,125,000

- (15) Minor works: For minor works, repair, and improvement projects on the Capitol Campus and at other facilities owned by the department, including campus high voltage loop improvements, plaza garage elevator repairs, Capitol Campus control system improvements, Governor's Mansion structural repairs, utilities and grounds improvements, interior and exterior building repairs, ~~((and))~~ building mechanical and electrical system improvements, employment security building elevator renovations, and heating, ventilation, and electrical repairs to the Legislative Building (92-2-008) (92-2-009) (92-2-013) (92-2-014) (92-2-016) (92-2-017) (92-2-018) (92-2-020) (92-2-024) (94-2-014)

Appropriation:	
Cap Bldg Constr Acct	\$ ((7,889,000))
	4,467,000
St Bldg Constr Acct	\$ ((2,595,000))
	6,567,000
Subtotal Appropriation	\$ ((10,484,000))
	11,034,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 13,188,000
TOTAL	\$ ((23,672,000))
	24,222,000

- (16) Northern State facility repairs: To repair the boiler and steam distribution system, trim trees, and repair roofing at the Northern State multi-service center (92-2-021)

Appropriation:	
CEP & RI Acct	\$ 280,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 1,278,000
TOTAL	\$ 1,558,000

- (17) State facilities planning: To develop designs and plans to accommodate agency housing needs in Thurston county (92-5-100) (92-5-101) (92-5-108) (92-5-102)

Of the appropriation in this subsection:

(a) \$750,000 is provided solely to develop master plans for satellite campuses to be located in the cities of Lacey and Tumwater;

(b) \$300,000 is provided ~~((solely))~~ to develop a facility implementation strategy for Thurston county. The implementation strategy shall include, but not be limited to, identification of agency space requirements and opportunities for co-location with other agencies, and an organizational process for developing specific project proposals and establishing implementation timelines;

(c) \$250,000 is provided ~~((solely))~~ to develop a master plan for light industrial facility needs in Thurston county; and

(d) \$200,000 is provided ~~((solely))~~ for a geotechnical and hydrological survey of the Capitol Campus.

The ~~((master))~~ plans and implementation strategy developed under this subsection shall incorporate transportation management and housing density principles designed to reduce commuter congestion and reliance on single-occupancy automobiles.

Appropriation:	
St Bldg Constr Acct	\$ 1,500,000
Prior Biennia (Expenditures)	\$ 500,000
Future Biennia (Projected Costs)	\$ 0

	TOTAL	\$	2,000,000
(18)	Thurston county landbank: To purchase, option, or otherwise control real property adjacent to the department of ecology in the city of Lacey for future state facilities (92-5-000)		
	Appropriation:		
	St Bldg Constr Acct	\$	8,000,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	8,000,000

- (19) Heritage Park: To acquire property and begin planning for a park between the Capitol Campus and Budd Inlet (92-5-105)

The appropriation in this subsection may not be spent to acquire the property parcel located in Olympia south of Seventh Avenue and approximately two and seven-tenths acres in size if such property parcel is sold to a party other than the state after January 1, 1991, and the state's acquisition price is substantially greater than the acquisition price paid by the other party.

The department shall report to the fiscal committees of the house of representatives and the senate by December 15, 1991, on the status of property acquisitions and plans for the park. The report shall also describe the status of any projects being developed by local governments or other state agencies that affect the design or development of the park. Any expenditure made under this appropriation shall conform to the capital campus master plan.

	Appropriation:		
	St Bldg Constr Acct	\$	6,700,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	13,800,000
	TOTAL	\$	20,500,000

- (20) Condition assessment: To develop a prototype condition assessment methodology, assess the condition of facilities owned by the department of general administration, and prepare a facility maintenance strategy that emphasizes preventative maintenance (92-2-007)

The appropriations in this subsection may not be spent until a detailed scope of work consistent with the recommendations of the capital forum has been reviewed and approved by the office of financial management.

	Appropriation:		
	Cap Bldg Constr Acct	\$	591,000
	St Bldg Constr Acct	\$	500,000
	Subtotal Appropriation	\$	1,091,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	1,091,000

- (21) Ventilation system repair: John L. O'Brien Building

To replace existing heating, ventilation, and air conditioning system

	Appropriation:		
	St Bldg Constr Acct	\$	650,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	650,000

(22) Office Building #2 air handling system: To upgrade the air supply system by rebuilding the existing system, changing the emergency diesel exhaust system and investigating energy savings to reduce operating and maintenance costs (93-2-025)

<u>Appropriation:</u>	
<u>St Bldg Constr Acct</u>	\$ 1,000,000
<u>Prior Biennia (Expenditures)</u>	\$ 0
<u>Future Biennia (Projected Costs)</u>	\$ 0
<u>TOTAL</u>	<u>\$ 1,000,000</u>

(23) Puyallup land acquisition: To reimburse the city of Puyallup for storm drainage improvements to land purchased by the state for a Pierce College extension (88-3-031)

<u>Appropriation:</u>	
<u>St Bldg Constr Acct</u>	\$ 221,000
<u>Prior Biennia (Expenditures)</u>	\$ 0
<u>Future Biennia (Projected Costs)</u>	\$ 0
<u>TOTAL</u>	<u>\$ 221,000</u>

(24) Library for the Blind and Physically Handicapped: A grant to the Seattle public library to acquire, or to obtain a purchase option on, space for the Washington library for the blind and physically handicapped (92-5-001)

The appropriation in this subsection is subject to the following conditions and limitations:

(a) The facility acquired with this appropriation shall be owned, operated, managed, renovated, and maintained by the Seattle public library with no rent charged to the state; and

(b) Funds provided in this subsection do not imply any future commitment of state resources for remodeling or renovation of the facility purchased.

<u>Appropriation:</u>	
<u>St Bldg Constr Acct</u>	\$ 1,900,000
<u>Prior Biennia (Expenditures)</u>	\$ 0
<u>Future Biennia (Projected Costs)</u>	\$ 0
<u>TOTAL</u>	<u>\$ 1,900,000</u>

"PART 2
HUMAN SERVICES"

Sec. 4. 1991 sp.s. c 14 s 10 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

For the purposes of this section, "capital cost" means land acquisition and project design and construction. All projects funded in this section, except those under subsection (5) of this section, shall comply with section 54 ((of this act)), chapter 14, Laws of 1991 sp.s.

(1) Development loan fund (88-2-002)

The appropriation in this subsection shall be used for loans in timber-dependent communities as defined in Engrossed Substitute House Bill No. 1341.

<u>Appropriation:</u>	
<u>WA St Dev Loan Acct</u>	\$ 2,000,000
<u>Prior Biennia (Expenditures)</u>	\$ 0
<u>Future Biennia (Projected Costs)</u>	\$ 0
<u>TOTAL</u>	<u>\$ 2,000,000</u>

(2) Grays Harbor dredging (88-3-006)

The appropriation in this subsection is subject to the following conditions and limitations:

(a) The appropriation is provided solely for the state's share of costs for Grays Harbor dredging, dike construction, bridge relocation, and related expenses.

(b) Expenditure of moneys from this appropriation is contingent on the authorization of \$40,000,000 and an initial appropriation of at least \$13,000,000 from the United States army corps of engineers and the authorization of at least \$10,000,000 from the local government for the project. Up to \$3,500,000 of the local government contribution for the first year on the project may be composed of property, easements, rent adjustments, and other expenditures specifically for the purposes of this appropriation if approved by the army corps of engineers. State funds shall be disbursed at a rate not to exceed one dollar for every four dollars of federal funds expended by the army corps of engineers and one dollar from other nonstate sources.

(c) Expenditure of moneys from this appropriation is contingent on a cost-sharing arrangement and the execution of a local cooperation agreement between the Port of Grays Harbor and the army corps of engineers pursuant to Public Law 99-662, the federal water resources development act of 1986, whereby the corps of engineers will construct the project as authorized by that federal act.

(d) The Port of Grays Harbor shall make the best possible effort to acquire additional project funding from nonstate public grants and/or other governmental sources other than those in (b) of this subsection. Any money, up to \$10,000,000 provided from such sources other than those in (b) of this subsection, shall be used to reimburse or replace state building construction account money. In the event the project cost is reduced, any resulting reduction or reimbursement of nonfederal costs realized by the Port of Grays Harbor shall be shared proportionally with the state.

Reappropriation:	
St Bldg Constr Acct	\$ 6,840,318
Prior Biennia (Expenditures)	\$ 3,159,682
Future Biennia (Projected Costs)	\$ 0
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TOTAL	\$ 10,000,000

(3) Housing capital programs: To construct, acquire, and rehabilitate low-income housing (88-5-015)

The appropriation in this subsection is subject to the following conditions and limitations:

(a) \$8,000,000 is provided solely for the affordable housing program. The department may not approve a request for assistance under this subsection for projects located in cities and counties that do not have an affordable housing needs assessment approved by the department. The department shall by rule establish the content of the affordable housing needs assessment and criteria for the approval of the affordable housing needs assessment.

(b) \$8,000,000 is provided solely for the low-income weatherization program under chapter 70.164 RCW.

(c) \$34,000,000 is provided solely for the housing assistance program. Effective July 1, 1992, the department may not approve loan or grant requests for projects under this subsection that are inconsistent with the city's or county's and state's comprehensive housing affordability strategy, as required under Title I, section 105, of the National Affordable Housing Act of 1990.

(d) The Washington housing trust fund appropriation is provided solely for the department to contract with the University of Washington college of architecture for: (i) A study of regulatory impediments to affordable housing; (ii) a study on various innovative design techniques that can be used to increase housing density; (iii) a recommendation to the legislature for a new building code and associated regulations that will substantially reduce the cost of housing. No indirect costs of the contracting agent may be paid from this appropriation.

Reappropriation:	
St Bldg Constr Acct	\$ 10,000,000
Appropriation:	
St Bldg Constr Acct	\$ 50,000,000
Washington Housing Trust Fund	\$ 150,000
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Subtotal Appropriation	\$ 50,149,500
Prior Biennia (Expenditures)	\$ 8,000,000
Future Biennia (Projected Costs)	\$ 100,000,000
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TOTAL	\$ 168,149,500

(4) Columbia county courthouse (89-4-004)

The appropriations in this subsection are provided solely to repair and restore the Columbia county courthouse and shall be matched by at least \$100,000 in private donations and local funds from Columbia county.

Reappropriation:	
St Bldg Constr Acct	\$ 600,000
Appropriation:	
St Bldg Constr Acct	\$ 60,000

Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	660,000

(5) Public works trust fund (90-2-001)

\$7,000,000 of the appropriation in this subsection is provided solely for the purposes of chapter 314, Laws of 1991, (Engrossed Substitute House Bill No. 1341, timber-dependent communities).

Reappropriation:

Public Works Assist	\$	85,734,000
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Appropriation:

Public Works Assist	\$	88,491,000
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Prior Biennia (Expenditures)	\$	54,534,447
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Future Biennia (Projected Costs)	\$	231,877,000
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TOTAL	\$	460,636,447
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(6) Seventh Street Hoquiam Theatre (90-2-008)

Reappropriation:

St Bldg Constr Acct	\$	250,000
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Prior Biennia (Expenditures)	\$	0
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Future Biennia (Projected Costs)	\$	0
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TOTAL	\$	250,000
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(7) Tall ships tourist attraction: To design and construct a tall ship tourist attraction

The reappropriation in this subsection is subject to the following conditions and limitations:

(a) The reappropriation is provided solely to contract with the Grays Harbor Historical Seaport Authority to design and construct a tall ship tourist attraction.

(b) The reappropriation shall be matched by at least \$513,105 from nonstate sources provided solely for capital costs of the project. The match may include cash and in-kind contributions, but may not include cash or in-kind contributions used to match other state moneys provided to the Grays Harbor Historical Seaport Authority.

(c) The department shall ensure that the state's interest is protected by requiring that if the tall ship tourist attraction is sold or its use is changed, the Grays Harbor Historical Seaport Authority shall return to the state of Washington an amount equal to the state's total contribution to the project.

Reappropriation:

St Bldg Constr Acct	\$	513,105
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Prior Biennia (Expenditures)	\$	486,895
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Future Biennia (Projected Costs)	\$	0
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TOTAL	\$	1,000,000
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(8) Port of Klickitat dredge spoils: For site preparation and transport and deposit of Columbia river dredge spoils (90-2-013)

The reappropriation in this subsection is subject to the following conditions and limitations:

(a) The port of Klickitat shall sign an agreement to repay the reappropriation plus simple interest at three percent in eight annual installments beginning July 1, 1993; and

(b) Expenditure of money from this reappropriation is contingent on at least \$300,000 from port district funds being provided for the project.

Reappropriation:

St Bldg Constr Acct	\$	250,000
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Prior Biennia (Expenditures)	\$	0
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Future Biennia (Projected Costs)	\$	0
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TOTAL	\$	250,000
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(9) Historic community theaters (90-5-014)

The reappropriation in this subsection is provided solely for grants to preserve historic community theatres. No portion of the reappropriation in this subsection may be spent unless an equal amount from nonstate sources is provided for the same purposes. ((No more than \$50,000 of the reappropriation)) If, by January 1, 1993, any project approved for funding under this subsection has not demonstrated the ability to raise the required matching funds, the unmatched funds designated for the project shall be expended for renovation of the Admiral Theatre in west Seattle.

Reappropriation:

St Bldg Constr Acct	\$	250,000
Prior Biennia (Expenditures)	\$	250,000
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	500,000

(10) Emergency management building minor works (92-2-009)

Appropriation:

St Bldg Constr Acct	\$	180,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	180,000

(11) Columbia river dredging: For completing a study on the feasibility of deepening the navigation channel from Astoria to Vancouver (92-5-006)

Expenditure of this appropriation is contingent on \$1,200,000 from the federal government and \$600,000 from the state of Oregon being appropriated for the same purpose.

Appropriation:

St Bldg Constr Acct	\$	600,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	600,000

(12) Building for the arts: For grants to local performing arts and art museum organizations for facility improvements or additions (92-5-100)

The appropriation in this subsection is subject to the following conditions and limitations:

(a) Grants are limited to the following projects:

	Estimated Total Capital Cost	State Grant	State Portion
Seattle Children's Theatre	\$ 8,000,000	\$ 1,200,000	15%
Admiral Theatre (Bremerton)	\$ 4,261,000	\$ 639,000	15%
Spokane Symphony	\$ 1,500,000	\$ 225,000	15%
Pacific Northwest Ballet	\$ 7,500,000	\$ 1,125,000	15%
Seattle Symphony	\$ 54,000,000	\$ 8,100,000	15%
Seattle Repertory Theatre	\$ 4,000,000	\$ 600,000	15%
Intiman Theatre	\$ 800,000	\$ 120,000	15%
Broadway Theatre District (Tacoma)	(\$ 8,400,000)	\$ 1,260,000	15%
	<u>\$ 11,800,000</u>	<u>\$ 1,770,000</u>	
Allied Arts of Yakima	\$ 500,000	\$ 75,000	15%
Spokane Art School	\$ 454,000	\$ 68,000	15%
Seattle Art Museum	\$ 4,862,500	\$ 729,000	15%
Total	(\$ 94,277,500)	\$ 14,141,000	
	<u>97,677,500</u>	<u>\$ 14,651,000</u>	

(b) The state grant may provide no more than fifteen percent of the estimated total capital cost or actual total capital cost of the project, whichever is less. The remaining portions of project capital costs shall be a match from nonstate sources. The match may include cash and land value.

(c) State funding shall be distributed to projects in the order in which matching requirements have been met.

Appropriation:

St Bldg Constr Acct	\$	((10,738,900))
		<u>11,248,900</u>
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	3,402,100

TOTAL	\$	((14,141,000))
		<u>14,651,000</u>

- (13) Columbia Gorge interpretive center: For construction of a facility in Stevenson with exhibits, classrooms, and a research library (92-5-101)

The appropriation in this subsection shall be matched by at least \$5,000,000 from nonstate sources provided for capital costs of the project. The match may include cash, land value, and other in-kind contributions.

Appropriation:

St Bldg Constr Acct	\$	5,000,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	5,000,000

- (14) Seattle Center redevelopment: For upgrading the Coliseum (including engineering and other studies to determine renovation alternatives for the Coliseum), the International Fountain mall, Memorial Stadium, the Center House, the Pacific Arts Center, the Opera House, and central plant; converting the northwest rooms to a conference and exhibit facility; adding parking; renovating and developing open space areas; making improvements to mechanical, electrical, and other high-priority building systems; and making general improvements to the site, including but not limited to signs, fountains, portable stages, and fencing

The appropriation in this subsection shall be matched by moneys from nonstate sources sufficient to pay at least seventy-five percent of the total capital costs of these projects.

Appropriation:

St Bldg Constr Acct	\$	8,500,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	8,500,000

- (15) Spokane Food Bank: For construction of a freezer/cooler

Appropriation:

St Bldg Constr Acct	\$	125,000
Prior Biennia (Expenditures)	\$	150,000
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	275,000

- (16) Carolyn Downs Family Medical Center: To construct a new medical facility on the Odessa Brown Children's Clinic campus

The appropriation in this subsection shall be matched by at least \$2,050,000 provided from nonstate sources for capital costs of this project.

Appropriation:

St Bldg Constr Acct	\$	500,000
Prior Biennia (Expenditures)	\$	0

Future Biennia (Projected Costs)	\$	0
TOTAL	\$	<u>500,000</u>

(17) Nordic Heritage Museum: For building acquisition and improvements (90-2-007)

The reappropriation in this section is contingent on the expenditure for the same purpose of at least two dollars from nonstate sources for each dollar spent from this reappropriation.

Reappropriation:

St Bldg Constr Acct	\$	200,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	<u>200,000</u>

(18) Thorp Grist Mill: Restoration (90-5-010)

The reappropriation in this section is contingent on the expenditure for the same purpose of at least two dollars from nonstate sources for each dollar spent from this reappropriation.

Reappropriation:

St Bldg Constr Acct	\$	10,000
Prior Biennia (Expenditures)	\$	20,000
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	<u>30,000</u>

(19) Bremerton naval heritage redevelopment project

The reappropriation in this section is subject to the following conditions and limitations:

(a) This reappropriation is provided solely for capital improvements to the naval destroyer U.S.S. Turner Joy, in conjunction with the Bremerton naval heritage redevelopment project.

(b) No portion of this reappropriation may be expended unless an equal amount from nonstate and nonfederal sources is expended for the same purpose.

(c) Prior to the expenditure of this reappropriation, the recipient of the grant shall prepare and submit to the director of community development, for the director's approval, a financial plan that identifies the revenue sources for the completion of the project and for the long-term operation of the project.

Reappropriation:

St Bldg Constr Acct	\$	190,000
Prior Biennia (Expenditures)	\$	66,000
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	<u>256,000</u>

(20) Marine science center construction

The reappropriation in this section is subject to the following conditions and limitations:

(a) This reappropriation is provided solely for a grant to the city of Poulsbo for construction of a marine science center to be operated by educational service district no. 114.

(b) Expenditure of this reappropriation is contingent on site acquisition and at least \$300,000 of construction costs contributed from nonstate sources.

Reappropriation:

St Bldg Constr Acct	\$	498,000
Prior Biennia (Expenditures)	\$	2,500
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	<u>500,000</u>

(21) A Contemporary Theater (90-1-006)

The reappropriation in this section is subject to the following conditions and limitations:

(a) This reappropriation is provided solely for the construction of a new theater in Seattle.

(b) No portion of this reappropriation may be expended unless at least \$9,000,000 from nonstate sources, including the value of land, is provided for the same purpose.

Reappropriation:

St Bldg Constr Acct	\$	1,000,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	1,000,000

- (22) Liberty Theater: To restore and rehabilitate Liberty Theater in Walla Walla
 The reappropriation in this section is subject to the following conditions and limitations:
 (a) Expenditure of moneys from this reappropriation is contingent on the expenditure for the same purpose of at least one dollar from nonstate sources, including in-kind contributions, for each four dollars spent from this reappropriation.
 (b) The reappropriation is provided solely for a grant to a nonprofit corporation for rehabilitation and restoration of the historic Liberty Theater building in Walla Walla.
 (c) The owner of the building shall grant to the state an historic preservation easement prior to the expenditure of any funds from this reappropriation.
 (d) The nonprofit corporation shall submit to the director of community development, for the director's approval, a financial plan for the long-term operation of the building.

Reappropriation:

St Bldg Constr Acct	\$	200,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	200,000

- (23) Yakima county: For construction and expansion of jail facilities in Yakima county
 The reappropriation in this subsection may not exceed eighty percent of the total capital cost of the project. The remaining portion of project capital costs shall be a match from nonstate sources.

Reappropriation:

St Bldg Constr Acct	\$	2,400,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	2,400,000

- (24) Resource Center for the Handicapped: To acquire ~~((the building))~~ and improve the facilities in which the center currently operates

The appropriation in this subsection is subject to the following conditions and limitations:
 (a) The appropriation may be used only ~~((to purchase))~~ for the facility declared surplus by the Shoreline school district in which the center operates a program as of the effective date of this section; and
 (b) No expenditure shall be made until an equal amount of ~~((private, nongovernmental))~~ nonstate moneys dedicated to the purchase of the facility have been raised. The matching money may include lease-purchase payments made by the center prior to the effective date of this section.

Appropriation:

St Bldg Constr Acct	\$	1,500,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	1,500,000

- (25) Columbia river waterfront: Planning and coordinating existing and future land use, park, transportation, historical, and utility improvements along the shoreline of the Columbia river between the flushing channel and the Interstate 205 bridge

The appropriation in this subsection shall be matched by at least \$100,000 from nonstate sources provided for the same purpose.

Appropriation:

St Bldg Constr Acct	\$	100,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	100,000

(26) Asian Resource Center: To construct an Asian Resource Center in Seattle
This appropriation shall be matched by at least \$600,000 in cash provided from nonstate sources.

Appropriation:

St Bldg Constr Acct	\$	150,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	150,000

(27) Pike Place Market: For a grant to the city of Seattle (the "city") for the Pike Place Market preservation and development authority (the "authority") to acquire the interests of what is known as the urban group partnerships (the "partnerships") in eleven properties located in the Pike Place Market historical district (the "district")

(a) No portion of the appropriation in this subsection may be expended until the ~~((city))~~ authority certifies to the department that:

(i) The settlement proposal agreement dated June 6, 1991, concerning the properties in the district is confirmed, including but not limited to provisions that:

(A) The partnerships will receive not more than a total of \$2,250,000 under the agreement;

(B) All rights, clear title, and interest in the market property will be relinquished by the partnerships and conveyed to the authority; and

(C) All pending litigation and related disputes will be dismissed with prejudice or otherwise finally resolved;

(ii) ~~((The city has amended the authority's charter to preclude any future sales of interests in authority properties in the district that could result in loss of authority management responsibilities;~~

~~((iii)))~~ The authority has executed and recorded a conservation easement, which has been approved by the department, providing protection for the character-defining features of the district. The term of the easement shall extend until the year 2012 or until the bonds sold to provide for this appropriation are retired, whichever is later. The easement shall inure to the benefit of the state.

(b) No portion of the appropriation in this subsection may be expended until the authority has executed an agreement with the department on behalf of the state to preclude any future sales of interest in the authority properties in the district that could result in loss of authority management responsibilities, except for reasonable encumbrances necessary for market-related purposes consistent with generally accepted management principles. Such agreement shall expire upon the termination of the conservation easement as provided in (a)(ii) of this subsection or the amendment of the authority's charter as provided in (c) of this subsection, whichever is earlier.

(c) The city shall, pursuant to RCW 35.21.745, amend the authority's charter to preclude any future sales of the interests in authority properties in the district that could result in loss of authority management responsibilities, except for reasonable encumbrances necessary for market-related purposes. If the authority and its chartered constituency have not proposed to the office of the mayor by June 30, 1992, a jointly approved charter amendment, the mayor shall, in his sole discretion, promulgate such charter amendments as he deems necessary and appropriate to fulfill the intent of this subsection and protect the public interest in the Pike Place Market. If the city, through the office of the mayor, has not amended the charter by July 31, 1992, the appropriation shall be repaid by the city to the department in full, plus interest at the rate specified for the payment of delinquent property taxes. As a condition of accepting the grant provided in this subsection, the city agrees to make any repayment not later than August 31, 1992. The mayor shall, by July 31, 1992, provide the department a copy of the charter amendment and a certification that such amendment precludes any sale of any interest in the authority properties in the historic district that could result in the loss of authority management responsibilities.

(d) The appropriation in this subsection shall be matched by at least \$750,000 provided from nonstate sources for the same purpose as this appropriation.

Appropriation:

St Bldg Constr Acct	\$	1,500,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	1,500,000

(28) Keyport Naval Undersea Museum: To complete an auditorium in the museum

Appropriation:

St Bldg Constr Acct	\$	300,000
Prior Biennia (Expenditures)	\$	500,000
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	800,000

(29) Marcus Whitman Statue: To provide a duplicate casting of the official statue of Marcus Whitman and to erect this statue in Walla Walla county

Appropriation:

St Bldg Constr Acct	\$	53,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	53,000

(30) Mystic Lake flood assistance: For mitigation of development-induced flooding of the lake

Appropriation:

St Bldg Constr Acct	\$	53,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	53,000

(31) Maritime Museum: For exhibit, architecture, and facility planning for a maritime museum on the Seattle waterfront

Appropriation:

St Bldg Constr Acct	\$	200,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	200,000

(32) Tacoma educational enrichment center

The appropriation in this subsection shall be matched by a contribution of at least \$2,200,000 provided from the Tacoma school district or other local government entity for capital costs of this project. The appropriation in this subsection is provided to the Tacoma school district for a facility to be operated under contract by the metropolitan park district of Tacoma. No funds may be expended until a facility plan has been jointly approved by the Tacoma school district and the metropolitan park district.

Appropriation:

St Bldg Constr Acct	\$	2,200,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	2,200,000

(33) Meeker Mansion: For acquisition of property adjacent to the Ezra Meeker mansion in Puyallup

The appropriation in this subsection is subject to the following conditions and limitations:

(a) The appropriation shall be matched by at least ~~\$(200,000)~~ 100,000 provided from the Ezra Meeker Historical Society for land acquisition and development.

~~(b) ((None of the appropriation may be spent until the Ezra Meeker Historical Society demonstrates to the satisfaction of the department that it will be able to raise \$200,000 through pledges and contributions.~~

(e)) The department shall consult with the Washington State Historical Society before expending any portion of this appropriation.

Appropriation:

St Bldg Constr Acct	\$	200,000
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Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	200,000

- (34) Almira and Coulee-Hartline school districts: To make improvements to the Coulee-Hartline facility needed for a cooperative high school program with the Almira school district

The appropriation in this subsection is subject to the following conditions and limitations:

(a) No moneys may be expended until the boards of directors of the two school districts have provided to the department written confirmation that the moneys will be used solely to upgrade the Hartline facility for the purpose of implementing a cooperative high school district under chapter 28A.340 RCW;

(b) The appropriation shall be matched by at least \$100,000 provided by the Almira and Coulee-Hartline school districts for capital costs of the project.

Appropriation:

St Bldg Constr Acct	\$	240,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	240,000

- (35) Yakima criminal justice facility: For a grant to the city of Yakima for the construction of a new criminal justice facility

The appropriation in this subsection is subject to the following conditions and limitations:

(a) Before receiving the grant, the city shall demonstrate to the satisfaction of the department an ability to complete the construction of the facility and fund its operation.

(b) The grant may not exceed sixty-six percent of the total project capital costs as determined by the department. The remaining portion of project capital costs shall be a match provided from nonstate sources.

Appropriation:

St Bldg Constr Acct	\$	3,000,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	3,000,000

- (36) Bonney Lake Park: For a grant to the city of Bonney Lake for the acquisition and development of such facilities as it deems necessary for a park at Bonney Lake

The appropriation in this subsection shall be matched by at least \$35,000 from nonstate sources provided for the same purpose.

Appropriation:

St Bldg Constr Acct	\$	35,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	35,000

- (37) Snohomish county drainage district number 6: To purchase drainage district number 6 and construct a cross-levee on it, in order to decrease damaging flooding of adjacent lands and to reestablish wetlands

The appropriation in this subsection shall be matched by at least \$585,000 provided from nonstate sources for capital costs of this project.

Appropriation:

St Bldg Constr Acct	\$	350,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	350,000

(38) Tears of Joy Theatre: For construction of an international puppetry center in Vancouver

The appropriation in this subsection shall be matched by at least \$1,950,000 from nonstate sources provided for capital costs of the project. The match may include cash, land value, and other in-kind contributions.

Appropriation:

St Bldg Constr Acct	\$	1,950,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	1,950,000

(39) Flood control structures: Repair of damage from November 1990 floods

The appropriation in this subsection is provided solely for the local share of matching funds required for federal assistance to repair flood control structures damaged in the November 1990 floods. Local government jurisdictions in the following counties may receive up to 36.5% of the required local match, or the amount listed below, whichever is less:

Chelan county	\$ 48,707
Ciallam county	7,954
Grays Harbor county	2,755
Island county	656
Jefferson county	4,647
King county	209,337
Kitsap county	9,737
Kittitas county	30,914
Lewis county	14,802
Mason county	1,732
Pacific county	3,528
Pierce county	65,671
San Juan county	492
Skagit county	416,903
Snohomish county	188,005
Whatcom county	229,160
TOTAL	1,235,000
Appropriation:	
St Bldg Constr Acct	\$ 1,235,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 0
TOTAL	\$ 1,235,000

(40) Fire Training Center: For emergency repairs (93-2-001)

Appropriation:

<u>St Bldg Constr Acct</u>	\$	<u>50,000</u>
<u>Prior Biennia (Expenditures)</u>	\$	<u>0</u>
<u>Future Biennia (Projected Costs)</u>	\$	<u>0</u>
<u>TOTAL</u>	\$	<u>50,000</u>

(41) Columbia River Renaissance: For a grant to the city of Vancouver to provide public access, park, and trails along the Columbia river

The appropriation in this subsection shall be matched by an equal amount of money from nonstate sources for the same purpose.

Appropriation:

<u>St Bldg Constr Acct</u>	\$	<u>2,000,000</u>
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<u>Prior Biennia (Expenditures)</u>	\$	<u>100,000</u>
<u>Future Biennia (Projected Costs)</u>	\$	<u>0</u>
TOTAL	\$	<u>2,100,000</u>

(42) Pacific Science Center: For building renovation and repairs and for acquisition and renovation of exhibits

Each dollar expended from the appropriation in this subsection shall be matched by at least three dollars from nonstate sources expended for the same purpose.

<u>Appropriation:</u>		
<u>St Bldg Constr Acct</u>	\$	<u>1,061,000</u>
<u>Prior Biennia (Expenditures)</u>	\$	<u>0</u>
<u>Future Biennia (Projected Costs)</u>	\$	<u>0</u>
TOTAL	\$	<u>1,061,000</u>

(43) Tri-Cities Trade, Recreation and Agriculture Center:

The appropriation in this subsection may be used only for capital development of an arena multi-purpose facility and adjacent recreation space in the city of Pasco. This appropriation shall be matched by at least two million dollars provided from nonstate sources.

<u>Appropriation:</u>		
<u>St Bldg Constr Acct</u>	\$	<u>2,000,000</u>
<u>Prior Biennia (Expenditures)</u>	\$	<u>0</u>
<u>Future Biennia (Projected Costs)</u>	\$	<u>0</u>
TOTAL	\$	<u>2,000,000</u>

(44) Whatcom Museum: For building and exhibit acquisition, repair, and renovation

Expenditures from the appropriation in this subsection shall not exceed fifteen percent of the total estimated capital costs of the project. The remaining portions of the project costs shall be a match from nonstate sources. The match may include cash and land value received after January 1, 1990.

<u>Appropriation:</u>		
<u>St Bldg Constr Acct</u>	\$	<u>300,000</u>
<u>Prior Biennia (Expenditures)</u>	\$	<u>0</u>
<u>Future Biennia (Projected Costs)</u>	\$	<u>0</u>
TOTAL	\$	<u>300,000</u>

(45) Martin Luther King Jr. Memorial: For development of a public park around the memorial in Seattle. Development includes but is not limited to street curbs, sidewalks, lighting, a parking lot, and landscaping

Each dollar expended from the appropriation in this subsection shall be matched by at least two dollars from other sources expended for the same purpose.

<u>Appropriation:</u>		
<u>St Bldg Constr Acct</u>	\$	<u>100,000</u>
<u>Prior Biennia (Expenditures)</u>	\$	<u>0</u>
<u>Future Biennia (Projected Costs)</u>	\$	<u>0</u>
TOTAL	\$	<u>100,000</u>

(46) Challenger Learning Center -- Museum of Flight

The appropriation in this subsection is subject to the following conditions and limitations: The appropriation is provided solely for support of science education at the Challenger learning center at the museum of flight.

<u>Appropriation:</u>		
<u>St Bldg Constr Acct</u>	\$	<u>1,000,000</u>

<u>Prior Biennia (Expenditures)</u>	\$	0
<u>Future Biennia (Projected Costs)</u>	\$	0
TOTAL	\$	<u>1,000,000</u>

Sec. 5. 1991 sp.s. c 14 s 13 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(1) Rainier: Renovate Evergreen Center (79-1-017)

Reappropriation:		
St Bldg Constr Acct	\$	200,000
DSHS Constr Acct	\$	119,477
Subtotal Reappropriation	\$	319,477
Prior Biennia (Expenditures)	\$	4,230,523
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	<u>4,550,000</u>

(2) Referendum 37: For handicapped facilities construction pursuant to chapter 43.99C RCW (79-3-001)

\$9,529 of the appropriation may be used by Yakima county for improvements at the Community Center for the Deaf to permit increased service level to handicapped clients. This amount may be expended only if the final application for the project is submitted to the department by December 31, 1991, and approved by March 31, 1992.

Reappropriation:		
((Hndep Fac Constr Acct	\$	253,531))
<u>St Bldg Constr Acct</u>	\$	<u>88,556</u>
Prior Biennia (Expenditures)	\$	33,371
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	<u>((286,902))</u> <u>121,927</u>

(3) Child study center: Construct high school on the grounds of Western State Hospital (88-1-318)

Reappropriation:		
St Bldg Constr Acct	\$	130,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	<u>130,000</u>

(4) Western State Hospital: Sanitary sewer (88-2-400)

Reappropriation:		
St Bldg Constr Acct	\$	200,000
Prior Biennia (Expenditures)	\$	2,109,238
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	<u>2,309,238</u>

(5) Echo Glen: Renovate eleven living units at Echo Glen Children's Center (90-1-210)

Reappropriation:		
St Bldg Constr Acct	\$	2,600,000
Prior Biennia (Expenditures)	\$	364,000
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	<u>2,964,000</u>

(6)	Emergency capital repairs (90-1-007)		
	Reappropriation:		
	CEP & RI Acct	\$	25,000
	Prior Biennia (Expenditures)	\$	444,578
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	<u>469,578</u>
(7)	Western State Hospital: Ward renovations, phase 4 (90-1-312)		
	Reappropriation:		
	St Bldg Constr Acct	\$	6,000,000
	Prior Biennia (Expenditures)	\$	192,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	<u>6,192,000</u>
(8)	Eastern State Hospital: Ward renovations, phase 2 (90-1-339)		
	Reappropriation:		
	St Bldg Constr Acct	\$	<u>((2,000,000))</u>
			467,784
	Prior Biennia (Expenditures)	\$	2,510,400
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	<u>((4,510,400))</u>
			2,978,184
(9)	Minor capital renewal: Utilities and facilities (90-2-001), roads and grounds (90-2-002), roofs (90-2-003), fire and safety (90-1-004), and hazardous substances (90-1-005)		
	Reappropriation:		
	CEP & RI Acct	\$	850,000
	St Bldg Constr Acct	\$	450,000
	Subtotal Reappropriation	\$	<u>1,300,000</u>
	Prior Biennia (Expenditures)	\$	2,633,393
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	<u>4,733,725</u>
(10)	Small repairs and improvements (90-2-008)		
	Reappropriation:		
	CEP & RI Acct	\$	50,000
	Prior Biennia (Expenditures)	\$	140,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	<u>190,000</u>
(11)	Minor projects: Bureau of alcohol (90-2-010)		
	Reappropriation:		
	CEP & RI Acct	\$	350,000
	Prior Biennia (Expenditures)	\$	92,400
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	<u>442,400</u>
(12)	Minor projects: Juvenile rehabilitation division (90-2-020)		
	Reappropriation:		

CEP & RI Acct	\$	200,000
St Bldg Constr Acct	\$	25,000

Subtotal Reappropriation	\$	225,000
Prior Biennia (Expenditures)	\$	285,781
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	510,781

(13) Minor projects: Mental health division (90-2-030) and (90-2-032)

Reappropriation:

St Bldg Constr Acct	\$	200,000
CEP & RI Acct	\$	65,000

Subtotal Appropriation	\$	265,000
Prior Biennia (Expenditures)	\$	460,000
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	725,000

(14) Snohomish county: Mental health evaluation and treatment facility (90-2-033)

The reappropriation in this subsection is subject to the following conditions and limitations:

(a) The reappropriation is provided solely for a mental health evaluation and treatment facility in Snohomish county.

(b) No moneys from the reappropriation may be expended until the department enters into an agreement with Snohomish county or a group of counties for the facility. The payments under the agreement shall be either at least equal to the facility component of the state average rate-per-patient day paid by the department to community mental health providers for comparable services, or at least equal to the amount of this reappropriation amortized over fifteen years.

(c) No moneys from the reappropriation may be expended before adoption of a plan to provide mental health services through a regional support network as required by chapter 205, Laws of 1989.

(d) Other counties or regions that adopt plans for mental health services as required by chapter 205, Laws of 1989, shall be eligible for application to the state for future evaluation and treatment facility moneys under the same conditions as are provided in subsections (a) and (b) of this subsection, as long as no applicant receives appropriated moneys from state sources exceeding one million dollars.

Reappropriation:

St Bldg Constr Acct	\$	800,000
Prior Biennia (Expenditures)	\$	200,000
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	1,000,000

(15) Minor projects: Developmental disabilities division (90-2-040)

Reappropriation:

St Bldg Constr Acct	\$	250,000
Prior Biennia (Expenditures)	\$	484,222
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	734,222

(16) Minor capital renewal, mental health (90-2-060)

Reappropriation:

St Bldg Constr Acct	\$	500,000
Prior Biennia (Expenditures)	\$	500,000
Future Biennia (Projected Costs)	\$	0

	TOTAL	\$	1,000,000
(17)	Child care facilities (90-2-300)		
	Reappropriation:		
	St Bldg Constr Acct	\$	350,000
	Prior Biennia (Expenditures)	\$	250,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	600,000
(18)	Eastern State: Electrical distribution system (90-2-345)		
	Reappropriation:		
	St Bldg Constr Acct	\$	600,000
	Prior Biennia (Expenditures)	\$	771,600
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	1,371,600
(19)	Lakeland Village: Steam plant replacement (90-2-425)		
	Reappropriation:		
	St Bldg Constr Acct	\$	3,000,000
	Prior Biennia (Expenditures)	\$	1,063,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	4,063,000
(20)	Preplanning (90-4-009)		
	The new appropriation in this subsection is provided solely for preplanning activities for the Administration Building at Lakeland Village, the security housing and treatment unit at Green Hill, and the vocational educational and administration buildings at Maple Lane.		
	Reappropriation:		
	CEP & RI Acct	\$	50,000
	Appropriation:		
	CEP & RI Acct	\$	273,300
	Prior Biennia (Expenditures)	\$	141,400
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	464,700
(21)	Maple Lane: To add twenty-four new level 2 security beds (90-5-001)		
	Reappropriation:		
	St Bldg Constr Acct	\$	1,100,000
	Prior Biennia (Expenditures)	\$	156,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	1,256,000
(22)	Echo Glen: (Perimeter fence) Security improvements (90-5-002)		
	Reappropriation:		
	St Bldg Constr Acct	\$	(850,000) 500,000
	Prior Biennia (Expenditures)	\$	106,000
	Future Biennia (Projected Costs)	\$	0

	TOTAL	\$	((956,000)) <u>606,000</u>
(23)	Fircrest: Food bank facility (90-5-011) Reappropriation: St Bldg Constr Acct	\$	700,000
	Prior Biennia (Expenditures)	\$	88,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	<u>788,000</u>
(24)	Minor capital renewal fire safety (92-1-004), utilities and facilities (92-2-001), roads and grounds (92-2-002), and roofs (92-2-003) Appropriation: CEP & RI Acct	\$	3,284,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	7,136,000
	TOTAL	\$	<u>10,420,000</u>
(25)	Environmental: For minor works projects, including asbestos abatement, PCBs and other hazardous substances, and for planning functions pertaining to environmental/capital proposals (92-1-005) Appropriation: CEP & RI Acct	\$	359,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	664,000
	TOTAL	\$	<u>1,023,000</u>
(26)	Emergency and unanticipated projects: For emergency and unanticipated repairs to equipment, facilities, and infrastructures at state institutions (92-1-007) Appropriation: CEP & RI Acct	\$	250,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	538,100
	TOTAL	\$	<u>788,100</u>
(27)	Underground storage tanks: To test, replace, and/or remove underground storage tanks state-wide (92-1-060) Appropriation: CEP & RI Acct	\$	145,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	618,000
	TOTAL	\$	<u>673,000</u>
(28)	Western State Hospital: To complete phase 5 of 7 phases, including ward renovations, hospital administration and support spaces, and patient treatment areas (92-1-314) The appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 59 (of this act), chapter 14, Laws of 1991 sp.s. Appropriation: St Bldg Constr Acct	\$	13,669,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	<u>0</u>

TOTAL \$ 13,669,000

- (29) Eastern State Hospital: To complete phase 3 of 5 phases, including ward treatment areas, hospital support space, and necessary utilities (92-1-340)

The appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 59 ((of this act)), chapter 14, Laws of 1991 sp.s.

Appropriation:

St Bldg Constr Acct	\$	7,578,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	7,578,000

- (30) Small works: For miscellaneous projects under \$25,000 each at the various institutions (92-2-008)

Appropriation:

CEP & RI Acct	\$	192,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	430,500
TOTAL	\$	622,500

- (31) Minor projects, alcohol and substance abuse division: For miscellaneous minor repairs, safety, and electrical repairs at Northern State Hospital (92-2-010)

Appropriation:

CEP & RI Acct	\$	300,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	300,000

- (32) Minor projects, juvenile rehabilitation division: For the upgrade of the water supply, sewer treatment, and security (92-2-020)

Appropriation:

CEP & RI Acct	\$	957,500
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	1,849,731
TOTAL	\$	2,807,231

- (33) Minor projects, mental health division: For minor projects including storm sewer, electrical system, air conditioning, food distribution system, loading dock cover, and new parking lots at Western State Hospital; administration renovation, window security screens, outdoor recreation restrooms at Eastern State Hospital; cemetery fence and kitchen improvements at the Portal facility (92-2-030)

Appropriation:

CEP & RI Acct	\$	1,317,200
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	2,656,600
TOTAL	\$	3,973,800

- (34) Minor projects, developmental disabilities division: For minor projects, including the "Y" Building renovation at Fircrest; replacement of living unit floors at Lakeland Village, a state-wide facilities and land use plan; renovation of bathroom and kitchen floors at Rainier School; and added support space and playground expansion at Yakima Valley School (92-2-040)

Appropriation:

	CEP & RI Acct	\$	912,400
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	1,472,000
	TOTAL	\$	2,384,400
(35)	Maple Lane: To add sixty-four new level 1 security beds (92-2-225)		
	The appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 59 (of this act), chapter 14, Laws of 1991 sp.s.		
	Appropriation:		
	St Bldg Constr Acct	\$	6,715,800
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	6,715,800
(36)	Maple Lane: To add forty-seven new level 2 security beds (92-2-230)		
	The appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 59 (of this act), chapter 14, Laws of 1991 sp.s.		
	Appropriation:		
	St Bldg Constr Acct	\$	3,107,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	3,107,000
(37)	Child study: For construction of a new education (center (high school)) <u>facility (primary and secondary)</u> at the child study and treatment center (92-2-319)		
	Appropriation:		
	St Bldg Constr Acct	\$	(2,642,300) 4,442,300
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	(2,642,300) 4,442,300
(38)	Maintenance management: For completion of the maintenance management system at Medical Lake and Olympia (92-3-050)		
	Appropriation:		
	CEP & RI Acct	\$	292,800
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	473,500
	TOTAL	\$	766,300
(39)	Resource conservation: For energy and water conservation projects (92-4-006)		
	Appropriation:		
	CEP & RI Acct	\$	561,100
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	442,600

TOTAL \$ 1,003,700

(40) Child care facilities for state employees, including higher education employees (92-4-050)

Appropriation:
 St Bldg Constr Acct \$ 2,500,000
 Prior Biennia (Expenditures) \$ 0
 Future Biennia (Projected Costs) \$ 0

 TOTAL \$ 2,500,000

(41) Washington Institute for Mental Illness Research at Western State Hospital

Appropriation:
 CEP & RI Acct \$ 700,000
 Prior Biennia (Expenditures) \$ 0
 Future Biennia (Projected Costs) \$ 0

 TOTAL \$ 700,000

NEW SECTION. Sec. 6. A new section is added to chapter 14, Laws of 1991 sp.s. to read as follows:
FOR THE DEPARTMENT OF VETERANS' AFFAIRS

(1) Alzheimer unit: Design and remodel one wing of the Washington soldier's home for proper care and supervision of Alzheimer patients (93-2-001)

Appropriation:
 St Bldg Constr Acct \$ 126,445
 Prior Biennia (Expenditures) \$ 0
 Future Biennia (Projected Costs) \$ 0

 TOTAL \$ 126,445

(2) Korean War memorial: To build and erect a Korean War memorial on the capitol campus

Expenditure of the appropriation in this subsection is contingent on a match of at least \$200,000 from nonstate sources for the same purpose.

Appropriation:
 St Bldg Constr Acct \$ 50,000
 Prior Biennia (Expenditures) \$ 25,000
 Future Biennia (Projected Costs) \$ 0

 TOTAL \$ 75,000

Sec. 7. 1991 sp.s. c 14 s 16 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

The appropriations in this section are subject to the following condition and limitation: The department shall, to the extent possible, employ inmate labor in the construction of projects where such employment use will save money.

(1) Washington State Reformatory: Continuation of cellblock renovations, and expansion of the industries and production areas and the gym (83-3-048)

The new appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 59 (~~of this act~~), chapter 14, Laws of 1991 sp.s.

Reappropriation:
 St Bldg Constr Acct \$ 1,800,000
Appropriation:
 St Bldg Constr Acct \$ 9,687,000

Prior Biennia (Expenditures)	\$	19,513,213
Future Biennia (Projected Costs)	\$	9,281,500
TOTAL	\$	40,281,713

(2) Washington State Penitentiary: For improving security facilities and utilities (83-3-052)

The new appropriation in this subsection is provided solely to renovate perimeter walls and towers.

Reappropriation:		
St Bldg Constr Acct	\$	1,300,000
Appropriation:		
St Bldg Constr Acct	\$	1,609,000
Prior Biennia (Expenditures)	\$	11,536,721
Future Biennia (Projected Costs)	\$	4,274,000
TOTAL	\$	18,719,721

(3) McNeil Island Corrections Center: For replacement of water mains; installation of new telephone switch gear; purchase of an underwater power cable for emergency use; replacement of overhead power lines and poles; and projects related to regulation of the landfill (86-1-002)

Reappropriation:		
St Bldg Constr Acct	\$	4,800,000
Appropriation:		
St Bldg Constr Acct	\$	3,230,500
Prior Biennia (Expenditures)	\$	2,084,319
Future Biennia (Projected Costs)	\$	4,780,000
TOTAL	\$	14,894,819

(4) McNeil Island Corrections Center: For repairs of roads and sea walls (86-1-004)

Reappropriation:		
St Bldg Constr Acct	\$	700,000
Appropriation:		
St Bldg Constr Acct	\$	1,922,500
Prior Biennia (Expenditures)	\$	5,400,879
Future Biennia (Projected Costs)	\$	3,737,000
TOTAL	\$	11,760,379

(5) McNeil Island Corrections Center: For repair of island homes, replacement of the emergency generator, and fire and safety improvements to institutional buildings (86-1-008)

Reappropriation:		
St Bldg Constr Acct	\$	2,100,000
Appropriation:		
St Bldg Constr Acct	\$	2,040,000
Prior Biennia (Expenditures)	\$	6,084,008
Future Biennia (Projected Costs)	\$	3,805,000
TOTAL	\$	14,029,008

(6) State-wide wastewater system improvements: For improvements to the laboratory at the wastewater facilities at the Monroe Reformatory; for upgrades of the sewage pumping system at Twin rivers Correctional Center; and for renovation of sewer lines at several facilities (88-1-017)

Reappropriation:		
St Bldg Constr Acct	\$	450,000
Appropriation:		
St Bldg Constr Acct	\$	2,298,000

	Prior Biennia (Expenditures)	\$	863,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	<u>3,611,000</u>
(7)	State-wide water system improvements: To construct a new 120,000-gallon reservoir at Twin rivers Correctional Center; to upgrade storage tanks at the Washington Correctional Center at Shelton and the Larch Correctional Center; to drill a new well at Clearwater/Olympic Correctional Center; to increase reservoir capacity at Cedar Creek Correctional Center; and to upgrade water treatment and storage at the Washington State Reformatory Honor Farm (88-1-018)		
	Reappropriation:		
	St Bldg Constr Acct	\$	900,000
	Appropriation:		
	St Bldg Constr Acct	\$	1,731,000
	Prior Biennia (Expenditures)	\$	461,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	<u>3,092,000</u>

- (8) McNeil Island Corrections Center: Continue major renovation and expansion of the McNeil Island Correction Center (88-2-003)

The new appropriation in this subsection shall be not expended until project preplanning documents have been reviewed and approved by the office of financial management under section 59 ((of this act)), chapter 14, Laws of 1991 sp.s.

	Reappropriation:		
	St Bldg Constr Acct	\$	27,000,000
	Appropriation:		
	St Bldg Constr Acct	\$	37,126,000
	Prior Biennia (Expenditures)	\$	5,012,222
	Future Biennia (Projected Costs)	\$	12,708,000
	TOTAL	\$	<u>81,846,222</u>

- (9) Work and training release relocation and expansion: To relocate and expand the work release facility currently located at Western State Hospital

No portion of this appropriation may be expended to purchase land until the department conducts a life-cycle cost analysis for the operating and capital costs of a facility to be located on the land and reports the results of the analysis to the fiscal committees of the legislature.

	Reappropriation:		
	St Bldg Constr Acct	\$	4,000,000
	Prior Biennia (Expenditures)	\$	415,400
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	<u>4,415,400</u>

- (10) Washington Corrections Center for Women: For major renovation of existing facilities, including construction of thirty-bed special needs unit and addition of one hundred beds (88-2-006)

The new appropriation in this subsection shall be not expended until project preplanning documents have been reviewed and approved by the office of financial management under section 59 ((of this act)), chapter 14, Laws of 1991 sp.s.

	Reappropriation:		
	St Bldg Constr Acct	\$	900,000
	Appropriation:		
	St Bldg Constr Acct	\$	<u>((3,388,000))</u>
			<u>11,097,000</u>
	Prior Biennia (Expenditures)	\$	715,000

	Future Biennia (Projected Costs)	\$	((7,709,000))
			<u>0</u>
	TOTAL	\$	12,712,000
(11)	Hazardous materials management (90-1-004)		
	Reappropriation:		
	St Bldg Constr Acct	\$	200,000
	Prior Biennia (Expenditures)	\$	79,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	279,000
(12)	Washington Corrections Center/Washington Corrections Center for Women: Perimeter security upgrade (90-1-007)		
	Reappropriation:		
	St Bldg Constr Acct	\$	600,000
	Prior Biennia (Expenditures)	\$	1,052,000
	Future Biennia (Projected Costs)	\$	1,183,000
	TOTAL	\$	2,835,000
(13)	State-wide minor projects (90-1-009)		
	Reappropriation:		
	CEP & RI Acct	\$	900,000
	St Bldg Constr Acct	\$	2,700,000
	Subtotal Reappropriation	\$	2,200,000
	Prior Biennia (Expenditures)	\$	1,749,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	5,349,000
(14)	State-wide small repairs and improvements (90-1-010)		
	Reappropriation:		
	St Bldg Constr Acct	\$	300,000
	Prior Biennia (Expenditures)	\$	456,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	756,000
(15)	State-wide emergency repair projects (90-1-013)		
	Reappropriation:		
	CEP & RI Acct	\$	150,000
	Appropriation:		
	CEP & RI Acct	\$	750,000
	Prior Biennia (Expenditures)	\$	600,000
	Future Biennia (Projected Costs)	\$	750,000
	TOTAL	\$	2,250,000
(16)	New facilities: To design and construct a new 1,024-bed medium-security prison, and four minimum-security correctional facilities, for a total of 2,424 new beds (90-2-001)		

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The new appropriation in this subsection shall not be expended until project preplanning documents have

been reviewed and approved by the office of financial management under section 59 ((of this act)), chapter 14, Laws of 1991 sp.s.

(b) \$10,045,000 is provided solely to construct a 300-bed correctional camp at the Dayton site.

	Reappropriation:		
	St Bldg Constr Acct	..... \$	51,550,000
	((Drug Enf & Ed Acct	..... \$	5,900,000
	Subtotal Reappropriation	..... \$	57,450,000))
	Appropriation:		
	St Bldg Constr Acct	..... \$	((96,036,000))
			101,936,000
	Prior Biennia (Expenditures)	..... \$	3,038,000
	Future Biennia (Projected Costs)	..... \$	0
	TOTAL	..... \$	156,524,000
(17)	Washington State Penitentiary: For minimum security unit double bunking (90-2-003)		
	Reappropriation:		
	St Bldg Constr Acct	..... \$	1,050,000
	Prior Biennia (Expenditures)	..... \$	160,000
	Future Biennia (Projected Costs)	..... \$	0
	TOTAL	..... \$	1,210,000
(18)	Twin rivers Corrections Center: Double bunking (90-2-004)		
	Reappropriation:		
	St Bldg Constr Acct	..... \$	2,500,000
	Prior Biennia (Expenditures)	..... \$	481,000
	Future Biennia (Projected Costs)	..... \$	0
	TOTAL	..... \$	2,981,000
(19)	Washington State Penitentiary: Medium-security complex double bunking (90-2-005)		
	Reappropriation:		
	St Bldg Constr Acct	..... \$	1,000,000
	Prior Biennia (Expenditures)	..... \$	128,000
	Future Biennia (Projected Costs)	..... \$	0
	TOTAL	..... \$	1,128,000
(20)	Clearwater/Olympic Corrections Center: 100-bed expansion (90-2-006)		
	Reappropriation:		
	St Bldg Constr Acct	..... \$	1,200,000
	Prior Biennia (Expenditures)	..... \$	538,000
	Future Biennia (Projected Costs)	..... \$	0
	TOTAL	..... \$	1,738,000
(21)	Cedar Creek Corrections Center: 100-bed expansion (90-2-007)		
	Reappropriation:		
	St Bldg Constr Acct	..... \$	1,450,000
	Prior Biennia (Expenditures)	..... \$	187,000
	Future Biennia (Projected Costs)	..... \$	0
	TOTAL	..... \$	1,637,000

(22)	Washington State Penitentiary: Expand medium-security complex industries building (90-2-016)		
	Reappropriation:		
	St Bldg Constr Acct	\$	1,100,000
	Prior Biennia (Expenditures)	\$	113,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	1,213,000
(23)	State-wide roof repair: For reroofing projects at the Corrections Center at Shelton, Cedar Creek Corrections Center, Indian Ridge Corrections Center, Clearwater/Olympic Corrections Center, Monroe Reformatory, and the Treatment Center for Women at Purdy facilities (90-3-011)		
	Reappropriation:		
	St Bldg Constr Acct	\$	150,000
	Appropriation:		
	St Bldg Constr Acct	\$	2,631,000
	Prior Biennia (Expenditures)	\$	1,350,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	4,131,000
(24)	Clallam Bay Corrections Center: To expand program space and add three hundred forty-nine beds (90-5-026)		
	Reappropriation:		
	St Bldg Constr Acct	\$	23,000,000
	Prior Biennia (Expenditures)	\$	2,301,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	25,301,000
(25)	Camp labor pool funds (90-5-031)		
	Moneys from the reappropriation in this subsection shall made available to the department for expanded capacity projects in the event inmate labor cannot be employed.		
	Reappropriation:		
	St Bldg Constr Acct	\$	229,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	229,000
(26)	Underground storage tanks: To test, replace, and/or remove underground storage tanks state-wide (92-1-002)		
	Appropriation:		
	St Bldg Constr Acct	\$	300,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	1,000,000
	TOTAL	\$	1,300,000
(27)	State-wide minor projects: For projects less than \$500,000 pertaining to life safety/code compliance, property protection, or essential program support (92-1-012)		
	Appropriation:		
	St Bldg Constr Acct	\$	7,500,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	4,976,000
	TOTAL	\$	12,476,000

- (28) State-wide small repairs and improvements: For miscellaneous state-wide projects, each under \$25,000 (92-1-013)
- Appropriation:**
- | | | |
|--|-----------|----------------|
| St Bldg Constr Acct | \$ | 497,000 |
| Prior Biennia (Expenditures) | \$ | 0 |
| Future Biennia (Projected Costs) | \$ | 0 |
| TOTAL | \$ | 497,000 |
- (29) Washington Corrections Center: To retrofit the boiler at Shelton (92-1-026)
- In retrofitting the boiler, the department shall consider using wood pellets or natural gas, whichever is the more economically competitive, as the primary fuel source for the boiler.
- Appropriation:**
- | | | |
|--|-----------|------------------|
| St Bldg Constr Acct | \$ | 2,164,000 |
| Prior Biennia (Expenditures) | \$ | 0 |
| Future Biennia (Projected Costs) | \$ | 0 |
| TOTAL | \$ | 2,164,000 |
- (30) Washington State Penitentiary: To add space for recreation, legal libraries, medical/dental unit, property and a clothing room at medium-security facilities (92-2-021)
- Appropriation:**
- | | | |
|--|-----------|------------------|
| St Bldg Constr Acct | \$ | 1,443,000 |
| Prior Biennia (Expenditures) | \$ | 0 |
| Future Biennia (Projected Costs) | \$ | 0 |
| TOTAL | \$ | 1,443,000 |
- (31) Washington State Penitentiary: To add space to the current gym, and upgrade systems for heating, ventilation, and air conditioning, fire protection, lighting, and electricity (92-2-022)
- Appropriation:**
- | | | |
|--|-----------|----------------|
| St Bldg Constr Acct | \$ | 888,000 |
| Prior Biennia (Expenditures) | \$ | 0 |
| Future Biennia (Projected Costs) | \$ | 0 |
| TOTAL | \$ | 888,000 |
- (32) Washington Corrections Center: For installation of a new underground steam distribution/condensation return system (92-2-028)
- Appropriation:**
- | | | |
|--|-----------|----------------|
| St Bldg Constr Acct | \$ | 729,000 |
| Prior Biennia (Expenditures) | \$ | 0 |
| Future Biennia (Projected Costs) | \$ | 0 |
| TOTAL | \$ | 729,000 |
- (33) Washington State Reformatory: For initiation of a feasibility study for relocation of program and living space at the honor farm (92-2-029)
- Appropriation:**
- | | | |
|--|-----------|------------------|
| St Bldg Constr Acct | \$ | 230,000 |
| Prior Biennia (Expenditures) | \$ | 0 |
| Future Biennia (Projected Costs) | \$ | 1,000,000 |
| TOTAL | \$ | 1,230,000 |

(34) Washington State Reformatory: Restoration and repair of perimeter walls (92-2-031)

Appropriation:

St Bldg Constr Acct	\$	1,084,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	1,084,000

(35) Pilot preventive maintenance program: For computer hardware and software for a computer-based preventative maintenance system (92-4-033)

The appropriation in this subsection is subject to the following conditions and limitations: The department of corrections shall, every six months, submit a progress report on this project to the department of general administration, the office of financial management, the senate committee on ways and means, and the house of representatives committee on capital facilities and financing.

Appropriation:

St Bldg Constr Acct	\$	325,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	325,000

(36) Cedar Creek Corrections Center upgrade: Core facilities improvements and dormitory expansion (92-2-024)

Appropriation:

St Bldg Constr Acct	\$	1,426,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	1,426,000

(37) Mental health planning: The department shall develop a facility plan for a mental health delivery system including outpatient treatment, short-term crisis beds, and acute long-term inpatient facilities. The plan shall maximize outpatient and short-term crisis beds where appropriate through the utilization of current capacity including utilization of infirmary beds as short-term mental health crisis observation beds. Plans for new long-term inpatient capacity shall supplement and not replace existing capacity at the Special Offender Center in Monroe (93-2-035)

Appropriation:

St Bldg Constr Acct	\$	200,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	200,000

(38) Land acquisition: To acquire a purchase option on land adjacent to the Coyote Ridge Corrections Center (93-2-036)

Appropriation:

St Bldg Constr Acct	\$	24,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	2,500,000
TOTAL	\$	2,524,000

"PART 3
NATURAL RESOURCES"

Sec. 8. 1991 sp.s. c 14 s 18 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF ECOLOGY

(1)	Referendum 26: Waste disposal facilities (74-5-004)		
	Reappropriation:		
	LIRA, Waste Disp Fac	\$	15,660,673
	Prior Biennia (Expenditures)	\$	8,093,028
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	23,753,701
(2)	Referendum 38: Water supply facilities (74-5-006)		
	Reappropriation:		
	LIRA, Water Sup Fac	\$	26,744,618
	Prior Biennia (Expenditures)	\$	2,466,576
	Future Biennia (Projected Costs)	\$	29,763,000
	TOTAL	\$	58,974,194
(3)	State emergency water project revolving account (76-5-003)		
	Reappropriation:		
	Emergency Water Proj	\$	7,599,337
	Appropriation:		
	Emergency Water Proj	\$	1,343,929
	Prior Biennia (Expenditures)	\$	16,586,284
	Future Biennia (Projected Costs)	\$	224,761
	TOTAL	\$	25,754,311

(4) Referendum 39: Waste disposal facilities 1980 bond issue (82-5-005)

No expenditure from the reappropriation in this subsection shall be made for any grant valued over fifty million dollars to a city or county for solid waste disposal facilities unless the following conditions are met:

- (a) The city or county agrees to comply with all the terms of the grant contract between the city or county and the department of ecology;
- (b) The city or county agrees to implement curbside collection of recyclable materials as prescribed in the grant contract; and
- (c) The city or county does not begin actual construction of the solid waste disposal facility until it has obtained a permit for prevention of significant deterioration as required by the federal clean air act.

Reappropriation:

LIRA, Waste Disp Fac <u>1980</u>	\$	((61,598,000))
		60,012,180
Prior Biennia (Expenditures)	\$	401,402,000
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	((463,000,000))
		461,414,180

(5) Water quality account (86-5-007)

The appropriations in this subsection are subject to the following conditions and limitations:

- (a) In awarding grants, extending grant payments, or making loans from these appropriations for facilities that discharge directly into marine waters, the department shall:
 - (i) Give first priority to secondary wastewater treatment facilities that are mandated by both federal and state law;
 - (ii) Give second priority to projects that reduce combined sewer overflows; and
 - (iii) Encourage economies that are derived from any simultaneous projects that achieve the purposes of both (a) and (b) of this subsection.
- (b) The following limitations shall apply to the department's total distribution of funds appropriated under this section:

(i) Not more than fifty percent for water pollution control facilities that discharge directly into marine waters;

(ii) Not more than twenty percent for water pollution control activities that prevent or mitigate pollution of underground waters and facilities that protect federally designated sole source aquifers with at least two-thirds for the Spokane-Rathdrum Prairie aquifer;

(iii) Not more than ten percent for water pollution control activities that protect freshwater lakes and rivers including but not limited to Lake Chelan and the Yakima and Columbia rivers;

(iv) Not more than ten percent for activities that control nonpoint source water pollution;

(v) Ten percent and such sums as may be remaining from the categories specified in (i) through (iv) of this subsection for water pollution control activities or facilities as determined by the department.

(c) In determining compliance schedules for the greatest reasonable reduction of combined sewer overflows, the department shall consider the amount of grant or loan moneys available to assist local governments in the planning, design, acquisition, construction, and improvement of combined sewer overflow facilities.

(d) \$330,000 of the water quality account appropriation is provided solely for the department to evaluate water quality, solid and hazardous waste, and toxics cleanup needs of the state. The amount provided in this subsection represents the water quality account share of funding the evaluation. The department shall include in the evaluation information regarding existing needs and recommendations on how to address those needs within existing state financial assistance programs. The evaluation shall include options that rely solely on existing tax sources. The department shall also evaluate long-range financial options, including a greater reliance on loans, which take into account local financial resources. The evaluation shall be done in coordination with the state agency coordinating council established in Engrossed Substitute House Bill No. 1025 (Growth Management Strategies). If the bill is not enacted by July 31, 1991, the director of the department shall coordinate with the department of community development, the department of health, and the Puget Sound water quality authority as well as with other appropriate state and local agencies. By November 1, 1991, the department shall submit to the chairs of the house capital facilities and financing committee and the senate ways and means committee, a detailed work plan, budget, and schedule for completion of the evaluation.

Reappropriation:

Water Quality Acct \$ 134,422,504

Appropriation:

Water Quality Acct \$ ((85,607,310))
72,686,310

Prior Biennia (Expenditures) \$ 53,036,533

Future Biennia (Projected Costs) \$ 157,835,000

TOTAL \$ ((430,901,347))
417,980,347

(6) Nisqually River Interpretive Center

Appropriation:

St Bldg Constr Acct \$ 150,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 150,000

(7) Local toxics control account (88-5-008)

\$270,000 of the new appropriation in this subsection is provided solely for the evaluation required in subsection (5)(d) of this section.

\$300,000 of the new appropriation in this subsection is provided solely for a pilot grant program to address remedial actions involving the contamination of drinking water supplies from hazardous substances. The pilot grant program is limited to remedial action where a responsible party has not been identified or held responsible. The department may establish an appropriate local match requirement for the pilot grant program. The department shall report to the appropriate committees of the legislature regarding the state-wide need for programs to clean up drinking water supplies contaminated by hazardous substances. This report shall be consolidated into the evaluation required in subsection (5)(d) of this section.

Reappropriation:

Local Toxics Control \$ 27,653,297

Appropriation:

Local Toxics Control	\$	59,183,607
Prior Biennia (Expenditures)	\$	18,467,142
Future Biennia (Projected Costs)	\$	106,984,641
TOTAL	\$	212,288,687

(8) Methow Basin water conservation

This appropriation in this subsection shall be used to fund water use efficiency improvements in this Methow Basin, including the installation of headworks, weirs, and fish screens on existing irrigation diversions, metering of miscellaneous water uses, and lining of irrigation canals and ditches in identified high priority irrigation systems.

Appropriation:		
St Bldg Constr Acct	\$	400,000
LIRA, Water Sup Fac	\$	800,000
Subtotal Appropriation	\$	1,200,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	1,200,000

(9) Flood control assistance grants: For transfer to the flood control assistance account under RCW 86.26.007

Appropriation:		
State Bldg Constr Acct	\$	4,000,000
TOTAL	\$	4,000,000

NEW SECTION. Sec. 9. A new section is added to chapter 14, Laws of 1991 sp.s. to read as follows:
FOR THE STATE PARKS AND RECREATION COMMISSION

(1) Sewer facilities: For sewer improvements at the following state parks: Ike Kinswa, Millersylvania, Lewis and Clark Trail, Bayview, Sequim Bay, Penrose Point, Tolmie, Fort Casey, Fort Ebey, and Maryhill

Appropriation:		
LIRA, Waste Fac 1980	\$	1,585,820
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	1,585,820

(2) Flaming Geyser: Bridge relocation, phase 2 (87-2-029)

The appropriation in this section is in addition to the appropriations in section 19(7), chapter 14, Laws of 1991 sp.s.

Appropriation:		
ORA-State	\$	90,000

(3) Deception Pass: Repair failed water system

Appropriation:		
St Bldg Constr Acct	\$	283,180
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	283,180

(4) Bogachiel Park: Repair storm damage to comfort stations

Appropriation:

St Bldg Constr Acct	\$	50,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	50,000

(5) Chuckanut Hill: Planning and acquisition for addition to Larrabee state park

The appropriation in this subsection is subject to the following conditions and limitations:

- (a) No more than \$50,000 may be spent for planning, design, or negotiations toward purchase;
- (b) Prior to the expenditure of any funds for acquisition, Whatcom county shall have entered into an agreement with the board of natural resources confirming the county's intent to manage any forest board lands adjacent to Larrabee state park as county park land under RCW 76.12.072;
- (c) Either the city of Bellingham or Whatcom county shall have made application to the interagency committee for outdoor recreation for funding available through the wildlife and recreation program so that the city or county may acquire park lands adjacent to Larrabee state park. The application may provide for management of the lands by the state parks and recreation commission.

Appropriation:

ORA	\$	500,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	500,000

(6) Olmstead Place--Senator Frank "Tub" Hansen Memorial Interpretive Center, including parking facilities, restrooms, and display kiosk

Appropriation:

St Bldg Constr Acct	\$	93,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	93,000

NEW SECTION. Sec. 10. A new section is added to chapter 14, Laws of 1991 sp.s. to read as follows:
FOR THE WASHINGTON STATE DAIRY PRODUCTS COMMISSION

- (1) Acquire permanent facility: To acquire a permanent facility to house the offices and operations of the commission (92-5-001)

The appropriation in this subsection is subject to the following conditions and limitations: At least one dollar from the commission's operating funds shall be spent for each three dollars spent from this appropriation.

Appropriation:

WA St Dairy Prod Comm Fac Acct	\$	900,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	900,000

Sec. 11. 1991 sp.s. c 14 s 20 (uncodified) is amended to read as follows:
FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

- (1) Grants to public agencies (90-2-001)

Reappropriation:

St Bldg Constr Acct	\$	498,000
ORA-Federal	\$	637,000

ORA-State	\$	1,911,000
Firearms Range Acct	\$	-405,000
Subtotal Reappropriation	\$	3,451,000
Prior Biennia (Expenditures)	\$	6,254,000
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	9,705,000

(2) Wildlife conservation and recreation (90-5-002)

Reappropriation:		
ORA-State	\$	22,000,000
Habitat Conservation Acct	\$	21,830,000
Subtotal Reappropriation	\$	43,830,000
Prior Biennia (Expenditures)	\$	9,170,000
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	53,000,000

(3) Grants to public agencies (92-2-001)

The appropriations in this section are subject to the following conditions and limitations:

(a) ~~(\$10,400,000)~~ \$12,400,000 of the state building and construction account appropriation in this subsection is provided solely for matching grants to local governments for projects contained in the governor's Washington wildlife and recreation submittal list from categories designated for local governments. The committee shall require a match of at least fifty percent.

(b) \$138,000 of the state outdoor recreation account may be used for additional program staff for administration.

(c) The legislature hereby approves, without exception, the list of local projects dated October 1, 1991, submitted by the interagency committee for outdoor recreation to the office of financial management.

Appropriation:		
ORA-Federal	\$	2,000,000
ORA-State	\$	7,738,000
Firearms Range Acct	\$	222,000
St Bldg Constr Acct	\$	((10,400,000))
		<u>12,400,000</u>
Subtotal Appropriation	\$	((20,360,000))
		<u>22,360,000</u>
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	21,764,000
TOTAL	\$	((42,124,000))
		<u>44,124,000</u>

(4) Washington wildlife and recreation program

(a) One-half of the appropriation in this subsection shall be deposited into and is hereby appropriated from the habitat conservation account and one-half shall be deposited into and is hereby appropriated from the state outdoor recreation account, for the Washington wildlife and recreation program, as established under chapter 43.98A RCW.

(b) All land acquired by a state agency with moneys from this appropriation shall comply with class A, B, and C weed control provisions of chapter 17.10 RCW.

(c) The following projects are deleted from the approved list of projects established under chapter 43.98A RCW:

- (i) Hatten-Tracy rock acquisitions (project #925033)
- (ii) Yakima river canyon acquisition (project #925055)
- (iii) Okanogan sharp-tailed grouse habitat (project #925040)
- (iv) Southeast Washington critical habitat acquisition (project #925042)

(v) Esquaztel coulee acquisition (project #935064)

Appropriation:

St Bldg Constr Acct	\$	50,000,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	105,000,000
TOTAL	\$	155,000,000

NEW SECTION. Sec. 12. A new section is added to chapter 14, Laws of 1991 sp.s. to read as follows:
FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

(1) Clear creek dam: To rebuild the dam according to plans approved by the United States bureau of reclamation (93-2-002)

The appropriation in this subsection is contingent on at least \$3,250,000 being provided from federal and local sources. The state shall not be obligated for project costs that exceed this appropriation.

Appropriation:

St Bldg Constr Acct	\$	1,550,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	1,550,000

NEW SECTION. Sec. 13. A new section is added to chapter 14, Laws of 1991 sp.s. to read as follows:
FOR THE DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT

(1) Washington Technology Center (92-5-001)

The appropriation in this subsection is provided solely for the design and outfitting of the first and second floor laboratory spaces in Fluke Hall.

Appropriation:

St Bldg Constr Acct	\$	1,000,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	1,000,000

NEW SECTION. Sec. 14. A new section is added to chapter 14, Laws of 1991 sp.s. to read as follows:
FOR THE DEPARTMENT OF FISHERIES

(1) Coast and Puget Sound salmon enhancement (92-5-001)

Appropriation:

St Bldg Constr Acct	\$	513,311
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	513,311

(2) Habitat management (92-2-001)

Appropriation:

General Fund-Federal	\$	800,000
General Fund-Priv/Loc	\$	800,000
Subtotal Appropriation	\$	1,600,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	1,600,000

NEW SECTION. Sec. 15. A new section is added to chapter 14, Laws of 1991 sp.s. to read as follows:
FOR THE DEPARTMENT OF WILDLIFE

(1) Repair of flood damage on Luhrs Landing

Appropriation:	
St Bldg Constr Acct	\$ 40,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 0

TOTAL	\$ 40,000

(2) Hood Canal Wetlands Interpretive Center: For a grant to the North Mason School District to construct a wetlands education center at the Mary E. Theler wetlands

The appropriation in this subsection is subject to the following conditions and limitations:

(a) The school district shall provide and maintain public access, education, and passive recreation opportunities.

(b) The appropriation in this subsection shall be matched by an equal amount of money from other sources for the purposes described in this subsection.

Appropriation:	
St Bldg Constr Acct	\$ 500,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 0

TOTAL	\$ 500,000

Sec. 16. 1991 sp.s. c 14 s 26 (uncodified) is amended to read as follows:

FOR THE PARKS AND RECREATION COMMISSION: TIMBERLAND PURCHASES AND COMMON SCHOOL PURCHASES

The appropriation in this section is subject to the following conditions and limitations:

(1) This appropriation is provided to the state parks and recreation commission ("commission") solely to acquire trust lands that have been identified by the department of natural resources ("department") as appropriate for state park use and development. Except as specifically otherwise provided in this section, the commission shall acquire the following parcels:

- (a) Lord Hill, in Snohomish county, west of Monroe;
- (b) Beacon Rock, in Skamania county, adjacent to Beacon Rock State Park;
- (c) Larrabee Addition, (1 and 2) in Whatcom county, northeast of Larrabee State Park and Chuckanut Mountain;
- (d) South Whidbey, in Island county, adjacent to South Whidbey State Park;
- (e) Wallace Falls Addition, in Snohomish county, adjacent to Wallace Falls State Park;
- (f) Soleduck corridor, in Clallam county, on the Soleduck river at Sappho;
- (g) Dugualia Bay property, in Island county, on the northeast shore of Whidbey Island;
- (h) Rasar property, in Skagit county, west of Birdsvie, near the Skagit river;
- (i) Wallace Falls Addition (Northwest) property, in Snohomish county, adjacent to the northwestern side of the designated park property;
- (j) Wallace Falls Addition (Southwest) property, in Snohomish county, adjacent to the southwestern side of Wallace Falls State Park;
- (k) Hoypus Hill in Island county south of Hoypus Point Natural Forest Area at Deception Pass State Park;
- (l) Lake Easton in Easton in Kittitas county west of Lake Easton State park near the town of Easton;
- (m) Diamond Point, in Clallam county, on the Strait of Juan de Fuca; and
- (n) Skykomish river property, along Highway 2, near Index.

(2) The commission may expend moneys from this appropriation for acquisition of the Skykomish river property under subsection (1)(n) of this section only to the extent that moneys remain available after the commission has made all reasonable efforts to acquire the other properties identified in this subsection. If funds remain available after all properties in (a) through (n) of this subsection have been purchased, the commission may purchase additional trust properties for park purposes. The purchases of additional properties shall be conducted in a manner that provides substantial benefit to the common school construction fund.

(3) To achieve the purposes of this section, intergrant exchanges between common school trust lands and parcels of noncommon school trust lands shall occur on an equal-value basis.

(4) Proceeds from the transfer of the timber shall be deposited by the department in the same manner as timber revenues from other common school trust lands. No deduction may be made for the resource management cost account under RCW 79.64.040. The proceeds from the transfer of the land shall be used by the department to acquire timber land of equal value to be managed as common school trust land and to maintain a sustainable yield.

(5) The department shall attempt to maintain an aggregate ratio of approximately 85:15 timber-to-land value in these transactions. ~~((If the aggregate value of timber to land varies by more than plus or minus five percent of that ratio, individual land acquisitions may be dropped in order to maintain the approximate ratio.))~~

(6) It is the intent of the legislature that, insofar as feasible, the full parcels identified in subsection (1) of this section be acquired for park purposes. However, to the extent authorized by the commission, House Bill No. 2990, or Senate Bill No. 6509, the boundaries of the Diamond Point property under subsection (1)(m) of this section may vary from the property boundaries as described in the joint study conducted by the commission and the department under section 4, chapter 163, Laws of 1985.

Appropriation:

St Bldg Constr Acct	\$	50,000,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	50,000,000

NEW SECTION. Sec. 17. A new section is added to chapter 14, Laws of 1991 sp.s. to read as follows:
FOR THE STATE CONVENTION AND TRADE CENTER

- (1) Minor works: For minor works improvement projects, including security improvements, lighting enhancements, and space expansions (93-2-001)

The appropriation in this subsection is subject to the following conditions and limitations: Before expending the appropriation in this subsection, the Washington State Convention and Trade Center shall report to the office of financial management and to the fiscal committees of the legislature a status report on the convention and trade center account and the convention and trade center operations account. The status report shall include, but not be limited to: Amounts borrowed under RCW 67.40.045 and 67.49.055 and corresponding repayment schedules, projections of future revenues and expenditures, transfers between accounts, and compliance with provisions of RCW 67.40.040.

Appropriation:

State Convention and Trade Center		
Acct	\$	1,050,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	1,050,000

**"PART 4
TRANSPORTATION"**

Sec. 18. 1991 sp.s. c 14 s 29 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE PATROL

- (1) Crime laboratory, Tacoma: To design and construct a new eight thousand-square foot crime lab facility in Tacoma, to be co-located with the Washington State Patrol/Department of Licensing District headquarters (92-1-008)

The appropriation in this section shall not be expended for consolidation of laboratory services currently being performed in the Kelso and Kennewick crime laboratories.

Appropriation:

St Bldg Constr Acct	\$	2,017,000
Prior Biennia (Expenditures)	\$	20,000
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	2,037,000

- (2) Spokane crime laboratory: For safety enhancements (92-1-008)

Appropriation:

St Bldg Constr Acct	\$	192,000
Prior Biennia (Expenditures)	\$	4,500
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	196,500

(3) ((Headquarters: ~~Design a new headquarters facility in Olympia (90-2-040)~~)

Appropriation:		
WSP Highway Acct	\$	3,400,000
Prior Biennia (Expenditures)	\$	250,000
Future Biennia (Projected Costs)	\$	45,323,000
TOTAL	\$	48,973,000

(4)) Everett district headquarters--Crime laboratory (90-2-018)

Reappropriation:		
St Bldg Constr Acct	\$	455,000
Prior Biennia (Expenditures)	\$	15,000
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	470,000

"PART 5
EDUCATION"

Sec. 19. 1991 sp.s. c 14 s 30 (uncodified) is amended to read as follows:
FOR THE STATE BOARD OF EDUCATION

The appropriations in subsections (1) through (9) of this section are subject to the following condition and limitation: Total cash disbursed from the common school construction fund may not exceed the available cash balance.

(1) Public school building construction (79-3-002)

Reappropriation:		
Common School Constr Fund	\$	500
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	500

(2) Public school building construction (83-3-001)

Reappropriation:		
Common School Constr Fund	\$	110,000
Prior Biennia (Expenditures)	\$	490,000
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	600,000

(3) Public school building construction (86-4-001)

Reappropriation:		
Common School Constr Fund	\$	1,100,000
Prior Biennia (Expenditures)	\$	1,400,000
Future Biennia (Projected Costs)	\$	0

	TOTAL	\$	2,500,000
(4)	Public school building construction (86-4-008)		
	Reappropriation:		
	Common School Constr Fund	\$	70,000
	Prior Biennia (Expenditures)	\$	75,298
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	145,298
(5)	Public school building construction (88-2-001)		
	Reappropriation:		
	Common School Constr Fund	\$	4,000,000
	Prior Biennia (Expenditures)	\$	61,328,022
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	65,328,022
(6)	Public school building construction (89-2-004)		
	Reappropriation:		
	Common School Constr Fund	\$	80,000
	Prior Biennia (Expenditures)	\$	2,920,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	3,000,000
(7)	Public school building construction (90-2-001)		
	Reappropriation:		
	Common School Constr Fund	\$	156,000,000
	Prior Biennia (Expenditures)	\$	252,527,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	408,527,000
(8)	Public school building construction (91-2-001)		

The appropriations in this subsection are subject to the following conditions and limitations:

- (a) A maximum of \$1,200,000 may be spent for state administration of school construction funding.
- (b) A maximum of \$225,000 may be expended for two full-time equivalent field staff with construction/architectural experience to assist in evaluating project requests and reviewing information reported by school districts.
- (c) A maximum of \$100,000 may be expended for development of a new priority system pursuant to (f) of this subsection.
- (d) ~~((Funding)) A maximum of \$411,800,000 may be expended for common school construction and modernization ((is provided for)) projects approved for state assistance by the state board ((as of January 26, 1991. Of the funds available for obligation by the state board after state administration costs and after the costs incurred under (b) and (c) of this subsection, fifty eight percent is provided solely for approved new construction projects to serve unhoused students, four percent is provided solely for approved condemnation projects, and thirty four percent is provided solely for approved modernization projects. The remaining funds shall be allocated at the discretion of the state board)).~~
- (e) Projects approved for state assistance by the state board after January 26, 1991, ~~((pursuant to WAC 180-25-040,))~~ shall be placed on a new priority system developed by the state board pursuant to (f) of this subsection.
- (f)(i) The state board shall develop a new priority system for allocating state assistance for school construction and modernization projects. The priority system shall include evaluation of projects according to objective criteria established by the state board and a process for review of data submitted by school districts. In developing the system and the criteria, the state board shall consider the following factors: Type of space requested; current space availability, age, and condition; cost benefit considerations of new construction as

compared to modernization; impacts of maintenance on the condition of facilities; impacts of delay of receipt of state assistance; and short and long-range demographic projections.

(ii) The state board shall present a progress report and implementation plan to the governor and the appropriate fiscal committees of the legislature by February 15, 1992.

(g) The common school reimbursable construction account appropriation in this section serves as compensation to the common school construction fund for any obligation owed the fund as a result of vocational technical institutes being transferred from the authority of a local school district and the superintendent of public instruction to the state board for community and technical colleges as directed by chapter 238, Laws of 1991 (Engrossed Substitute Senate Bill No. 5184, workforce training and education).

Appropriation:

Common School Constr Fund	\$	((135,500,000))
		<u>156,300,000</u>
Common School Reimb Constr Acct	\$	((120,000,000))
		<u>255,500,000</u>
Subtotal Appropriation	\$	((255,500,000))
		<u>411,800,000</u>
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	350,000,000
TOTAL	\$	((605,500,000))
		<u>761,800,000</u>

~~((9)Public school building construction (91-2-001))~~

~~The appropriation in this subsection is subject to the following conditions and limitations:~~

~~(a) This appropriation is subject to all conditions and limitations contained in subsection (8) of this section.~~

~~**Appropriation:**~~

Common School Constr Fund	\$	21,000,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	21,000,000

Sec. 20. 1991 sp.s. c 14 s 34 (uncodified) is amended to read as follows:

FOR THE UNIVERSITY OF WASHINGTON

(1) Safety: Fire code, PCB, and life safety (86-1-001)

Reappropriation:

UW Bldg Acct	\$	6,890,000
Prior Biennia (Expenditures)	\$	2,298,000
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	9,188,000

(2) Safety: Asbestos removal (86-1-002)

Reappropriation:

UW Bldg Acct	\$	4,900,000
Prior Biennia (Expenditures)	\$	600,000
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	5,500,000

(3) Minor works: Building renewal (86-1-004)

Reappropriation:

UW Bldg Acct	\$	6,200,000
Prior Biennia (Expenditures)	\$	5,983,000
Future Biennia (Projected Costs)	\$	0

	TOTAL	\$	12,183,000
(4)	Health Science Center G Court, H Wing, and I Court addition (86-2-021) and H Wing renovation (88-2-015)		
	Reappropriation:		
	St Bldg Constr Acct	\$	43,508,000
	UW Bldg Acct	\$	3,500,000

	Subtotal Reappropriation	\$	47,008,000
	Prior Biennia (Expenditures)	\$	7,856,000
	Future Biennia (Projected Costs)	\$	0

	TOTAL	\$	54,864,000

(5) Minor works: Program renewal (86-3-005)

The reappropriations in this subsection are provided solely for minor repairs, fixtures, and improvements to state buildings and facilities and shall not be used for computer equipment, land acquisition, or for other expenses that normally would be funded from the state operating budget.

	Reappropriation:		
	UW Bldg Acct	\$	3,800,000
	Prior Biennia (Expenditures)	\$	9,540,000
	Future Biennia (Projected Costs)	\$	0

	TOTAL	\$	13,340,000

(6) Power plant boiler: To replace boiler number four with a gas and oil fixed boiler, including upgrades in the central heating plant (88-2-022)

The appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 59 (~~of this act~~), chapter 14, Laws of 1991 sp.s.

	Reappropriation:		
	St Bldg Constr Acct	\$	360,000
	UW Bldg Acct	\$	240,000

	Subtotal Reappropriation	\$	600,000
	Appropriation:		
	St Bldg Constr Acct	\$	19,872,000
	Prior Biennia (Expenditures)	\$	468,495
	Future Biennia (Projected Costs)	\$	0

	TOTAL	\$	20,340,495

(7) K Wing addition (90-1-001)

The reappropriation in this subsection is provided from the proceeds of state general obligation bonds reimbursed from university indirect cost revenues from federal research grants and contracts pursuant to RCW 43.99H.020(18).

	Reappropriation:		
	H Ed Constr Acct	\$	45,000,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0

	TOTAL	\$	45,000,000

(8) Emergency power generation (90-2-001)

Reappropriation:

St Bldg Constr Acct	\$	10,500,000
Prior Biennia (Expenditures)	\$	610,000
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	11,110,000

- (9) Physics: To construct and equip a new building for the physics and astronomy departments (90-2-009)

The project funded by the appropriations in this subsection shall be constructed on campus. The new appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 59 (~~of this act~~), chapter 14, Laws of 1991 sp.s.

Reappropriation:		
St Bldg Constr Acct	\$	4,000,000
Appropriation:		
H Ed Reimb Constr Acct	\$	64,786,000
Prior Biennia (Expenditures)	\$	3,778,000
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	72,564,000

- (10) Chemistry I: Design and construction (90-2-011)

The reappropriation in this subsection is subject to the following conditions and limitations:

(a) The reappropriation shall not be expended for construction until the project predesign and design documents have been reviewed and approved by the office of financial management under section 28 of this act.

(b) The project funded by the reappropriation in this subsection shall be constructed on campus.

Reappropriation:		
St Bldg Constr Acct	\$	37,200,000
Prior Biennia (Expenditures)	\$	1,952,000
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	39,152,000

- (11) Electrical engineering and computer science building: To complete the design of a replacement building for the departments of electrical engineering and computer science and engineering (90-2-013) (92-2-024)

The project funded by the appropriations in this subsection shall be constructed on campus. Other than for preplanning, the reappropriation shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 59 (~~of this act~~), chapter 14, Laws of 1991 sp.s.

Reappropriation:		
St Bldg Constr Acct	\$	3,450,000
Appropriation		
St Bldg Constr Acct	\$	1,147,000

Subtotal Appropriation	\$	((5,597,000))
		4,597,000
Prior Biennia (Expenditures)	\$	661,000
Future Biennia (Projected Costs)	\$	93,500,000

TOTAL	\$	98,758,000

- (12) Electrical distribution system (88-1-011), power plant chiller (88-1-012), power plant stack replacement (88-1-023)

Reappropriation:		
St Bldg Constr Acct	\$	830,000
UW Bldg Acct	\$	770,000

JOURNAL OF THE SENATE

	Subtotal Reappropriation	\$	1,600,000
	Prior Biennia (Expenditures)	\$	7,539,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	9,139,000
(13)	Safety: Fire code, PCB, and life safety projects including: Cleanup of asbestos, compliance with federal regulations for PCB removal and contaminated soil, and life safety and fire code regulations (92-1-004)		
	Appropriation:		
	St Bldg Constr Acct	\$	10,640,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	33,333,000
	TOTAL	\$	43,973,000
(14)	Minor capital renewal: To complete minor projects costing under \$500,000 that renew or bring campus facilities into code compliance (92-1-005)		
	The appropriations in this subsection are provided solely for minor repairs, fixtures, and improvements to state buildings and facilities and shall not be used for computer equipment, land acquisition, or for other expenses that normally would be funded from the state operating budget.		
	Appropriation:		
	St Bldg Constr Acct	\$	3,525,000
	UW Bldg Acct	\$	5,000,000
	Subtotal Appropriation	\$	8,525,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	40,200,000
	TOTAL	\$	48,725,000
(15)	Communications Building Renovation (88-2-014)		
	Reappropriation:		
	St Bldg Constr Acct	\$	2,015,000
	UW Bldg Acct	\$	1,167,000
	Subtotal Reappropriation	\$	3,182,000
	Prior Biennia (Expenditures)	\$	3,555,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	6,737,000
(16)	Nuclear reactor decommission: To design the removal and decontamination of the nuclear reactor on campus (92-1-022)		
	Appropriation:		
	St Bldg Constr Acct	\$	235,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	2,488,000
	TOTAL	\$	2,723,000
(17)	Kincaid basement: To build twenty-two thousand-square feet of basement space between the Kincaid Building and the new Physics Building (92-2-002)		
	Appropriation:		
	St Bldg Constr Acct	\$	3,314,000

Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	3,314,000

- (18) Physics Hall renovation, program: To complete the design for renovation of the existing Physics Hall (92-2-008)

The appropriation in this subsection shall not be expended on design documents until project preplanning documents have been reviewed and approved by the office of financial management under section 59 (~~of this act~~), chapter 14, Laws of 1991 sp.s.

Appropriation:

St Bldg Constr Acct	\$	2,543,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	37,800,000

TOTAL	\$	40,343,000

- (19) Chiller addition: To add one central power plant chiller unit (92-2-009)

Appropriation:

St Bldg Constr Acct	\$	2,459,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	2,459,000

- (20) Data communications: To complete several data communications projects involving infrastructure, wiring, and building modifications (92-2-010)

Appropriation:

St Bldg Constr Acct	\$	2,700,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	2,700,000

- (21) Electrical distribution: To upgrade the campus electrical distribution (92-2-012)

Appropriation:

St Bldg Constr Acct	\$	1,300,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	1,300,000

- (22) Other utility projects: To remove and decontaminate underground storage tanks and other repair projects (92-2-013)

The appropriation in this subsection may be expended only after compliance with section 6(2) (~~of this act~~), chapter 14, Laws of 1991 sp.s.

Appropriation:

St Bldg Constr Acct	\$	460,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	20,000,000

TOTAL	\$	20,460,000

- (23) Comparative medicine facility: To construct an animal laboratory facility (92-2-017)

Appropriation:

St Bldg Constr Acct	\$	700,000
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JOURNAL OF THE SENATE

Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
		0
TOTAL	\$	700,000

- (24) Minor capital improvements: To complete minor remodeling projects costing under \$500,000 that improve space usage and make repairs for specific campus programs or buildings (92-3-006)

The appropriations in this subsection are provided solely for minor repairs, fixtures, and improvements to state buildings and facilities and shall not be used for computer equipment, land acquisition, or for other expenses that normally would be funded from the state operating budget.

Appropriation:

St Bldg Constr Acct	\$	5,703,000
UW Bldg Acct	\$	5,000,000
		10,703,000
Subtotal Appropriation	\$	10,703,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	40,250,000
		40,250,000
TOTAL	\$	50,953,000

- (25) Parrington Hall exterior: To repair the exterior of Parrington Hall (92-3-018)

Appropriation:

UW Bldg Acct	\$	1,759,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
		0
TOTAL	\$	1,759,000

- (26) Meany Hall exterior renovation: To replace the leaking exterior of Meany Hall (92-3-019)

The appropriation in this subsection shall not be expended for design documents until project preplanning documents have been reviewed and approved by the office of financial management under section 59 (~~of this act~~), chapter 14, Laws of 1991 sp.s.

Appropriation:

UW Bldg Acct	\$	7,238,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
		0
TOTAL	\$	7,238,000

- (27) Denny Hall exterior repair: To repair and seismically improve the exterior of Denny Hall (92-3-020)

Reappropriation:

St Bldg Constr Acct	\$	215,000
Appropriation:		
UW Bldg Acct	\$	1,670,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
		0
TOTAL	\$	1,885,000

- (28) Fisheries II/utilities: To prepare plans for extending the utilities infrastructure to the west campus, constructing a new fisheries building, and replacing the facility for police and custodial units (92-2-027)

The appropriation in this subsection shall not be expended on design documents until project preplanning documents have been reviewed and approved by the office of financial management under section 59 (~~of this act~~), chapter 14, Laws of 1991 sp.s.

Appropriation:

St((ate)) Bldg Constr Acct	\$	1,850,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	91,528,000

TOTAL	\$	93,378,000

(29) Olympic Natural Resources Center

The appropriation in this subsection shall not be expended for design documents until project preplanning documents have been reviewed and approved by the office of financial management under section 59 (~~of this act~~), chapter 14, Laws of 1991 sp.s.

Appropriation:

St Bldg Constr Acct	\$	5,675,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	5,675,000

(30) Employee day care facility--Preplanning

The appropriation in this subsection is provided solely for the purpose of acquiring, preparing a site for meeting the needs identified in the November 1987 child-care study conducted for the higher education coordinating board. In acquiring a site, the University shall make every effort to locate the child-care facility within a two-mile radius of the main Seattle campus and shall give a high priority to the use of buildings owned, but not used by, the Seattle school district.

Appropriation:

St Bldg Constr Acct	\$	150,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	150,000

(31) School of Business expansion: Predesign and design (93-4-001)

The appropriation in this subsection is subject to the following conditions and limitations:

(a) The appropriation shall not be expended for design documents until the project predesign documents have been reviewed and approved by the office of financial management under section 28 of this act.

(b) The appropriation in this subsection shall be matched by and spent concurrently with at least \$650,000 in cash provided from nonstate sources.

Appropriation:

<u>H Ed Reimb Constr Acct</u>	\$	<u>650,000</u>
<u>Prior Biennia (Expenditures)</u>	\$	<u>0</u>
<u>Future Biennia (Projected Costs)</u>	\$	<u>5,350,000</u>

<u>TOTAL</u>	\$	<u>6,000,000</u>

(32) Henry Art Gallery expansion and renovation: For predesign and design phase

The appropriation in this subsection is subject to the following conditions and limitations:

(a) The appropriation shall be not expended for design documents until the project predesign documents have been reviewed and approved by the office of financial management under section 28 of this act.

(b) The appropriation in this subsection shall be matched by \$1,500,000 from nonstate sources. Phase II construction shall be matched by at least \$4,200,000 from nonstate sources.

Appropriation:

<u>H Ed Reimb Constr Acct</u>	\$	<u>300,000</u>
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JOURNAL OF THE SENATE

<u>Prior Biennia (Expenditures)</u>	\$	0
<u>Future Biennia (Projected Costs)</u>	\$	8,316,000
TOTAL	\$	<u>8,616,000</u>

Sec. 21. 1991 sp.s. c 14 s 35 (uncodified) is amended to read as follows:

FOR WASHINGTON STATE UNIVERSITY

(1) Science Hall renewal, phase 2 (86-1-006)

Reappropriation:

H Ed Constr Acct \$ 400,000

Prior Biennia (Expenditures) \$ 10,804,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 11,204,000

(2) Minor capital improvements (90-1-001)

The reappropriation in this subsection is provided solely for minor repairs, fixtures, and improvements to state buildings and facilities and shall not be used for computer equipment, land acquisition, or for other expenses that normally would be funded from the state operating budget.

Reappropriation:

WSU Bldg Acct \$ 1,788,000

Prior Biennia (Expenditures) \$ 3,212,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 5,000,000

(3) Minor capital renewal (90-1-002)

The reappropriation in this subsection is provided solely for minor repairs, fixtures, and improvements to state buildings and facilities and shall not be used for computer equipment, land acquisition, or for other expenses that normally would be funded from the state operating budget.

Reappropriation:

St Bldg Constr Acct \$ 1,950,000

Prior Biennia (Expenditures) \$ 3,050,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 5,000,000

(4) Washington higher education telecommunications system: To convert one of two analog channels to digital (90-2-021)

Any expenditure under this reappropriation shall be consistent with the plan being developed by the department of information services for the 1991 legislative session for the cost-effective, incremental implementation of a coordinated state-wide video telecommunications system.

Reappropriation:

WSU Bldg Acct \$ 2,700,000

Prior Biennia (Expenditures) \$ 55,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,755,000

(5) Land acquisition (Branch Campus) (90-5-002)

Reappropriation:

St Bldg Constr Acct \$ 250,000

Prior Biennia (Expenditures) \$ 1,095,333

Future Biennia (Projected Costs) \$ 0

	TOTAL	\$	1,345,333
(6)	Tri-Cities University Center (90-5-901)		
	Reappropriation:		
	St Bldg Constr Acct	\$	2,850,000
	Prior Biennia (Expenditures)	\$	9,548,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	12,398,000
(7)	Minor capital improvements: To complete minor remodeling projects costing under \$500,000 that improve space usage and make repairs for specific campus programs or buildings (92-1-001)		
	The appropriation in this subsection is provided solely for minor repairs, fixtures, and improvements to state buildings and facilities and shall not be used for computer equipment, land acquisition, or for other expenses that normally would be funded from the state operating budget.		
	Appropriation:		
	WSU Bldg Acct	\$	6,500,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	21,300,000
	TOTAL	\$	27,800,000
(8)	Expansion of east campus substation: To provide an additional 15,000 KVA electrical power capacity to the existing east campus substation (92-1-015)		
	Reappropriation:		
	WSU Bldg Acct	\$	525,100
	Appropriation:		
	WSU Bldg Acct	\$	670,000
	Prior Biennia (Expenditures)	\$	7,900
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	1,203,000
(9)	Smith Gym electrical system replacement: To replace the entire building-wide electrical system (92-1-017)		
	Reappropriation:		
	WSU Bldg Acct	\$	638,300
	Appropriation:		
	WSU Bldg Acct	\$	542,000
	Prior Biennia (Expenditures)	\$	9,700
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	1,190,000
(10)	Hazardous, pathological, and radioactive waste handling facilities: To provide centralized facilities to prepare, package, and ship biomedical, pathological, hazardous, low-level, and nonradioactive waste (92-1-019)		
	The appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 59 (of this act), chapter 14, Laws of 1991 sp.s.		
	Reappropriation:		
	WSU Bldg Acct	\$	21,700
	Appropriation:		
	St Bldg Constr Acct	\$	1,343,000
	Prior Biennia (Expenditures)	\$	130,300
	Future Biennia (Projected Costs)	\$	5,570,000

TOTAL \$ 7,065,000

- (11) Asbestos removal: To remove asbestos contaminated fireproofing from the roof beams and support structures of the Coliseum (92-1-020)

The appropriation in this subsection may be expended only after compliance with section 6(3) ((~~of this act~~)), chapter 14, Laws of 1991 sp.s.

Appropriation:
 WSU Bldg Acct \$ 1,513,000
 Prior Biennia (Expenditures) \$ 0
 Future Biennia (Projected Costs) \$ 0
 TOTAL \$ 1,513,000

- (12) Fulmer Hall: To design renovations of Fulmer Hall Annex to meet fire, safety, and handicap access code requirements and to make changes in functional use of space (92-1-023)

The appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 59 ((~~of this act~~)), chapter 14, Laws of 1991 sp.s.

Appropriation:
 St Bldg Constr Acct \$ 957,000
 Prior Biennia (Expenditures) \$ 0
 Future Biennia (Projected Costs) \$ 7,943,000
 TOTAL \$ 8,900,000

- (13) Nuclear radiation center study (92-1-025)

Reappropriation:
 WSU Bldg Acct \$ 13,400
 Prior Biennia (Expenditures) \$ 39,600
 Future Biennia (Projected Costs) \$ 0
 TOTAL \$ 53,000

- (14) Minor capital renewal: To complete minor projects costing under \$500,000 that renew or bring campus facilities into code compliance (92-2-002)

The appropriation in this subsection is provided solely for minor repairs, fixtures, and improvements to state buildings and facilities and shall not be used for computer equipment, land acquisition, or for other expenses that normally would be funded from the state operating budget.

Appropriation:
 St Bldg Constr Acct \$ 5,500,000
 Prior Biennia (Expenditures) \$ 0
 Future Biennia (Projected Costs) \$ 0
 TOTAL \$ 5,500,000

- (15) Preplanning: To complete preplanning documents for the following projects: Engineering teaching-research building, animal sciences laboratory building, Thompson Hall renewal, Heald Hall renewal, Holland Library renewal, Bohler Gym addition/renewal, Kimbrough Hall addition, and classroom auditorium building (92-2-003)

The preplanning document shall include but not be limited to projected workload, site conditions, user requirements, current space available, and an overall budget and cost estimate breakdown in a form prescribed by the office of financial management.

Appropriation:
 WSU Bldg Acct \$ 869,000

FIFTY-FIFTH DAY, MARCH 7, 1992

1315

	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	869,000
(16)	Holland Library addition: To furnish and equip the library addition (92-2-012)		
	Reappropriation:		
	St Bldg Constr Acct	\$	29,500,000
	WSU Bldg Acct	\$	48,600
	Subtotal Reappropriation	\$	29,548,600
	Appropriation:		
	St Bldg Constr Acct	\$	2,580,000
	Prior Biennia (Expenditures)	\$	4,992,400
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	37,121,000
(17)	Veterinary teaching hospital: To construct and furnish a new teaching hospital for the department of veterinary medicine and surgery (92-2-013)		
	The appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 59 (of this act), chapter 14, Laws of 1991 sp.s.		
	Reappropriation:		
	St Bldg Constr Acct	\$	970,000
	WSU Bldg Acct	\$	110,000
	Subtotal Reappropriation	\$	1,080,000
	Appropriation:		
	H Ed Reimb Constr Acct	\$	26,835,000
	Prior Biennia (Expenditures)	\$	747,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	28,662,000
(18)	Child care facility: To design, construct, and furnish a child care facility by remodeling the vacated Rogers-Orton Dining Hall (92-2-014)		
	Appropriation:		
	St Bldg Constr Acct	\$	2,171,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	2,171,000
(19)	Carpenter Hall completion (renewal): To complete the renovation of Carpenter Hall (92-2-016)		
	Reappropriation:		
	H Ed Constr Acct	\$	500,000
	Appropriation:		
	WSU Bldg Acct	\$	810,000
	Prior Biennia (Expenditures)	\$	6,289,715
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	7,599,715

- (20) Communication infrastructure renewal: To design and construct university-wide communications facilities for telephone, computer, and audio-visual services (92-2-018)

The appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 59 (~~of this act~~), chapter 14, Laws of 1991 sp.s.

Appropriation:

St Bldg Constr Acct	\$	10,000,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	10,000,000

- (21) Todd Hall renewal: To renovate the entire building, including upgrading electrical and other building-wide systems, modernizing and refurbishing of classrooms and offices (92-2-021)

The appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 59 (~~of this act~~), chapter 14, Laws of 1991 sp.s.

Reappropriation:

WSU Bldg Acct	\$	37,000
Appropriation:		
St Bldg Constr Acct	\$	1,143,000
Prior Biennia (Expenditures)	\$	145,000
Future Biennia (Projected Costs)	\$	14,795,000
TOTAL	\$	16,120,000

- (22) Student services addition: To design and construct a building for consolidated student service functions (92-2-027)

The appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 59 (~~of this act~~), chapter 14, Laws of 1991 sp.s.

Appropriation:

St Bldg Constr Acct	\$	15,000,000
WSU Bldg Acct	\$	967,000
Subtotal Appropriation	\$	15,967,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	15,967,000

- (23) Records, maintenance materials storage, and recycling, phase 1: To construct a storage structure for inactive records, physical plant storage, and recycling storage (92-2-028)

Appropriation:

WSU Bldg Acct	\$	1,761,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	1,761,000

- (24) WHETS expansion: To add a fourth channel to the network that serves the Tri-Cities, Spokane, and Vancouver branch campuses, to add two classrooms in Pullman, Tri-Cities, and Vancouver, to add one classroom in Spokane, and to extend the network and add one classroom (~~at the Tree Fruit Research and Extension Center~~) at Wenatchee Valley College in Wenatchee (92-2-908)

Any extension of educational telecommunications to the Wenatchee area shall be planned to allow for the possible future participation of multiple higher education institutions, especially those having direct program responsibility for the Wenatchee area. Implementation plans shall be approved by the higher education coordinating board, in conjunction with the department of information services.

Appropriation:

WSU Bldg Acct	\$	2,321,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	2,321,000

- (25) Dairy and forage facility: To design and construct a facility that includes a new dairy center and milking parlor, a freestall building, and offices and classrooms (92-3-024)

Appropriation:

WSU Bldg Acct	\$	2,714,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	2,714,000

- (26) Chilled water storage facility: To design and construct a 2,820,000-gallon chilled water storage tank (92-4-022)

Appropriation:

St Bldg Constr Acct	\$	2,850,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	2,850,000

Sec. 22. 1991 sp.s. c 14 s 37 (uncodified) is amended to read as follows:
FOR CENTRAL WASHINGTON UNIVERSITY

- (1) Handicap modifications (88-1-007)

Reappropriation:

CWU Cap Proj Acct	\$	150,000
Prior Biennia (Expenditures)	\$	565,000
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	715,000

- (2) Psychology animal research facility (90-1-060)

Reappropriation:

St Bldg Constr Acct	\$	1,700,000
Prior Biennia (Expenditures)	\$	447,000
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	2,147,000

- (3) Telecommunications system, phase 2 (90-2-003)

Reappropriation:

CWU Cap Proj Acct	\$	1,182,000
Prior Biennia (Expenditures)	\$	261,600
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	1,443,600

- (4) Shaw/Smyser Hall remodel (90-2-005)

The appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 59 (~~of this act~~), chapter 14, Laws of 1991 sp.s.

Reappropriation:	
St Bldg Constr Acct	\$ 2,406,000
CWU Cap Proj Acct	\$ 950,000

Subtotal Reappropriation	\$ 3,356,000
 Appropriation:	
H Ed Reimb Constr Acct	\$ 7,027,000
Prior Biennia (Expenditures)	\$ 349,900
Future Biennia (Projected Costs)	\$ 0

TOTAL	\$ 10,732,900

NEW SECTION. Sec. 23. A new section is added to chapter 14, Laws of 1991 sp.s. to read as follows:
FOR EASTERN WASHINGTON UNIVERSITY

- (1) To acquire property within the campus boundary from the Department of Natural Resources (92-5-001)

The appropriation in this subsection is in addition to the appropriation for same purpose in section 36, chapter 14, Laws of 1991 sp.s.

Appropriation:	
EWU Cap Proj Acct	\$ 175,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 0

TOTAL	\$ 175,000

- (2) To remodel space in the Spokane Center to provide a student computer center (92-5-008)

Appropriation:	
EWU Cap Proj Acct	\$ 600,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 0

TOTAL	\$ 600,000

Sec. 24. 1991 sp.s. c 14 s 44 (uncodified) is amended to read as follows:
FOR THE COMMUNITY COLLEGE SYSTEM

- (1) Extension facility (Puyallup) (86-3-021)

Reappropriation:	
St Bldg Constr Acct	\$ 99,211
Prior Biennia (Expenditures)	\$ 5,276,789
Future Biennia (Projected Costs)	\$ 0

TOTAL	\$ 5,376,000

- (2) Tech building and remodeling (Skagit Valley) (86-3-022)

Reappropriation:	
St Bldg Constr Acct	\$ 30,085
Prior Biennia (Expenditures)	\$ 3,369,915
Future Biennia (Projected Costs)	\$ 0

TOTAL	\$ 3,400,000

- (3) Heavy equipment building (South Seattle) (86-3-026)

Reappropriation:

FIFTY-FIFTH DAY, MARCH 7, 1992

1319

	St Bldg Constr Acct	\$	17,901
	Prior Biennia (Expenditures)	\$	4,429,099
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	4,447,000
(4)	Minor works (RMI) (88-2-001)		
	Reappropriation:		
	St Bldg Constr Acct	\$	114,174
	Prior Biennia (Expenditures)	\$	3,385,826
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	3,500,000
(5)	Repairs, exterior walls (88-3-003)		
	Reappropriation:		
	St Bldg Constr Acct	\$	218,614
	Prior Biennia (Expenditures)	\$	4,045,386
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	4,264,000
(6)	Repairs, mechanical, heating, ventilation, and air conditioning (88-3-004)		
	Reappropriation:		
	St Bldg Constr Acct	\$	500,121
	Prior Biennia (Expenditures)	\$	3,574,879
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	4,075,000
(7)	Minor improvements (88-3-005)		
	Reappropriation:		
	St Bldg Constr Acct	\$	781,756
	Prior Biennia (Expenditures)	\$	12,982,244
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	13,764,000
(8)	Repairs, electrical (88-3-006)		
	Reappropriation:		
	St Bldg Constr Acct	\$	114,986
	Prior Biennia (Expenditures)	\$	1,277,014
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	1,392,000
(9)	Sites and interiors (88-3-007)		
	Reappropriation:		
	St Bldg Constr Acct	\$	168,312
	Prior Biennia (Expenditures)	\$	1,757,688
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	1,926,000
(10)	Agri Tech building (Walla Walla) (88-3-008)		

	Reappropriation:		
	St Bldg Constr Acct	\$	1,000,539
	Prior Biennia (Expenditures)	\$	2,114,461
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	3,115,000
(11)	Plan, and construct library-student center (86-2-031)		
	Reappropriation:		
	St Bldg Constr Acct	\$	328,911
	Prior Biennia (Expenditures)	\$	7,662,089
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	7,991,000
(12)	Vocational shop (Wenatchee) (88-3-010)		
	Reappropriation:		
	St Bldg Constr Acct	\$	613,953
	Prior Biennia (Expenditures)	\$	341,047
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	955,000
(13)	Computer facility (Edmonds) (88-3-011)		
	Reappropriation:		
	St Bldg Constr Acct	\$	14,934
	Prior Biennia (Expenditures)	\$	3,820,066
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	3,835,000
(14)	Learning resource center (Clark) (88-3-012)		
	Reappropriation:		
	St Bldg Constr Acct	\$	620,017
	Prior Biennia (Expenditures)	\$	5,759,983
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	6,380,000
(15)	Extension center (Yakima Valley) (88-3-013)		
	Reappropriation:		
	St Bldg Constr Acct	\$	102,068
	Prior Biennia (Expenditures)	\$	1,588,932
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	1,691,000
(16)	Math and science building (Spokane Falls) (88-3-015)		
	Reappropriation:		
	St Bldg Constr Acct	\$	779,618
	Prior Biennia (Expenditures)	\$	4,970,382
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	5,750,000

(17)	Learning resource center (Spokane) (88-3-016)		
	Reappropriation:		
	St Bldg Constr Acct	\$	588,025
	Prior Biennia (Expenditures)	\$	4,946,975
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	5,535,000
(18)	Preplanning for 1989-93 major projects (88-4-014)		
	Reappropriation:		
	St Bldg Constr Acct	\$	48,852
	Prior Biennia (Expenditures)	\$	448,148
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	497,000
(19)	Construct: Whidbey learning resource center: To house library and media services, computer science and office occupations programs, classrooms, and offices at Skagit Valley's Whidbey branch (Skagit Valley) (88-5-020)		
	Reappropriation		
	St Bldg Constr Acct	\$	66,117
	Appropriation:		
	St Bldg Constr Acct	\$	2,123,000
	Prior Biennia (Expenditures)	\$	41,883
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	2,231,000
(20)	Construct: A combination science, physical education, and instruction building (South Puget Sound) (88-5-021)		
	Appropriation:		
	St Bldg Constr Acct	\$	5,998,000
	Prior Biennia (Expenditures)	\$	256,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	6,254,000
(21)	Construct: Early childhood education facility of eight thousand square feet (Shoreline) (88-5-022)		
	Reappropriation:		
	St Bldg Constr Acct	\$	20,747
	Appropriation:		
	St Bldg Constr Acct	\$	1,307,000
	Prior Biennia (Expenditures)	\$	57,253
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	1,385,000
(22)	Construct: Library addition and remodel to reconfigure the library building and add ten thousand four hundred seventy-five square feet (Columbia Basin) (88-5-023)		
	Reappropriation:		
	St Bldg Constr Acct	\$	77,194
	Appropriation:		
	St Bldg Constr Acct	\$	1,972,000
	Prior Biennia (Expenditures)	\$	35,806
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	2,085,000

(23)	Construct: Vocational shops for diesel, automotive, and woodworking classes (Centralia) (88-5-024)		
	Reappropriation:		
	St Bldg Constr Acct	\$	49,234
	Appropriation:		
	St Bldg Constr Acct	\$	2,025,000
	Prior Biennia (Expenditures)	\$	45,766
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	2,120,000
(24)	Construct: Learning research center addition and remodel to add seven thousand two hundred square feet for information technology, media production, offices, and work areas (Tacoma) (88-5-025)		
	Reappropriation:		
	St Bldg Constr Acct	\$	76,722
	Appropriation:		
	St Bldg Constr Acct	\$	1,746,000
	Prior Biennia (Expenditures)	\$	13,278
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	1,836,000
(25)	Construct: Vocational food addition to add twelve thousand two hundred fifty square feet to the student center for expansion of the food service program areas (Lower Columbia) (88-5-026)		
	Reappropriation:		
	St Bldg Constr Acct	\$	138,067
	Appropriation:		
	St Bldg Constr Acct	\$	2,902,000
	Prior Biennia (Expenditures)	\$	1,933
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	3,042,000
(26)	Construct: Business Education Building to house office technology labs, computer labs, and related support activities (Spokane) (88-5-027)		
	Reappropriation:		
	St Bldg Constr Acct	\$	33,714
	Appropriation:		
	St Bldg Constr Acct	\$	6,311,000
	Prior Biennia (Expenditures)	\$	211,286
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	6,556,000
(27)	Construct: Student activity and physical education facility (Seattle Central) (88-5-028)		
	Reappropriation:		
	St Bldg Constr Acct	\$	148,348
	Appropriation:		
	St Bldg Constr Acct	\$	11,080,000
	Prior Biennia (Expenditures)	\$	251,652
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	11,480,000
(28)	Washington State University education center (Clark) (89-5-019)		
	Reappropriation:		
	St Bldg Constr Acct	\$	12,793

FIFTY-FIFTH DAY, MARCH 7, 1992

1323

	Prior Biennia (Expenditures)	\$	1,787,207
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	1,800,000
(29)	Multipurpose child care center (Everett) (89-5-020)		
	Reappropriation:		
	St Bldg Constr Acct	\$	20,055
	Prior Biennia (Expenditures)	\$	465,533
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	485,588
(30)	Fire and security repairs (90-1-004)		
	Reappropriation:		
	St Bldg Constr Acct	\$	499,132
	Prior Biennia (Expenditures)	\$	448,478
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	947,610
(31)	Roof and structural repairs (90-2-002)		
	Reappropriation:		
	St Bldg Constr Acct	\$	1,336,671
	Prior Biennia (Expenditures)	\$	2,321,329
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	3,658,000
(32)	Heating, ventilation, and air conditioning mechanical repairs (90-2-003)		
	Reappropriation:		
	St Bldg Constr Acct	\$	1,412,452
	Prior Biennia (Expenditures)	\$	1,560,378
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	2,972,830
(33)	Electrical repairs (90-2-005)		
	Reappropriation:		
	St Bldg Constr Acct	\$	126,639
	Prior Biennia (Expenditures)	\$	244,601
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	371,240
(34)	Small repairs and improvements (90-3-001)		
	Reappropriation:		
	St Bldg Constr Acct	\$	1,338,574
	Prior Biennia (Expenditures)	\$	2,861,426
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	4,200,000
(35)	Learning assistance resource center (Centralia) (90-3-006)		
	Reappropriation:		
	St Bldg Constr Acct	\$	66,076

Prior Biennia (Expenditures)	\$	4,147,924
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	4,214,000

(36) Facility repairs (90-3-007)

The reappropriation in this subsection is provided solely for minor repairs, fixtures, and improvements to state buildings and facilities and shall not be used for computer equipment or for other expenses that normally would be funded from the state operating budget.

Reappropriation:		
St Bldg Constr Acct	\$	740,342
Prior Biennia (Expenditures)	\$	3,107,838
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	3,848,180

(37) Technology laboratories (Highline) (90-3-023)

Reappropriation:		
St Bldg Constr Acct	\$	554,817
Prior Biennia (Expenditures)	\$	2,213,183
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	2,768,000

(38) Minor improvements (90-5-009)

The reappropriation in this subsection is provided solely for minor repairs, fixtures, and improvements to state buildings and facilities and shall not be used for computer equipment, land acquisition, or for other expenses that normally would be funded from the state operating budget, except that the sum of \$465,000 may be expended for the purchase of Roosevelt Field at Olympic College.

Reappropriation:		
St Bldg Constr Acct	\$	4,454,434
Prior Biennia (Expenditures)	\$	8,838,506
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	13,292,940

(39) Design: Technology center (Whatcom) (90-5-010)

The new appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 59 (~~of this act~~), chapter 14, Laws of 1991 sp.s.

Reappropriation:		
St Bldg Constr Acct	\$	34,750
Appropriation:		
St Bldg Constr Acct	\$	249,000
Prior Biennia (Expenditures)	\$	28,250
Future Biennia (Projected Costs)	\$	6,378,000
TOTAL	\$	6,690,000

(40) Design: Physical education facility (North Seattle) (90-5-011)

The appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 59 (~~of this act~~), chapter 14, Laws of 1991 sp.s.

Appropriation:

St Bldg Constr Acct	\$	202,000
Prior Biennia (Expenditures)	\$	45,000
Future Biennia (Projected Costs)	\$	6,940,000

TOTAL	\$	7,187,000

(41) Design: Applied arts building (Spokane Falls) (90-5-012)

The new appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 59 (~~of this act~~), chapter 14, Laws of 1991 sp.s.

Reappropriation:

St Bldg Constr Acct	\$	33,157
Appropriation:		
St Bldg Constr Acct	\$	280,000
Prior Biennia (Expenditures)	\$	34,843
Future Biennia (Projected Costs)	\$	5,213,000

TOTAL	\$	5,561,000

(42) Design: Industrial tech building (Spokane) (90-5-013)

The new appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 59 (~~of this act~~), chapter 14, Laws of 1991 sp.s.

Reappropriation:

St Bldg Constr Acct	\$	9,076
Appropriation:		
St Bldg Constr Acct	\$	298,000
Prior Biennia (Expenditures)	\$	54,924
Future Biennia (Projected Costs)	\$	6,536,000

TOTAL	\$	6,898,000

(43) Design: Vocational art facility (Shoreline) (90-5-014)

Reappropriation:

St Bldg Constr Acct	\$	22,407
Appropriation:		
St Bldg Constr Acct	\$	157,000
Prior Biennia (Expenditures)	\$	28,593
Future Biennia (Projected Costs)	\$	2,785,000

TOTAL	\$	2,993,000

(44) Design: Business education building (Clark) (90-5-015)

The new appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 59 (~~of this act~~), chapter 14, Laws of 1991 sp.s.

Reappropriation:

St Bldg Constr Acct	\$	33,280
Appropriation:		
St Bldg Constr Acct	\$	305,000
Prior Biennia (Expenditures)	\$	39,720

Future Biennia (Projected Costs)	\$	5,725,000
TOTAL	\$	6,103,000

(45) Design: Student center (South Seattle) (90-5-016)

The new appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 59 (~~of this act~~), chapter 14, Laws of 1991 sp.s.

Reappropriation:		
St Bldg Constr Acct	\$	5,117
Appropriation:		
St Bldg Constr Acct	\$	258,000
Prior Biennia (Expenditures)	\$	53,883
Future Biennia (Projected Costs)	\$	4,276,000
TOTAL	\$	4,593,000

(46) Design: Library addition (Skagit Valley) (90-5-017)

Appropriation:		
St Bldg Constr Acct	\$	116,000
Prior Biennia (Expenditures)	\$	44,000
Future Biennia (Projected Costs)	\$	1,896,000
TOTAL	\$	2,056,000

(47) Acquisition: Purchase land for staff and student parking (Olympic) (92-1-601)

Appropriation:		
St Bldg Constr Acct	\$	105,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	105,000

(48) Acquisition: Purchase a two thousand four hundred-square-foot child care facility (Centralia) (92-1-602)

Appropriation:		
St Bldg Constr Acct	\$	78,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	78,000

(49) Acquisition: Purchase 1.76 acres and a five thousand seven hundred five-square-foot fire station for fire science training and additional college parking (Spokane) (92-1-603)

Appropriation:		
St Bldg Constr Acct	\$	498,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	498,000

(50) Acquisition: Purchase property for auto shop (~~that is currently being leased~~) program (Olympic) (92-1-604)

Appropriation:		
St Bldg Constr Acct	\$	700,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0

	TOTAL	\$	700,000
(51)	Acquisition: Purchase 1.4 acres and an eight thousand-square-foot graphic arts facility currently being leased for the Whidbey branch (Skagit Valley) (92-1-605)		
	Appropriation:		
	St Bldg Constr Acct	\$	280,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	280,000
(52)	Acquisition: Purchase a fourteen thousand six hundred three-square-foot vocational facility adjacent to the college that is currently being leased (Whatcom) (92-1-606)		
	Appropriation:		
	St Bldg Constr Acct	\$	1,893,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	1,893,000
(53)	Underground tank repairs: To remove sixty-five underground storage tanks and any contaminated soil (92-2-102)		
	The appropriation in this subsection may be expended only after compliance with section 6(2) ((of this act)), chapter 14, Laws of 1991 sp.s.		
	Appropriation:		
	St Bldg Constr Acct	\$	650,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	650,000
(54)	Life safety code repairs: To pay local improvement district assessments and make improvements to meet handicap and safety regulations (92-2-103)		
	Appropriation:		
	St Bldg Constr Acct	\$	1,172,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	1,172,000
(55)	Roof repairs: To replace or repair roofs at seventeen campuses (92-2-104)		
	Appropriation:		
	St Bldg Constr Acct	\$	7,457,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	7,457,000
(56)	Exterior and structural repairs: To repair structural or exterior problems at seven campuses (92-2-105)		
	Appropriation:		
	St Bldg Constr Acct	\$	817,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0

	TOTAL	\$	817,000
(57)	Heating, ventilation, and air conditioning repairs: To repair or replace HVAC systems on ten campuses (92-2-106)		
	Appropriation:		
	St Bldg Constr Acct	\$	3,074,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	3,074,000
(58)	Electrical repairs: To repair or replace electrical wiring and equipment on twelve campuses (92-2-107)		
	Appropriation:		
	St Bldg Constr Acct	\$	2,307,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	2,307,000
(59)	Mechanical repairs: To repair or replace mechanical system components on eleven campuses (92-2-108)		
	Appropriation:		
	St Bldg Constr Acct	\$	2,508,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	2,508,000
(60)	Fire and security repairs: To repair or improve fire and security systems on four campuses (92-2-109)		
	Appropriation:		
	St Bldg Constr Acct	\$	692,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	692,000
(61)	Interior repairs: To repair or replace interior surfaces and equipment on twelve campuses (92-2-110)		
	Appropriation:		
	St Bldg Constr Acct	\$	1,440,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	1,440,000
(62)	Site repairs: To provide site improvements on eleven campuses (92-2-111)		
	Appropriation:		
	St Bldg Constr Acct	\$	1,329,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	1,329,000
(63)	Small repairs and improvements: To provide funds for each community college to make unforeseen repairs (92-5-001)		

\$45,000, or as much thereof as may be necessary, of the appropriation in this subsection is provided for an evaluation of the physical condition of the Seattle Vocational Institute formally the Washington Institute of Applied Technology (WIAT) facility.

Appropriation:

St Bldg Constr Acct	\$	6,256,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	6,256,000

- (64) Minor improvements: To complete fifty-seven minor improvement projects costing less than \$500,000 each (92-5-200)

The appropriation in this subsection is provided solely for minor repairs, fixtures, and improvements to state buildings and facilities and shall not be used for computer equipment, land acquisition, or for other expenses that normally would be funded from the state operating budget.

Appropriation:

St Bldg Constr Acct	\$	16,930,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	16,930,000

- (65) Preplan: Puyallup, phase 2 (Pierce) (92-5-501)

Any preplanning documents developed using the appropriation in this subsection are subject to review by the office of financial management under section 59 ((of this act)), chapter 14, Laws of 1991 sp.s.

Appropriation:

St Bldg Constr Acct	\$	57,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	9,653,000
TOTAL	\$	9,710,000

- (66) Preplan: Vocational building (Skagit Valley) (92-5-502)

Appropriation:

St Bldg Constr Acct	\$	25,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	2,116,000
TOTAL	\$	2,141,000

- (67) Preplan: Learning resource center, arts, and student center (Whatcom) (92-5-503)

Any preplanning documents developed using the appropriation in this subsection are subject to review by the office of financial management under section 59 ((of this act)), chapter 14, Laws of 1991 sp.s.

Appropriation:

St Bldg Constr Acct	\$	45,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	6,942,000
TOTAL	\$	6,987,000

- (68) Preplan: Office and instructional building (Edmonds) (92-5-504)

Any preplanning documents developed using the appropriation in this subsection are subject to review by the office of financial management under section 59 ((of this act)), chapter 14, Laws of 1991 sp.s.

Appropriation:

St Bldg Constr Acct	\$	58,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	8,485,000
TOTAL	\$	8,543,000

(69) Preplan: Technical skills facility (South Puget Sound) (92-5-505)

Any preplanning documents developed using the appropriation in this subsection are subject to review by the office of financial management under section 59 (~~of this act~~), chapter 14, Laws of 1991 sp.s.

Appropriation:

St Bldg Constr Acct	\$	42,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	5,849,000
TOTAL	\$	5,891,000

(70) Preplan: Learning resource center and technical facility (Green river) (92-5-506)

Any preplanning documents developed using the appropriation in this subsection are subject to review by the office of financial management under section 59 (~~of this act~~), chapter 14, Laws of 1991 sp.s.

Appropriation:

St Bldg Constr Acct	\$	58,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	10,462,000
TOTAL	\$	10,520,000

(71) Preplan: New Campus One (92-5-701)

Appropriation:

St Bldg Constr Acct	\$	300,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	14,800,000
TOTAL	\$	15,100,000

(72) Pool repairs (Pierce)

Appropriation:

St Bldg Constr Acct	\$	600,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	600,000

(73) Lake Washington Technical College: For the administrative addition, classroom space, and aerospace laboratory (92-5-003)

The appropriation in this subsection is in addition to the appropriation in chapter 2, Laws of 1992 (House Bill No. 2295) for Lake Washington Technical College and is provided solely for building construction, building equipment and furniture, street improvements, and required art works.

Appropriation:

<u>H Ed Reimb Constr Acct</u>	<u>\$</u>	<u>2,291,200</u>
<u>Prior Biennia (Expenditures)</u>	<u>\$</u>	<u>10,117,000</u>
<u>Future Biennia (Projected Costs)</u>	<u>\$</u>	<u>0</u>

TOTAL \$ 12,408,200

(74) Bates Technical College: For building furnishings and equipment to complete a facility (93-2-002)

Appropriation:
H Ed Reimb Constr Acct \$ 108,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 108,000

(75) Clover Park Technical College: Roof repairs (93-2-002)

Appropriation:
H Ed Reimb Constr Acct \$ 189,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 189,000

(76) Wenatchee Valley College: For remodeling to accommodate the WHETS telecommunication system

Appropriation:
H Ed Reimb Constr Acct \$ 250,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 250,000

(77) Olympic College: For electrical transformer repairs

Appropriation:
H Ed Reimb Constr Acct \$ 100,000
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 100,000

(78) Columbia Basin College: For heating system repairs and steam line replacement

Appropriation:
H Ed Reimb Constr Acct \$ 281,600
Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 281,600

(79) Seattle Vocational Institute: Facilities planning

The appropriation in this subsection is subject to the following conditions and limitations: The state board for community and technical colleges shall submit a report on the future program and facility plans for the vocational institute, including a comparison of the use of the existing building and the alternatives of leasing space and new construction. The report shall include operating and capital cost estimates for the next six years and shall be submitted to the fiscal committees of the senate and house of representatives by January 15, 1993.

Appropriation:	
<u>H Ed Reimb Constr Acct</u>	\$ 50,000
<u>Prior Biennia (Expenditures)</u>	\$ 0
<u>Future Biennia (Projected Costs)</u>	\$ 0
TOTAL	<u>\$ 50,000</u>

"PART 6
MISCELLANEOUS"

NEW SECTION. Sec. 25. The estimated debt service costs impacting future general fund expenditures related solely to new supplemental capital appropriations within this act are \$395,300 during the 1991-93 fiscal period; \$23,794,000 during the 1993-95 fiscal period; and \$28,381,300 during the 1995-97 fiscal period.

Sec. 26. 1991 sp.s. c 14 s 47 (uncodified) is amended to read as follows:

The following agencies may enter into financial contracts for the purpose indicated and in not more than the principal amounts indicated plus financing expenses and required reserves pursuant to chapter 39.94 RCW:

- (1) Department of Social and Health Services to:
 - (a) Lease a multi-service center in Benton or Franklin county for ~~(\$2,592,450)~~ \$1,337,670 during the 1991-93 biennium; ~~((and))~~
 - (b) Lease a Spokane North Community Service Office for \$980,000 during the 1991-93 biennium; and
 - (c) Lease a Children's and Family Services office in Toppenish for \$135,000 during the 1991-93 biennium.
- (2) Department of Corrections to:
 - (a) Lease-purchase a ~~((sixty-bed))~~ work-release facility in Benton or Franklin county for ~~\$(1,186,850))~~ 1,337,670 during the 1991-93 biennium;
 - (b) Lease-purchase a forty-bed work-release facility in Longview for \$1,337,670 during the 1991-93 biennium;
 - (c) Lease-purchase ~~((twelve forty bed))~~ three hundred sixty beds in work-release facilities in as-yet-undetermined locations state-wide ~~((for \$1,337,670 each)),~~ for a total of ~~\$(16,052,040))~~ 12,039,030 during the 1991-93 biennium;
 - (d) Lease-purchase a correctional industries building at Shelton for \$1,892,153 during the 1991-93 biennium; ~~((and))~~
 - (e) Lease-purchase a four hundred-passenger ferry, used tugboat, and new vehicle barge at McNeil Island for \$1,760,963 during the 1991-93 biennium; and
 - (f) Lease-purchase property from the Department of Natural Resources on which the Cedar Creek, Indian Ridge, Larch, and Olympic Correctional Centers are now located for up to \$1,000,000 during the 1991-93 biennium.
- (3) State Board for Community College Education to:
 - (a) Lease-purchase a warehouse-type facility to house the electrician apprentice training program in Skagit county for an estimated cost of \$200,000 during the 1991-93 biennium;
 - (b) Lease-purchase a facility to house the cosmetology training program at Everett for \$60,000;
 - (c) Lease a facility to house the Bellevue Community College business office in Bellevue for \$120,000 during the 1991-93 biennium;
 - (d) Lease a facility for the Green River Community College education and training center in Kent for \$120,000 in the 1991-93 biennium;
 - (e) Lease-purchase office space for Edmonds Community College in Edmonds for \$280,000 during the 1991-93 biennium;
 - (f) Lease-purchase space to house Spokane Falls Community College's adult education programs in Spokane for \$300,000 during the 1991-93 biennium;
 - (g) Lease-purchase space to house plant services for Wenatchee Valley Community College in Wenatchee for \$96,000 during the 1991-93 biennium;
 - (h) Lease-purchase land in Bellingham for Whatcom Community College for \$450,000;
 - (i) Purchase a central storage facility for Spokane Community College for \$75,000;
 - (j) Purchase a hangar at Felts Field to house the aircraft mechanics' vocational training program for Spokane Community College for \$161,000; ~~((and))~~
 - (k) Lease-purchase an auto technology training facility at Shoreline Community College for \$2,600,000. The college or its trustee may secure the financing contract with a lease of the land directly under the facility being financed by the contract;
 - (l) Purchase 6.32 acres adjacent to Centralia College for \$1,500,000 during the 1991-93 biennium;
 - (m) Purchase 2.33 acres and house adjacent to Green River Community College for \$250,000 during the 1991-93 biennium;
 - (n) Purchase 1.66 acres contiguous to Lake Washington Technical College for \$500,000 during the 1991-93 biennium;
 - (o) Purchase 0.37 acres contiguous to Lower Columbia College for \$55,000 during the 1991-93 biennium;
 - (p) Purchase 8.8 acres contiguous to the South Puget Sound Community College for \$500,000 during the 1991-93 biennium;
 - (q) Purchase 6 acres contiguous to Wenatchee Valley College for \$265,000 during the 1991-93 biennium;
 - (r) Purchase 4.29 acres contiguous to Whatcom Community College for \$560,000 during the 1991-93 biennium;

(s) Purchase 10.5 acres adjacent to Whatcom Community College for \$1,400,000 during the 1991-93 biennium;
(t) Purchase the Masonic Temple property adjacent to Seattle Central Community College for \$1,600,000 during the 1991-93 biennium;

(u) Lease an industrial training center in Colville for Community Colleges of Spokane for \$600,000 during the 1991-93 biennium;

(v) Lease-purchase Colville Building #2 for expansion of the Colville Center for the Community Colleges of Spokane for \$300,000 during the 1991-93 biennium;

(w) Purchase a 6,000 square foot building and site on San Juan Island for instructional, office, and meeting space for Skagit Valley Community College for \$600,000 during the 1991-93 biennium;

(x) Purchase 20,000 square foot building on a five-acre site in Gig Harbor for an off-site education center for Tacoma Community College for \$1,750,000 during the 1991-93 biennium;

(y) Purchase space for a Kent education and training center by Green River Community College for up to \$201,000 per year, and

(z) Lease or lease-purchase a computing and telecommunications center for the community and technical college system for up to \$5,000,000.

(4) The Department of Ecology, to acquire, design, and construct a Thurston county headquarters for \$53,000,000.

(5) The Evergreen State College, to expand the college activities building for \$800,000. The college or its trustee may secure the financing contract with a lease of the land directly under the facility being financed by the contract. The financing contract shall be repaid through student activities fees.

(6) The Department of General Administration, to purchase or lease purchase office space to house the state board for community college education staff for \$1,400,000.

Sec. 27. 1991 sp.s. c 14 s 54 (uncodified) is amended to read as follows:

Unless otherwise stated, for all appropriations under this act that require a match of nonstate money or in-kind contributions, the following requirement, consistent with RCW 43.88.150, shall apply: Expenditure of state money shall be timed so that the state share of project expenditures never exceeds the intended state share of total project costs. This section shall not apply to section 10(5), chapter 14, Laws of 1991 sp.s. as amended by section ((12(5))) 4(5) of this act.

Sec. 28. 1991 sp.s. c 14 s 59 (uncodified) is amended to read as follows:

To ensure that major construction projects are carried out in accordance with legislative and executive intent, appropriations in this act referencing this section shall not be expended until the office of financial management has reviewed the agency's programmatic preplanning or predesign document and approved continuation of or made changes to the project. The program preplanning document shall include but not be limited to projected workload, site conditions, user requirements, current space available, and an overall budget and cost estimate breakdown in a form prescribed by the office of financial management. The predesign document shall be prepared in accordance with the predesign standards adopted by the office of financial management. The office of financial management shall report to the house of representatives capital facilities committee, the senate ways and means committee, and the legislative transportation committee a listing of the program documents the office has reviewed and approved, changes made to the documents resulting from the review, and the estimated cost changes resulting from the review.

NEW SECTION. Sec. 29. In recognition of the services provided to the beneficiaries of state trust lands by county public safety agencies, lease payments for public safety communication systems located on trust lands in any county with a population of less than five thousand shall be twenty-five percent of the fair market value as determined by the department of natural resources.

NEW SECTION. Sec. 30. A new section is added to chapter 14, Laws of 1991 sp.s. (uncodified) to read as follows:

As used in this act, the following phrase has the following meaning:

"WA St Dairy Prod Comm Fac Acct" means Washington State Dairy Products Commission Facility Account.

NEW SECTION. Sec. 31. This act is subject to the provisions, definitions, conditions, and limitations of chapter 14, Laws of 1991 sp. sess., as amended by this act.

**"PART 7
SEVERABILITY AND EFFECTIVE DATE"**

NEW SECTION. Sec. 32. 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. 33. 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 Metcalf: "Senator Bluechel, does this bond bill come under the debt limit of the state? We have a debt limit which last time we, I think, ignored to the tune of four hundred million dollars and is this another one hundred fifty million in or outside the debt limit?"

Senator Bluechel: "Senator Metcalf, this is not the bond bill; this is the capital budget. The bond bill will be before the Legislature when the Conference Committee finally decides on the level of bonds. To answer your specific question, the major portion of this, which is the school construction bonds, are reimbursable bonds and they go outside the seven percent debt limit."

Senator Metcalf: "O.K., so what you are saying is this is the budget bill that decides where we will spend the money later to be raised by the bond bill?"

Senator Bluechel: "That is correct."

Senator Metcalf: "O.K., and is the--for example the things that Senator von Reichbauer mentioned--he mentioned schools--is the regional arts complex in the city of Tacoma--is that outside or inside the debt?"

Senator Bluechel: "That is inside the debt limit."

Senator Metcalf: "Inside the debt limit. Thank you."

POINT OF INQUIRY

Senator Rasmussen: "Senator Bluechel, there is no question that schools need construction money, but I am looking at a story that was in the P.I. This says--you are speaking of only authorizing projects and not the bonds?"

Senator Bluechel: "That is correct."

Senator Rasmussen: "They indicate that the costs now stands at five hundred ninety-five million and they are projected to soar to nineteen hundred and fifty-four million by ninety-five or ninety-seven. Some place along the line, we are starting to act like the national congress. We now have a debt of three point seven trillion and they are going four hundred billion in the hole. That will make a total debt of over four trillion--I can't even say the word. We are going down that primrose path. Someplace, we should take a harder look at our capital construction and decide whether or not we can afford to pay the carrying costs. That will be right in the neighborhood of a billion dollars in debt service. It could be going to paying school teachers and the rest of the necessary operating costs, rather than--are we building so much that we can't pay the operating costs?"

Senator Bluechel: "Senator Rasmussen, your point is a valid one. The problem we are facing today, which we have never faced before, that is the K thru twelve system--common school construction account--is now being bonded. It has never been bonded before--a couple of years ago--in the state's history. We have very little choice, because the local citizens have put up their match and the state's responsibility is to meet that match. Now, up until a couple of years ago that match was met by the timber fund and the funds from grazing lands. That is no longer true.

"The second area of where we have extended in the bonds very considerably, and the second biggest chunk, now is corrections, because we have passed laws that require doubling the size of our correction facilities. There is substantial money, and we are talking hundreds of millions of dollars, being bonded for corrections. The third area which is requiring bonds, of course, is the higher education facilities. Those are the major drivers in this. But of all the drivers we have never had to face before, is the K thru twelve common school construction funds that we are now bonding."

Senator Rasmussen: "Well, that is just a word of caution. We better take a good hard look. Thank you."

The President declared the question before the Senate to be the adoption of the Committee on Ways and Means striking amendment to Engrossed Substitute House Bill No. 2552.

The motion by Senator Bluechel carried and the Committee on Ways and Means 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 "budget;" strike the remainder of the title and insert "amending 1991 sp.s. c 14 ss 6, 7, 10, 13, 16, 18, 20, 26, 29, 30, 34, 35, 37, 44, 47, 54, and 59 (uncodified); adding new sections to chapter 14, Laws of 1991 sp.s.; creating new sections; making appropriations and authorizing expenditures for the capital improvements; and declaring an emergency."

On motion of Senator Bluechel, the rules were suspended, Engrossed Substitute House Bill No. 2552, 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. 2552, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2552, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 37; Nays, 11; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Matson, McDonald, McMullen, Moore, Murray, Newhouse, Niemi, Owen, Patterson, Pelz, Rinehart, Roach, Sellar, Skratek, A. Smith, L. Smith, Snyder, Sumner, Talmadge, Vognild, von Reichbauer, West, Williams - 37.

Voting nay: Senators Barr, Madsen, McCaslin, Metcalf, Oke, Rasmussen, Saling, Stratton, Sutherland, Thorsness, Wojahn - 11.

Excused: Senator Nelson - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2552, 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. 2553 and the pending Committee on Transportation striking amendment deferred earlier today.

RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator Murray the President finds that Engrossed Substitute House Bill No. 2553 is a measure which creates a supplemental transportation budget.

"The Committee on Transportation amendment would, in addition, amend Chapter 36.70A RCW by requiring all state agencies to use the 1987 federal wetlands manual in any wetland program administered by the state.

"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 Transportation striking amendment to Engrossed Substitute House Bill No. 2553 was ruled out of order.

MOTION

On motion of Senator Newhouse, further consideration of Engrossed Substitute House Bill No. 2553 was deferred.

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

MESSAGE FROM THE HOUSE

March 4, 1992

MR. PRESIDENT:

The House has passed SENATE BILL NO. 6221 with the following amendment:

On page 2, line 20, after "(5)" strike everything through "Washington." on line 21., and the amendment and the bill are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Amondson, the Senate concurred in the House amendment to Senate Bill No. 6221.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6221, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6221, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Senators 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 - 47.

Voting nay: Senators Amondson, Rinehart - 2.

SENATE BILL NO. 6221, as amended by the House, having received the 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 sixth order of business.

There being no objection, the Senate resumed consideration of Engrossed Substitute House Bill No. 2553, deferred earlier today after the Committee on Transportation striking amendment was ruled out of order.

MOTION

Senator Vognild moved that the following amendment by Senators Vognild and Patterson be adopted:

Strike everything after the enacting clause and insert the following:

Sec. 1. 1991 sp.s. c 15 s 1 (uncodified) is amended to read as follows:

The transportation budget of the state is hereby adopted and, subject to the provisions hereinafter set forth, the several amounts hereinafter specified, or as much thereof as may be necessary to accomplish the purposes designated, are hereby appropriated from the several accounts and funds hereinafter named to the designated state agencies and offices for salaries, wages, and other expenses, for capital projects, and for other specified purposes, including the payment of any final judgments arising out of such activities, for the period ending June 30, 1993. No moneys are provided in this act for major relocation of the Washington state patrol (~~(or the department of licensing)~~). The department of general administration shall evaluate space requirements for all transportation agencies, including the Washington state patrol

headquarters, through the year 2010, and make recommendations regarding how these space requirements shall be met to the office of financial management, the legislative transportation committee, the house of representatives capital facilities and financing committee, and the senate ways and means committee, by January 1, 1993. No moneys from any transportation fund or account may be expended for this purpose. Any bill enacted during the 1991 or 1992 legislative sessions requiring expenditure from a transportation related fund or account that was not heard by either of the respective transportation committees is not funded in this act.

Sec. 2. 1991 sp.s. c 15 s 21 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF AGRICULTURE

Motor Vehicle Fund--State Appropriation	\$	409,000
(((\$209,000 or as much thereof as is necessary, is appropriated from)) The motor vehicle fund--state appropriation is provided solely for the motor fuel quality testing program. ((Annual)) Semi-annual reports shall be submitted to the legislative transportation committee commencing January 15, 1992.		

Sec. 3. 1991 sp.s. c 15 s 5 (uncodified) is amended to read as follows:

FOR THE COUNTY ROAD ADMINISTRATION BOARD

Motor Vehicle Fund--County Arterial Preservation		
Account--State Appropriation	\$	((22,427,000))
		<u>23,732,000</u>
Motor Vehicle Fund--Rural Arterial Trust Account--		
State Appropriation	\$	37,413,000
Motor Vehicle Fund--Private Local Appropriation	\$	62,409
Motor Vehicle Fund--State Appropriation	\$	((1,190,000))
		<u>1,241,420</u>
TOTAL APPROPRIATION	\$	((61,030,000))
		<u>62,448,829</u>

\$153,319 of the motor vehicle fund--county arterial preservation account--state appropriation and \$153,319 of the motor vehicle fund--rural arterial trust account--state appropriation, or as much thereof as may be necessary, are provided solely to provide transportation planning assistance to counties.

Sec. 4. 1991 sp.s. c 15 s 6 (uncodified) is amended to read as follows:

FOR THE TRANSPORTATION IMPROVEMENT BOARD

Motor Vehicle Fund--Transportation Improvement		
Account--State Appropriation	\$	104,000,000
Motor Vehicle Fund--Urban Arterial Trust Account--		
State Appropriation	\$	51,848,000
TOTAL APPROPRIATION	\$	155,848,000

~~((The legislative transportation committee shall evaluate methods to improve legislative oversight of transportation improvement account projects.))~~ The legislative transportation committee shall designate an interim committee of house and senate transportation committee members to evaluate the transportation improvement account and urban arterial trust account programs of the transportation improvement board to determine the appropriateness of project selection criteria and the structure of the two programs based on current transportation needs. Recommendations shall include but not be limited to changes to selection criteria, changes to the method of implementing selection criteria, changes in level of funding for the two programs, whether to combine the small cities components of the two programs, suggested limits on the obligation of funds; and methods to improve legislative oversight of projects in terms of total cost and scope. The recommendations shall be submitted to the legislative transportation committee by December 15, 1992.

Sec. 5. 1991 sp.s. c 15 s 14 (uncodified) is amended to read as follows:

FOR THE LEGISLATIVE TRANSPORTATION COMMITTEE

Motor Vehicle Fund--State Appropriation	\$	((3,028,000))
		<u>2,905,000</u>
High Capacity Transportation Account--		
State Appropriation	\$	950,000
TOTAL APPROPRIATION	\$	((3,978,000))
		<u>3,855,000</u>

(1) Of the high capacity transportation account appropriation provided for in this section, \$550,000 is a reappropriation for continuation of stage 1 of the public transportation study described in section 12(4), chapter 298, Laws of 1990, and \$400,000 is for a portion of the cost of stage 2.

(2) The appropriation provided for in section 41, chapter 15, Laws of 1991 sp.s., includes funds to carry out the studies described in section 12 (5) and (6), chapter 298, Laws of 1990: PROVIDED, That the completion dates for both studies shall be June 30, 1993.

(3) The committee is authorized to conduct performance analysis and other reviews of state transportation agencies and programs to ensure that the agencies and programs: (a) Are being conducted in accordance with legislative intent; (b) are being conducted in an efficient and effective manner; and (c) continue to serve their intended purposes. The findings and recommendations of any such reviews shall be reported to the legislature.

Sec. 6. 1991 sp.s. c 15 s 8 (uncodified) is amended to read as follows:
FOR THE STATE PATROL--FIELD OPERATIONS BUREAU

Motor Vehicle Fund--State Patrol Highway Account--		
State Appropriation	\$	((131,301,000))
		<u>136,892,000</u>
Motor Vehicle Fund--State Patrol Highway Account--		
Federal Appropriation	\$	3,033,000
TOTAL APPROPRIATION	\$	((134,334,000))
		<u>139,925,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Any user of Washington state patrol aircraft shall pay its pro rata share of all operating and maintenance costs including capitalization.

(2) \$482,000 of the state patrol highway account--state appropriation is provided solely for implementation of House Bill No. 2693, or Senate Bill No. 6286. The appropriation provided in this subsection is contingent upon passage during the 1992 legislative session of House Bill No. 2693 or Senate Bill No. 6286.

Sec. 7. 1991 sp.s. c 15 s 9 (uncodified) is amended to read as follows:
FOR THE STATE PATROL--SUPPORT SERVICES BUREAU

Motor Vehicle Fund--State Patrol Highway Account--		
State Appropriation	\$	((52,914,000))
		<u>52,894,000</u>

The appropriations in this section are subject to the following conditions and limitations. \$54,000 of the state patrol highway account-state appropriation is provided solely for implementation of House Bill No. 2693 or Senate Bill No. 6286. The appropriation provided in this subsection is contingent upon passage during the 1992 legislative session of House Bill No. 2693 or Senate Bill No. 6286.

Sec. 8. 1991 sp.s. c 15 s 10 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF LICENSING--VEHICLE SERVICES

Motor Vehicle Fund--State Appropriation	\$	((47,105,000))
		<u>45,695,000</u>
General Fund--Marine Fuel Tax Refund Account--		
State Appropriation	\$	25,000
General Fund--Wildlife Account--State Appropriation	\$	((502,000))
		<u>504,000</u>
TOTAL APPROPRIATION	\$	((47,632,000))
		<u>46,224,000</u>

~~((The legislature recognizes the need to address issues remaining unresolved from the 1991 title and registration study required by the legislature and the governor. The intent of the legislature is to better align the fee structure with the costs associated with providing services for the state. Evidence from the 1991 study indicates inequities exist in cost recovery and/or profits realized between large and small county auditors and their subagents. Further, no policy exists regarding how counties treat excess revenues generated from providing this service. The Washington association of counties, the Washington association of county officials, representatives of the subagents, and the department of licensing, under the direction of the legislative transportation committee, shall report to the legislative transportation committee by December 1, 1991, their recommendations for resolving these policy issues and inequities.))~~

Sec. 9. 1991 sp.s. c 15 s 11 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF LICENSING--DRIVER SERVICES

General Fund--Public Safety and Education Account--		
State Appropriation	\$	((4,388,000))
		<u>4,394,000</u>
Highway Safety Fund--State Appropriation	\$	((48,376,000))
		<u>48,256,000</u>
Highway Safety Fund--Motorcycle Safety Education Account--		
State Appropriation	\$	884,000
TOTAL APPROPRIATION	\$	((53,648,000))
		<u>53,534,000</u>

Sec. 10. 1991 sp.s. c 15 s 12 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF LICENSING--MANAGEMENT OPERATIONS

General Fund--Wildlife Account--State Appropriation	\$	((47,000))
		<u>45,000</u>
Highway Safety Fund--State Appropriation	\$	((4,796,000))
		<u>4,660,000</u>
Highway Safety Fund--Motorcycle		
Safety Education Account--State Appropriation	\$	((95,000))
		<u>92,000</u>

Motor Vehicle Fund--State Appropriation	\$	((4,424,000))
		<u>4,300,000</u>
General Fund--Public Safety and Education Account-- State Appropriation	\$	((418,000))
		<u>406,000</u>
TOTAL APPROPRIATION	\$	((9,780,000))
		<u>9,503,000</u>

Sec. 11. 1991 sp.s. c 15 s 13 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF LICENSING--INFORMATION SYSTEMS

General Fund--Wildlife Account--State Appropriation	\$	((56,000))
		<u>53,000</u>
Highway Safety Fund--State Appropriation	\$	((3,506,000))
		<u>5,970,000</u>
Highway Safety Fund--Motorcycle Safety Education Account--State Appropriation	\$	((58,000))
		<u>55,000</u>
Motor Vehicle Fund--State Appropriation	\$	((5,961,000))
		<u>9,620,000</u>
General Fund--Public Safety and Education Account-- State Appropriation	\$	((252,000))
		<u>241,000</u>
TOTAL APPROPRIATION	\$	((9,833,000))
		<u>15,939,000</u>

The appropriation for the licensing application migration project (LAMP) is conditioned upon compliance with the provisions of section ((54 of chapter 15, Laws of 1991 sp.s.)) 30 of this act. If section 30 of this act is not enacted during the 1992 legislative session, then the \$6,652,000 appropriation, of which \$3,991,000 is motor vehicle fund--state and \$2,661,000 highway safety fund--state, for the licensing application migration project (LAMP) shall lapse. Of the \$6,652,000 appropriation provided for LAMP, \$333,000 is provided solely as a contingency amount.

Sec. 12. 1991 sp.s. c 15 s 18 (uncodified) is amended to read as follows:
FOR THE AIR TRANSPORTATION COMMISSION

Transportation Fund--State Appropriation	\$	((553,000))
		<u>909,000</u>

(1) The appropriation contained in this section shall be reduced on a dollar for dollar basis if federal funding for any element of the commission's work plan is granted after July 1, 1992.

(2) \$206,000 of the appropriation contained in this section is null and void if House Bill No. 2609 is not enacted by July 1, 1992.

NEW SECTION. Sec. 13. A new section is added to 1991 sp.s. c 15 to read as follows:

Recognizing that the federal 1991 intermodal surface transportation efficiency act establishes an eighty million dollar national "Scenic Byways" grant program and a new apportionment program called "Transportation Enhancement Activities" that will provide forty-four million dollars to Washington state, the department of transportation is directed to place high priority on obtaining such funds for further development of a scenic and recreational highways program.

In developing the scenic and recreational highways program, the department shall consult with the department of trade and economic development, the department of community development, the department of natural resources, the parks and recreation commission, affected cities, towns, and counties, regional transportation planning organizations, and other interested parties. The scenic and recreational highways program shall identify entire highway loops or similar tourist routes that could be developed to promote tourist activity and provide concurrent economic growth while protecting the scenic and recreational quality surrounding state highways.

Sec. 14. 1991 sp.s. c 15 s 22 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--HIGHWAY CONSTRUCTION--PROGRAM A

Motor Vehicle Fund--State Appropriation	\$	149,838,000
Motor Vehicle Fund--Federal Appropriation	\$	98,600,000
Motor Vehicle Fund--Local Appropriation	\$	2,000,000
TOTAL APPROPRIATION	\$	250,438,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations in this section are provided for the location, design, right of way, and construction of state highway projects designated as category "A" under RCW 47.05.030. It is the intent of the legislature that this appropriation does not commit the legislature to the transportation commission's proposed category "A" program update.

(2) The department shall study a highway heritage program to preserve Washington's unique scenic character along its highway corridors and provide travelers with a continuing opportunity to appreciate and obtain information regarding unique natural, cultural, and historic features that are near or accessible by highways.

The department shall:

(a) Work with the parks and recreation commission, the Washington state historical society, the department of trade and economic development, and cities and counties to identify projects, establish priorities for expenditures of funds under this program, and recommend a strategy for implementing an ongoing program and sources of funding;

(b) Work with public and private landowners, local governments, and private organizations and associations to propose actions to achieve the purposes of this section without land acquisition, to the greatest extent possible, including coordination with local land use and open space plans, state agency programs relating to open space, conservation, urban forestry, and natural resources management;

(c) Study acquisition by purchase, gift, devise, bequest, grant, or exchange, title to or interest or right in real property adjacent to state highways to accomplish any of the following: Preserve natural beauty or viewpoints, preserve natural buffers between highways, or enhance the visual quality of entrances to cities or other land uses;

(d) Study provision of directional signs and signs with information regarding historical or cultural sites and significant natural features.

The department shall report its findings to the legislative transportation committee by December 1, 1992.

The appropriation to carry out the study in this subsection is provided in section 41, chapter 15, Laws of 1991 sp.s. and shall lapse unless \$10,000 is received from the department of trade and economic development by October 1, 1991.

(3) The department shall complete the six fish barrier removal projects identified as high priority by the department of fisheries. The department shall cooperate with the departments of fisheries and wildlife to identify, estimate costs of, and prioritize additional fish barrier removal projects on state highways.

(4) In order to accommodate the federal 1991 intermodal surface transportation efficiency act (P.L. 101-240; 105 Stat. 1914), the department of transportation may transfer dollar for dollar from the motor vehicle fund--state appropriation to the motor vehicle fund--federal appropriation.

Sec. 15. 1991 sp.s. c 15 s 23 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--HIGHWAY CONSTRUCTION--PROGRAM B

Motor Vehicle Fund--State Appropriation	\$	((42,000,000))	
			50,658,000
Motor Vehicle Fund--Federal Appropriation	\$	((407,000,000))	
			483,492,000
Motor Vehicle Fund--Local Appropriation	\$	8,000,000	
TOTAL APPROPRIATION	\$	((457,000,000))	542,150,000

The appropriations in this section are provided for the location, design, right of way, and construction of state highway projects on the interstate system designated as category "B" under RCW 47.05.030. The appropriations in this section are subject to the following conditions and limitations:

(1) ~~((42,000,000))~~ \$47,000,000 of the motor vehicle fund--state appropriation includes a maximum of ~~((32,000,000))~~ \$37,000,000 in proceeds from the sale of bonds authorized by RCW 47.10.790 and 47.10.801: PROVIDED, That the transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(2) Should cash flow demands exceed the motor vehicle fund--federal appropriation, the motor vehicle fund--state appropriation is increased proportionally to provide matching state funds from the sale of bonds authorized by RCW 47.10.801 and 47.10.790 not to exceed \$10,000,000 and it is understood that the department shall seek authority to expend unanticipated receipts for the federal portion.

(3) It is further recognized that the department may make use of federal cash flow obligations on interstate construction contracts in order to complete the interstate highway system as expeditiously as possible.

(4) It is the intent of the legislature that the department shall place special emphasis on delivering the HOV projects contained in the document dated March, 1991, entitled "Puget Sound HOV Core Lane Needs: 2000". The department shall report progress on program delivery to the legislative transportation committee by November 1, 1991 and December 1, 1992.

(5) Up to \$2,150,000 of the appropriation in this section is provided for the construction of the demonstration projects specified in the federal 1991 intermodal surface transportation efficiency act (P.L. 101-240; 105 Stat. 1914).

Sec. 16. 1991 sp.s. c 15 s 25 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--HIGHWAY CONSTRUCTION--PROGRAM C

Motor Vehicle Fund--State Appropriation	\$	((66,800,000))	
			77,300,000
Transportation Fund--State Appropriation	\$	((119,000,000))	
			115,500,000
Motor Vehicle Fund--Federal Appropriation	\$	((16,000,000))	
			28,006,000
Motor Vehicle Fund--Local Appropriation	\$	4,000,000	
TOTAL APPROPRIATION	\$	((205,800,000))	224,806,000

The appropriations in this section are provided for the location, design, right of way acquisition, and construction of state highway projects designated as category "C" under RCW 47.05.030.

(1) In order to accommodate the federal 1991 intermodal surface transportation efficiency act (P.L. 101-240; 105 Stat. 1914), the department of transportation may transfer dollar for dollar from the motor vehicle fund--state appropriation to the motor vehicle fund--federal appropriation.

(2) The department is authorized to proceed with construction of rest areas provided local and/or private contributions of at least forty percent of total project costs are made. Local and/or private contributions may be in the form of in-kind contributions including but not limited to donations of property and services. The department is further authorized to construct rest areas if the department successfully obtains federal funds from either the federal "Scenic Byways" grant program and/or the "Transportation Enhancement Activities" program. If such federal funds are obtained, the department of transportation may transfer dollar for dollar from the motor vehicle fund--state appropriation to the motor vehicle fund--federal appropriation.

(3) Up to \$12,006,000 of the appropriation in this section is provided for the construction of the demonstration projects specified in the federal 1991 intermodal surface transportation efficiency act (P.L. 101-240; 105 Stat. 1914).

(4) The legislature finds that state route 160 currently requires extraordinary and unexpected repair and maintenance due to a major slide, and that the local jurisdiction which was to have assumed responsibility for the route pursuant to section 15, chapter 342, Laws of 1991, does not have adequate resources available to repair and maintain this route. Up to \$5,000,000 of the motor vehicle fund--state appropriation is provided for state route 160 and it is the intent of the legislature that this appropriation shall be used solely for state route 160, and that this route remain part of the state highway system until further legislative action.

Sec. 17. 1991 sp.s. c 15 s 27 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--HIGHWAY CONSTRUCTION--PROGRAM C

Motor Vehicle Fund--Puyallup Tribal Settlement

Account--State Appropriation	\$	((3,450,000))
		<u>9,450,000</u>

Motor Vehicle Fund--Puyallup Tribal Settlement

Account--Federal Appropriation	\$	2,550,000
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Motor Vehicle Fund--Puyallup Tribal Settlement

Account--Local Appropriation	\$	<u>2,000,000</u>
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TOTAL APPROPRIATION	\$	((6,000,000))
		<u>14,000,000</u>

Up to \$8,000,000 of the appropriation contained in this section is provided for the SR 509 project.

Sec. 18. 1991 sp.s. c 15 s 28 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--HIGHWAY MANAGEMENT AND FACILITIES--PROGRAM D

Motor Vehicle Fund--State Appropriation	\$	((39,302,000))
		<u>39,599,000</u>

Motor Vehicle Fund--Transportation Capital Facilities

Account--State Appropriation	\$	((33,149,000))
		<u>36,634,000</u>

TOTAL APPROPRIATION	\$	((72,451,000))
		<u>76,233,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,700,000 of the transportation capital facilities account--state appropriation is contingent upon the sale of bonds authorized in RCW 47.02.120.

(2) The transportation capital facilities account--state appropriation will be funded by a state treasurer revenue transfer of ((331,449,000)) \$34,934,000 from the motor vehicle fund to the transportation capital facilities account.

(3) ~~((No later than August, 1991, the department shall present a comprehensive plan to the legislative transportation committee for creation of an urban mobility office including recommendations on HOV programs, growth management, the freeway and arterial management effort (FAME), and other associated programs or activities. The plan shall include recommended methods for quantifying reductions in congestion))~~ Up to \$2,200,000 of the transportation capital facilities account--state appropriation is provided for emergency environmental projects. The department shall seek state and/or federal moneys from environmental regulatory agencies for the purpose set forth in this subsection. If such moneys are obtained, the department shall transfer dollar for dollar from the motor vehicle fund--state appropriation--transportation capital facilities account to the new fund source or sources.

Sec. 19. 1991 sp.s. c 15 s 32 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--NONINTERSTATE BRIDGES--PROGRAM H

Motor Vehicle Fund--State Appropriation	\$	53,200,000
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Motor Vehicle Fund--Federal Appropriation	\$	52,400,000
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Motor Vehicle Fund--Local Appropriation	\$	1,000,000
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TOTAL APPROPRIATION	\$	106,600,000
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The appropriations in this section are provided to preserve the structural and operating integrity of existing bridges. It is the intent of the legislature that this appropriation does not commit the legislature to the transportation commission's proposed twenty-year bridge program.

In order to accommodate the federal 1991 intermodal surface transportation efficiency act (P.L. 101-240; 105 Stat. 1914) the department of transportation may transfer dollar for dollar from the motor vehicle fund--state appropriation to the motor vehicle fund--federal appropriation.

Sec. 20. 1991 sp.s. c 15 s 33 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--HIGHWAY MAINTENANCE AND OPERATIONS--PROGRAM M

Motor Vehicle Fund--State Appropriation	\$	((215,160,000))
		<u>217,750,000</u>
Motor Vehicle Fund--Local Appropriation	\$	750,000
TOTAL APPROPRIATION	\$	((215,910,000))
		<u>218,500,000</u>

~~((The department shall place emphasis on the development and construction of rest areas. The department shall establish criteria for prioritizing rest area construction state wide. The department shall report the criteria and priority array to the legislative transportation committee by August 1, 1991.))~~

The department may, as part of its regular maintenance program, begin correcting existing fish passage barriers. Up to \$742,000 is provided for the incident response program. This program may not be used to compete with private industry in removing or relocating vehicles, but shall be for the purpose of assisting in coordinating the response of both public and private efforts to clear obstructions in an efficient manner.

Sec. 21. 1991 sp.s. c 15 s 35 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION MANAGEMENT AND SUPPORT--PROGRAM S

Transportation Fund--State Appropriation	\$	700,000
Motor Vehicle Fund--Puget Sound Capital Construction		
Account--State Appropriation	\$	465,000
Motor Vehicle Fund--Puget Sound Ferry Operations		
Account--State Appropriation	\$	885,000
Motor Vehicle Fund--State		
Appropriation	\$	((33,770,000))
		<u>33,855,000</u>
TOTAL APPROPRIATION	\$	((35,820,000))
		<u>35,905,000</u>

Sec. 22. 1991 sp.s. c 15 s 36 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--PLANNING, RESEARCH, AND PUBLIC TRANSPORTATION--PROGRAM T

For public transportation and rail programs:

Transportation Fund--State Appropriation	\$	((8,295,000))
		<u>9,849,000</u>
Transportation Fund--Federal/Local Appropriation	\$	((5,518,000))
		<u>5,735,000</u>
Public Transportation Systems Account--State		
Appropriation	\$	<u>300,000</u>
Central Puget Sound Public Transportation Account--State		
Appropriation	\$	<u>100,000</u>
High Capacity Transportation Account--		
State Appropriation	\$	15,640,000
For planning and research:		
Motor Vehicle Fund--State Appropriation	\$	((17,830,000))
		<u>18,526,000</u>
Motor Vehicle Fund--Federal Appropriation	\$	((9,000,000))
		<u>9,346,000</u>
TOTAL APPROPRIATION	\$	((56,283,000))
		<u>59,496,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~((By December 15, 1991, the department of transportation, in cooperation with local units of government and Amtrak, shall submit to the legislative transportation committee a program to improve Amtrak services in Washington. The program may include but is not limited to the following:~~

~~(a) Improvements to tracks, grade crossings, and signal systems necessary to increase operating speeds. In developing these recommendations, the department shall involve the utilities and transportation commission and other affected state and local agencies;~~

~~(b) Station improvements;~~

~~(c) Resumption of service between Seattle, Washington, and Vancouver, British Columbia; and~~

~~(d) New or additional service on other routes for which there is adequate demand and reasonable opportunity for cost recovery))~~ The transportation fund--state appropriation contained in this section includes up to \$5,000,000 to implement the recommendations contained in the 1991 Amtrak study for capital improvements to stations and crossings. Improvements may be made to those locations where Amtrak services are currently provided. The expenditure of state moneys for station and crossing improvements at locations where Amtrak services are not currently provided, is conditioned on a prior commitment in writing by Amtrak to the department of transportation to expand service to additional Washington state locations. Prior to the expenditure of state moneys for capital improvements, the department of transportation shall seek additional funding from federal and private sources, which includes, but is not limited to, in-kind and cash contributions. Funding priorities for capital improvements shall be based on the level of local in-kind and cash contributions.

~~(2) ((Funds are provided for acquisition of rail rights of way under RCW 47.76.140: PROVIDED, That funds expended for the Stampede Pass corridor connecting Ravensdale in King County and Cle Elum in Kittitas County may be expended only if the corridor is acquired jointly with the city of Tacoma. The department shall enter into an agreement with the City of Tacoma to develop appropriate restrictions on the use of the right of way designed to protect Tacoma's Green River water supply. Following acquisition, the department may not expend or authorize the expenditure of funds for improvements to tracks, bridges, and associated elements without prior legislative approval. Funds may be expended for necessary maintenance and preservation, such as fire and weed control. This appropriation shall lapse if \$1,100,000 is not reappropriated for the purchase of corridors from the essential rail banking account.~~

~~(3))~~ Moneys in this appropriation for the Spokane intermodal transportation center may be expended only after the Washington state transportation commission has received funding commitments from all other project participants.

~~((4))~~ (3) Of the amount provided for regional transportation planning organizations, funds not allocated to such organizations may be used for a discretionary grant program for special regional planning projects, to be administered by the department of transportation.

~~((5))~~ (4) The amount provided for implementation of the universal bus pass program at the University of Washington shall be expended solely for one-time infrastructure costs for modification of roads to accommodate buses, modification of parking facilities, bus shelters, security lighting for night shuttle programs, and bike storage facilities. It is the intent of the legislature that comparable comprehensive programs be developed in the near future for all universities and colleges within the greater Seattle area. To that end, Metro, community transit and Pierce transit, and Seattle area colleges and universities shall work together and submit a plan to the legislative transportation committee identifying potential services, costs and implementation schedules. The plan shall be submitted by November 1992.

(5) In order to accommodate the federal 1991 intermodal surface transportation efficiency act (P.L. 101-240; 105 Stat. 1914) the department of transportation may transfer dollar for dollar from the motor vehicle fund--state appropriation to the motor vehicle fund--federal appropriation.

(6) The legislature finds that there is a significant state interest in transportation systems and facilities that serve regional and state-wide travel. Further, the state growth management act gives local governments significant authority to develop plans for all transportation systems, including regional and state-wide facilities. While the department of transportation and the transportation commission have broad authority to develop state-wide transportation plans, the relationship between these plans and local growth management plans is unclear.

The department of transportation is directed to report to the 1993 legislature on a proposed definition of transportation issues of state-wide significance, the recommended role of the state, regions, and local governments in addressing these issues, and a proposed process for their inclusion in local comprehensive plans. The department shall involve local governments, regional transportation planning organizations, and the department of community development in the development of these recommendations.

(7) Up to \$415,000 of the appropriation in this section is provided for funding of the demonstration projects specified in the federal 1991 intermodal surface transportation efficiency act (P.L. 101-240; 105 Stat 1914).

(8) Up to \$300,000 of the public transportation systems account--state appropriation in this section is provided for grants to transit agencies with populations of less than 200,000 to assist in preparation of the agencies' transit development plans, due June 1, 1993, pursuant to RCW 35.58.2795.

(9) In order to fulfill the purposes of the 1991 federal intermodal surface transportation efficiency act (P.L. 101-240; 105 Stat. 1914) the Central Puget Sound Public Transportation Account--State Appropriation is to fund a study on the interrelationships of land-use planning and zoning to transit ridership. The study shall be conducted by a county of more than 1,000,000 persons: PROVIDED, That the county provide matching funds of \$50,000: AND PROVIDED FURTHER, That this appropriation be contingent on the passage of Senate Bill No. 6209 (Chapter --, Laws of 1992) or Engrossed House Bill No. 2830. A report on the findings shall be provided to the legislative transportation committee, the department of transportation, and the office of the governor no later than November 30, 1993.

Sec. 23. 1991 sp.s. c 15 s 38 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--MARINE CONSTRUCTION--PROGRAM W

Motor Vehicle Fund--Puget Sound Capital Construction

Account--State Appropriation \$ ((107,324,000))
117,849,000

Motor Vehicle Fund--Puget Sound Capital Construction		
Account--Federal Appropriation	\$	16,937,000
Motor Vehicle Fund--Puget Sound Capital Construction		
Account--Private/Local Appropriation	\$	1,500,000
TOTAL APPROPRIATION	\$	((125,761,000))
		<u>136,286,000</u>

The appropriations in this section are provided for improving the Washington state ferry system, including, but not limited to, vessel acquisition, vessel construction, major and minor vessel improvements, and terminal construction and improvements. The appropriations in this section are subject to the following conditions and limitations:

The appropriations in this section are provided to carry out only the projects in the department of transportation's 1991-93 biennial budget request dated March 1991, as approved by the transportation commission. The department of transportation shall revise these projects to reconcile them with the 1989-91 actual expenditures within sixty days of the beginning of the biennium. The department shall also reevaluate such projects, based on the findings and recommendations of the April 5, 1991, Final Report by Booz.Allen, Hamilton and M. Rosenblatt and Son, Inc. on the Washington State Ferries' Vessel Refurbishment Programs, and, if appropriate, make the necessary project revisions, after consultation with the legislative transportation committee, prior to September 1, 1991.

The Puget Sound capital construction account--state appropriation includes the reappropriation of \$18,965,000 and \$15,000,000 in proceeds from the sale of bonds authorized by RCW 47.60.560 and \$10,000,000 in proceeds from the sale of bonds authorized by House Bill No. 2896, Laws of 1992, which shall be used toward the completion of an auto passenger vessel or vessels-jumbo class: PROVIDED, That the department of transportation may use current revenues available to the Puget Sound capital construction account in lieu of bond proceeds for any part of the state appropriation.

The legislature intends that the construction and assembly of any auto passenger vessel or vessels-jumbo class resulting from bond sale proceeds authorized by House Bill No. 2896, Laws of 1992, occur within Washington state.

The appropriation in this section contains an amount for prerefurbishment inspections as identified in Recommendation 8 of the April 5, 1991, Final Report by Booz.Allen, Hamilton and M. Rosenblatt and Son, Inc. on the Washington State Ferries' Vessel Refurbishment Programs.

The Puget Sound capital construction account--state appropriation includes \$1,082,000 to be expended solely for the design of a jumbo class automobile ferry vessel.

The department shall consult the legislative transportation committee regarding the expenditure of moneys appropriated in this section and shall provide the committee with a monthly report concerning the status of the capital program authorized in this section.

\$300,000 of the Puget Sound capital construction account--state appropriation is provided to implement Recommendation Numbers 7 and 19 of the April 5, 1991, Final Report by Booz.Allen, Hamilton and M. Rosenblatt and Son, Inc. on the Washington State Ferries' Vessel Refurbishment Programs. Of that amount \$200,000 is provided for implementing a formal hazardous materials program and \$100,000 is provided for audiogauge steel testing.

The department of transportation shall establish a task force to assess and oversee the implementation of the recommendations contained in the April 5, 1991, Final Report by Booz.Allen, Hamilton and M. Rosenblatt and Son, Inc. on the Washington State Ferries' Vessel Refurbishment Programs. The task force shall be comprised of department of transportation management, representatives of Washington state ferry system employee organizations, the shipbuilding industry, the legislative transportation committee, and any other entity or individual as deemed appropriate by the department. The task force shall provide a progress report to the legislative transportation committee by December 1, 1991 and December 1, 1992.

In order to accommodate the federal 1991 intermodal surface transportation efficiency act (P.L. 101-240; 105 Stat. 1914), the department may transfer on a dollar for dollar basis, motor vehicle fund--Puget Sound capital construction account--state appropriation to the motor vehicle fund--Puget Sound capital construction account--federal appropriation.

Sec. 24. 1991 sp.s. c 15 s 39 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--MARINE--PROGRAM X

Marine Operating Fund--State Appropriation	\$	((204,767,000))
		<u>205,755,000</u>

The appropriation in this section is subject to the following conditions and limitations:

(1) The marine operating fund is hereby created in the state treasury.

To fund the appropriations in this act, the department shall transfer operating subsidies from the Puget Sound ferry operations account and ferry user revenues from the ferry system revolving account to the marine operating fund.

The department shall transfer moneys from the ferry system revolving account to the marine operating fund so as to minimize the need for revenues from the Puget Sound ferry operations account during June of each respective fiscal year in support of the expenditures necessary for the operation and maintenance of the state ferry system as authorized in this section.

(2) The appropriation is based on the budgeted expenditure of \$24,562,547 for vessel operating fuel in the 1991-93 biennium. If the actual cost of fuel is less than this budgeted amount, the excess amount shall not be expended. If the actual cost exceeds this amount, the department shall request a supplemental appropriation.

(3) The appropriation contained in this section provides for the compensation of ferry employees, including increases. The expenditures for compensation paid to ferry employees during the 1991-93 biennium shall not exceed ~~(((\$135,862,000))~~ \$136,582,000 plus a dollar amount, as prescribed by the office of financial management, that is equal to any insurance benefit increase granted general government employees in excess of \$256.07 a month annualized per eligible marine employee multiplied by the number of eligible marine employees for the respective fiscal year, a dollar amount as prescribed by the office of financial management for salary increases during the 1991-93 biennium, and a dollar amount as prescribed by the office of financial management for costs associated with pension amortization charges and cost of living allowances. For the purposes of this section, the expenditures for compensation paid to ferry employees shall be limited to salaries and wages and employee benefits as defined in the office of financial management's policies, regulations, and procedures named under objects of expenditure "A" and "B" (7.2.6.2). Of the ~~(((\$135,862,000))~~ \$136,582,000 provided for compensation, plus the prescribed insurance benefit, pension, and salary increase dollar amount:

(a) The maximum dollar amount that shall be allocated from the governor's compensation salary appropriation is in addition to the appropriation contained in this section and may be used to increase compensation costs, effective January 1, 1992;

(b) The maximum dollar amount that shall be allocated from the governor's compensation salary appropriation is in addition to the appropriation contained in this section and shall be used to maintain any 1991-92 compensation increase and may be used to increase compensation costs, effective January 1, 1993.

In no event may the June 30, 1992, hourly salary rate increase exceed any average hourly salary rate increase granted during the 1991-92 fiscal year.

In no event may the June 30, 1993, hourly salary rate increase exceed any salary rate increase granted during the 1992-93 fiscal year.

(c) The prescribed insurance benefit increase dollar amount that shall be allocated from the governor's compensation insurance benefits appropriation is in addition to the appropriation contained in this section and may be used to increase compensation costs, effective July 1, 1991;

(d) The prescribed insurance benefit increase dollar amount that shall be allocated from the governor's compensation insurance benefits appropriation is in addition to the appropriation contained in this section and may be used to increase compensation costs, effective July 1, 1992.

(4) The intent of the legislature is to eliminate the current passenger-only service between Seattle and Bremerton. The transportation commission is responsible for evaluating other potential passenger-only routes and determining the location of a new passenger-only route. The transfer of the Seattle/Bremerton passenger-only vessel to a new route should be implemented as soon as it is feasible.

(5) The appropriation in this section includes \$1,091,290 for an additional eight-hour automobile ferry service between Seattle and Bremerton during the 1992-93 fiscal period commencing with the elimination of the passenger only service.

(6) The department of transportation shall provide the legislative transportation committee with a monthly report concerning the status of the operating program authorized in this section.

(7) The transportation commission is directed to continue its evaluation of passenger-only vessel designs capable of providing high speed service between Seattle and Bremerton. The commission shall provide the legislative transportation committee with a report concerning the status of the evaluation by September 30, 1991 and December 1, 1992.

Sec. 25. 1991 sp.s. c 15 s 41 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--LOCAL PROGRAMS--PROGRAM Z

Motor Vehicle Fund--State Appropriation	\$	11,132,000
Motor Vehicle Fund--Federal Appropriation	\$	((95,300,000))
		<u>96,383,000</u>
Motor Vehicle Fund--Local Appropriation	\$	10,000,000
TOTAL APPROPRIATION	\$	((116,432,000))
		<u>117,515,000</u>

(1) The appropriations in this section include \$3,150,000 from the motor vehicle fund--state appropriation for transportation expenditures related to the United States navy home port in Everett.

(2) The appropriations contain \$309,000 of state funds from the proceeds of bonds for Columbia Basin county roads authorized in chapter 121, Laws of 1951; chapter 311, Laws of 1955; and chapter 121, Laws of 1965 for reimbursable expenditures on cooperative projects authorized by state or federal laws. If these moneys are not expended during 1991-93, this appropriation shall revert to the motor vehicle fund.

(3) Up to \$1,083,000 of the appropriation in this section is provided for the construction of the demonstration projects specified in the federal 1991 intermodal surface transportation efficiency act (P.L. 101-240; 105 Stat. 1914).

Sec. 26. 1991 sp.s. c 15 s 57 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE PATROL--CAPITAL

As used in this section, "St Patrol Hiwy Acct" means the State Patrol Highway Account.

(1) Design and construct WSP/DOL district offices-Tacoma (90-2-013)

Reappropriation Appropriation

St Patrol Hiwy Acct	5,413,000
Motor Vehicle Acct--State	924,000
Highway Safety Fund--State	924,000
Total Appropriation	7,261,000

Project Costs Through 6/30/91	Estimated Costs 7/1/91 and Thereafter	Estimated Total Costs
750,000		8,011,000

((3)) (2) Complete Construction District Headquarters-Everett (90-2-018)

	Reappropriation	Appropriation
St Patrol Hiwy Acct	3,200,000	<u>1,300,000</u>
Project Costs Through 6/30/91	Estimated Costs 7/1/91 and Thereafter	Estimated Total Costs
300,000	((3,200,000)) <u>4,500,000</u>	((3,500,000)) <u>4,800,000</u>

((4)) (3) Replace underground storage tanks-Ten locations (92-1-002)

	Reappropriation	Appropriation
St Patrol Hiwy Acct		((1,656,000)) <u>1,469,000</u>
Project Costs Through 6/30/91	Estimated Costs 7/1/91 and Thereafter	Estimated Total Costs
376,000		((2,032,000)) <u>1,932,000</u>

((5)) (4) Minor works (92-2-004)

	Reappropriation	Appropriation
St Patrol Hiwy Acct		((435,000)) <u>278,000</u>
Project Costs Through 6/30/91	Estimated Costs 7/1/91 and Thereafter	Estimated Total Costs
1,654,000	((759,200)) <u>602,200</u>	((2,848,200)) <u>2,691,200</u>

((6)) (5) Property acquisition for communications site-Maple Falls (92-2-0064)

	Reappropriation	Appropriation
St Patrol Hiwy Acct		17,000

Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/91 and	Costs
6/30/91	Thereafter	
	<u>17,000</u>	17,000

((7)) (6) BAW FAW replacement communication tower (92-2-010)

	Reappropriation	Appropriation
St Patrol Hiwy Acct		((234,000))
		<u>184,000</u>
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/91 and	Costs
6/30/91	Thereafter	
	<u>184,000</u>	((234,000))
		<u>184,000</u>

The state patrol and the department of licensing shall coordinate their activities when siting facilities. This coordination shall result in the colocation of driver and vehicle licensing and vehicle inspection service facilities whenever possible.

The department and state patrol shall explore alternative state services, such as vehicle emission testing, that would be feasible to colocate in these joint facilities. The department and state patrol shall reach agreement with the department of transportation for the purposes of offering department of transportation permits at these one-stop transportation centers. All services provided by the department or the state patrol at these transportation service facilities shall be provided at cost to the participating agencies.

In those instances where the community need or the agencies needs do not warrant colocation this proviso shall not apply.

The state patrol shall examine, whenever possible, the colocation of the emergency response activities of the state patrol and other agencies responsible for emergency response activities. The examination shall include an evaluation of the Camp Murray site. The state patrol shall report to the legislature by December 1, 1992 on the examination.

Sec. 27. 1991 sp.s. c 14 s 29 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE PATROL

- (1) Crime laboratory, Tacoma: To design and construct a new eight thousand-square foot crime lab facility in Tacoma, to be co-located with the Washington State Patrol/Department of Licensing District headquarters (92-1-008)

The appropriation in this section shall not be expended for consolidation of laboratory services currently being performed in the Kelso and Kennewick crime laboratories.

Appropriation:

St Bldg Constr Acct	\$	2,017,000
Prior Biennia (Expenditures)	\$	20,000
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	2,037,000

- (2) Spokane crime laboratory: For safety enhancements (92-1-008)

Appropriation:

St Bldg Constr Acct	\$	192,000
Prior Biennia (Expenditures)	\$	4,500
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	196,500

(3) Headquarters: Design a new headquarters facility in Olympia (90-2-040)		
Appropriation:		
WSP Highway Acct	\$	((3,400,000))
		<u>750,000</u>
Prior Biennia (Expenditures)	\$	250,000
Future Biennia (Projected Costs)	\$	((45,323,000))
		<u>0</u>
TOTAL	\$	((48,973,000))
		<u>1,000,000</u>
(4) Everett district headquarters--Crime laboratory (90-2-018)		
Reappropriation:		
St Bldg Constr Acct	\$	455,000
Prior Biennia (Expenditures)	\$	15,000
Future Biennia (Projected Costs)	\$	0
		<u>0</u>
TOTAL	\$	\$470,000

NEW SECTION. Sec. 28. A new section is added to 1991 sp.s. c 15 to read as follows:
FOR DEPARTMENT OF TRANSPORTATION

Motor Vehicle Fund--State Appropriation Transfer:

For transfer to transportation equipment fund \$ 146,000

This appropriation is provided to replace equipment lost and other associated costs in the Kent maintenance facility fire.

NEW SECTION. Sec. 29. A new section is added to 1991 sp.s. c 15 to read as follows:

The office of financial management shall conduct a study, in conjunction with the department of transportation, the department of licensing, and the Washington state patrol, of the methods used by the revolving fund agencies to determine actual services provided to the transportation agencies. The study shall determine whether or not allocation methodologies used to assign these costs to transportation agencies are consistent with accepted accounting principles.

NEW SECTION. Sec. 30. A new section is added to 1991 sp.s. c 15 to read as follows:

Agencies shall comply with the following requirements regarding information technology projects if directed to do so by specific appropriation proviso within this act.

It is the intent of the legislature that information technology projects in state government be managed and completed successfully. Information technology projects should be divided into distinct phases. Each phase of a project should be successfully completed before subsequent phases are commenced. In addition to the post-implementation review, project reviews and quality assurance measures are to be conducted throughout the project.

The legislature, department of information services and office of financial management, should evaluate each project's scope, duration, and risk in determining whether appropriations should be for a fiscal year or a biennium, and whether specific phases or the entire project can be accomplished within a specified time period.

Work shall not commence on any task in a subsequent phase of a project after a key decision point review unless there is approval to proceed, based upon approval of the deliverables from the preceding phase and approval of the updated project management plan for the subsequent phase, by the project agreement participants and written notification to the legislative transportation committee.

(1) Prior to requesting moneys from the legislature, or as a condition of receiving an appropriation for planning or development of information technology projects, an agency shall complete a project needs assessment process. The needs assessment process shall detail the key issues to be addressed by the information technology project. The needs assessment process shall precede the feasibility study.

The needs assessment process must include: The project's scope; key business and technical issues to be addressed; major business objectives; alternative project approaches; project justifications; project management approach including phases necessary to complete the project; and evaluation of initial feasibility of the project. The purpose of

the needs assessment process is to provide the legislature, office of financial management, and the department of information services with the high level information that is needed to grant approval to proceed with the project.

(2) The agency shall produce a feasibility study for each information systems project in accordance with published department of information services instructions. The study shall examine and evaluate the costs and benefits of maintaining the current technology or process versus the costs and benefits of the proposed system. The study shall identify if and in what amounts any fiscal savings, costs, and benefits will occur, and what programs or fund sources will be affected. Benefits of information technology projects shall not be limited to future fiscal savings, but may include maintenance of, or improvements in service delivery by the agency to the citizens of the state. The feasibility study shall be an evolving document. The feasibility study shall be accompanied by the project management plan described in subsection (3) of this section.

(3) The agency shall produce a project management plan which shall document how the agency will manage the project identified in the feasibility study. The plan shall be an evolving document. Each subsequent phase of the project shall have an updated project management plan submitted as a prerequisite for approval to begin the next phase.

The project management plan shall cover all factors critical to the entire project; shall specifically address management plans for successfully completing the subsequent phase; and shall address all factors critical to the overall project, including, but not limited to, the following elements:

(a) Project organization: Define agency executive personnel accountable for project success; define oversight and management committee structures; identify key personnel including key project positions that are not yet filled; address agency and vendor staffing requirements, including backfilling requirements; and other key resources needed for successful project implementation.

(b) A description of scope change and cost control procedures.

(c) A risk assessment and risk mitigation plan.

(d) A description of project oversight and quality assurance procedures.

(e) A project workplan: Explaining the appropriately defined phases, key management decision points, scheduling of other activities, estimated costs for the next phase or phases to be conducted in a specified time period, a description of project management procedures including communication strategies, documentation control, and issues management.

(4) A project agreement shall be prepared by the sponsoring agency, in a format prescribed by the department of information services, following approval of the project management plan and feasibility study by the department of information services, the office of financial management, and appropriation by the legislature.

The project agreement shall address all pertinent information included in the needs assessment, project management plan, feasibility study, and the budget request information submitted to the office of financial management and the legislature.

The agency head, the director of the department of information services, and the director of the office of financial management shall evaluate and approve the project agreement. A copy of the final project agreement shall be provided to the legislative transportation committee. Any changes to the agreement shall be made with the mutual written consent of the parties. The legislative transportation committee shall receive written prior notification of all proposed changes in a timely manner and may provide written comments on such proposed changes.

(5) Prior to reaching key decision points identified in the project management plan a project status report shall be submitted to the department of information services, the office of financial management, and the legislative transportation committee for each project. Project status reports shall examine and evaluate project management, accomplishments, budget, action to address variances, risk management, and other significant issues critical to completion of a project.

(6) In instances where a project review is requested in accordance with department of information services policies, the review shall examine and evaluate: System requirements specifications; scope; executive commitment and project management procedures system architecture; change controls; documentation; user involvement; training; availability and capability of resources; programming languages and techniques; system inputs and outputs; plans for testing, conversion, implementation, and post-implementation; and other aspects critical to successful construction, integration, and implementation of information technology projects as appropriate. Copies of written project review reports shall be forwarded to the office of financial management and the legislative transportation committee by the agency.

(7) The agency and the department of information services shall provide the legislative transportation committee and the office of financial management with a written bi-monthly project oversight and risk assessment report for each project. The report shall include, but not be limited to, the following: Project name, agency undertaking the project, a description of the project, key project activities during the next sixty to ninety days, base-line cost data, costs to date, schedule to date, risk assessments, risk management, and recommendations.

(8) A written post-implementation review report shall be prepared by the agency for each information systems project in accordance with published department of information services instructions. In addition to the information requested pursuant to the department of information services instructions, post-implementation reports shall evaluate the degree to which a project accomplished its major objectives including, but not limited to, a comparison of original cost and benefit estimates to actual costs and benefits achieved. Copies of post-implementation review reports shall be

provided to the department of information services, the office of financial management, and the legislative transportation committee.

(9) Where major variances in project scope, cost, or risk occur, the sponsoring agency shall inform the department of information services of the change. The director of the sponsoring agency and the director of the department of information services shall jointly report such findings in writing to the legislative transportation committee and office of financial management. A major variance is defined as a budget change in excess of \$1,000,000 or ten percent, whichever is lower; an increase in risk category to high; or a change in scope that could result in major change in budget or risk.

NEW SECTION. Sec. 31. 1991 c 342 s 15 is repealed.

NEW SECTION. Sec. 32. 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 McMullen, the following amendments by Senators McMullen, Patterson and Vognild to the striking amendment by Senators Vognild and Patterson were considered simultaneously and were adopted:

On page 3, line 13, after "~~projects--)~~" insert "The appropriations in this section are subject to the following conditions and limitations: (1)"

On page 3, following line 26, insert "(2) The transportation improvement board may consider any application for project funding it receives within ninety days of its application deadline for that year's transportation improvement account program, if it is accompanied by a feasibility study that is submitted within thirty days prior to the application deadline and is done in cooperation with the department of transportation."

Senator Erwin moved that the following amendment to the striking amendment by Senators Vognild and Patterson be adopted:

On page 11, after line 30, insert:

"(5) The department of transportation shall undertake a study, including a cost-benefit analysis, of developing pedestrian and bicycle facilities along the state route 520 corridor from the vicinity of the University of Washington to the Redmond vicinity. In conducting this study, the department shall include comment from interested groups, including major employers in the region, and shall coordinate its efforts with affected local jurisdictions, including the cities of Seattle, Redmond, and Bellevue, the University of Washington, and King county. The study shall examine and make recommendations regarding the feasibility of imposing tolls or other user fees on bicyclists and pedestrians to help compensate for the cost of a bridge facility dedicated to nonmotor uses. The department shall report its findings to the legislative transportation committee by December 1, 1992."

Debate ensued.

Senator Erwin demanded a roll call and the demand was not sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Erwin on page 11, after line 30, to the striking amendment by Senators Vognild and Patterson to Engrossed Substitute House Bill No. 2553.

The motion by Senator Erwin failed and the amendment to the striking amendment by Senators Vognild and Patterson was not adopted.

MOTION

On motion of Senator Anderson, Senator McCaslin was excused.

MOTION

Senator Barr moved that the following amendments to the striking amendment by Senators Vognild and Patterson be considered simultaneously and be adopted:

On page 16, line 3, strike "36,634,000" and insert "34,434,000"

On page 16, line 5, strike "76,233,000" and insert "74,033,000"

On page 16, line 15, strike "(3)"

On page 16, beginning on line 21, strike all material through "sources." on line 28

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator Barr on page 16, lines 3, 5, 15 and 21, to the striking amendment by Senators Vognild and Patterson to Engrossed Substitute House Bill No. 2553.

The motion by Senator Barr failed and the amendments to the striking amendment by Senators Vognild and Patterson were not adopted.

MOTIONS

On motion of Senator Patterson, the following amendments to the striking amendment by Senators Vognild and Patterson were considered simultaneously and were adopted:

On page 20, line 18 of the striking amendment, after "federal" insert ", local government and"

On page 20, line 20 of the striking amendment, after "priorities for" strike "capital" and insert "station"

Senator Talmadge moved that the following amendment by Senators Talmadge, von Reichbauer and Adam Smith to the striking amendment by Senators Vognild and Patterson be adopted:

On page 25, after line 26 of the amendment, insert the following:

"The department may not expend any moneys appropriated in this section for the study, planning, or design of any tunnel or bridge with Vashon Island, Seahurst, or Fragaria as a terminus."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Talmadge, von Reichbauer and Adam Smith on page 25, after line 26 to the striking amendment by Senators Vognild and Patterson to Engrossed Substitute House Bill No. 2553.

The motion by Senator Talmadge failed and the amendment to the striking amendment by Senators Vognild and Patterson was not adopted.

MOTION

On motion of Senator Oke, Senator Saling was excused.

MOTION

Senator Barr moved that the following amendment to Senators Barr and Snyder to the striking amendment by Senators Vognild and Patterson be adopted:

On page 13, after line 14 insert the following new subsection:

"(6) No funds appropriated under this section shall be expended for wetland mitigation unless the wetlands are delineated under the 1987 federal delineation manual for delineating jurisdictional wetlands."

POINT OF ORDER

Senator Murray: "Mr. President, I rise to a point of order. I challenge the scope and object of this amendment. I just got this amendment two seconds ago and I am trying to read it, but it looks fairly familiar to what we just dealt with in a scope and object that was ruled out of scope just a few short minutes ago. The amendment in front of us again deals with wetland mitigation and delineating the 1987 federal delineation manual for wetlands. The bill before us deals with transportation funds. At no time during the transportation committee meetings were there hearings on wetland manuals or which manuals should be heard. I would remind you that in other sections of the law that we have passed previously, we have told local governments to deal with local ordinances determining which wetlands manuals that they are to use. This type of an amendment in an act totally outside of the Growth Management Act will only cause considerable confusion and more delay in local governments passing laws and getting transportation done."

Further debate ensued.

RULING BY THE PRESIDENT

President Pritchard: "The President is prepared to rule and the Chair rules against the scope and object challenge that was brought up by Senator Murray. It only relates to budget matters dealing with transportation."

The amendment by Senators Barr and Snyder on page 13, after line 14, to the striking amendment by Senators Vognild and Patterson to Engrossed Substitute House Bill No. 2553 was ruled in order.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Barr and Snyder on page 13, after line 14, to the striking amendment by Senators Vognild and Patterson to Engrossed Substitute House Bill No. 2553.

The motion by Senator Barr carried and the amendment to the striking amendment by Senators Vognild and Patterson was adopted.

MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Sutherland moved to reconsider the vote by which the amendment by Senators Talmadge, von Reichbauer and Adam Smith on page 25, after line 26, to the striking amendment by Senators Vognild and Patterson to Engrossed Substitute House Bill No. 2553, failed to pass the Senate earlier today.

Senator Patterson 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 Sutherland to reconsider the vote by which the amendment by Senators Talmadge, von Reichbauer and Adam Smith on page 25, after line 26, to the striking amendment by Senators Vognild and Patterson to Engrossed Substitute House Bill No. 2553, failed to pass the Senate earlier today.

ROLL CALL

The Secretary called the roll and the motion for reconsideration failed by the following vote: Yeas, 22; Nays, 25; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Craswell, Erwin, Gaspard, Kreidler, Madsen, McDonald, Metcalf, Murray, Niemi, Oke, Owen, Pelz, Rinehart, Roach, Sellar, A. Smith, Snyder, Sutherland, Talmadge, von Reichbauer, Wojahn - 22.

Voting nay: Senators Amondson, Anderson, Bailey, Barr, Bluechel, Cantu, Conner, Hansen, Hayner, Jesernig, Matson, McMullen, Moore, Nelson, Newhouse, Patterson, Rasmussen, Skratek, L. Smith, Stratton, Sumner, Thorsness, Vognild, West, Williams - 25.

Excused: Senators McCaslin, Saling - 2.

The President declared the question before the Senate to be the adoption of the striking amendment, as amended, by Senators Vognild and Patterson to Engrossed Substitute House Bill No. 2553.

The striking amendment, as amended, by Senators Vognild and Patterson to Engrossed Substitute House Bill No. 2553 was adopted by voice vote.

MOTIONS

On motion of Senator Patterson, the following title amendment was adopted:

On page 1, line 1 of the title, after appropriations, strike the remainder of the title, and insert "amending 1991 sp.s. c 15 s 1 (uncodified), 1991 sp.s. c 15 s 21 (uncodified), 1991 sp.s. c 15 s 5 (uncodified), 1991 sp.s. c 15 s 6 (uncodified), 1991 sp.s. c 15 s 14 (uncodified), 1991 sp.s. c 15 s 8 (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 22 (uncodified), 1991 sp.s. c 15 s 23 (uncodified), 1991 sp.s. c 15 s 25 (uncodified), 1991 sp.s. c 15 s 27 (uncodified), 1991 sp.s. c 15 s 28 (uncodified), 1991 sp.s. c 15 s 32

(uncodified), 1991 sp.s. c 15 s 33 (uncodified), 1991 sp.s. c 15 s 35 (uncodified), 1991 sp.s. c 15 s 36 (uncodified), 1991 sp.s. c 15 s 38 (uncodified), 1991 sp.s. c 15 s 39 (uncodified), 1991 sp.s. c 15 s 41 (uncodified), 1991 sp.s. c 15 s 57 (uncodified), and 1991 sp.s. c 14 s 29 (uncodified); adding new sections to 1991 sp.s. c 15; repealing 1991 c 342 s 15; and declaring an emergency."

On motion of Senator Patterson, the rules were suspended, Engrossed Substitute House Bill No. 2553, 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. 2553, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2553, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 41; Nays, 6; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, Matson, McDonald, McMullen, Metcalf, Moore, Nelson, Newhouse, Oke, Owen, Patterson, Pelz, Rasmussen, Roach, Sellar, Skratek, L. Smith, Snyder, Stratton, Sumner, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 41.

Voting nay: Senators Murray, Niemi, Rinehart, A. Smith, Sutherland, Talmadge - 6.

Excused: Senators McCaslin, Saling - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2553, 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 fourth order of business.

MESSAGE FROM THE HOUSE

March 7, 1992

MR. PRESIDENT:

The House has adopted SENATE CONCURRENT RESOLUTION NO. 8428, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

At 12:50 p.m., on motion of Senator Newhouse, the Senate adjourned until 2:00 p.m., Sunday, March 8, 1992.

JOEL PRITCHARD, President of the Senate.

GORDON A. GOLOB, Secretary of the Senate.

FIFTY-SIXTH DAY

AFTERNOON SESSION

Senate Chamber, Olympia, Sunday, March 8, 1992

The Senate was called to order at 2:00 p.m. by President Pritchard. The Secretary called the roll and announced to the President that all Senators were present except Senators Erwin, Niemi, Patterson, Roach, Talmadge and Wojahn. On motion of Senator Anderson, Senators Erwin, Patterson and Roach were excused. On motion of Senator Murray, Senators Niemi, Talmadge and Wojahn were excused.

The Sergeant at Arms Color Guard, consisting of Pages Adrian Lindekugel and Anthony Goslin, 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.

MESSAGES FROM THE HOUSE

March 6, 1992

MR. PRESIDENT:

The House has passed:
 SUBSTITUTE SENATE BILL NO. 6354,
 SENATE BILL NO. 6396,
 SENATE BILL NO. 6444,
 SUBSTITUTE SENATE BILL NO. 6451, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

March 7, 1992

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1150 and passed the bill as amended by the Senate.

GREG PIERCE, Assistant Chief Clerk

March 7, 1992

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 1392 and passed the bill as amended by the Senate.

GREG PIERCE, Assistant Chief Clerk

March 7, 1992

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to HOUSE BILL NO. 1732 and passed the bill as amended by the Senate.

GREG PIERCE, Assistant Chief Clerk

March 7, 1992

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 2055 and passed the bill as amended by the Senate.

GREG PIERCE, Assistant Chief Clerk

March 7, 1992

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2262 and passed the bill as amended by the Senate.

GREG PIERCE, Assistant Chief Clerk

March 7, 1992

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to ENGROSSED HOUSE BILL NO. 2316 and passed the bill as amended by the Senate.

GREG PIERCE, Assistant Chief Clerk

March 7, 1992

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 2359 and passed the bill as amended by the Senate.

GREG PIERCE, Assistant Chief Clerk

March 7, 1992

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to HOUSE BILL NO. 2368 and passed the bill as amended by the Senate.

GREG PIERCE, Assistant Chief Clerk

March 7, 1992

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 2373 and passed the bill as amended by the Senate.

GREG PIERCE, Assistant Chief Clerk

March 7, 1992

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 2457 and passed the bill as amended by the Senate.

GREG PIERCE, Assistant Chief Clerk

March 7, 1992

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 2495 and passed the bill as amended by the Senate.

GREG PIERCE, Assistant Chief Clerk

March 7, 1992

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to HOUSE BILL NO. 2554 and passed the bill as amended by the Senate.

GREG PIERCE, Assistant Chief Clerk

March 7, 1992

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 2594 and passed the bill as amended by the Senate.

GREG PIERCE, Assistant Chief Clerk

March 7, 1992

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2643 and passed the bill as amended by the Senate.

GREG PIERCE, Assistant Chief Clerk

March 7, 1992

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 2660 and passed the bill as amended by the Senate.

GREG PIERCE, Assistant Chief Clerk

March 7, 1992

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 2686 and passed the bill as amended by the Senate.

GREG PIERCE, Assistant Chief Clerk

March 7, 1992

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2702 and passed the bill as amended by the Senate.

GREG PIERCE, Assistant Chief Clerk

March 7, 1992

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to HOUSE BILL NO. 2727 and passed the bill as amended by the Senate.

GREG PIERCE, Assistant Chief Clerk

March 7, 1992

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 2747 and passed the bill as amended by the Senate.

GREG PIERCE, Assistant Chief Clerk

March 7, 1992

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 2796 and passed the bill as amended by the Senate.

GREG PIERCE, Assistant Chief Clerk

March 7, 1992

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 2814 and passed the bill as amended by the Senate.

GREG PIERCE, Assistant Chief Clerk

March 7, 1992

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 2831 and passed the bill as amended by the Senate.

GREG PIERCE, Assistant Chief Clerk

March 7, 1992

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 2833 and passed the bill as amended by the Senate.

GREG PIERCE, Assistant Chief Clerk

March 7, 1992

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to HOUSE BILL NO. 2844 and passed the bill as amended by the Senate.

GREG PIERCE, Assistant Chief Clerk

March 7, 1992

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 2865 and passed the bill as amended by the Senate.

GREG PIERCE, Assistant Chief Clerk

March 7, 1992

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2928 and passed the bill as amended by the Senate.

GREG PIERCE, Assistant Chief Clerk

STATEMENT FOR THE JOURNAL

Due to family illness, I missed the votes on Gubernatorial Appointment No. 9157, Senate Bill No. 6289, Engrossed Senate Bill 6292, Senate Bill No. 6296, Substitute Senate Bill No. 6321, Engrossed Substitute Senate Bill No. 6326, Substitute Senate Bill No. 6377, Engrossed Senate Bill No. 6401, Second Substitute Senate Bill No. 5318, Engrossed Substitute Senate Bill No. 5728, Engrossed Substitute Senate Bill No. 6069, Engrossed Senate Bill No. 6093, the motion by Senator Kreidler on Engrossed Senate Bill No. 6089, Engrossed Senate Bill No. 6261, Senate Bill No. 6452, Substitute Senate Joint Memorial No. 8024, Substitute Senate Bill No. 5953, Engrossed Senate Bill No. 6054 and Senate Bill No. 6055. I would have voted 'aye' on all of these measures, except Engrossed Senate Bill No. 6401 and Substitute Senate Bill No. 5953 on which I would have voted 'no.'

SENATOR PHIL TALMADGE, 34TH District

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENT
MOTION

On motion of Senator Metcalf, Gubernatorial Appointment No. 9157, Glenna S. Hall, as a member of the Parks and Recreation Commission, was confirmed.

APPOINTMENT OF GLENNA S. HALL

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, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Oke, Owen, Pelz, Rasmussen, Rinehart, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sumner, Sutherland, Thorsness, Vognild, von Reichbauer, West, Williams - 43.

Excused: Senators Erwin, Niemi, Patterson, Roach, Talmadge, Wojahn - 6.

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

MESSAGE FROM THE HOUSE

March 4, 1992

MR. PRESIDENT:

The House has passed SENATE BILL NO. 6289 with the following amendments:

On page 1, beginning on line 14, after "hearing." strike all material through page 2, line 5.

On page 2, after line 5, insert the following:

"(3) If the agency possesses equipment capable of receiving telefacsimile transmissions or recorded telephonic communications, the agency may provide in its notice of hearing filed under RCW 34.05.320 that interested parties may comment on proposed rules by these means. If the agency chooses to receive comments by these means, the notice of hearing shall provide instructions for making such comments, including, but not limited to, appropriate telephone numbers to be used; the date and time by which comments must be received; required methods to verify the receipt and authenticity of the comments; and any limitations on the number of pages for telefacsimile transmission comments and on the minutes of tape recorded comments. The agency shall accept comments received by these means for inclusion in the official record if the comments are made in accordance with the agency's instructions."

On page 2, line 6, strike "(3)" and insert "(((3))) (4)"

On page 2, line 16, strike "(4)" and insert "(((4))) (5)", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Newhouse, the Senate concurred in the House amendments to Senate Bill No. 6289.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6289, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6289, as amended by the House, 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, 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 - 46.

Excused: Senators Erwin, Talmadge, Wojahn - 3.

SENATE BILL NO. 6289, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 4, 1992

MR. PRESIDENT:

The House has passed ENGROSSED SENATE BILL NO. 6292 with the following amendment:

On page 2, line 21, after "selling" strike "its own production" and insert "beer or wine", and the amendment and the bill are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

Senator Amondson moved that the Senate do concur in the House amendment to Engrossed Senate Bill No. 6292.

Debate ensued.

Senator Metcalf demanded a roll call and the demand was not sustained

The President declared the question before the Senate to be the motion by Senator Amondson that the Senate do concur in the House amendment to Engrossed Senate Bill No. 6292.

The motion by Senator Amondson carried and the Senate concurred in the House amendment to Engrossed Senate Bill No. 6292.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6292, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6292, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 40; Nays, 8; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Conner, Erwin, Gaspard, Hayner, Jesernig, Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pelz, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sumner, Vognild, von Reichbauer, West, Williams, Wojahn - 40.

Voting nay: Senators Cantu, Craswell, Hansen, Metcalf, Oke, Rasmussen, Sutherland, Thorsness - 8.

Excused: Senator Talmadge - 1.

ENGROSSED SENATE BILL NO. 6292, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 4, 1992

MR. PRESIDENT:

The House has passed SENATE BILL NO. 6296 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 70.05 RCW to read as follows:

(1)(a) The legislature finds that the rate of infant mortality in Washington state is unacceptably high, and that such mortality may be preventable. The legislature further finds that, through the performance of infant mortality reviews, preventable causes of infant mortality can be identified and addressed, thereby reducing the rate of infant mortality in Washington state.

(b) It is the intent of the legislature to encourage the performance of infant death reviews by local health departments by providing necessary legal protections to the families of infants whose deaths are studied, local health

department officials and employees, and health care professionals participating in infant mortality review committee activities.

(2) As used in this section, "infant mortality review" means a process authorized by a local health department as such department is defined in RCW 70.05.010 for examining factors that contribute to infant death through a systematic review of medical, clinical, and hospital records; home interviews of parents and caretakers of infants who have died; analysis of individual case information; and review of this information by a team of professionals in order to identify modifiable medical, socioeconomic, public health, behavioral, administrative, educational, and environmental factors associated with each death.

(3) Local health departments are authorized to conduct infant mortality reviews. In conducting such reviews, the following provisions shall apply:

(a) All medical records, reports, and statements procured by, furnished to, or maintained by a local health department pursuant to chapter 70.02 RCW for purposes of an infant mortality review are confidential insofar as the identity of an individual infant and his or her adoptive or natural parents is concerned. Such records may be used solely by local health departments for the purposes of the review. This section does not prevent a local health department from publishing statistical compilations and reports related to the infant mortality review, if such compilations and reports do not identify individual cases and sources of information.

(b) Any records or documents supplied or maintained for the purposes of an infant mortality review are not subject to discovery or subpoena in any administrative, civil, or criminal proceeding related to the death of an infant reviewed. This provision shall not restrict or limit the discovery or subpoena from a health care provider of records or documents maintained by such health care provider in the ordinary course of business, whether or not such records or documents may have been supplied to a local health department pursuant to this section.

(c) Any summaries or analyses of records, documents, or records of interviews prepared exclusively for purposes of an infant mortality review are not subject to discovery, subpoena, or introduction into evidence in any administrative, civil, or criminal proceeding related to the death of an infant reviewed.

(d) No local health department official or employee, and no members of technical committees established to perform case reviews of selected infant deaths may be examined in any administrative, civil, or criminal proceeding as to the existence or contents of documents assembled, prepared, or maintained for purposes of an infant mortality review.

(e) This section shall not be construed to prohibit or restrict any person from reporting suspected child abuse or neglect under chapter 26.44 RCW nor to limit access to or use of any records, documents, information, or testimony in any civil or criminal action arising out of any report made pursuant to chapter 26.44 RCW.

NEW SECTION. Sec. 2. A new section is added to chapter 42.17 RCW to read as follows:

Notwithstanding the provisions of RCW 42.17.250 through 42.17.340, no local health department may be required under this chapter to make available for public inspection or copying any records or documents obtained, prepared, or maintained by the local health department for the purposes of an infant mortality review conducted by the department pursuant to section 1 of this act. This section shall not apply to published statistical compilations and reports relating to the infant mortality review studies that do not identify individual cases and sources of information.

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 page 1, line 2 of the title, after "departments;" strike the remainder of the title and insert "adding a new section to chapter 70.05 RCW; adding a new section to chapter 42.17 RCW; and declaring an emergency.", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Amondson, the Senate concurred in the House amendments to Senate Bill No. 6296.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6296, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6296, as amended by the House, 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, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 47.

Absent: Senator Matson - 1.

Excused: Senator Talmadge - 1.

SENATE BILL NO. 6296, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 4, 1992

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6321 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. It is the policy of the legislature that local government employees should be encouraged to disclose, to the extent not expressly prohibited by law, improper governmental actions of local government officials and employees. The purpose of this chapter is to protect local government employees who make good-faith reports to appropriate governmental bodies and to provide remedies for such individuals who are subjected to retaliation for having made such reports.

NEW SECTION. Sec. 2. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1)(a) "Improper governmental action" means any action by a local government officer or employee:

(i) That is undertaken in the performance of the officer's or employee's official duties, whether or not the action is within the scope of the employee's employment; and

(ii) That is in violation of any federal, state, or local 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 local government collective bargaining and civil service laws, alleged labor agreement violations, reprimands, or any action that may be taken under chapter 41.08, 41.12, 41.14, 41.56, 41.59, or 53.18 RCW or RCW 54.04.170 and 54.04.180.

(2) "Local government" means any governmental entity other than the state, federal agencies, or an operating system established under chapter 43.52 RCW. It includes, but is not limited to cities, counties, school districts, and special purpose districts.

(3) "Retaliatory action" means any adverse change in a local government employee's employment status, or the terms and conditions of employment including denial of adequate staff to perform duties, frequent staff changes, frequent and undesirable office changes, refusal to assign meaningful work, unwarranted and unsubstantiated letters of reprimand or unsatisfactory performance evaluations, demotion, transfer, reassignment, reduction in pay, denial of promotion, suspension, dismissal, or any other disciplinary action.

(4) "Emergency" means a circumstance that if not immediately changed may cause damage to persons or property.

NEW SECTION. Sec. 3.

(1) Every local government employee has the right to report to the appropriate person or persons information concerning an alleged improper governmental action.

(2) The governing body or chief administrative officer of each local government shall adopt a policy on the appropriate procedures to follow for reporting such information and shall provide information to their employees on the policy. Local governments are encouraged to consult with their employees on the policy.

(3) The policy shall describe the appropriate person or persons within the local government to whom to report information and a list of appropriate person or persons outside the local government to whom to report. The list shall include the county prosecuting attorney.

(4) Each local government shall permanently post a summary of the procedures for reporting information on an alleged improper governmental action and the procedures for protection against retaliatory actions described in section 4 of this act in a place where all employees will have reasonable access to it. A copy of the summary shall be made available to any employee upon request.

(5) A local government may require as part of its policy that, except in the case of an emergency, before an employee provides information of an improper governmental action to a person or an entity who is not a public official or a person listed pursuant to subsection (3) of this section, the employee shall submit a written report to the local government. Where a local government has adopted such a policy under this section, an employee who fails to make a good faith attempt to follow the policy shall not receive the protections of this chapter. The identity of a reporting employee shall be kept confidential to the extent possible under law, unless the employee authorizes the disclosure of his or her identity in writing.

NEW SECTION. Sec. 4.

(1) It is unlawful for any local government official or employee to take retaliatory action against a local government employee because the employee provided information in good faith in accordance with the provisions of this chapter that an improper governmental action occurred.

(2) In order to seek relief under this chapter, a local government employee shall provide a written notice of the charge of retaliatory action to the governing body of the local government that:

- (a) Specifies the alleged retaliatory action; and
- (b) Specifies the relief requested.

(3) The charge shall be delivered to the local government no later than thirty days after the occurrence of the alleged retaliatory action. The local government has thirty days to respond to the charge of retaliatory action and request for relief.

(4) Upon receipt of either the response of the local government or after the last day upon which the local government could respond, the local government employee may request a hearing to establish that a retaliatory action occurred and to obtain appropriate relief as defined in this section. The request for a hearing shall be delivered to the local government within fifteen days of delivery of the response from the local government, or within fifteen days of the last day on which the local government could respond.

(5) Within five working days of receipt of the request for hearing, the local government shall apply to the state office of administrative hearings for an adjudicative proceeding before an administrative law judge. Except as otherwise provided in this section, the proceedings shall comply with RCW 34.05.410 through 34.05.598.

(6) The employee, as the initiating party, must prove his or her claim by a preponderance of the evidence. The administrative law judge shall issue a final decision consisting of findings of fact, conclusions of law, and judgment no later than forty-five days after the date the request for hearing was delivered to the local government. The administrative law judge may grant specific extensions of time beyond this period of time for rendering a decision at the request of either party upon a showing of good cause, or upon his or her own motion.

(7) Relief that may be granted by the administrative law judge consists of reinstatement, with or without back pay, and such injunctive relief as may be found to be necessary in order to return the employee to the position he or she held before the retaliatory action and to prevent any recurrence of retaliatory action. The administrative law judge may award costs and reasonable attorneys' fees to the prevailing party.

(8) If a determination is made that retaliatory action has been taken against the employee, the administrative law judge may, in addition to any other remedy, impose a civil penalty personally upon the retaliator of up to three thousand dollars payable by each person found to have retaliated against the employee and recommend to the local government that any person found to have retaliated against the employee be suspended with or without pay or dismissed. All penalties recovered shall be paid to the local government administrative hearings account created in section 7 of this act.

(9) The final decision of the administrative law judge is subject to judicial review under the arbitrary and capricious standard. Relief ordered by the administrative law judge may be enforced by petition to superior court.

NEW SECTION. Sec. 5. This chapter shall not be construed to permit disclosures that would diminish the rights of any person to the continued protection of confidentiality of communications where statute or common law provides such protection.

NEW SECTION. Sec. 6. Any local government that has adopted or adopts a program for reporting alleged improper governmental actions and adjudicating retaliation resulting from such reporting shall be exempt from this chapter if the program meets the intent of this chapter.

NEW SECTION. Sec. 7. The local government administrative hearings account is created in the custody of the state treasurer. All receipts from penalties in section 4 of this act and the surcharges under section 11 of this act shall be deposited into the account. Expenditures from the account may be used only for administrative hearings under this chapter. Only the chief administrative law judge or his or her designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures.

NEW SECTION. Sec. 8. A new section is added to chapter 34.12 RCW to read as follows:
When requested by a local government, the chief administrative law judge shall assign an administrative law judge to conduct proceedings under chapter 42.-- RCW (sections 1 through 7 of this act).

NEW SECTION. Sec. 9. A new section is added to chapter 34.12 RCW to read as follows:
Costs for the services of the office of administrative hearings for the initial twenty-four hours of services on a hearing under chapter 42.-- RCW (sections 1 through 7 of this act) shall be billed to the local government administrative hearings account. Costs for services beyond the initial twenty-four hours of services shall be allocated to the parties by the administrative law judge, the proportion to be borne by each party at the discretion of the administrative law judge. The charges for these costs shall be billed to the affected local government that shall recover payment from any other party specified by the administrative law judge.

Sec. 10. RCW 34.05.010 and 1989 c 175 s 1 are each amended to read as follows:

The definitions set forth in this section shall apply throughout this chapter, unless the context clearly requires otherwise.

(1) "Adjudicative proceeding" means a proceeding before an agency in which an opportunity for hearing before that agency is required by statute or constitutional right before or after the entry of an order by the agency. Adjudicative

proceedings also include all cases of licensing and rate making in which an application for a license or rate change is denied except as limited by RCW 66.08.150, or a license is revoked, suspended, or modified, or in which the granting of an application is contested by a person having standing to contest under the law.

(2) "Agency" means any state board, commission, department, institution of higher education, or officer, authorized by law to make rules or to conduct adjudicative proceedings, except those in the legislative or judicial branches, the governor, or the attorney general except to the extent otherwise required by law and any local governmental entity that may request the appointment of an administrative law judge under chapter 42.-- RCW (sections 1 through 7 of this act).

(3) "Agency action" means licensing, the implementation or enforcement of a statute, the adoption or application of an agency rule or order, the imposition of sanctions, or the granting or withholding of benefits.

Agency action does not include an agency decision regarding (a) contracting or procurement of goods, services, public works, and the purchase, lease, or acquisition by any other means, including eminent domain, of real estate, as well as all activities necessarily related to those functions, or (b) determinations as to the sufficiency of a showing of interest filed in support of a representation petition, or mediation or conciliation of labor disputes or arbitration of labor disputes under a collective bargaining law or similar statute, or (c) any sale, lease, contract, or other proprietary decision in the management of public lands or real property interests, or (d) the granting of a license, franchise, or permission for the use of trademarks, symbols, and similar property owned or controlled by the agency.

(4) "Agency head" means the individual or body of individuals in whom the ultimate legal authority of the agency is vested by any provision of law. If the agency head is a body of individuals, a majority of those individuals constitutes the agency head.

(5) "Entry" of an order means the signing of the order by all persons who are to sign the order, as an official act indicating that the order is to be effective.

(6) "Filing" of a document that is required to be filed with an agency means delivery of the document to a place designated by the agency by rule for receipt of official documents, or in the absence of such designation, at the office of the agency head.

(7) "Institutions of higher education" are the University of Washington, Washington State University, Central Washington University, Eastern Washington University, Western Washington University, The Evergreen State College, the various community colleges, and the governing boards of each of the above, and the various colleges, divisions, departments, or offices authorized by the governing board of the institution involved to act for the institution, all of which are sometimes referred to in this chapter as "institutions."

(8) "Interpretive statement" means a written expression of the opinion of an agency, entitled an interpretive statement by the agency head or its designee, as to the meaning of a statute or other provision of law, of a court decision, or of an agency order.

(9) (a) "License" means a franchise, permit, certification, approval, registration, charter, or similar form of authorization required by law, but does not include (i) a license required solely for revenue purposes, or (ii) a certification of an exclusive bargaining representative, or similar status, under a collective bargaining law or similar statute, or (iii) a license, franchise, or permission for use of trademarks, symbols, and similar property owned or controlled by the agency.

(b) "Licensing" includes the agency process respecting the issuance, denial, revocation, suspension, or modification of a license.

(10) (a) "Order," without further qualification, means a written statement of particular applicability that finally determines the legal rights, duties, privileges, immunities, or other legal interests of a specific person or persons.

(b) "Order of adoption" means the official written statement by which an agency adopts, amends, or repeals a rule.

(11) "Party to agency proceedings," or "party" in a context so indicating, means:

(a) A person to whom the agency action is specifically directed; or

(b) A person named as a party to the agency proceeding or allowed to intervene or participate as a party in the agency proceeding.

(12) "Party to judicial review or civil enforcement proceedings," or "party" in a context so indicating, means:

(a) A person who files a petition for a judicial review or civil enforcement proceeding; or

(b) A person named as a party in a judicial review or civil enforcement proceeding, or allowed to participate as a party in a judicial review or civil enforcement proceeding.

(13) "Person" means any individual, partnership, corporation, association, governmental subdivision or unit thereof, or public or private organization or entity of any character, and includes another agency.

(14) "Policy statement" means a written description of the current approach of an agency, entitled a policy statement by the agency head or its designee, to implementation of a statute or other provision of law, of a court decision, or of an agency order, including where appropriate the agency's current practice, procedure, or method of action based upon that approach.

(15) "Rule" means any agency order, directive, or regulation of general applicability (a) the violation of which subjects a person to a penalty or administrative sanction; (b) which establishes, alters, or revokes any procedure, practice, or requirement relating to agency hearings; (c) which establishes, alters, or revokes any qualification or requirement relating to the enjoyment of benefits or privileges conferred by law; (d) which establishes, alters, or revokes any

qualifications or standards for the issuance, suspension, or revocation of licenses to pursue any commercial activity, trade, or profession; or (e) which establishes, alters, or revokes any mandatory standards for any product or material which must be met before distribution or sale. The term includes the amendment or repeal of a prior rule, but does not include (i) statements concerning only the internal management of an agency and not affecting private rights or procedures available to the public, (ii) declaratory rulings issued pursuant to RCW ((34.05.230)) 34.05.240, (iii) traffic restrictions for motor vehicles, bicyclists, and pedestrians established by the secretary of transportation or his designee where notice of such restrictions is given by official traffic control devices, or (iv) rules of institutions of higher education involving standards of admission, academic advancement, academic credit, graduation and the granting of degrees, employment relationships, or fiscal processes.

(16) "Rules review committee" or "committee" means the joint administrative rules review committee created pursuant to RCW 34.05.610 for the purpose of selectively reviewing existing and proposed rules of state agencies.

(17) "Rule making" means the process for formulation and adoption of a rule.

(18) "Service," except as otherwise provided in this chapter, means posting in the United States mail, properly addressed, postage prepaid, or personal service. Service by mail is complete upon deposit in the United States mail. Agencies may, by rule, authorize service by electronic telefacsimile transmission, where copies are mailed simultaneously, or by commercial parcel delivery company.

NEW SECTION. Sec. 11. A new section is added to chapter 43.09 RCW to read as follows:

(1) From July 1, 1992, to June 30, 1995, the state auditor shall charge an entity subject to an audit an additional ten cents per hour billed under RCW 43.09.270 and 43.09.280, to be deposited in the local government administrative hearing account.

(2) After June 30, 1995, the state auditor shall base the amount to be collected and deposited into the local government administrative hearing account on the funds remaining in the account on June 30, 1995, and the anticipated caseload for the future.

(3) The state auditor may exempt a local government that complies with section 6 of this act from a charge added under subsection (1) or (2) of this section.

NEW SECTION. Sec. 12. Sections 1 through 7 of this act shall constitute a new chapter in Title 42 RCW.

NEW SECTION. Sec. 13. Sections 1 through 10 of this act shall take effect January 1, 1993. Section 11 of this act shall take effect July 1, 1992.

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.

On page 1, line 1 of the title, after "whistleblowers;" strike the remainder of the title and insert "amending RCW 34.05.010; adding new sections to chapter 34.12 RCW; adding a new section to chapter 43.09 RCW; adding a new chapter to Title 42 RCW; prescribing penalties; and providing effective dates.", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Amondson, the Senate concurred in the House amendments to Substitute Senate Bill No. 6321.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6321, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6321, as amended by the House, 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, Moore, 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 - 47.

Absent: Senator Vognild - 1.

Excused: Senator Talmadge - 1.

SUBSTITUTE SENATE BILL NO. 6321, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 3, 1992

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6326 with the following amendments:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 28A.625.041 and 1991 c 255 s 3 are each amended to read as follows:

(1) All recipients of the Washington award for excellence in education shall receive a certificate presented by the governor and the superintendent of public instruction, or their designated representatives, at a public ceremony or ceremonies in appropriate locations.

(2) In addition to certificates under subsection (1) of this section, awards for teachers and principals or administrators shall include one of the following:

(a) Except as provided under RCW 28B.80.255, an academic grant which shall be used to take courses at a state institution of higher education. The academic grant shall ~~((not exceed the current academic year full-time resident graduate tuition for courses taken at one of the state's research universities and shall not exceed the current academic year full-time resident graduate tuition for courses taken at one of the state's regional universities or The Evergreen State College))~~ provide reimbursement to the recipient for actual costs incurred for tuition and fees for up to forty-five quarter credit hours or thirty semester credit hours at a rate of reimbursement per credit hour not to exceed the resident graduate, part-time cost per credit hour at the University of Washington in the year the recipient takes the credits. In addition, a stipend not to exceed one thousand dollars shall be provided for costs incurred in taking courses covered by the academic grant beginning with 1992 recipients, if funds are appropriated for the stipends in the omnibus appropriations act. This stipend shall be provided as reimbursement for actual costs incurred. The academic grant shall not be considered compensation for the purposes of RCW 28A.400.200; or

(b) A recognition stipend not to exceed one thousand dollars. The recognition stipend shall not be considered compensation for the purposes of RCW 28A.400.200; or

(c) An educational grant not to exceed one thousand dollars. The educational grant shall be awarded under RCW 28A.625.060 and shall not be considered compensation for the purposes of RCW 28A.400.200.

(3) In addition to certificates under subsection (1) of this section, the award for the superintendent shall include one of the following:

(a) A recognition stipend not to exceed one thousand dollars. The recognition stipend shall not be considered compensation for the purposes of RCW 28A.400.200; or

(b) An educational grant not to exceed one thousand dollars. The educational grant shall be awarded under RCW 28A.625.060 and shall not be considered compensation for the purposes of RCW 28A.400.200.

(4) In addition to certificates under subsection (1) of this section, the award for the school board shall include an educational grant not to exceed two thousand five hundred dollars. The educational grant shall be awarded under RCW 28A.625.060.

(5) Within one year of receiving the Washington award for excellence in education, teachers, principals or administrators, and the school district superintendent shall notify the superintendent of public instruction in writing of their decision to apply for an academic grant, a recognition stipend, or an educational grant as provided under subsections (2) and (3) of this section. The superintendent shall notify the higher education coordinating board of those recipients who select the academic grant.

Sec. 2. RCW 28A.625.065 and 1991 c 255 s 4 are each amended to read as follows:

~~((1) The dollar value of the academic grant under RCW 28A.625.041(2)(a) shall be the amount as provided under RCW 28A.625.041(2)(a) at the time the grant is awarded by the higher education coordinating board.~~

~~(2))~~ Courses paid for in full by the academic grant under RCW 28A.625.041(2)(a) shall be completed within four years after the academic grant is received.

Sec. 3. RCW 28B.80.255 and 1991 c 255 s 6 are each amended to read as follows:

(1) Teachers and principals or administrators who select an academic grant under RCW 28A.625.041(2)(a) shall use the grant to attend a state public institution of higher education located in the state of Washington, except that the academic grant may be used for courses at a private institution of higher education in the state of Washington if the conditions in subsection (3) of this section are met, and the academic grant may be used for courses at a public or a private institution of higher education in another state or country if the conditions in subsection (4) of this section are met.

(2) "Institution of higher education" means:

(a) Any public university, college, community college, or ~~((vocational-technical institute))~~ technical college operated by the state of Washington or any political subdivision thereof; or

(b) Any other university, college, school, or institute in the state of Washington offering instruction beyond the high school level which is a member institution of an accrediting association recognized by rule of the board. Any institution, branch, extension, or facility operating within the state of Washington which is affiliated with an institution

operating in another state must be a separately accredited member institution of an accrediting association recognized by the board.

(3) Teachers and principals or administrators who select an academic grant under RCW 28A.625.041(2)(a) may use the grant for courses at any private institution as defined in subsection (2)(b) of this section subject to the following conditions:

(a) The academic grant shall ~~((not exceed the current academic year full-time resident graduate tuition and the services and activities fees in effect at the state-funded research universities))~~ provide reimbursement to the recipient for actual costs incurred for tuition and fees for up to forty-five quarter credit hours or thirty semester credit hours at a rate of reimbursement per credit hour not to exceed the resident graduate, part-time cost per credit hour at the University of Washington in the year the recipient takes the credits. In addition, a stipend not to exceed one thousand dollars shall be provided for costs incurred in taking courses covered by the academic grant beginning with 1992 recipients, if funds are appropriated for the stipends in the omnibus appropriations act. This stipend shall be provided as reimbursement for actual costs incurred;

(b) The academic grant shall be contingent on the private institution matching on at least a dollar-for-dollar basis, either with actual money or by waiver of fees, the amount of the academic grant received by the recipient from the state; and

(c) The academic grant may not be used for any courses that include any religious worship or exercise, or apply to any degree in religious, seminarian, or theological academic studies.

(4) Teachers and principals or administrators who select an academic grant under RCW 28A.625.041(2)(a) may use the grant for courses at a public or private higher education institution in another state or country subject to the following conditions:

(a) The institution has an exchange program with a public or private higher education institution in Washington and the exchange program is approved or recognized by the higher education coordinating board; or

(b) The institution is approved or recognized by the higher education coordinating board; and

(c) The recipient of the Washington award for excellence in education has submitted in writing to the higher education coordinating board an explanation of why the preferred course or courses are not available at a public or private institution in Washington; and

(d) The academic grant may not be used for any courses that include any religious worship or exercise, or apply to any degree in religious, seminarian, or theological academic studies.

Sec. 4. RCW 28B.80.265 and 1991 c 255 s 7 are each amended to read as follows:

(1) The higher education coordinating board shall adopt rules as necessary under chapter 34.05 RCW to administer the academic grants awarded under RCW 28A.625.041(2)(a).

(2) The rules adopted by the board shall ~~((allow recipients who have begun to use the waiver of tuition and fees under RCW 28B.15.547 prior to May 17, 1991, to take the remaining value of the waiver of tuition and fees in the form of the academic grant under RCW 28A.625.041(2)(a)))~~ reflect that the changes to RCW 28A.625.041(2)(a) in section 1, chapter ..., Laws of 1992 (section 1 of this act) shall apply to all recipients of a Washington award for excellence in education, regardless of the statutory language in effect at the time the award was granted.

NEW SECTION. Sec. 5. RCW 28A.625.071 and 1991 c 255 s 5 are each repealed.

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 April 30, 1992.

On page 1, line 1 of the title, after "excellence;" strike the remainder of the title and insert "amending RCW 28A.625.041, 28A.625.065, 28B.80.255, and 28B.80.265; repealing RCW 28A.625.071; providing an effective date; and declaring an emergency.", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Amondson, the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 6326.

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 Engrossed Senate Bill No. 6326, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6326, as amended by the House, 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, Moore, 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 - 46.

Absent: Senator Metcalf - 1.

Excused: Senators Talmadge, Vognild - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6326, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 5, 1992

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6377 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that the state of Washington has shown national leadership in providing telecommunications access for the hearing impaired and speech impaired communities. The legislature further finds that the federal Americans with Disabilities Act requires states to further enhance telecommunications access for disabled persons and that the state should be positioned to allow this service to be delivered with fairness, flexibility, and efficiency.

Sec. 2. RCW 43.20A.720 and 1990 c 89 s 2 are each amended to read as follows:

"Hearing impaired" means those persons who are certified to be deaf, deaf-blind, or hard of hearing, and those persons who are certified to have a hearing disability limiting their access to telecommunications.

"Speech impaired" means persons who are certified to be unable to speak or who are certified to have a speech impairment limiting their access to telecommunications.

"Text telephone (TT)," formerly known as a telecommunications device for the deaf (TDD)(~~"~~) means a (~~teletypewriter~~) telecommunications device that has a typewriter or computer keyboard and a readable display that couples with the telephone, allowing messages to be typed rather than spoken. The device allows a person to make a telephone call directly to another person possessing similar equipment. The conversation is typed through one machine to the other machine instead of spoken.

"(~~TDD~~) Telecommunications relay (~~system~~) service (TRS)" is a service for hearing and speech impaired people who have a (~~TDD~~) TT to call someone who does not have a (~~TDD~~) TT or vice versa. The service consists of several telephones being utilized by (~~TDD relay service operators~~) TRS communications assistants who receive either (~~TDD~~) TT or voice phone calls. If a (~~TDD relay service operator~~) TRS communications assistant receives a phone call from a hearing or speech impaired person wishing to call a hearing person, the operator will call the hearing person and act as an intermediary by translating what is displayed on the (~~TDD~~) TT to voice and typing what is voiced into the (~~TDD~~) TT to be read by the hearing or speech impaired caller. This process can also be reversed with a hearing person calling a deaf person through the (~~TDD~~) telecommunications relay service. "TRS program" as used in this chapter includes both the relay function and TTs.

"Qualified trainer" is a person who is knowledgeable about (~~TDDs~~) TTs, signal devices, and amplifying accessories; familiar with the technical aspects of equipment designed to meet hearing impaired people's needs; and is fluent in American sign language.

"Qualified contractor" shall have (~~bilingual~~) staff bilingual in American sign language and standard English available for quality language/cultural interpretations; quality training of operators; and policies, training, and operational procedures to be determined by the office.

"The department" means the department of social and health services of the state of Washington.

"Office" means the office of deaf services within the state department of social and health services.

Sec. 3. RCW 43.20A.725 and 1990 c 89 s 3 are each amended to read as follows:

(1) The department shall maintain a program whereby (~~TDDs~~) TTs, signal devices, a (~~TDD relay system~~) TRS, and amplifying accessories capable of serving the needs of the hearing and speech impaired shall be provided at no charge additional to the basic exchange rate, to an individual of school age or older, (a) who is certified as hearing impaired by a licensed physician, audiologist, or a qualified state agency, and to any subscriber that is an organization representing the hearing impaired, as determined and specified by the (~~TDD~~) TRS program advisory committee; or (b)

who is certified as speech impaired by a licensed physician, speech pathologist, or a qualified state agency, and to any subscriber that is an organization representing the speech impaired, as determined and specified by the ~~((TDD))~~ TRS program advisory committee. For the purpose of this section, certification implies that individuals cannot use the telephone for expressive or receptive communications due to hearing or speech impairment.

(2) The office shall award contracts on a competitive basis, to qualified persons for which eligibility to contract is determined by the office, for the distribution and maintenance of such ~~((TDDs))~~ TTs, signal devices, and amplifying accessories as shall be determined by the office. When awarding such contracts, the office may consider the quality of equipment and, with the director's approval, may award contracts on a basis other than cost. Such contracts ~~((shall))~~ may include a provision for the employment and use of a qualified trainer and the training of recipients in the use of such devices.

(3) The office shall establish and implement a policy for the ultimate responsibility for recovery of ~~((TDDs))~~ TTs, signal devices, and amplifying accessories from recipients who are moving from this state or who for other reasons are no longer using them.

(4) Pursuant to recommendations of the ~~((TDD))~~ TRS program advisory committee, until July 26, 1993, the office shall maintain a program whereby a relay system will be provided state-wide using operator intervention to connect hearing impaired and speech impaired persons and offices or organizations representing the hearing impaired and speech impaired, as determined and specified by the TDD advisory committee pursuant to RCW 43.20A.730. The relay system shall be the most cost-effective possible and shall operate in a manner consistent with federal requirements for such systems.

(5) Pursuant to the recommendations of the TDD task force report of December 1991, and with the express purpose of maintaining state control and jurisdiction, the office shall seek certification by the federal communications commission of the state-wide relay service.

(6) The office shall award contracts for the operation and maintenance of the state-wide relay service. The initial contract shall be for service commencing July 26, 1993. The contract shall be awarded to an individual company registered as a telecommunications company by the utilities and transportation commission, to a group of registered telecommunications companies, or to any other company or organization determined by the office as qualified to provide relay services, contingent upon that company or organization being approved as a registered telecommunications company prior to final contract approval.

(7) The program shall be funded by a telecommunications ~~((devices for the deaf (TDD)))~~ relay service (TRS) excise tax applied to each switched access line provided by the local exchange companies. The office shall determine, in consultation with the ~~((TDD))~~ TRS program advisory committee, the amount of money needed to fund the program on an annual basis, including both operational costs and a reasonable amount for capital improvements such as equipment upgrade and replacement. That information shall be given by the department in an annual budget to the utilities and transportation commission no later than March 1 prior to the beginning of the fiscal year. The utilities and transportation commission shall then determine the amount of ~~((TDD))~~ TRS excise tax to be placed on each access line and shall inform each local exchange company of this amount no later than May 15. The utilities and transportation commission shall determine the amount of TRS excise tax by dividing the total of the program budget, as submitted by the office, by the total number of access lines, and shall not exercise any further oversight of the program under this subsection. The ~~((TDD))~~ TRS excise tax shall not exceed ten cents per month per access line. Each local exchange company shall impose the amount of excise tax determined by the commission as of July 1, and shall remit the amount collected directly to the department on a monthly basis. The ~~((TDD))~~ TRS excise tax shall be separately identified on each ratepayer's bill (~~((as "Telecommunications devices funds for deaf and hearing impaired"))~~). All proceeds from the ~~((TDD))~~ TRS excise tax shall be put into a fund to be administered by the office through the department.

~~((6))~~ (8) The office shall administer and control the award of money to all parties incurring costs in implementing and maintaining telecommunications services, programs, equipment, and technical support services in accordance with the provisions of RCW 43.20A.725.

~~((7))~~ (9) The department shall provide the legislature with a biennial report on the operation of the program. The first report shall be provided no later than December 1, 1990, and successive reports every two years thereafter. Reports shall be prepared in consultation with the ~~((TDD))~~ TRS program advisory committee and the utilities and transportation commission. The reports shall, at a minimum, briefly outline the accomplishments of the program, the number of persons served, revenues and expenditures, the prioritizing of services to those eligible based on such factors as degree of physical handicap or the allocation of the program's revenue between provision of devices to individuals and operation of the state-wide relay service, other major policy or operational issues, and proposals for improvements or changes for the program. The first report shall contain a study which includes examination of like programs in other states, alternative methods of financing the program, alternative methods of using the telecommunications system, advantages and disadvantages of operating the ~~((TDD))~~ TRS program from within the department, by telecommunications companies, and by a private, nonprofit corporation, and means to limit demand for system usage.

~~((8))~~ (10) The program shall be consistent with the requirements of federal law for the operation of both interstate and intrastate telecommunications services for the deaf or hearing impaired or speech impaired. The department and the utilities and transportation commission shall be responsible for ensuring compliance with federal requirements and shall provide timely notice to the legislature of any legislation that may be required to accomplish compliance.

Sec. 4. RCW 43.20A.730 and 1990 c 89 s 4 are each amended to read as follows:

(1) The department advisory committee on deafness shall establish a ~~((FDD))~~ TRS program advisory committee to oversee operation of the ~~((FDD))~~ TRS program. The ~~((FDD))~~ TRS program advisory committee shall consist of no more than thirteen individuals representing the hearing impaired and speech impaired communities, the department, the utilities and transportation commission, agencies and services serving the hearing impaired and speech impaired, and local exchange companies in the state. The membership on the ~~((FDD))~~ TRS program advisory committee shall, to the maximum extent possible, include representatives from (a) the major state-wide organizations representing the hearing impaired and speech impaired, (b) organizations for the hearing impaired and speech impaired located in areas of the state with high populations of such persons, and (c) organizations that reflect the different geographic regions of the state. In order to develop, implement, and maintain a state-wide relay system providing cost-effective relay centers at a reasonable cost and that will meet the requirements of the hearing impaired and speech impaired, the ~~((FDD))~~ TRS program advisory committee shall investigate options, conduct public hearings as needed to ~~((determine))~~ develop recommendations on the most cost-effective method of operating a state-wide relay system providing relay centers to the hearing impaired and speech impaired, and solicit the advice, counsel, and assistance of interested parties and nonprofit consumer organizations for hearing impaired and speech impaired persons state-wide. The ~~((FDD))~~ TRS program advisory committee shall also, in conjunction with the department, monitor the activities and moneys that are being spent by the department for the program herein.

(2) The TRS program advisory committee shall provide reports at least four times per year to the administrators and operators of the TRS state-wide relay service. The committee shall report on the extent to which the relay system is meeting the needs of disabled citizens in the state, and shall include program elements that are successful, program elements in need of improvement, and any recommendations from the committee.

(3) The ~~((FDD))~~ TRS program advisory committee shall establish criteria and specify state-wide organizations representing the hearing or speech impaired meeting such criteria that are to receive telecommunications devices pursuant to RCW 43.20A.725(1), and in which offices the equipment shall be installed if an organization has more than one office.

NEW SECTION. Sec. 5. A new section is added to chapter 80.36 RCW to read as follows:

Each telecommunications company providing intrastate interexchange voice transmission service shall offer discounts from otherwise applicable long distance rates for service used in conjunction with the state-wide relay service authorized under RCW 43.20A.725. Such long distance discounts shall be determined in relation to the additional time required to translate calls through relay operators. In the case of intrastate long distance services provided pursuant to tariff, the commission shall require the incorporation of such discounts.

NEW SECTION. Sec. 6. 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 page 1, line 1 of the title, after "system;" strike the remainder of the title and insert "amending RCW 43.20A.720, 43.20A.725, and 43.20A.730; adding a new section to chapter 80.36 RCW; and creating a new section.", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Amondson, the Senate concurred in the House amendments to Substitute Senate Bill No. 6377.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6377, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6377, as amended by the House, 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, Moore, 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 - 46.

Absent: Senator Metcalf - 1.

Excused: Senators Talmadge, Vognild - 2.

SUBSTITUTE SENATE BILL NO. 6377, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 5, 1992

MR. PRESIDENT:

The House has passed ENGROSSED SENATE BILL NO. 6401 with the following amendment:

On page 1, after the enacting clause, strike the remainder of the bill, and insert:

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. Identification of a corridor under this section by a county or city shall not restrict the use or management of lands within the corridor for agricultural or forest purposes. Restrictions on the use or management of such lands for agricultural or forest purposes imposed after identification solely to maintain or enhance the value of such lands as a corridor may occur only if the county or city acquires sufficient interest to prevent development of the lands or to control the resource development of the lands. The requirement for acquisition of sufficient interest does not include those corridors regulated by the interstate commerce commission, under provisions of 16 U.S.C. Sec. 1247(d), 16 U.S.C. Sec. 1248, or 43 U.S.C. Sec. 912. Nothing in this section shall be interpreted to alter the authority of the state, or a county or city, to regulate land use activities.

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., and the amendment and the bill are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Amondson, the Senate concurred in the House amendment to Engrossed Senate Bill No. 6401.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6401, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6401, as amended by the House, 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, 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 - 39.

Voting nay: Senators Moore, Murray, Niemi, Pelz, Rinehart, Skratek, A. Smith, Wojahn - 8.

Excused: Senators Talmadge, Vognild - 2.

ENGROSSED SENATE BILL NO. 6401, as amended by the House, having received the 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 2:49 p.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 4:22 p.m. by President Pritchard.

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 6354,

SENATE BILL NO. 6396,

SENATE BILL NO. 6444,

SUBSTITUTE SENATE BILL NO. 6451,
SENATE CONCURRENT RESOLUTION NO. 8428.

SIGNED BY THE PRESIDENT

The President signed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5092,
SUBSTITUTE SENATE BILL NO. 5116,
SUBSTITUTE SENATE BILL NO. 5305,
SUBSTITUTE SENATE BILL NO. 5342,
SENATE BILL NO. 5510,
SUBSTITUTE SENATE BILL NO. 5557,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5986,
ENGROSSED SENATE BILL NO. 6008,
ENGROSSED SENATE BILL NO. 6023,
SUBSTITUTE SENATE BILL NO. 6042,
SUBSTITUTE SENATE BILL NO. 6086,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6104,
SUBSTITUTE SENATE BILL NO. 6120,
ENGROSSED SENATE BILL NO. 6161,
SENATE BILL NO. 6220,
SENATE BILL NO. 6221.

MESSAGE FROM THE HOUSE

March 5, 1992

MR. PRESIDENT:

The House has passed SECOND SUBSTITUTE SENATE BILL NO. 5318 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The definitions set forth in this section apply throughout this chapter.

- (1) "Conducts a financial transaction" includes initiating, concluding, or participating in a financial transaction.
- (2) "Financial institution" means a bank, savings bank, credit union, or savings and loan institution.
- (3) "Financial transaction" means a purchase, sale, loan, pledge, gift, transfer, transmission, delivery, trade, deposit, withdrawal, payment, transfer between accounts, exchange of currency, extension of credit, or any other acquisition or disposition of property, by whatever means effected.
- (4) "Knows the property is proceeds of specified unlawful activity" means believing based upon the representation of a law enforcement officer or his or her agent, or knowing that the property is proceeds from some form, though not necessarily which form, of specified unlawful activity.
- (5) "Proceeds" means any interest in property directly or indirectly acquired through or derived from an act or omission, and any fruits of this interest, in whatever form.
- (6) "Property" means anything of value, whether real or personal, tangible or intangible.
- (7) "Specified unlawful activity" means an offense committed in this state that is a class A or B felony under Washington law or that is listed in RCW 9A.82.010(14), or an offense committed in any other state that is punishable under the laws of that state by more than one year in prison, or an offense that is punishable under federal law by more than one year in prison.

NEW SECTION. Sec. 2.

- (1) A person is guilty of money laundering when that person conducts or attempts to conduct a financial transaction involving the proceeds of specified unlawful activity and:
 - (a) Knows the property is proceeds of specified unlawful activity; or
 - (b) Knows that the transaction is designed in whole or in part to conceal or disguise the nature, location, source, ownership, or control of the proceeds, and acts recklessly as to whether the property is proceeds of specified unlawful activity; or
 - (c) Knows that the transaction is designed in whole or in part to avoid a transaction reporting requirement under federal law.
- (2) In consideration of the constitutional right to counsel afforded by the Fifth and Sixth amendments to the United States Constitution and Article 1, Section 22 of the Constitution of Washington, an additional proof requirement is imposed when a case involves a licensed attorney who accepts a fee for representing a client in an actual criminal

investigation or proceeding. In these situations, the prosecution is required to prove that the attorney accepted proceeds of specified unlawful activity with intent:

(a) To conceal or disguise the nature, location, source, ownership, or control of the proceeds, knowing the property is proceeds of specified unlawful activity; or

(b) To avoid a transaction reporting requirement under federal law.

The proof required by this subsection is in addition to the requirements contained in subsection (1) of this section.

(3) An additional proof requirement is imposed when a case involves a financial institution and one or more of its employees. In these situations, the prosecution is required to prove that proceeds of specified unlawful activity were accepted with intent:

(a) To conceal or disguised the nature, location, source, ownership, or control of the proceeds, knowing the property is proceeds of specified unlawful activity; or

(b) To avoid a transaction reporting requirement under federal law.

The proof required by this subsection is in addition to the requirements contained in subsection (1) of this section.

(4) Money laundering is a class B felony.

(5) A person who violates this section is also liable for a civil penalty of twice the value of the proceeds involved in the financial transaction and for the costs of the suit, including reasonable investigative and attorneys' fees.

(6) Proceedings under this chapter shall be in addition to any other criminal penalties, civil penalties, or forfeitures authorized under state law.

NEW SECTION. Sec. 3.

(1) Proceeds traceable to or derived from specified unlawful activity or a violation of section 2 of this act are subject to seizure and forfeiture. The attorney general or county prosecuting attorney may file a civil action for the forfeiture of proceeds. Unless otherwise provided for under this section, no property rights exist in these proceeds. All right, title, and interest in the proceeds shall vest in the governmental entity of which the seizing law enforcement agency is a part upon commission of the act or omission giving rise to forfeiture under this section.

(2) Real or personal property subject to forfeiture under this chapter may be seized by any law enforcement officer of this state upon process issued by a superior court that has jurisdiction over the property. Any agency seizing real property shall file a lis pendens concerning the property. 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. 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:

(a) The seizure is incident to an arrest or a search under a search warrant or an inspection under an administrative inspection warrant issued pursuant to RCW 69.50.502; or

(b) 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 seizure under subsection (2) of this section commences proceedings for forfeiture. The law enforcement agency under whose authority the seizure was made shall cause notice of the seizure and intended forfeiture of the seized proceeds to be served within fifteen days after the seizure on the owner of the property seized and the person in charge thereof and any person who has a known right or interest therein, including a community property interest. 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 is complete upon mailing within the fifteen-day period after the seizure.

(4) If no person notifies the seizing law enforcement agency in writing of the person's claim of ownership or right to possession of the property within forty-five days of the seizure in the case of personal property and ninety days in the case of real property, the property 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.

(5) If a person notifies the seizing law enforcement agency in writing of the person's claim of ownership or right to possession of property 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 provisions of RCW 69.50.505(e) shall apply to any such hearing. The seizing law enforcement agency shall promptly return property to the claimant upon the direction of the administrative law judge or court.

(6) Disposition of forfeited property shall be made in the manner provided for in RCW 69.50.505(g) through (i) and (m).

NEW SECTION. Sec. 4. No liability is imposed by this chapter upon any authorized state, county, or municipal officer engaged in the lawful performance of his duties, or upon any person who reasonably believes that he is acting at the direction of such officer and that the officer is acting in the lawful performance of his duties.

Sec. 5. 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))~~ the aggregate value ~~((is ten thousand dollars or less))~~ of personal property is within the jurisdictional limit set forth in RCW 3.66.020. 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) ~~((#))~~ 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)(1) When property is forfeited, the seizing agency shall keep a record indicating the identity of the prior owner, if known, a description of the property, the disposition of the property, the value of the property at the time of seizure, and the amount of proceeds realized from disposition of the property.

(2) Each seizing agency shall retain records of forfeited property for at least seven years.

(3) Each seizing agency shall file a report including a copy of the records of forfeited property with the state treasurer each calendar quarter.

(4) The quarterly report need not include a record of forfeited property that is still being held for use as evidence during the investigation or prosecution of a case or during the appeal from a conviction.

(h)(1) By January 31st of each year, each seizing agency shall remit to the state treasurer an amount equal to ten percent of the net proceeds of any property forfeited during the preceding calendar year. Money remitted shall be deposited in the drug enforcement and education account under RCW 69.50.520.

(2) The net proceeds of forfeited property is the value of the forfeitable interest in the property after deducting the cost of satisfying any bona fide security interest to which the property is subject at the time of seizure, and in the case of sold property, after deducting the cost of sale, including reasonable fees or commissions paid to independent selling agents.

(3) The value of sold forfeited property is the sale price. The value of retained forfeited property is the fair market value of the property at the time of seizure, determined when possible by reference to an applicable commonly used index, such as the index used by the department of licensing for valuation of motor vehicles. A seizing agency may use, but need not use, an independent qualified appraiser to determine the value of retained property. If an appraiser is used, the value of the property appraised is net of the cost of the appraisal. The value of destroyed property and retained firearms or illegal property is zero.

(i) Forfeited property and net proceeds not required to be paid to the state treasurer shall be retained by the seizing law enforcement agency exclusively for the expansion and improvement of controlled substances related law enforcement activity. Money retained under this section may not be used to supplant pre-existing funding sources.

(j) 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)) (k) 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)) (l) 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)) (m) 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.

Sec. 6. RCW 9A.82.010 and 1989 c 20 s 17 are each amended to read as follows:

Unless the context requires the contrary, the definitions in this section apply throughout this chapter.

(1) "Creditor" means a person making an extension of credit or a person claiming by, under, or through a person making an extension of credit.

(2) "Debtor" means a person to whom an extension of credit is made or a person who guarantees the repayment of an extension of credit or in any manner undertakes to indemnify the creditor against loss resulting from the failure of a person to whom an extension is made to repay the same.

(3) "Extortionate extension of credit" means an extension of credit with respect to which it is the understanding of the creditor and the debtor at the time the extension is made that delay in making repayment or failure to make repayment could result in the use of violence or other criminal means to cause harm to the person, reputation, or property of any person.

(4) "Extortionate means" means the use, or an express or implicit threat of use, of violence or other criminal means to cause harm to the person, reputation, or property of any person.

(5) "To collect an extension of credit" means to induce in any way a person to make repayment thereof.

(6) "To extend credit" means to make or renew a loan or to enter into an agreement, tacit or express, whereby the repayment or satisfaction of a debt or claim, whether acknowledged or disputed, valid or invalid, and however arising, may or shall be deferred.

(7) "Repayment of an extension of credit" means the repayment, satisfaction, or discharge in whole or in part of a debt or claim, acknowledged or disputed, valid or invalid, resulting from or in connection with that extension of credit.

(8) "Dealer in property" means a person who buys and sells property as a business.

(9) "Stolen property" means property that has been obtained by theft, robbery, or extortion.

(10) "Traffic" means to sell, transfer, distribute, dispense, or otherwise dispose of stolen property to another person, or to buy, receive, possess, or obtain control of stolen property, with intent to sell, transfer, distribute, dispense, or otherwise dispose of the property to another person.

(11) "Control" means the possession of a sufficient interest to permit substantial direction over the affairs of an enterprise.

(12) "Enterprise" includes any individual, sole proprietorship, partnership, corporation, business trust, or other profit or nonprofit legal entity, and includes any union, association, or group of individuals associated in fact although not a legal entity, and both illicit and licit enterprises and governmental and nongovernmental entities.

(13) "Financial institution" means any bank, trust company, savings and loan association, savings bank, mutual savings bank, credit union, or loan company under the jurisdiction of the state or an agency of the United States.

(14) "Criminal profiteering" means any act, including any anticipatory or completed offense, committed for financial gain, that is chargeable or indictable under the laws of the state in which the act occurred and, if the act occurred in a state other than this state, would be chargeable or indictable under the laws of this state had the act occurred in this state and punishable as a felony and by imprisonment for more than one year, regardless of whether the act is charged or indicted, as any of the following:

(a) Murder, as defined in RCW 9A.32.030 and 9A.32.050;

(b) Robbery, as defined in RCW 9A.56.200 and 9A.56.210;

(c) Kidnapping, as defined in RCW 9A.40.020 and 9A.40.030;

(d) Forgery, as defined in RCW 9A.60.020 and 9A.60.030;

(e) Theft, as defined in RCW 9A.56.030, 9A.56.040, 9A.56.060, and 9A.56.080;

(f) Child selling or child buying, as defined in RCW 9A.64.030;

(g) Bribery, as defined in RCW 9A.68.010, 9A.68.020, 9A.68.040, and 9A.68.050;

(h) Gambling, as defined in RCW 9A.46.220 and 9A.46.230;

(i) Extortion, as defined in RCW 9A.56.120 and 9A.56.130;

(j) Extortionate extension of credit, as defined in RCW 9A.82.020;

(k) Advancing money for use in an extortionate extension of credit, as defined in RCW 9A.82.030;

(l) Collection of an extortionate extension of credit, as defined in RCW 9A.82.040;

(m) Collection of an unlawful debt, as defined in RCW 9A.82.045;

(n) Delivery or manufacture of controlled substances or possession with intent to deliver or manufacture controlled substances under chapter 69.50 RCW;

(o) Trafficking in stolen property, as defined in RCW 9A.82.050;

(p) Leading organized crime, as defined in RCW 9A.82.060;

(q) Money laundering, as defined in section 2 of this act;

(r) Obstructing criminal investigations or prosecutions in violation of RCW 9A.72.090, 9A.72.100, 9A.72.110, 9A.72.120, 9A.72.130, 9A.76.070, or 9A.76.180;

((+)) (s) Fraud in the purchase or sale of securities, as defined in RCW 21.20.010;

((+)) (t) Promoting pornography, as defined in RCW 9.68.140;

((+)) (u) Sexual exploitation of children, as defined in RCW 9.68A.040, 9.68A.050, and 9.68A.060;

((+)) (v) Promoting prostitution, as defined in RCW 9A.88.070 and 9A.88.080;

((+)) (w) Arson, as defined in RCW 9A.48.020 and 9A.48.030;

((+)) (x) Assault, as defined in RCW 9A.36.011 and 9A.36.021;

((+)) (y) A pattern of equity skimming, as defined in RCW 61.34.020; or

((+)) (z) Commercial telephone solicitation in violation of RCW 19.158.040(1).

(15) "Pattern of criminal profiteering activity" means engaging in at least three acts of criminal profiteering, one of which occurred after July 1, 1985, and the last of which occurred within five years, excluding any period of imprisonment, after the commission of the earliest act of criminal profiteering. In order to constitute a pattern, the three acts must have the same or similar intent, results, accomplices, principals, victims, or methods of commission, or be otherwise interrelated by distinguishing characteristics including a nexus to the same enterprise, and must not be isolated events. However, in any civil proceedings brought pursuant to RCW 9A.82.100 by any person other than the attorney general or county prosecuting attorney in which one or more acts of fraud in the purchase or sale of securities are asserted as acts of criminal profiteering activity, it is a condition to civil liability under RCW 9A.82.100 that the defendant has been convicted in a criminal proceeding of fraud in the purchase or sale of securities under RCW 21.20.400 or under the laws of another state or of the United States requiring the same elements of proof, but such conviction need not relate to any act or acts asserted as acts of criminal profiteering activity in such civil action under RCW 9A.82.100.

(16) "Records" means any book, paper, writing, record, computer program, or other material.

(17) "Documentary material" means any book, paper, document, writing, drawing, graph, chart, photograph, phonograph record, magnetic tape, computer printout, other data compilation from which information can be obtained or from which information can be translated into usable form, or other tangible item.

(18) "Unlawful debt" means any money or other thing of value constituting principal or interest of a debt that is legally unenforceable in the state in full or in part because the debt was incurred or contracted:

(a) In violation of any one of the following:

(i) Chapter 67.16 RCW relating to horse racing;

(ii) Chapter 9.46 RCW relating to gambling;

(b) In a gambling activity in violation of federal law; or

(c) In connection with the business of lending money or a thing of value at a rate that is at least twice the permitted rate under the applicable state or federal law relating to usury.

(19) (a) "Beneficial interest" means:

(i) The interest of a person as a beneficiary under a trust established under Title 11 RCW in which the trustee for the trust holds legal or record title to real property;

(ii) The interest of a person as a beneficiary under any other trust arrangement under which a trustee holds legal or record title to real property for the benefit of the beneficiary; or

(iii) The interest of a person under any other form of express fiduciary arrangement under which one person holds legal or record title to real property for the benefit of the other person.

(b) "Beneficial interest" does not include the interest of a stockholder in a corporation or the interest of a partner in a general partnership or limited partnership.

(c) A beneficial interest shall be considered to be located where the real property owned by the trustee is located.

(20) "Real property" means any real property or interest in real property, including but not limited to a land sale contract, lease, or mortgage of real property.

(21) (a) "Trustee" means:

(i) A person acting as a trustee under a trust established under Title 11 RCW in which the trustee holds legal or record title to real property;

(ii) A person who holds legal or record title to real property in which another person has a beneficial interest; or

(iii) A successor trustee to a person who is a trustee under subsection (21)(a) (i) or (ii) of this section.

(b) "Trustee" does not mean a person appointed or acting as:

(i) A personal representative under Title 11 RCW;

(ii) A trustee of any testamentary trust;

(iii) A trustee of any indenture of trust under which a bond is issued; or

(iv) A trustee under a deed of trust.

NEW SECTION. Sec. 7. Sections 1 through 4 of this act constitute a new chapter in Title 9A RCW.

On line 1 of the title, after "laundering;" strike the remainder of the title and insert "amending RCW 9A.82.010; reenacting and amending RCW 69.50.505; adding a new chapter to Title 9A RCW; and prescribing penalties.", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Amondson, the Senate concurred in the House amendments to Second Substitute Senate Bill No. 5318.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 5318, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5318, as amended by the House, 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. 5318, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 6, 1992

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5728 with the following amendments:

Strike everything after the enacting clause and insert:

NEW SECTION. Sec. 1. There is added to chapter 43.21C RCW a new section to read as follows:

(1) Except as provided in subsection (2) of this section, the responsible official shall make a threshold determination on a completed application within ninety days after the application and supporting documentation are complete. The applicant may request an additional thirty days for the threshold determination. The governmental entity responsible for making the threshold determination shall by rule, resolution, or ordinance adopt standards, consistent with rules adopted by the department to implement this chapter, for determining when an application and supporting documentation are complete.

(2) This section shall not apply to a city, town, or county that by ordinance adopted prior to April 1, 1992 has adopted procedures to integrate permit and land use decisions with the requirements of this chapter.

NEW SECTION. Sec. 2. Section 1 of this act shall take effect September 1, 1992.

On page 1, line 1 of the title, after "act;", strike the remainder of the title and insert "adding a new section to chapter 43.21C RCW; and providing an effective date.", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Amondson, the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 5728.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5728, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5728, as amended by the House, 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, 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 - 45.

Voting nay: Senator Wojahn - 1.

Absent: Senators Craswell, Matson - 2.

Excused: Senator Talmadge - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5728, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 6, 1992

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6069 with the following amendment:

On page 3, after line 7, insert:

NEW SECTION. Sec. 4. In addition to educating and recruiting state employees, the department of health shall make special efforts to encourage community and private sector businesses and associations to initiate independent efforts to achieve the goals of this act.

Renumber the remaining sections consecutively and correct internal references accordingly., and the amendment and the bill are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Amondson, the Senate concurred in the House amendment to Engrossed Substitute Senate Bill No. 6069.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6069, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6069, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 2; 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, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 46.

Absent: Senators Hayner, Matson - 2.

Excused: Senator Talmadge - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6069, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 6, 1992

MR. PRESIDENT:

The House has passed ENGROSSED SENATE BILL NO. 6093 with the following amendments:

On page 8, beginning on line 29, after "residence." strike all material through "state." on page 9, line 2, and insert "The pesticide sensitivity of an individual shall be certified by a physician who holds a valid license to practice medicine in this state."

On page 9, line 12, after "year" strike "and persons" and insert ". The department shall distribute application forms for the new list at a reasonable time prior to the expiration of the current list, including mailing an application form to each person on the current list at the address given by the person in his or her most recent application. Persons", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Amondson, the Senate concurred in the House amendments to Engrossed Senate Bill No. 6093.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6093, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6093, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; 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, Sumner, Sutherland, Thorsness, Vognil, von Reichbauer, West, Williams, Wojahn - 47.

Absent: Senator Matson - 1.

Excused: Senator Talmadge - 1.

ENGROSSED SENATE BILL NO. 6093, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 5, 1992

MR. PRESIDENT:

The House has passed ENGROSSED SENATE BILL NO. 6261 with the following amendments:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 9.68A.110 and 1989 c 32 s 9 are each amended to read as follows:

(1) In a prosecution under RCW 9.68A.040, it is not a defense that the defendant was involved in activities of law enforcement and prosecution agencies in the investigation and prosecution of criminal offenses. Law enforcement and prosecution agencies shall not employ minors to aid in the investigation of a violation of RCW 9.68A.090 or 9.68A.100. This chapter does not apply to ~~((individual case treatment in a recognized medical facility or individual case treatment by a psychiatrist or psychologist licensed under Title 18 RCW, or to))~~ lawful conduct between spouses.

(2) In a prosecution under RCW 9.68A.050, 9.68A.060, 9.68A.070, or 9.68A.080, it is not a defense that the defendant did not know the age of the child depicted in the visual or printed matter: PROVIDED, That it is a defense, which the defendant must prove by a preponderance of the evidence, that at the time of the offense the defendant 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.

(3) In a prosecution under RCW 9.68A.040 ~~((, 9.68A.050, 9.68A.060,))~~ or 9.68A.090, it is not a defense that the defendant did not know the alleged victim's age: PROVIDED, That it is a defense, which the defendant must prove by a preponderance of the evidence, that at the time of the offense, the defendant ~~((reasonably believed the alleged victim to be at least eighteen years of age based on declarations by the alleged victim))~~ 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 did not rely solely on the oral allegations or apparent age of the minor.

(4) In a prosecution under RCW 9.68A.050, 9.68A.060, or 9.68A.070, it shall be an affirmative defense that the defendant was a law enforcement officer in the process of conducting an official investigation of a sex-related crime against a minor, or that the defendant was providing individual case treatment as a recognized medical facility or as a psychiatrist or psychologist licensed under Title 18 RCW.

(5) In a prosecution under RCW 9.68A.050, 9.68A.060, or 9.68A.070, the state is not required to establish the identity of the alleged victim.

NEW SECTION. Sec. 2. 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 page 1, line 1 of the title, after "children;" strike the remainder of the title and insert "and amending RCW 9.68A.110.", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Amondson, the Senate concurred in the House amendments to Engrossed Senate Bill No. 6261.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6261, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6261, as amended by the House, 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 SENATE BILL NO. 6261, as amended by the House, having received the 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

Senator Kreidler moved that the Senate immediately consider the Message from the House concerning their amendments to Engrossed Senate Bill No. 6089.

Debate ensued.

Senator McMullen demanded a roll call and the demand was sustained.

Further debate ensued.

The President declared the question before the Senate to be the roll call on the motion by Senator Kreidler that the Senate immediately consider the Message from the House concerning their amendments to Engrossed Senate Bill No. 6089.

ROLL CALL

The Secretary called the roll and the motion to immediately consider the Message from the House on Engrossed Senate Bill No. 6089 failed by the following vote: Yeas, 23; Nays, 25; 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, Vognild, Williams, Wojahn - 23.

Voting nay: 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.

Excused: Senator Talmadge - 1.

MESSAGES FROM THE HOUSE

March 5, 1992

MR. PRESIDENT:

The House has passed SUBSTITUTE HOUSE BILL NO. 2967, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

March 6, 1992

MR. PRESIDENT:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 2983,
SUBSTITUTE HOUSE BILL NO. 2993, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

March 6, 1992

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2947, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

MESSAGE FROM THE HOUSE

March 6, 1992

MR. PRESIDENT:

The House has passed SENATE BILL NO. 6452 with the following amendments:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 67.28.210 and 1991 c 331 s 3 are each amended to read as follows:

All taxes levied and collected under RCW 67.28.180, (~~67.28.230,~~) 67.28.240, and 67.28.260 shall be credited to a special fund in the treasury of the county or city imposing such tax. Such taxes shall be levied only for the purpose of paying all or any part of the cost of acquisition, construction, or operating of stadium facilities, convention center facilities, performing arts center facilities, and/or visual arts center facilities or to pay or secure the payment of all or any portion of general obligation bonds or revenue bonds issued for such purpose or purposes under this chapter, or to pay for advertising, publicizing, or otherwise distributing information for the purpose of attracting visitors and encouraging tourist expansion when a county or city has imposed such tax for such purpose, or as one of the purposes hereunder, and until withdrawn for use, the moneys accumulated in such fund or funds may be invested in interest bearing securities by the county or city treasurer in any manner authorized by law. In addition such taxes may be used to develop strategies to expand tourism: PROVIDED, That any county, and any city within a county, bordering upon Grays Harbor may use the proceeds of such taxes for construction and maintenance of a movable tall ships tourist attraction in cooperation with a tall ships restoration society, except to the extent that such proceeds are used for payment of principal and interest on debt incurred prior to June 11, 1986: PROVIDED FURTHER, That any city or county may use the proceeds of such taxes for the refurbishing and operation of a steam railway for tourism promotion purposes: PROVIDED FURTHER, That any city bordering on the Pacific Ocean with a population of not less than one thousand and the county in which such a city is located may use the proceeds of such taxes for funding special events or festivals, or promotional infrastructures including but not limited to an ocean beach boardwalk.

On page 1, line 2 of the title, after "lodging;" strike the remainder of the title and insert "and amending RCW 67.28.210.", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Amondson, the Senate concurred in the House amendments to Senate Bill No. 6452.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6452, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6452, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 1; Excused, 1.

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, 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 - 46.

Voting nay: Senator Anderson - 1.

Absent: Senator Matson - 1.

Excused: Senator Talmadge - 1.

SENATE BILL NO. 6452, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 6, 1992

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6494 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that the ninety-nine-year lease of one thousand acres of land by the state from the federal government requires that the state use any rent moneys from subleasing the land for the development of the leased land and nuclear-related industries in the Tri-Cities area. The legislature further finds that the new emphasis on waste cleanup at Hanford and the new technologies needed for environmental restoration warrant a renewed effort to promote development of the leased land and nuclear-related industries in the Tri-Cities area.

Sec. 2. RCW 43.31.205 and 1990 c 281 s 2 are each amended to read as follows:

In an effort to enhance the economy of the Tri-Cities area, the department of trade and economic development is directed to promote the existence of the lease between the state of Washington and the federal government executed September 10, 1964, covering one thousand acres of land lying within the Hanford reservation near Richland, Washington, and the opportunity of subleasing the land to entities for nuclear-related industry, in agreement with the terms of the lease. When promoting the existence of the lease, the department shall work in cooperation with any associate development organizations located in or near the Tri-Cities area.

NEW SECTION. Sec. 3. A new section is added to chapter 43.31 RCW to read as follows:

(1) The Hanford sublease rent account is hereby created in the state treasury. Moneys in the account may be spent only after appropriation and only for the following purposes:

(a) To promote the existence of the lease between the state of Washington and the federal government executed September 10, 1964, covering one thousand acres of land lying within the Hanford reservation near Richland, Washington;

(b) To promote development of the leased land and nuclear-related industry in the Tri-Cities area, in accordance with the terms of the lease; and

(c) To execute any new sublease agreements that meet the terms of the lease.

(2) Sources for this account shall include:

(a) Any rent payments from subleases of the site; and

(b) Other funding from federal, state, and local agencies.

(3) Nothing in this section shall affect any agreements or contracts related to sublease rental payments in effect as of the effective date of this act.

(4) This section expires on June 30, 1999.

On page 1, line 1 of the title, after "land;" strike the remainder of the title and insert "amending RCW 43.31.205; adding a new section to chapter 43.31 RCW; and creating a new section.", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Amondson, the Senate refuses to concur in the House amendments to Substitute Senate Bill No. 6494 and asks the House to recede therefrom.

MOTION

On motion of Senator Bauer, Senator Vognild was excused.

MESSAGE FROM THE HOUSE

March 6, 1992

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE JOINT MEMORIAL NO. 8024 with the following amendment:

On page 2, line 11, after "infestation" insert "and major wildfires", and the amendment and the joint memorial are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Amondson, the Senate concurred in the House amendment to Substitute Senate Joint Memorial No. 8024.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Joint Memorial No. 8024, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Joint Memorial No. 8024, as amended by the House, and the joint memorial 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, 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, von Reichbauer, West, Williams, Wojahn - 46.

Absent: Senator Matson - 1.

Excused: Senators Talmadge, Vognild - 2.

SUBSTITUTE SENATE JOINT MEMORIAL NO. 8024, as amended by the House, having received the constitutional majority, was declared passed.

MESSAGE FROM THE HOUSE

March 6, 1992

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5953 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that the educational needs of students when they leave the public school system has increased dramatically in the past two decades. If young people are to prosper in our democracy and if our nation is to grow economically, it is imperative that the overall level of learning achieved by students be significantly increased.

To achieve this higher level of learning, the legislature finds that the state of Washington needs to develop a performance-based school system. Instead of maintaining burdensome state accountability laws and rules that dictate educational offerings, the state needs to hold schools accountable for their performance based on what their students learn.

The legislature further finds moving toward a performance-based accountability system will require repealing state laws and rules that inhibit the freedom of school boards and professional educators to carry out their work, and also will require that significantly more decisions be made at the school district and school building levels. In addition, it will be necessary to set high expectations for students, to identify what is expected of all students, and to develop a rigorous academic assessment system to determine if these expectations have been achieved.

The legislature further finds that the governor's council on education reform and funding will, by December 1992, identify broad student learning goals. Subject to decisions made by the 1993 legislature, the legislature finds that it is critical that an organization be established to continue the council's work in identifying necessary student skills and knowledge, to develop student assessment and school accountability systems, and to take other steps necessary to develop a performance-based education system.

The legislature further finds that there is a need for high quality professional development as the state implements a performance-based system. Professional development must be available to schools and school districts to maintain quality control and to assure access to proven research on effective teaching.

"PART I
ENHANCING THE TEACHING PROFESSION"

Sec. 101. RCW 28A.410.040 and 1990 c 33 s 406 are each amended to read as follows:

~~((1))~~ The state board of education shall adopt rules providing that, except as provided in this section, all individuals qualifying for an initial-level teaching certificate after August 31, 1992, shall possess a baccalaureate degree in the arts, sciences, and/or humanities and have fulfilled the requirements for teacher certification pursuant to RCW 28A.305.130 (1) and (2). ~~((The state board of education shall develop and adopt rules establishing baccalaureate degree equivalency standards for certification of vocational instructors performing instructional duties and acquiring initial level~~

certification after August 31, 1992.) However, candidates for grades preschool through eight certificates shall have fulfilled the requirements for a major as part of their baccalaureate degree. If the major is in early childhood education, elementary education, or special education, the candidate must have at least thirty quarter hours or twenty semester hours in one academic field.

~~((2) The state board of education shall study the impact of eliminating the major in education under subsection (1) of this section and submit a report to the legislature by January 15, 1990. The report shall include a recommendation on whether the major in education under subsection (1) of this section should be eliminated.~~

~~(3) The initial certificate shall be valid for two years.~~

~~(4) Certificate holders may renew the certificate for a three year period by providing proof of acceptance and enrollment in an approved masters degree program. A second renewal, for a period of two years, may be granted upon recommendation of the degree granting institution and if the certificate holder can demonstrate substantial progress toward the completion of the masters degree and that the degree will be completed within the two year extension period. Under no circumstances may an initial certificate be valid for a period of more than seven years.)~~

Sec. 102. RCW 28A.410.050 and 1989 c 29 s 2 are each amended to read as follows:

~~((1) The state board of education shall implement rules providing that all teachers performing instructional duties and acquiring professional level certificate status after August 31, 1992, shall possess, as a requirement of professional status, a masters degree in teaching, or a masters degree in the arts, sciences, and/or humanities.~~

~~(2)) The state board of education shall develop and adopt rules establishing baccalaureate and masters degree equivalency standards for vocational instructors performing instructional duties and acquiring ~~((professional level))~~ certification after August 31, 1992.~~

Sec. 103. RCW 28A.405.220 and 1990 c 33 s 391 are each amended to read as follows:

Notwithstanding the provisions of RCW 28A.405.210, every person employed by a school district in a teaching or other nonsupervisory certificated position shall be subject to nonrenewal of employment contract as provided in this section during the first two years of employment by such district, unless the employee has previously completed at least two years of certificated employment in another school district in the state of Washington, in which case the employee shall be subject to nonrenewal of employment contract pursuant to this section during the first year of employment with the new district. Employees as defined in this section shall hereinafter be referred to as "provisional employees".

In the event the superintendent of the school district determines that the employment contract of any provisional employee should not be renewed by the district for the next ensuing term such provisional employee shall be notified thereof in writing on or before May 15th preceding the commencement of such school term, which notification shall state the reason or reasons for such determination. Such notice shall be served upon the provisional employee personally, or by certified or registered mail, or by leaving a copy of the notice at the place of his or her usual abode with some person of suitable age and discretion then resident therein. The determination of the superintendent shall be subject to the evaluation requirements of RCW 28A.405.100.

Every such provisional employee so notified, at his or her request made in writing and filed with the superintendent of the district within ten days after receiving such notice, shall be given the opportunity to meet informally with the superintendent for the purpose of requesting the superintendent to reconsider his or her decision. Such meeting shall be held no later than ten days following the receipt of such request, and the provisional employee shall be given written notice of the date, time and place of meeting at least three days prior thereto. At such meeting the provisional employee shall be given the opportunity to refute any facts upon which the superintendent's determination was based and to make any argument in support of his or her request for reconsideration.

Within ten days following the meeting with the provisional employee, the superintendent shall either reinstate the provisional employee or shall submit to the school district board of directors for consideration at its next regular meeting a written report recommending that the employment contract of the provisional employee be nonrenewed and stating the reason or reasons therefor. A copy of such report shall be delivered to the provisional employee at least three days prior to the scheduled meeting of the board of directors. In taking action upon the recommendation of the superintendent, the board of directors shall consider any written communication which the provisional employee may file with the secretary of the board at any time prior to that meeting.

The board of directors shall notify the provisional employee in writing of its final decision within ten days following the meeting at which the superintendent's recommendation was considered. The decision of the board of directors to nonrenew the contract of a provisional employee shall be final and not subject to appeal.

This section applies to any person employed by a school district in a teaching or other nonsupervisory certificated position after June 25, 1976. This section provides the exclusive means for nonrenewing the employment contract of a provisional employee and no other provision of law shall be applicable thereto, including, without limitation, RCW 28A.405.210 and chapter 28A.645 RCW.

NEW SECTION. Sec. 104. The state board of education, in conjunction with the governor's council on education reform and funding, shall study the current requirements for the certification of teachers and administrators, and shall prepare a report to the legislature that includes options for improving the current certification system. The report, at a minimum, shall analyze postinitial certification requirements, including the continuing education, endorsement, and the fifth-year requirements, and shall analyze the merits of requiring teachers and administrators to develop personal education plans after they have obtained their initial certificates. The report shall be submitted to the appropriate committees of the house of representatives and senate by December 1, 1992.

NEW SECTION. **Sec. 105.** Section 103 of this act shall take effect July 1, 1992.

"PART II
COMMISSION ON STUDENT LEARNING"

NEW SECTION. **Sec. 201.** A new section is added to chapter 28A.630 RCW to read as follows:
Unless the context clearly requires otherwise, the definitions in this section apply throughout sections 201 and 202 of this act.

(1) "Academic assessment system" or "assessment system" means a series of academic examinations and performance-based assessments developed by the commission on student learning to determine if students have mastered the essential academic learning requirements.

(2) "Essential academic learning requirements" means the academic and technical knowledge and skills identified by the commission on student learning, as reviewed and amended by the legislature and state board of education, that students are expected to know and be able to do at specified intervals in their schooling. The essential academic learning requirements, at a minimum, shall include knowledge and skills in reading, writing, speaking, science, history, geography, mathematics, and critical thinking.

NEW SECTION. **Sec. 202.** A new section is added to chapter 28A.630 RCW to read as follows:

(1) The governor's council on education reform and funding shall submit its proposed student learning goals to the appropriate committees of the legislature by December 1, 1992. If both houses of the legislature do not adopt a joint memorial or legislation ratifying, or ratifying with amendment, the student learning goals by July 1, 1993, section 202 and sections 501 through 507 of this act shall be null and void.

(2) The Washington commission on student learning is hereby established. The primary purposes of the commission are to identify what all students need to know and be able to do based on the student learning goals of the governor's council on education reform and funding, to develop student assessment and school accountability systems, and to take other steps necessary to develop a performance-based education system. The commission shall include three members of the state board of education, three members appointed by the governor before July 1, 1992, and three members appointed no later than February 1, 1993, by the governor elected in the November 1992 election. In making the appointments, educators, business leaders, and parents shall be represented, and nominations from state-wide education, business, and parent organizations shall be requested. Efforts shall be made to ensure that the commission reflects the cultural diversity of the state's K-12 student population and that the major geographic regions in the state are represented. Appointees shall be qualified individuals who are supportive of educational restructuring, who have a positive record of service, and who will devote sufficient time to the responsibilities of the commission to ensure that the objectives of the commission are achieved.

(3) The commission shall begin its substantive work subject to subsection (1) of this section.

(4) The commission shall establish technical advisory committees. Membership of the technical advisory committees shall include, but not necessarily be limited to, professionals from the office of the superintendent of public instruction and the state board of education, and other state and local educational practitioners and student assessment specialists.

(5) The commission, with the assistance of the technical advisory committees, shall:

(a) Identify what all elementary and secondary students need to know and be able to do. At a minimum, these essential academic learning requirements shall include reading, writing, speaking, science, history, geography, mathematics, and critical thinking. In developing these essential academic learning requirements, the commission shall incorporate the student learning goals identified by the council on education reform and funding;

(b) By December 1, 1995, present to the state board of education and superintendent of public instruction a state-wide academic assessment system for use in the elementary grades designed to determine if each student has mastered the essential academic learning requirements identified in (a) of this subsection. The academic assessment system shall include a variety of methodologies, including performance-based measures. The assessment system shall be designed so that the results under the assessment system are used by educators as tools to evaluate instructional practices, and to initiate appropriate educational support for students who do not master the essential academic learning requirements. Mastery of each component of the essential academic learning requirements shall be required before students progress in subsequent components of the essential academic learning requirements. The state board of education and superintendent of public instruction shall implement the elementary academic assessment system beginning in the 1996-97 school year, unless the legislature takes action to delay or prevent implementation of the assessment system and essential academic learning requirements. The state board of education and superintendent of public instruction may modify the academic assessment system, as needed, in subsequent school years;

(c) By December 1, 1996, present to the state board of education and superintendent of public instruction a state-wide academic assessment system for use in the secondary grades designed to determine if each student has mastered the essential academic learning requirements identified for secondary students in (a) of this subsection. The academic assessment system shall use a variety of methodologies, including performance-based measures, to determine if students have mastered the essential academic learning requirements, and shall lead to a certificate of mastery. The certificate of mastery shall be required for graduation. The assessment system shall be designed so that the results are used by educators to evaluate instructional practices, and to initiate appropriate educational support for students who do not master the essential academic learning requirements. The commission shall recommend to the state board of education whether

the certificate of mastery should take the place of the graduation requirements or be required for graduation in addition to graduation requirements. The state board of education and superintendent of public instruction shall implement the secondary academic assessment system beginning in the 1997-98 school year, unless the legislature takes action to delay or prevent implementation of the assessment system and essential academic learning requirements. The state board of education and superintendent of public instruction may modify the assessment system, as needed, in subsequent school years;

(d) Consider methods to address the unique needs of special education students when developing the assessments in (b) and (c) of this subsection;

(e) Develop strategies that will assist educators in helping students master the essential academic learning requirements;

(f) Establish a center the primary role of which is to plan, implement, and evaluate a high quality professional development process. The quality schools center shall: Have an advisory council composed of educators, parents, and community and business leaders; use best practices research regarding instruction, management, curriculum development, and assessment; coordinate its activities with the office of the superintendent of public instruction and the state board of education; employ and contract with individuals who have a commitment to quality reform; prepare a six-year plan to be updated every two years; and be able to accept resources and funding from private and public sources;

(g) Develop recommendations for the repeal or amendment of federal, state, and local laws, rules, budgetary language, regulations, and other factors that inhibit schools from adopting strategies designed to help students achieve the essential academic learning requirements;

(h) Develop recommendations on the time, support, and resources, including technical assistance, needed by schools and school districts to help students achieve the essential academic learning requirements. These recommendations shall include an estimate for the legislature, superintendent of public instruction, and governor on the expected cost of implementing the elementary and secondary academic assessment systems during the 1995-97 biennium and beyond;

(i) Develop recommendations for consideration by the higher education coordinating board for adopting college and university entrance requirements that would assist schools in adopting strategies designed to help students achieve the essential academic learning requirements;

(j) By December 1, 1996, recommend to the legislature, state board of education, and superintendent of public instruction a state-wide accountability system to evaluate accurately and fairly the level of learning occurring in individual schools and school districts. The commission also shall recommend to the legislature steps that should be taken to assist school districts and schools in which learning is significantly below expected levels of performance as measured by the academic assessment systems established under this section;

(k) Report annually by December 1st to the legislature and the state board of education on the progress, findings, and recommendations of the commission; and

(l) Complete other tasks, as appropriate.

(6) The commission shall coordinate its activities with the state board of education and the office of the superintendent of public instruction.

(7) The commission shall seek advice broadly from the public and all interested educational organizations in the conduct of its work, including holding periodic regional public hearings.

(8) The commission shall select an entity to provide staff support and the office of financial management shall contract with that entity. The commission may direct the office of financial management to enter into subcontracts with school districts, teachers, higher education faculty, state agencies, business organizations, and other individuals and organizations to assist the commission in its deliberations.

(9) Members of the commission shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

NEW SECTION. Sec. 203. Section 202 of this act shall expire September 1, 1998.

"PART III SCHOOL BOARD POWERS"

NEW SECTION. Sec. 301. A new section is added to chapter 28A.320 RCW to read as follows:

(1) The board of directors of each school district may exercise the following:

(a) The broad discretionary power to determine and adopt written policies not in conflict with other law that provide for the development and implementation of programs, activities, services, or practices that the board determines will:

(i) Promote the education of kindergarten through twelfth grade students in the public schools; or

(ii) Promote the effective, efficient, or safe management and operation of the school district;

(b) Such powers as are expressly authorized by law; and

(c) Such powers as are necessarily or fairly implied in the powers expressly authorized by law.

(2) Before adopting a policy under subsection (1)(a) of this section, the school district board of directors shall comply with the notice requirements of the open public meetings act, chapter 42.30 RCW, and shall in addition include in that notice a statement that sets forth or reasonably describes the proposed policy. The board of directors shall provide a reasonable opportunity for public written and oral comment and consideration of the comment by the board of directors.

Sec. 302. RCW 28A.305.140 and 1990 c 33 s 267 are each amended to read as follows:

~~((The state board of education may grant waivers to school districts from the provisions of)) (1) The self-study process requirements under RCW 28A.320.200, the teacher classroom contact requirements under RCW 28A.150.260(4), and the program hour offerings requirements under RCW 28A.150.200 through 28A.150.220 ((on the basis that such waiver or waivers are necessary to implement successfully a local plan to provide for all students in the district an effective education system that is designed to enhance the educational program for each student. The local plan may include alternative ways to provide effective educational programs for students who experience difficulty with the regular education program.~~

~~The state board shall adopt criteria to evaluate the need for the waiver or waivers)) shall be waived for school districts or individual schools within a district if the school district submits to the state board of education a plan for restructuring its educational program, or the educational program of individual schools within the district that includes:~~

- ~~(a) Specific standards for increased student learning that the district expects to achieve;~~
- ~~(b) How the district plans to achieve the higher standards, including timelines for implementation;~~
- ~~(c) How the district plans to determine if the higher standards are met;~~
- ~~(d) Evidence that the board of directors, teachers, administrators, and classified employees are committed to working cooperatively in implementing the plan;~~
- ~~(e) Evidence that opportunities were provided for parents and citizens to be involved in the development of the plan; and~~

~~(f) Identification of the state requirements that will be waived.~~

~~(2) Waivers granted by the state board of education under this section shall be renewed every three years upon the state board of education receiving a renewal request from the school district board of directors. Before filing the request, the school district shall conduct at least one public meeting to evaluate the educational programs that were implemented as a result of the waivers. The request to the state board of education shall include information regarding the activities and programs implemented as a result of the waivers, whether the higher standards for students are being achieved, and a summary of the comments received at the public meeting or meetings.~~

~~(3) If a school district intends to waive the program hour offerings under RCW 28A.150.220, it shall make available to students enrolled in kindergarten at least a total instructional offering of four hundred fifty hours. Each school district also shall make available to students enrolled in grades one through twelve at least a district-wide annual average total instructional hour offering of one thousand hours. A school district may schedule the last thirty instructional hours of any school year for noninstructional purposes in the case of students who are graduating from high school, including, but not limited to, the observance of graduation and early release from school upon the request of a student, and all such students may be claimed as full-time equivalent students to the extent they could otherwise have been so claimed for the purposes of RCW 28A.150.250 and 28A.150.260. The state board of education may define alternatives to classroom instructional time for students in grades nine through twelve enrolled in alternative learning experiences. The state board of education shall establish rules to determine annual average instructional hours for districts having fewer than twelve grades. The program shall include instruction in the essential academic learning requirements under section 202 of this act and other subjects and activities the school district determines to be appropriate.~~

~~(4) "Instructional hours" means those hours students are provided the opportunity to engage in educational activity planned by and under the direction of school district staff, as directed by the administration and board of directors of the district, inclusive of intermissions for class changes, recess, and teacher/parent-guardian conferences that are planned and scheduled by the district for the purpose of discussing students' educational needs or progress, and exclusive of time actually spent for meals.~~

Sec. 303. RCW 28A.150.260 and 1991 c 116 s 10 are each amended to read as follows:

The basic education allocation for each annual average full time equivalent student shall be determined in accordance with the following procedures:

(1) The governor shall and the superintendent of public instruction may recommend to the legislature a formula based on a ratio of students to staff for the distribution of a basic education allocation for each annual average full time equivalent student enrolled in a common school. The distribution formula shall have the primary objective of equalizing educational opportunities and shall provide appropriate recognition of the following costs among the various districts within the state:

- (a) Certificated instructional staff and their related costs;
- (b) Certificated administrative staff and their related costs;
- (c) Classified staff and their related costs;
- (d) Nonsalary costs;
- (e) Extraordinary costs of remote and necessary schools and small high schools, including costs of additional certificated and classified staff; and
- (f) The attendance of students pursuant to RCW 28A.335.160 and 28A.225.250 who do not reside within the servicing school district.

(2)(a) This formula for distribution of basic education funds shall be reviewed biennially by the superintendent and governor. The recommended formula shall be subject to approval, amendment or rejection by the legislature. The formula shall be for allocation purposes only. While the legislature intends that the allocations for additional instructional

staff be used to increase the ratio of such staff to students, nothing in this section shall require districts to reduce the number of administrative staff below existing levels.

(b) ~~((Commencing with the 1988-89 school year,))~~ The formula adopted by the legislature shall reflect the following ratios at a minimum: (i) Forty-nine certificated instructional staff to one thousand annual average full time equivalent students enrolled in grades kindergarten through three; (ii) forty-six certificated instructional staff to one thousand annual average full time equivalent students in grades four through twelve; (iii) four certificated administrative staff to one thousand annual average full time equivalent students in grades kindergarten through twelve; and (iv) sixteen and sixty-seven one-hundredths classified personnel to one thousand annual average full time equivalent students enrolled in grades kindergarten through twelve.

(c) In the event the legislature rejects the distribution formula recommended by the governor, without adopting a new distribution formula, the distribution formula for the previous school year shall remain in effect: PROVIDED, That the distribution formula developed pursuant to this section shall be for state apportionment and equalization purposes only and shall not be construed as mandating specific operational functions of local school districts other than those program requirements identified in RCW 28A.150.220 and 28A.150.100. The enrollment of any district shall be the annual average number of full time equivalent students and part time students as provided in RCW 28A.150.350, enrolled on the first school day of each month and shall exclude full time equivalent handicapped students recognized for the purposes of allocation of state funds for programs under RCW 28A.155.010 through 28A.155.100. The definition of full time equivalent student shall be determined by rules and regulations of the superintendent of public instruction: PROVIDED, That the definition shall be included as part of the superintendent's biennial budget request: PROVIDED, FURTHER, That any revision of the present definition shall not take effect until approved by the house appropriations committee and the senate ways and means committee: PROVIDED, FURTHER, That the office of financial management shall make a monthly review of the superintendent's reported full time equivalent students in the common schools in conjunction with RCW 43.62.050.

(3)(a) Certificated instructional staff shall include those persons employed by a school district who are nonsupervisory employees within the meaning of RCW 41.59.020(8): PROVIDED, That in exceptional cases, people of unusual competence but without certification may teach students so long as a certificated person exercises general supervision: PROVIDED, FURTHER, That the hiring of such noncertificated people shall not occur during a labor dispute and such noncertificated people shall not be hired to replace certificated employees during a labor dispute.

(b) Certificated administrative staff shall include all those persons who are chief executive officers, chief administrative officers, confidential employees, supervisors, principals, or assistant principals within the meaning of RCW 41.59.020(4).

(4) Each annual average full time equivalent certificated classroom teacher's direct classroom contact hours shall average at least twenty-five hours per week. Direct classroom contact hours shall be exclusive of time required to be spent for preparation, conferences, or any other nonclassroom instruction duties. Up to two hundred minutes per week may be deducted from the twenty-five contact hour requirement, at the discretion of the school district board of directors, to accommodate authorized teacher/parent-guardian conferences, recess, passing time between classes, and informal instructional activity. Implementing rules to be adopted by the state board of education pursuant to RCW 28A.150.220(~~((6))~~) (4) shall provide that compliance with the direct contact hour requirement shall be based upon teachers' normally assigned weekly instructional schedules, as assigned by the district administration. Additional record-keeping by classroom teachers as a means of accounting for contact hours shall not be required. ~~((However, upon request from the board of directors of any school district, the provisions relating to direct classroom contact hours for individual teachers in that district may be waived by the state board of education if the waiver is necessary to implement a locally approved plan for educational excellence and the waiver is limited to those individual teachers approved in the local plan for educational excellence. The state board of education shall develop criteria to evaluate the need for the waiver. Granting of the waiver shall depend upon verification that: (a) The students' classroom instructional time will not be reduced; and (b) the teacher's expertise is critical to the success of the local plan for excellence.))~~ Waivers from contact hours may be requested under RCW 28A.305.140.

NEW SECTION. Sec. 304. RCW 28A.320.210 and 1990 c 33 s 334, 1988 c 256 s 1, 1987 c 505 s 9, 1986 c 137 s 1, 1984 c 278 s 3, 1977 ex.s. c 305 s 1, & 1975-'76 2nd ex.s. c 90 s 1 are each repealed.

"PART IV STUDENT ASSESSMENT AND LEARNING OPPORTUNITIES"

NEW SECTION. Sec. 401. A new section is added to chapter 28A.230 RCW to read as follows:

(1) If students' scores on the test or assessments under RCW 28A.230.190, 28A.230.230, and 28A.230.240 indicate that students need help in identified areas, the school district shall adjust the curriculum in the identified areas.

(2) Each school district shall notify the parents of each student of their child's performance on the test and assessments conducted under this chapter.

Sec. 402. RCW 28A.230.090 and 1990 1st ex.s. c 9 s 301 are each amended to read as follows:

(1) The state board of education shall establish high school graduation requirements or equivalencies for students ~~((who commence the ninth grade subsequent to July 1, 1985, that meet or exceed the following:~~

English	3
Mathematics	2
Social Studies, United States history and government	1
Washington state history and government	1/2
Contemporary world history, geography, and problems	1
Science (1 credit must be in laboratory science)	2
Occupational Education	1
Physical Education	2
Electives	5 1/2
Total	18

(2) For the purposes of this section one credit is equivalent to one year of study.

(3) The Washington state history and government requirement may be fulfilled by students in grades seven or eight or both. Students who have completed the Washington state history and government requirement in grades seven or eight or both shall be considered to have fulfilled the Washington state history and government requirement.

(4) A candidate for graduation must have in addition earned a minimum of 18 credits including all required courses. These credits shall consist of the state requirements listed above and such additional requirements and electives as shall be established by each district).

((5)) (2) In recognition of the statutory authority of the state board of education to establish and enforce minimum high school graduation requirements, the state board shall periodically reevaluate the graduation requirements and shall report such findings to the legislature in a timely manner as determined by the state board.

((6)) (3) Pursuant to any foreign language requirement established by the state board of education or a local school district, or both, for purposes of high school graduation, students who receive instruction in sign language shall be considered to have satisfied the state or local school district foreign language graduation requirement.

((7)) (4) If requested by the student and his or her family, a student who has completed high school courses ((while in seventh and eighth grade)) before attending high school shall be given high school credit which shall be applied to fulfilling high school graduation requirements if:

(a) The course was taken with high school students, if the academic level of the course exceeds the requirements for seventh and eighth grade classes, and the student has successfully passed by completing the same course requirements and examinations as the high school students enrolled in the class; or

(b) The academic level of the course exceeds the requirements for seventh and eighth grade classes and the course would qualify for high school credit, because the course is similar or equivalent to a course offered at a high school in the district as determined by the school district board of directors.

((8)) (5) Students who have taken and successfully completed high school courses under the circumstances in subsection ((7)) (4) of this section shall not be required to take an additional competency examination or perform any other additional assignment to receive credit. Subsection ((7)) (4) of this section shall also apply to students enrolled in high school on April 11, 1990, who took the courses ((while they were in seventh and eighth grade)) before attending high school.

NEW SECTION. Sec. 403. RCW 28A.230.110 and 1990 c 33 s 240 & 1985 c 384 s 4 are each repealed.

"PART V
BASIC EDUCATION AMENDMENTS--EFFECTIVE 1998"

Sec. 501. RCW 28A.150.210 and 1977 ex.s. c 359 s 2 are each amended to read as follows:

The goal of the Basic Education Act for the schools of the state of Washington set forth in this ((1977 amendatory act)) chapter shall be to provide students with the opportunity to ((achieve those skills which are generally recognized as requisite to learning. Those skills shall include the ability:

(1) To distinguish, interpret and make use of words, numbers and other symbols, including sound, colors, shapes and textures;

(2) To organize words and other symbols into acceptable verbal and nonverbal forms of expression, and numbers into their appropriate functions;

(3) To perform intellectual functions such as problem solving, decision-making, goal setting, selecting, planning, predicting, experimenting, ordering and evaluating; and

(4) To use various muscles necessary for coordinating physical and mental functions)) master the essential academic learning requirements necessary for their roles as citizens and potential participants in the economic marketplace and in the marketplace of ideas identified by the commission established in section 202 of this act.

NEW SECTION. Sec. 502. A new section is added to chapter 28A.150 RCW to read as follows:

Unless the context clearly requires otherwise, the definition in this section applies throughout RCW 28A.150.200 through 28A.150.295.

"Instructional hours" means those hours students are provided the opportunity to engage in educational activity planned by and under the direction of school district staff, as directed by the administration and board of directors of the district, inclusive of intermissions for class changes, recess, and teacher/parent-guardian conferences that are planned and scheduled by the district for the purpose of discussing students' educational needs or progress, and exclusive of time actually spent for meals.

Sec. 503. RCW 28A.150.220 and 1990 c 33 s 105 are each amended to read as follows:

(1) ~~((For the purposes of this section and RCW 28A.150.250 and 28A.150.260:~~

~~(a) The term "total program hour offering" shall mean those hours when students are provided the opportunity to engage in educational activity planned by and under the direction of school district staff, as directed by the administration and board of directors of the district, inclusive of intermissions for class changes, recess and teacher/parent guardian conferences which are planned and scheduled by the district for the purpose of discussing students' educational needs or progress, and exclusive of time actually spent for meals.~~

~~(b) "Instruction in work skills" shall include instruction in one or more of the following areas: Industrial arts, home and family life education, business and office education, distributive education, agricultural education, health occupations education, vocational education, trade and industrial education, technical education and career education.~~

~~(2)) Satisfaction of the basic education ((goal)) program requirements identified in RCW 28A.150.210 shall be considered to be implemented by the following program ((requirements)):~~

~~(a) Each school district shall make available to students enrolled in kindergarten at least a total ((program)) instructional offering of four hundred fifty hours. The program shall include ((reading, arithmetic, language skills)) instruction in the essential academic learning requirements under section 202 of this act and such other subjects and such activities as the school district shall determine to be appropriate for the education of the school district's students enrolled in such program;~~

~~(b) Each school district shall make available to students enrolled in grades one through ((three)) twelve, at least a district-wide annual average total ((program)) instructional hour offering of ((two thousand seven hundred)) one thousand hours. ((A minimum of ninety five percent of the total program hour offerings)) The state board of education may define alternatives to classroom instructional time for students in grades nine through twelve enrolled in alternative learning experiences. The state board of education shall establish rules to determine annual average instructional hours for districts including fewer than twelve grades. The program shall ((be in the basic skills areas of reading/language arts (which may include foreign languages), mathematics, social studies, science, music, art, health and physical education. The remaining five percent of the total program hour offerings may include such subjects and activities as the school district shall determine to be appropriate for the education of the school district's students in such grades;~~

~~(c) Each school district shall make available to students in grades four through six at least a total program hour offering of two thousand nine hundred seventy hours. A minimum of ninety percent of the total program hour offerings shall be in the basic skills areas of reading/language arts (which may include foreign languages), mathematics, social studies, science, music, art, health and physical education. The remaining ten percent of the total program hour offerings may include such subjects and activities as the school district shall determine to be appropriate for the education of the school district's students in such grades;~~

~~(d) Each school district shall make available to students in grades seven through eight, at least a total program hour offering of one thousand nine hundred eighty hours. A minimum of eighty five percent of the total program hour offerings shall be in the basic skills areas of reading/language arts (which may include foreign languages), mathematics, social studies, science, music, art, health and physical education. A minimum of ten percent of the total program hour offerings shall be in the area of work skills. The remaining five percent of the total program hour offerings may include such subjects and activities as the school district shall determine to be appropriate for the education of the school district's students in such grades;~~

~~(e) Each school district shall make available to students in grades nine through twelve at least a total program hour offering of four thousand three hundred twenty hours. A minimum of sixty percent of the total program hour offerings shall be in the basic skills areas of language arts, foreign language, mathematics, social studies, science, music, art, health and physical education. A minimum of twenty percent of the total program hour offerings shall be in the area of work skills. The remaining twenty percent of the total program hour offerings may include traffic safety or such subjects and activities as the school district shall determine to be appropriate for the education of the school district's students in such grades, with not less than one half thereof in basic skills and/or work skills. PROVIDED, That each school district shall have the option of including grade nine within the program hour offering requirements of grades seven and eight so long as such requirements for grades seven through nine are increased to two thousand nine hundred seventy hours and such requirements for grades ten through twelve are decreased to three thousand two hundred forty hours.~~

~~(3) In order to provide flexibility to the local school districts in the setting of their curricula, and in order to maintain the intent of this legislation, which is to stress the instruction of basic skills and work skills, any local school district may establish minimum course mix percentages that deviate by up to five percentage points above or below those minimums required by subsection (2) of this section, so long as the total program hour requirement is still met)) include~~

the essential academic learning requirements under section 202 of this act and such other subjects and such activities as the school district shall determine to be appropriate for the education of the school district's students enrolled in such group.

~~((4))~~ (2) Nothing contained in subsection ~~((2))~~ (1) of this section shall be construed to require individual students to attend school for any particular number of hours per day or to take any particular courses.

~~((5))~~ (3) Each school district's kindergarten through twelfth grade basic educational program shall be accessible to all students who are five years of age, as provided by RCW 28A.225.160, and less than twenty-one years of age and shall consist of a minimum of one hundred eighty school days per school year in such grades as are conducted by a school district, and one hundred eighty half-days of instruction, or equivalent, in kindergarten: PROVIDED, That effective May 1, 1979, a school district may schedule the last five school days of the one hundred and eighty day school year for noninstructional purposes in the case of students who are graduating from high school, including, but not limited to, the observance of graduation and early release from school upon the request of a student, and all such students may be claimed as a full time equivalent student to the extent they could otherwise have been so claimed for the purposes of RCW 28A.150.250 and 28A.150.260.

~~((6))~~ (4) The state board of education shall adopt rules to implement and ensure compliance with the program requirements imposed by this section, RCW 28A.150.250 and 28A.150.260, and such related supplemental program approval requirements as the state board may establish ~~(; PROVIDED, That each school district board of directors shall establish the basis and means for determining and monitoring the district's compliance with the basic skills and work skills percentage and course requirements of this section. The certification of the board of directors and the superintendent of a school district that the district is in compliance with such basic skills and work skills requirements may be accepted by the superintendent of public instruction and the state board of education.~~

~~(7) Handicapped education programs, vocational technical institute programs, state institution and state residential school programs, all of which programs are conducted for the common school age, kindergarten through secondary school program students encompassed by this section, shall be exempt from the basic skills and work skills percentage and course requirements of this section in order that the unique needs, abilities or limitations of such students may be met.~~

~~(8) Any school district may petition the state board of education for a reduction in the total program hour offering requirements for one or more of the grade level groupings specified in this section. The state board of education shall grant all such petitions that are accompanied by an assurance that the minimum total program hour offering requirements in one or more other grade level groupings will be exceeded concurrently by no less than the number of hours of the reduction).~~

Sec. 504. RCW 28A.150.290 and 1990 c 33 s 111 are each amended to read as follows:

(1) The superintendent of public instruction shall have the power and duty to make such rules and regulations as are necessary for the proper administration of this chapter and RCW 28A.160.150 through 28A.160.220, 28A.300.170, and 28A.500.010 not inconsistent with the provisions thereof, and in addition to require such reports as may be necessary to carry out his or her duties under this chapter and RCW 28A.160.150 through 28A.160.220, 28A.300.170, and 28A.500.010.

(2) The superintendent of public instruction shall have the authority to make rules and regulations which establish the terms and conditions for allowing school districts to receive state basic education moneys as provided in RCW 28A.150.250 when said districts are unable to fulfill for one or more schools as officially scheduled the requirement of a full school year of one hundred eighty days or the annual average total ~~((program)) instructional hour offering~~ ~~(; teacher contact hour, or course mix and percentage requirements)~~ imposed by RCW 28A.150.220 and 28A.150.260 due to one or more of the following conditions:

(a) An unforeseen natural event, including, but not necessarily limited to, a fire, flood, explosion, storm, earthquake, epidemic, or volcanic eruption that has the direct or indirect effect of rendering one or more school district facilities unsafe, unhealthy, inaccessible, or inoperable; and

(b) An unforeseen mechanical failure or an unforeseen action or inaction by one or more persons, including negligence and threats, that (i) is beyond the control of both a school district board of directors and its employees and (ii) has the direct or indirect effect of rendering one or more school district facilities unsafe, unhealthy, inaccessible, or inoperable. Such actions, inactions or mechanical failures may include, but are not necessarily limited to, arson, vandalism, riots, insurrections, bomb threats, bombings, delays in the scheduled completion of construction projects, and the discontinuance or disruption of utilities such as heating, lighting and water: PROVIDED, That an unforeseen action or inaction shall not include any labor dispute between a school district board of directors and any employee of the school district.

A condition is foreseeable for the purposes of this subsection to the extent a reasonably prudent person would have anticipated prior to August first of the preceding school year that the condition probably would occur during the ensuing school year because of the occurrence of an event or a circumstance which existed during such preceding school year or a prior school year. A board of directors of a school district is deemed for the purposes of this subsection to have knowledge of events and circumstances which are a matter of common knowledge within the school district and of those events and circumstances which can be discovered upon prudent inquiry or inspection.

(3) The superintendent of public instruction shall make every effort to reduce the amount of paperwork required in administration of this chapter and RCW 28A.160.150 through 28A.160.220, 28A.300.170, and 28A.500.010; to simplify

the application, monitoring and evaluation processes used; to eliminate all duplicative requests for information from local school districts; and to make every effort to integrate and standardize information requests for other state education acts and federal aid to education acts administered by the superintendent of public instruction so as to reduce paperwork requirements and duplicative information requests.

Sec. 505. RCW 28A.195.010 and 1990 c 33 s 176 are each amended to read as follows:

The legislature hereby recognizes that private schools should be subject only to those minimum state controls necessary to ~~((insure))~~ ensure the health and safety of all the students in the state and to ~~((insure))~~ ensure a sufficient basic education to meet usual graduation requirements. The state, any agency or official thereof, shall not restrict or dictate any specific educational or other programs for private schools except as hereinafter in this section provided.

Principals of private schools or superintendents of private school districts shall file each year with the state superintendent of public instruction a statement certifying that the minimum requirements hereinafter set forth are being met, noting any deviations. After review of the statement, the state superintendent will notify schools or school districts of those deviations which must be corrected. In case of major deviations, the school or school district may request and the state board of education may grant provisional status for one year in order that the school or school district may take action to meet the requirements. Minimum requirements shall be as follows:

(1) The minimum school year for instructional purposes shall consist of no less than one hundred eighty school days or the equivalent in annual minimum ~~((program))~~ instructional hour offerings as prescribed in RCW 28A.150.220.

(2) ~~((The school day shall be the same as that required in RCW 28A.150.030 and 28A.150.220, except that the percentages of total program hour offerings as prescribed in RCW 28A.150.220 for basic skills, work skills, and optional subjects and activities shall not apply to private schools or private sectarian schools.~~

~~((3))~~ All classroom teachers shall hold appropriate Washington state certification except as follows:

(a) Teachers for religious courses or courses for which no counterpart exists in public schools shall not be required to obtain a state certificate to teach those courses.

(b) In exceptional cases, people of unusual competence but without certification may teach students so long as a certified person exercises general supervision. Annual written statements shall be submitted to the office of the superintendent of public instruction reporting and explaining such circumstances.

~~((4))~~ (3) An approved private school may operate an extension program for parents, guardians, or persons having legal custody of a child to teach children in their custody. The extension program shall require at a minimum that:

(a) The parent, guardian, or custodian be under the supervision of an employee of the approved private school who is certified under chapter 28A.410 RCW;

(b) The planning by the certified person and the parent, guardian, or person having legal custody include objectives consistent with this subsection and subsections (1), ~~((2))~~ (4), (5), and (6) ~~((and (7)))~~ of this section;

(c) The certified person spend a minimum average each month of one contact hour per week with each student under his or her supervision who is enrolled in the approved private school extension program;

(d) Each student's progress be evaluated by the certified person; and

(e) The certified employee shall not supervise more than thirty students enrolled in the approved private school's extension program.

~~((5))~~ (4) Appropriate measures shall be taken to safeguard all permanent records against loss or damage.

~~((6))~~ (5) The physical facilities of the school or district shall be adequate to meet the program offered by the school or district: PROVIDED, That each school building shall meet reasonable health and fire safety requirements. A residential dwelling of the parent, guardian, or custodian shall be deemed to be an adequate physical facility when a parent, guardian, or person having legal custody is instructing his or her child under subsection ~~((4))~~ (3) of this section.

~~((7))~~ (6) Private school curriculum shall include, but not be limited to, instruction ~~((of))~~ in the basic skills of occupational education, science, mathematics, language, social studies, history, health, reading, writing, spelling, and the development of appreciation of art and music, all in sufficient units ~~((for meeting))~~ so that students are able to master the essential academic learning requirements under section 202 of this act and meet state board of education graduation requirements.

~~((8))~~ (7) Each school or school district shall be required to maintain up-to-date policy statements related to the administration and operation of the school or school district.

All decisions of policy, philosophy, selection of books, teaching material, curriculum, except as provided in subsection ~~((7) above provided)~~ (6) of this section, school rules and administration, or other matters not specifically referred to in this section, shall be the responsibility of the administration and administrators of the particular private school involved.

NEW SECTION. Sec. 506. RCW 28A.320.200 and 1990 c 33 s 333, 1989 c 83 s 1, 1988 c 256 s 2, & 1985 c 349 s 2 are each repealed.

Sec. 507. RCW 28A.150.260 and 1992 c ... s 303 (section 303 of this act) are each amended to read as follows:

The basic education allocation for each annual average full time equivalent student shall be determined in accordance with the following procedures:

(1) The governor shall and the superintendent of public instruction may recommend to the legislature a formula based on a ratio of students to staff for the distribution of a basic education allocation for each annual average full time equivalent student enrolled in a common school. The distribution formula shall have the primary objective of equalizing

educational opportunities and shall provide appropriate recognition of the following costs among the various districts within the state:

- (a) Certificated instructional staff and their related costs;
- (b) Certificated administrative staff and their related costs;
- (c) Classified staff and their related costs;
- (d) Nonsalary costs;
- (e) Extraordinary costs of remote and necessary schools and small high schools, including costs of additional certificated and classified staff; and
- (f) The attendance of students pursuant to RCW 28A.335.160 and 28A.225.250 who do not reside within the servicing school district.

(2)(a) This formula for distribution of basic education funds shall be reviewed biennially by the superintendent and governor. The recommended formula shall be subject to approval, amendment or rejection by the legislature. The formula shall be for allocation purposes only. While the legislature intends that the allocations for additional instructional staff be used to increase the ratio of such staff to students, nothing in this section shall require districts to reduce the number of administrative staff below existing levels.

(b) The formula adopted by the legislature shall reflect the following ratios at a minimum: (i) Forty-nine certificated instructional staff to one thousand annual average full time equivalent students enrolled in grades kindergarten through three; (ii) forty-six certificated instructional staff to one thousand annual average full time equivalent students in grades four through twelve; (iii) four certificated administrative staff to one thousand annual average full time equivalent students in grades kindergarten through twelve; and (iv) sixteen and sixty-seven one-hundredths classified personnel to one thousand annual average full time equivalent students enrolled in grades kindergarten through twelve.

(c) In the event the legislature rejects the distribution formula recommended by the governor, without adopting a new distribution formula, the distribution formula for the previous school year shall remain in effect: PROVIDED, That the distribution formula developed pursuant to this section shall be for state apportionment and equalization purposes only and shall not be construed as mandating specific operational functions of local school districts other than those program requirements identified in RCW 28A.150.220 and 28A.150.100. The enrollment of any district shall be the annual average number of full time equivalent students and part time students as provided in RCW 28A.150.350, enrolled on the first school day of each month and shall exclude full time equivalent handicapped students recognized for the purposes of allocation of state funds for programs under RCW 28A.155.010 through 28A.155.100. The definition of full time equivalent student shall be determined by rules and regulations of the superintendent of public instruction: PROVIDED, That the definition shall be included as part of the superintendent's biennial budget request: PROVIDED, FURTHER, That any revision of the present definition shall not take effect until approved by the house appropriations committee and the senate ways and means committee: PROVIDED, FURTHER, That the office of financial management shall make a monthly review of the superintendent's reported full time equivalent students in the common schools in conjunction with RCW 43.62.050.

(3)(a) Certificated instructional staff shall include those persons employed by a school district who are nonsupervisory employees within the meaning of RCW 41.59.020(8): PROVIDED, That in exceptional cases, people of unusual competence but without certification may teach students so long as a certificated person exercises general supervision: PROVIDED, FURTHER, That the hiring of such noncertificated people shall not occur during a labor dispute and such noncertificated people shall not be hired to replace certificated employees during a labor dispute.

(b) Certificated administrative staff shall include all those persons who are chief executive officers, chief administrative officers, confidential employees, supervisors, principals, or assistant principals within the meaning of RCW 41.59.020(4).

~~(((4) Each annual average full time equivalent certificated classroom teacher's direct classroom contact hours shall average at least twenty five hours per week. Direct classroom contact hours shall be exclusive of time required to be spent for preparation, conferences, or any other nonclassroom instruction duties. Up to two hundred minutes per week may be deducted from the twenty five contact hour requirement, at the discretion of the school district board of directors, to accommodate authorized teacher/parent guardian conferences, recess, passing time between classes, and informal instructional activity. Implementing rules to be adopted by the state board of education pursuant to RCW 28A.150.220(4) shall provide that compliance with the direct contact hour requirement shall be based upon teachers' normally assigned weekly instructional schedules, as assigned by the district administration. Additional record keeping by classroom teachers as a means of accounting for contact hours shall not be required. However, upon request from the board of directors of any school district, the provisions relating to direct classroom contact hours for individual teachers in that district may be waived by the state board of education if the waiver is necessary to implement a locally approved plan for educational excellence and the waiver is limited to those individual teachers approved in the local plan for educational excellence. The state board of education shall develop criteria to evaluate the need for the waiver. Granting of the waiver shall depend upon verification that: (a) The students' classroom instructional time will not be reduced; and (b) the teacher's expertise is critical to the success of the local plan for excellence. Waivers from contact hours may be requested under RCW 28A.305.140.))~~

NEW SECTION. Sec. 508. Section 302 of this act shall expire September 1, 1998. However, this section shall not take effect if, by September 1, 1998, a law is enacted stating that a school accountability and academic assessment system is not in place.

NEW SECTION. Sec. 509. Sections 501 through 507 of this act shall take effect September 1, 1998. However, these sections shall not take effect if, by September 1, 1998, a law is enacted stating that a school accountability and academic assessment system is not in place.

"PART VI
MISCELLANEOUS"

NEW SECTION. Sec. 601. Part headings as used in this act constitute no part of the law.

NEW SECTION. Sec. 602. 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 page 1, line 1 of the title, after "education;" strike the remainder of the title and insert "amending RCW 28A.410.040, 28A.410.050, 28A.405.220, 28A.305.140, 28A.150.260, 28A.230.090, 28A.150.210, 28A.150.220, 28A.150.290, 28A.195.010, and 28A.150.260; adding new sections to chapter 28A.320 RCW; adding a new section to chapter 28A.630 RCW; adding a new section to chapter 28A.230 RCW; adding a new section to chapter 28A.150 RCW; creating new sections; repealing RCW 28A.320.200 and 28A.230.110; providing effective dates; and providing an expiration date.", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

Senator Amondson moved that the Senate do concur in the House amendments to Substitute Senate Bill No. 5953.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Amondson that the Senate do concur in the House amendments to Substitute Senate Bill No. 5953.

The motion by Senator Amondson carried and the Senate concurred in the House amendments to Substitute Senate Bill No. 5953 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. 5953, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5953, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 33; Nays, 14; Absent, 1; Excused, 1.

Voting yea: Senators Amondson, Bailey, Bluechel, Cantu, Erwin, Hansen, Hayner, Jesernig, Kreidler, Madsen, Matson, McCaslin, McMullen, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Roach, Saling, Sellar, Skratek, A. Smith, Snyder, Stratton, Sumner, Sutherland, Thorsness, von Reichbauer, West - 33.

Voting nay: Senators Anderson, Bauer, Conner, Craswell, Gaspard, McDonald, Metcalf, Moore, Rasmussen, Rinehart, L. Smith, Vognild, Williams, Wojahn - 14.

Absent: Senator Barr - 1.

Excused: Senator Talmadge - 1.

SUBSTITUTE SENATE BILL NO. 5953, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

STATEMENT FOR THE JOURNAL

RE: Senate Bill No. 6054

I was absent for the vote on final passage on this message, which I support, because I was called to a meeting in the Governor's office with Governor Gardner and Speaker King concerning health care reform.

Sincerely,
SENATOR MARCUS S. GASPARD, 25th District

MESSAGE FROM THE HOUSE

March 6, 1992.

MR. PRESIDENT:

The House has passed ENGROSSED SENATE BILL NO. 6054 with the following amendments:

Strike everything after the enacting clause and 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.

Sec. 2. 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. 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. Chiropractic care also includes such physiological therapeutic procedures as traction and light, 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.

(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.

Sec. 3. 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. 4. 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. 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 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; creating a new section; and declaring an emergency.", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

Senator West moved that the Senate refuse to concur in the House amendments to Engrossed Senate Bill No. 6054 and asks the House to recede therefrom.

MOTION

Senator Linda Smith moved that the Senate do concur in the House amendments to Engrossed Senate Bill No. 6054.

Debate ensued.

The President declared the question before the Senate to be the positive motion by Senator Linda Smith that the Senate do concur in the House amendments to Engrossed Senate Bill No. 6054.

The motion by Senator Linda Smith carried and the Senate concurred in the House amendments to Engrossed Senate Bill No. 6054.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6054, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6054, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 35; Nays, 11; Absent, 2; Excused, 1.

Voting yea: Senators Amondson, Bailey, Bauer, Bluechel, Cantu, Conner, Erwin, Hansen, Hayner, Jesernig, Kreidler, Madsen, McMullen, Metcalf, Moore, Murray, Nelson, Niemi, Oke, Owen, Patterson, Pelz, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sumner, Sutherland, Thorsness, Vognild, von Reichbauer - 35.

Voting nay: Senators Anderson, Craswell, Matson, McCaslin, McDonald, Newhouse, Rasmussen, Sellar, West, Williams, Wojahn - 11.

Absent: Senators Barr, Gaspard - 2.

Excused: Senator Talmadge - 1.

ENGROSSED SENATE BILL NO. 6054, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 3, 1992

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6055 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 43.43 RCW to read as follows:

(1) In all prosecutions involving the analysis of a controlled substance or a sample of a controlled substance by the crime laboratory system of the state patrol, a certified copy of the analytical report signed by the supervisor of the state patrol's crime laboratory or the forensic scientist conducting the analysis is prima facie evidence of the results of the analytical findings.

(2) The defendant or a prosecutor may subpoena the forensic scientist who conducted the analysis of the substance to testify at the preliminary hearing and trial of the issue at no cost to the defendant, if the subpoena is issued at least ten days prior to the trial date.

NEW SECTION. Sec. 2.

(1) When a person has been adjudged guilty of violating any criminal statute of this state and a crime laboratory analysis was performed by a state crime laboratory, in addition to any other disposition, penalty, or fine imposed, the court shall levy a crime laboratory analysis fee of one hundred dollars for each offense for which the person was convicted. Upon a verified petition by the person assessed the fee, the court may suspend payment of all or part of the fee if it finds that the person does not have the ability to pay the fee.

(2) When a minor has been adjudicated a juvenile offender for an offense which, if committed by an adult, would constitute a violation of any criminal statute of this state and a crime laboratory analysis was performed, in addition to any other disposition imposed, the court shall assess a crime laboratory analysis fee of one hundred dollars for each adjudication. Upon a verified petition by a minor assessed the fee, the court may suspend payment of all or part of the fee if it finds that the minor does not have the ability to pay the fee.

(3) All crime laboratory analysis fees assessed under this section shall be collected by the clerk of the court and forwarded to the state general fund, to be used only for crime laboratories. The clerk may retain five dollars to defray the costs of collecting the fees.

NEW SECTION. Sec. 3. Sections 1 and 2 of this act are each added to chapter 43.43 RCW.

On page 1, line 1 of the title, after "patrol;" strike the remainder of the title and insert "adding new sections to chapter 43.43 RCW; and prescribing penalties.," and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Amondson, the Senate concurred in the House amendments to Substitute Senate Bill No. 6055.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6055, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6055, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; 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, Sumner, Sutherland, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 47.

Absent: Senator Barr - 1.

Excused: Senator Talmadge - 1.

SUBSTITUTE SENATE BILL NO. 6055, as amended by the House, having received the 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 5:19 p.m., on motion of Senator Newhouse, the Senate adjourned until 9:00 a.m., Monday, March 9, 1992.

JOEL PRITCHARD, President of the Senate.

GORDON A. GOLOB, Secretary of the Senate.

FIFTY-SEVENTH DAY-----
MORNING SESSION

Senate Chamber, Olympia, Monday, March 9, 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 Hansen, Matson, McCaslin, McDonald, Moore, Patterson and Linda Smith. On motion of Senator Anderson, Senators Matson, McCaslin, McDonald, Patterson and Linda Smith were excused. On motion of Senator Murray, Senators Hansen and Moore were excused.

Eagle Scouts Jesse David Chaquette and Billy Lee Jackson, presented the Colors. Reverend David McMartin, pastor of the Evangelical Free Church 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 HOUSE

March 8, 1992

MR. PRESIDENT:

The Speaker has 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. 6032,
SENATE BILL NO. 6070,
SENATE BILL NO. 6074,
SUBSTITUTE SENATE BILL NO. 6076,
SENATE BILL NO. 6078,
ENGROSSED SENATE BILL NO. 6103,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6132,
SENATE BILL NO. 6133,
SENATE BILL NO. 6134,
SUBSTITUTE SENATE BILL NO. 6135,
SUBSTITUTE SENATE BILL NO. 6138,
SENATE BILL NO. 6140,
SUBSTITUTE SENATE BILL NO. 6141,
SUBSTITUTE SENATE BILL NO. 6146,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6174,

ENGROSSED SENATE BILL NO. 6184,
SUBSTITUTE SENATE BILL NO. 6186,
SUBSTITUTE SENATE BILL NO. 6193,
SENATE BILL NO. 6199,
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. 6276,
SENATE BILL NO. 6295,
SUBSTITUTE SENATE BILL NO. 6306,
SUBSTITUTE SENATE BILL NO. 6327,
SUBSTITUTE SENATE BILL NO. 6328,
SENATE BILL NO. 6329,
SUBSTITUTE SENATE BILL NO. 6330,
SENATE BILL NO. 6339,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6347,
SENATE BILL NO. 6351,
SENATE BILL NO. 6357,
SUBSTITUTE SENATE BILL NO. 6386,
ENGROSSED SENATE BILL NO. 6427,
SENATE BILL NO. 6457,
SENATE CONCURRENT RESOLUTION NO. 8422, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

March 8, 1992

MR. PRESIDENT:

The House has concurred in the Senate amendment(s) and passed the following bills as amended by the Senate:

SUBSTITUTE HOUSE BILL NO. 1481,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2293,
SUBSTITUTE HOUSE BILL NO. 2635,
SUBSTITUTE HOUSE BILL NO. 2659,
SUBSTITUTE HOUSE BILL NO. 2766.

ALAN THOMPSON, Chief Clerk

March 8, 1992

MR. PRESIDENT:

The Speaker has signed:

REENGROSSED SUBSTITUTE HOUSE BILL NO. 1932,
SUBSTITUTE HOUSE BILL NO. 2394,
HOUSE BILL NO. 2633,
SUBSTITUTE HOUSE BILL NO. 2672,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2990, and the same are

herewith transmitted.

ALAN THOMPSON, Chief Clerk

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Metcalf, Gubernatorial Appointment No. 9173, Joe C. Jones, as a member of the Interagency Committee for Outdoor Recreation, was confirmed.

APPOINTMENT OF JOE C. JONES

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 7.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hayner, Jesernig, Kreidler, Madsen, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, Snyder, Stratton, Sumner, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 42.

Excused: Senators Hansen, Matson, McCaslin, McDonald, Moore, Patterson, L. Smith - 7.

MOTION

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

SENATE RESOLUTION 1992-8737

By Senators West, Thorsness, Roach, Sellar, Metcalf, Stratton, Conner, Bluechel, von Reichbauer, McMullen, Pelz, Cantu, Snyder, Moore, Saling, McDonald, Owen, A. Smith, Gaspard, Madsen, Rasmussen, Nelson and Sutherland

WHEREAS, Scouting has been an integral part of the building of character in youth for over eighty-two years; and

WHEREAS, Eighty-one million Americans have been members of the Boy Scouts of America since its incorporation in the United States in 1910; and

WHEREAS, There are ninety thousand four hundred fifty-five Boy Scouts in Washington in two thousand troops in twelve councils, including over three thousand six hundred Eagle Scouts; and

WHEREAS, Over eighteen thousand adults volunteer their time and efforts in support of the Boy Scouts of Washington; and

WHEREAS, At least nineteen Washington State Senators are former Boy Scouts, including two former Eagle Scouts; and

WHEREAS, Over thirteen Washington State Senators are current or former Boy Scout adult leaders; and

WHEREAS, The scouting program begins with youth at age seven and continues through the Explorer Scout program that involves youth between ages fourteen and twenty-one; and

WHEREAS, The scout law inspires people always to be trustworthy, loyal, helpful, friendly, courteous, kind, obedient, cheerful, thrifty, brave, clean, and reverent;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate applaud the Eagle Scouts visiting the Legislature today, those members of the Senate who have participated in

the Boy Scout program, the twelve councils serving Washington State and the Boy Scouts of America, for the service and benefit to the youth of this state; and

BE IT FURTHER RESOLVED, That the members of this body encourage support in their home districts for scouting programs; and

BE IT FURTHER RESOLVED, That a copy of this resolution be transmitted by the Secretary of the Senate to the National Office of the Boy Scouts of America in Irving, Texas; the Western Regional Office of the Boy Scouts of America in Sunnyvale, California; and the twelve Boy Scout councils serving Washington State.

Senators West, Thorsness, Conner, Metcalf and Roach spoke to Senate Resolution 1992-8737.

INTRODUCTION OF SPECIAL GUESTS

The President introduced members of the Boy Scouts, their leaders and parents who were seated in the gallery.

INTRODUCTION OF SPECIAL GUEST

The President introduced Eagle Scout Michael Clayton McKennedy, a member of Troop 48 from the First Methodist Church of Olympia, who was seated on the rostrum.

With permission of the Senate, business was suspended to permit Eagle Scout McKennedy to address the Senate.

MOTION

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

SENATE RESOLUTION 1992-8730

By Senators Saling, Cantu, Vognild, Snyder, Gaspard, Oke, Nelson and Sutherland

WHEREAS, The Washington State Legislature, in 1981, established the Washington Scholars Program to recognize selected senior students from Washington public and private high schools for their academic achievements, leadership abilities, and community service contributions; and

WHEREAS, Three senior students are selected from each of the state's forty-nine legislative districts by a review committee composed of distinguished secondary and postsecondary educators; and

WHEREAS, The students selected for special recognition as Washington Scholars have distinguished themselves by their energy and diversity as student leaders; as participants in music, debate, sports, and other programs; and through valuable service to their communities; and

WHEREAS, The families of the students have nurtured and supported the interests and talents of their children; and

WHEREAS, The state of Washington benefits from the accomplishments of these caring and gifted individuals, not only as students but, as citizens of our communities and our state;

NOW, THEREFORE, BE IT RESOLVED, That the Senate commend the families of these students for their encouragement and support; and

BE IT FURTHER RESOLVED, That the Washington Scholars be recognized and congratulated for their hard work, dedication, and maturity in achieving this noteworthy accomplishment; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate immediately transmit copies of this resolution to all of the Washington scholars from each of the forty-nine legislative districts.

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 Metcalf, Gubernatorial Appointment No. 9178, Robert C. Petersen, as a member of the Parks and Recreation Commission, was confirmed.

Senators Metcalf, Snyder and Sellar spoke to the confirmation of Robert C. Petersen as a member of the Parks and Recreation Commission.

APPOINTMENT OF ROBERT C. PETERSEN

The Secretary called the roll. The appointment was confirmed 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, 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 McMullen - 1.

Excused: Senator Matson - 1.

Vice President Pro Tempore Bluechel assumed the Chair.

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

MESSAGE FROM THE HOUSE

March 6, 1992

MR. PRESIDENT:

The House has passed ENGROSSED SENATE BILL NO. 6033 with the following amendments:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 18.71.205 and 1990 c 269 s 18 are each amended to read as follows:

(1) The secretary of the department of health, in conjunction with the advice and assistance of the emergency medical services licensing and certification advisory committee as prescribed in RCW 18.73.050, and the board of medical examiners, shall prescribe:

(a) Minimum standards and performance requirements for the certification and recertification of physician's trained intravenous therapy technicians, airway management technicians, and mobile intensive care paramedics; and

(b) Procedures for certification, recertification, and decertification of physician's trained intravenous therapy technicians, airway management technicians, and mobile intensive care paramedics.

(2) Initial certification shall be for a period of ~~((two))~~ three years.

(3) Recertification shall be granted upon proof of continuing satisfactory performance and education, and shall be for a period of ~~((two))~~ three years.

(4) As used in chapters 18.71 and 18.73 RCW, "approved medical program director" means a person who:

(a) Is licensed to practice medicine and surgery pursuant to chapter 18.71 RCW or osteopathy and surgery pursuant to chapter 18.57 RCW; and

(b) Is qualified and knowledgeable in the administration and management of emergency care and services; and

(c) Is so certified by the department of health for a county, group of counties, or cities with populations over four hundred thousand in coordination with the recommendations of the local medical community and local emergency medical services and trauma care council.

(5) The uniform disciplinary act, chapter 18.130 RCW, governs uncertified practice, the issuance and denial of certificates, and the disciplining of certificate holders under this section. The secretary shall be the disciplining authority under this section. Disciplinary action shall be initiated against a person credentialed under this chapter in a manner consistent with the responsibilities and duties of the medical program director under whom such person is responsible.

Sec. 2. RCW 18.73.130 and 1990 c 269 s 25 are each amended to read as follows:

An ambulance operator, ambulance director, aid vehicle operator or aid director may not operate a service in the state of Washington without holding a license for such operation, issued by the secretary when such operation is consistent with the state-wide and regional emergency medical services and trauma care plans established pursuant to chapter 70.168 RCW, indicating the general area to be served and the number of vehicles to be used, with the following exceptions:

(1) The United States government;

(2) Ambulance operators and ambulance directors providing service in other states when bringing patients into this state;

(3) Owners of businesses in which ambulance or aid vehicles are used exclusively on company property but occasionally in emergencies may transport patients to hospitals not on company property; and

(4) Operators of vehicles pressed into service for transportation of patients in emergencies when licensed ambulances are not available or cannot meet overwhelming demand.

The license shall be valid for a period of ~~((three))~~ two years and shall be renewed on request provided the holder has consistently complied with the regulations of the department and the department of licensing and provided also that the needs of the area served have been met satisfactorily. The license shall not be transferable.

Sec. 3. RCW 18.73.140 and 1987 c 214 s 11 are each amended to read as follows:

The secretary shall issue an ambulance or aid vehicle license for each vehicle so designated. The license shall be for a period of ~~((one))~~ two years and may be reissued on expiration if the vehicle and its equipment meet requirements in force at the time of expiration of the license period. The license may be revoked if the ambulance or aid vehicle is found to be operating in violation of the regulations promulgated by the department or without required equipment. The license shall be terminated automatically if the vehicle is sold or transferred to the control of anyone not currently licensed as an ambulance or aid vehicle operator or director. The license number shall be prominently displayed on each vehicle.

Sec. 4. RCW 18.73.150 and 1979 ex.s. c 261 s 15 are each amended to read as follows:

Any ambulance operated as such shall operate with sufficient personnel for adequate patient care, at least one of whom shall be an emergency medical technician under standards promulgated by the secretary. The emergency medical technician shall have responsibility for its operation and for the care of patients both before they are placed aboard the vehicle and during transit. If there are two or more emergency medical technicians operating the ambulance, a nondriving medical technician shall be in command of the vehicle. The emergency medical technician in command of the vehicle shall be in the patient compartment and in attendance to the patient.

The driver of the ambulance shall have at least a certificate of advance first aid qualification recognized by the secretary pursuant to RCW 18.73.120 unless there are at least two certified emergency medical technicians in attendance of the patient, in which case the driver shall not be required to have such certificate.

NEW SECTION. Sec. 5. A new section is added to chapter 18.73 RCW to read as follows:

The uniform disciplinary act, chapter 18.130 RCW, shall govern the issuance and denial of credentials, unauthorized practice, and the discipline of persons credentialed under this chapter. The secretary shall act as the disciplinary authority under this chapter. Disciplinary action shall be initiated against a person credentialed under this chapter in a manner consistent with the responsibilities and duties of the medical program director under whom such person is responsible.

Sec. 6. 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 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 RCW;
- (xiii) Dietitians and nutritionists certified under chapter 18.138 RCW; ~~((and))~~
- (xiv) Sex offender treatment providers certified under chapter 18.155 RCW; and
- (xv) Persons licensed and certified under chapter 18.73 RCW or RCW 18.71.205.

(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 medical disciplinary board as established in chapter 18.72 RCW governing licenses and registrations issued under chapters 18.71 and 18.71A RCW;
- (x) The board of physical therapy as established in chapter 18.74 RCW;
- (xi) The board of occupational therapy practice as established in chapter 18.59 RCW;
- (xii) The board of practical nursing as established in chapter 18.78 RCW;
- (xiii) The examining board of psychology and its disciplinary committee as established in chapter 18.83 RCW;
- (xiv) The board of nursing as established in chapter 18.88 RCW; and
- (xv) 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.

On page 1, line 1 of the title, after "personnel;" strike the remainder of the title and insert "amending RCW 18.71.205, 18.73.130, 18.73.140, 18.73.150, and 18.130.040; and adding a new section to chapter 18.73 RCW.", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Amondson, the Senate concurred in the House amendments to Engrossed Senate Bill No. 6033.

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, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6033, as amended by the House, 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. 6033, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 6, 1992

MR. PRESIDENT:

The House has passed ENGROSSED SENATE BILL NO. 6273 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 15.58 RCW to read as follows:

(1) Except as provided in subsections (2) and (5) of this section, no city, town, or county may regulate the use of pesticides: On lands designated as being agricultural or forest lands under RCW 36.70A.170; on land classified as farm and agricultural land under chapter 84.34 RCW; on land regarding which pesticide use is regulated under chapter 76.09 RCW; or on a right of way or easement for a state highway or for a privately or governmentally owned public utility.

(2) A city, town, or county may regulate the use of pesticides on lands, rights of way, or easements listed in subsection (1) of this section only for the purpose of: Implementing the requirements of the rules of the state's department of health or state board of health for protecting drinking water supplies; or providing compliance with water quality standards established by the state's department of ecology by rule.

(3) Before proposing an ordinance to regulate pesticides, a city, town, or county shall consult with the state's departments of agriculture, ecology, and health.

(4) Except as provided in subsection (5) of this section, no unit of local government in this state other than a city, town, or county may regulate pesticides.

(5) The provisions of this section do not prohibit a unit of local government from managing or regulating pesticides on property in which the unit of government has any legal or equitable ownership interest or leasehold interest.

NEW SECTION. Sec. 2. A new section is added to chapter 17.21 RCW to read as follows:

(1) Except as provided in subsections (2) and (5) of this section, no city, town, or county may regulate the use of pesticides: On lands designated as being agricultural or forest lands under RCW 36.70A.170; on land classified as farm and agricultural land under chapter 84.34 RCW; on land regarding which pesticide use is regulated under chapter 76.09 RCW; or on a right of way or easement for a state highway or for a privately or governmentally owned public utility.

(2) A city, town, or county may regulate the use of pesticides on lands, rights of way, or easements listed in subsection (1) of this section only for the purpose of: Implementing the requirements of the rules of the state's

department of health or state board of health for protecting drinking water supplies; or providing compliance with water quality standards established by the state's department of ecology by rule.

(3) Before proposing an ordinance to regulate pesticides, a city, town, or county shall consult with the state's departments of agriculture, ecology, and health.

(4) Except as provided in subsection (5) of this section, no unit of local government in this state other than a city, town, or county may regulate pesticides.

(5) The provisions of this section do not prohibit a unit of local government from managing or regulating pesticides on property in which the unit of government has any legal or equitable ownership interest or leasehold interest.

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.

NEW SECTION. Sec. 4. This act shall expire on July 1, 1994.

On page 1, line 2 of the title, after "pesticides;" strike the remainder of the title and insert "adding a new section to chapter 15.58 RCW; adding a new section to chapter 17.21 RCW; providing an expiration date; and declaring an emergency.", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Amondson, the Senate concurred in the House amendments to Engrossed Senate Bill No. 6273.

POINT OF INQUIRY

Senator Murray: "Senator Barr, in reading this bill on page one, beginning on line eleven of the amendment, it says that no city, town or county may regulate the use of pesticides on lands designated as being agricultural or forest lands under the Growth Management Act. I am trying to understand what this language means. Does it mean that cities, towns or counties that have not designated agricultural lands that lay within their urban growth areas can regulate these pesticides? In other words, if you fall under the Growth Management Act that you can't, but if you are not part of the Growth Management, counties still can regulate pesticides?"

Senator Barr: "Senator Murray, as I understand the bill, the cities and counties can regulate pesticides, except for agricultural lands and forestry lands that are in the Open Space taxation, and corridors needing transportation. Now, aside from those three categories, cities and counties are free to regulate. Then, of course, the bill is only a two year bill."

Senator Murray: "Thank you, Senator Barr. With that, I would urge a 'no' vote on this legislation. The way I read it is that cities or counties who are within the Growth Management Act will not longer be able to regulate their pesticide use. If you are not within the Growth Management Act, you will be able to regulate pesticides."

Senator Barr: "As I understand it, Senator Murray, that is not the intent of the legislation as they explained it to me over in the House."

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. 6273, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6273, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 36; Nays, 12; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Bailey, Barr, Bauer, 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, Stratton, Sumner, Sutherland, Thorsness, Vognild, von Reichbauer, West, Williams - 36.

Voting nay: Senators Anderson, Gaspard, Kreidler, McMullen, Moore, Murray, Niemi, Pelz, Rinehart, A. Smith, Talmadge, Wojahn - 12.

Excused: Senator Matson - 1.

ENGROSSED SENATE BILL NO. 6273, as amended by the House having received the 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

Senator Kreidler moved that the Senate immediately consider the Message from the House concerning their amendments to Engrossed Senate Bill No. 6089.

Senator Newhouse 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 motion by Senator Kreidler that the Senate immediately consider the Message from the House concerning their amendments to Engrossed Senate Bill No. 6089.

ROLL CALL

The Secretary called the roll and the motion to immediately consider the Message from the House on Engrossed Senate Bill No. 6089 failed by the following vote: Yeas, 24; Nays, 25; Absent, 0; Excused, 0.

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, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Oke, Patterson, Roach, Saling, Sellar, L. Smith, Sumner, Thorsness, von Reichbauer, West - 25.

President Pritchard assumed the Chair.

MESSAGE FROM THE HOUSE

March 8, 1992

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2553 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives R. Fisher, R. Meyers and Betrozoff.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Newhouse, the Senate refuses to grant a conference, adheres to its position on the amendments to Engrossed Substitute House Bill No. 2553 and asks the House to concur therein.

MOTION

At 9:57 a.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 10:47 a.m. by President Pritchard.

SIGNED BY THE PRESIDENT

The President signed:

REENGROSSED SUBSTITUTE HOUSE BILL NO. 1932,
SUBSTITUTE HOUSE BILL NO. 2394,
HOUSE BILL NO. 2633,
SUBSTITUTE HOUSE BILL NO. 2672,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2990.

SIGNED BY THE PRESIDENT

The President signed:

SECOND SUBSTITUTE SENATE BILL NO. 5318,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5728,
SUBSTITUTE SENATE BILL NO. 5953,
ENGROSSED SENATE BILL NO. 6054,
SUBSTITUTE SENATE BILL NO. 6055,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6069,
ENGROSSED SENATE BILL NO. 6093,
ENGROSSED SENATE BILL NO. 6261,
SENATE BILL NO. 6289,
ENGROSSED SENATE BILL NO. 6292,
SENATE BILL NO. 6296,
SUBSTITUTE SENATE BILL NO. 6321,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6326,
SUBSTITUTE SENATE BILL NO. 6377,
ENGROSSED SENATE BILL NO. 6401,
SENATE BILL NO. 6452,
SUBSTITUTE SENATE JOINT MEMORIAL NO. 8024.

MOTION

On motion of Senator Metcalf, Senator Oke was excused.

MESSAGE FROM THE HOUSE

March 5, 1992

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6111 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1.

(1) It is the intent of the legislature to make available, within available funds, intensive services to children and families that are designed to prevent the unnecessary imminent placement of children in foster care, and designed to facilitate the reunification of the children with their families. These services are known as family preservation services and are characterized by the following values, beliefs, and goals:

- (a) Safety of the child is always the first concern;
- (b) Children need their families and should be raised by their own families whenever possible;
- (c) Interventions should focus on family strengths and be responsive to individual family needs; and

(d) Improvement of family functioning is essential in order to promote the child's health, safety, and welfare and thereby allow the family to remain intact and allow children to remain at home.

(2) Subject to the availability of funds for such purposes, the legislature intends for family preservation services to be made available to all eligible families on a state-wide basis through a phased-in process. Except as otherwise specified by statute, the department of social and health services shall have the authority and discretion to implement and expand family preservation services according to a plan and time frame determined by the department.

(3) Nothing in this chapter shall be construed to create an entitlement to services nor to create judicial authority to order the provision of family preservation services to any person or family where the department has determined that such services are unavailable or unsuitable or that the child or family are not eligible for such services.

NEW SECTION. Sec. 2. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Department" means the department of social and health services.

(2) "Family preservation services" means services that are delivered primarily in the home, that follow intensive service models with demonstrated effectiveness in reducing or avoiding the need for unnecessary imminent foster care placement, and that have all of the characteristics delineated in section 3 of this act.

(3) "Foster care" means placement of a child by the department or a licensed child placing agency in a home or facility licensed pursuant to chapter 74.15 RCW, or in a home or facility that is not required to be licensed pursuant to chapter 74.15 RCW.

(4) "Imminent" means a decision has been made by the department that, without family preservation services, a petition requesting the removal of a child from the family home will be immediately filed under chapter 13.32A or 13.34 RCW, or that a voluntary placement agreement will be immediately initiated.

NEW SECTION. Sec. 3. Family preservation services shall have all of the following characteristics:

(1) Services are provided by specially trained caseworkers who have received at least forty hours of training from recognized family preservation services experts. Caseworkers provide the services in the family's home, and may provide some of the services in other natural environments of the family, such as their neighborhood or schools;

(2) Caseload size averages two families per caseworker;

(3) The services to the family are provided by a single caseworker, with backup caseworkers identified to provide assistance as necessary;

(4) Caseworkers have the authority and discretion to spend funds, up to a maximum amount specified by the department, to help families obtain necessary food, shelter, or clothing, or to purchase other goods or services that will enhance the effectiveness of intervention;

(5) Services are available to the family within twenty-four hours following receipt of a referral to the program;

(6) Services are available to the family twenty-four hours a day and seven days a week;

(7) Duration of service is limited to a maximum of forty days, unless the department authorizes an additional provision of service through an exception to policy;

(8) Services assist the family to improve parental and household management competence and to solve practical problems that contribute to family stress so as to effect improved parental performance and enhanced functioning of the family unit; and

(9) Services help families locate and utilize additional assistance, including, but not limited to, counseling and treatment services, housing, child care, education, job training, emergency cash grants, state and federally funded public assistance, and other basic support services.

NEW SECTION. Sec. 4.

(1) The department shall be the lead administrative agency for family preservation services and may receive funding from any source for the implementation or expansion of such services. The department shall:

(a) Provide coordination and planning for the implementation and expansion of family preservation services; and

(b) Monitor and evaluate such services to determine whether the programs meet measurable standards specified by this chapter and the department.

(2) In carrying out the requirements of subsection (1)(a) of this section, the department shall consult and coordinate with at least one qualified private, nonprofit agency that has demonstrated expertise and experience in family preservation services.

(3) The department may provide family preservation services directly and shall, within available funds, contract with private, nonprofit social service agencies to provide services, provided that such agencies meet measurable standards specified by this chapter and by the department.

(4) The department shall not continue direct provision of family preservation services unless it is demonstrated that provision of such services prevents foster care placement in at least seventy percent of the cases served for a period of at least six months following termination of services.

The department shall not renew a contract with a service provider unless the provider can demonstrate that provision of services prevents foster care placement in at least seventy percent of the cases served for a period of at least six months following termination of service.

NEW SECTION. Sec. 5.

(1) Family preservation services may be provided to children and their families only when the department has determined that:

(a) The child has been placed in foster care or is at actual, imminent risk of foster care placement due to:

(i) Child abuse or neglect;

(ii) A serious threat of substantial harm to the child's health, safety, or welfare; or

(iii) Family conflict; and

(b) There are no other available services that will prevent foster care placement of the child or make it possible to immediately return the child home.

(2) The department shall refer eligible families to family preservation services on a twenty-four hour intake basis. The department need not refer otherwise eligible families, and family preservation services need not be provided, if:

(a) The services are not available in the community in which the family resides;

(b) The services cannot be provided because the program is filled to capacity and there are no current service openings;

(c) The family refuses the services;

(d) The department, or the agency that is supervising the foster care placement, has developed a case plan that does not include reunification of the child and family; or

(e) The department or the contracted service provider determines that the safety of a child, a family member, or persons providing the service would be unduly threatened.

(3) Nothing in this chapter shall prevent provision of family preservation services to nonfamily members when the department or the service provider deems it necessary or appropriate to do so in order to assist the family or child.

NEW SECTION. Sec. 6.

(1) The department shall, within available funds, conduct a family preservation services study in at least one region within the state. In developing and conducting the project, the department shall consult and coordinate with at least one qualified private, nonprofit agency that has demonstrated expertise and experience in family preservation services. The purpose of the study is to:

(a) Develop a valid and reliable process for accurately identifying clients who are eligible for family preservation services;

(b) Collect data on which to base projections of service needs, budget requests, and long-range planning;

(c) Develop regional and state-wide projections of service needs;

(d) Develop a cost estimate for implementation and expansion of family preservation services on a state-wide basis;

(e) Develop a long-range plan and time frame for expanding the availability of family preservation services and ultimately making such services available to all eligible families on a state-wide basis; and

(f) Collect data regarding the number of children in foster care, group care, and institutional placements due to medical needs, mental health needs, developmental disabilities, and juvenile offenses, and assess the feasibility of expanding family preservation service eligibility to include all of these children.

(2) The department shall prepare a report to the legislature that addresses the objectives set forth in subsection (1) of this section. The report shall address the feasibility of expanding and implementing family preservation services on a state-wide basis. The report is due January 1, 1993.

NEW SECTION. Sec. 7. For the purpose of providing family preservation services to children who would otherwise be removed from their homes, the department may:

(1) Solicit and use any available federal or private resources, which may include funds, in-kind resources, or volunteer services; and

(2) Use any available state resources, which may include in-kind resources or volunteer services.

NEW SECTION. Sec. 8. The department's provision of family preservation services under section 4(3) of this act is not intended to replace existing contracts with private nonprofit social service agencies that provide family preservation services.

NEW SECTION. Sec. 9. After July 1, 1993, the secretary of social and health services may transfer funds appropriated for foster care services to purchase family preservation services for children at imminent risk of foster care placement. The secretary shall notify the appropriate committees of the senate and house of representatives of any transfers under this section. The secretary shall include caseload, expenditure, cost avoidance, identified improvements to the foster care system, and outcome data related to the transfer in the notification.

NEW SECTION. Sec. 10. The juvenile issues task force established under chapter 234, Laws of 1991, shall review the advisability of transferring appropriated funds from foster care to purchase family preservation services for children at imminent risk of foster care placement and include findings and recommendations on the transfer of funds to the appropriate committees of the senate and house of representatives by December 15, 1992. The task force shall identify ways to improve the foster care system and expand family preservation services with the savings generated by avoiding the placement of children at imminent risk of foster care placement through the provision of family preservation services.

NEW SECTION. Sec. 11. Any federal funds made available under section 7 of this act shall be used to supplement and shall not supplant state funds to carry out the purposes of this chapter.

NEW SECTION. Sec. 12. Sections 1 through 11 of this act shall constitute a new chapter in Title 74 RCW.

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.

On page 1, line 1 of the title, after "services;" strike the remainder of the title and insert "and adding a new chapter to Title 74 RCW.", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Amondson, the Senate concurred in the House amendments to Substitute Senate Bill No. 6111.

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, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6111, as amended by the House, 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, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sumner, Sutherland, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 46.

Voting nay: Senator Talmadge - 1.

Absent: Senator McMullen - 1.

Excused: Senator Oke - 1.

SUBSTITUTE SENATE BILL NO. 6111, as amended by the House, having received the 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 the Message from the House and the amendments to Engrossed Substitute Senate Bill No. 5727, deferred March 7, 1992.

MOTION

On motion of Senator Amondson, the Senate refuses to concur in the House amendments to Engrossed Substitute Senate Bill No. 5727 and asks the House to recede therefrom.

MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Newhouse moved to reconsider the vote by which the Senate refused to concur in the House amendments to Engrossed Substitute Senate Bill No. 5727 and asks the House to recede therefrom.

The President declared the question before the Senate to be the motion by Senator Newhouse to reconsider the vote by which the Senate refuses to concur in the House amendments to Engrossed Substitute Senate Bill No. 5727 and asks the House to recede therefrom.

The motion by Senator Newhouse carried and the Senate will reconsider the vote by which the Senate refuses to concur in the House amendments to Engrossed Substitute Senate Bill No. 5727 and asks the House to recede therefrom.

MOTION

On motion of Senator Newhouse, on reconsideration, the Senate refuses to concur in the House amendments to Engrossed Substitute Senate Bill No. 5727 and requests of the House a conference thereon.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute Senate Bill No. 5727 and the House amendments thereto: Senators Amondson, Skratek and Anderson.

MOTION

On motion of Senator Newhouse, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

March 8, 1992

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2552 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives H. Sommers, Rasmussen and Schmidt.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Amondson, the Senate grants the request of the House for a conference on Engrossed Substitute House Bill No. 2552 and the Senate amendments thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute House Bill No. 2552 and the Senate amendments thereto: Senators Bluechel, Rinehart and Matson.

MOTION

On motion of Senator Amondson, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

March 8, 1992

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to HOUSE BILL NO. 2932 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Cantwell, Jacobsen and Forner.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Amondson, the Senate grants the request of the House for a conference on House Bill No. 2932 and the Senate amendments thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on House Bill No. 2932 and the Senate amendments thereto: Senators Bluechel, Gaspard and Sellar.

MOTION

On motion of Senator Newhouse, the Conference Committee appointments were confirmed.

MOTION

At 11:04 a.m., 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.

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. 9222, Reverend Lawrence R. Robertson, as a member of the Board of Trustees for Olympic Community College District No. 3, was confirmed.

MOTION

On motion of Senator Anderson, Senators Barr, Patterson and Thorsness were excused.

APPOINTMENT OF THE REVEREND LAWRENCE R. ROBERTSON

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, Anderson, Bailey, Bauer, Bluechel, Cantu, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Moore, 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, West, Williams, Wojahn - 44.

Absent: Senators Conner, Metcalf - 2.

Excused: Senators Barr, Patterson, Thorsness - 3.

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

REPORTS OF STANDING COMMITTEES
GUBERNATORIAL APPOINTMENTS

March 9, 1992

GA 9183 PHIL BOGUCH, reappointed December 23, 1991, for a term ending August 2, 1997, as a member of the Lottery Commission.
Reported by the Committee on Commerce and Labor

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Matson, Chairman; McCaslin, McDonald, Moore and McMullen.

HOLD.

March 9, 1992

GA 9194 JUDGE S. FREDERICK FELLER, appointed June 20, 1991, for a term ending June 17, 1997, as Chair of the Board of Industrial Insurance Appeals.
Reported by the Committee on Commerce and Labor

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Matson, Chairman; McCaslin, McDonald, Moore and McMullen.

HOLD.

March 9, 1992

GA 9236 JAMES S. HATTORI, appointed December 23, 1991, for a term ending August 2, 1993, as a member of the Lottery Commission.
Reported by the Committee on Commerce and Labor

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Matson, Chairman; McCaslin, McDonald, Moore and McMullen.

HOLD.

March 9, 1992

GA 9278 ARDITH DIVINE, appointed January 27, 1992, for a term ending June 30, 1997, as a member of the Gambling Commission.
Reported by the Committee on Commerce and Labor

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Matson, Chairman; McCaslin, McDonald, Moore and McMullen.

HOLD.

MOTION

On motion of Senator Newhouse, the rules were suspended, Gubernatorial Appointment No. 9183, Gubernatorial Appointment No. 9194, Gubernatorial Appointment No. 9236 and Gubernatorial Appointment No. 9278 were advanced to second reading and placed on the second reading calendar.

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

MESSAGE FROM THE HOUSE

March 8, 1992

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to ENGROSSED HOUSE BILL NO. 2680 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Wang, J. Kohl and Carlson.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Newhouse, the Senate refuses to grant a conference, insists on its position on the amendments to Engrossed House Bill No. 2680 and once again asks the House to concur therein.

MOTION

At 1:18 p.m., on motion of Senator Newhouse, the Senate recessed until 3:30 p.m.

The Senate was called to order at 3:34 p.m. by President Pritchard.

SIGNED BY THE PRESIDENT

The President signed:

ENGROSSED SENATE BILL NO. 6033,
SUBSTITUTE SENATE BILL NO. 6111,
ENGROSSED SENATE BILL NO. 6273.

MESSAGE FROM THE HOUSE

March 9, 1992

MR. PRESIDENT:

The House has concurred in the Senate amendment(s) to the following bills and passed said bills as amended by the Senate:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1495,
ENGROSSED HOUSE BILL NO. 2287,
HOUSE BILL NO. 2290,
SUBSTITUTE HOUSE BILL NO. 2319,

SUBSTITUTE HOUSE BILL NO. 2502.

ALAN THOMPSON, Chief Clerk

MESSAGE FROM THE HOUSE

March 9, 1992

MR. PRESIDENT:

The House receded from its amendment(s) to REENGROSSED SUBSTITUTE SENATE BILL NO. 5121 and has passed the bill without said amendment(s), and the bill is herewith transmitted.

ALAN THOMPSON, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

REENGROSSED SUBSTITUTE SENATE BILL NO. 5121.

MESSAGE FROM THE HOUSE

March 9, 1992

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2337 and passed the bill as amended by the Senate.

ALAN THOMPSON, Chief Clerk

MESSAGE FROM THE HOUSE

March 9, 1992

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2459 and passed the bill as amended by the Senate.

ALAN THOMPSON, Chief Clerk

MESSAGE FROM THE HOUSE

March 9, 1992

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2610 and passed the bill as amended by the Senate.

ALAN THOMPSON, Chief Clerk

MESSAGE FROM THE HOUSE

March 9, 1992

MR. PRESIDENT:

The House refuses to recede from its amendment(s) to ENGROSSED SENATE BILL NO. 5675 and again asks the Senate to concur therein, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Newhouse, the Senate refuses to concur in the House amendments to Engrossed Senate Bill No. 5675 and requests of the House a conference thereon.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Senate Bill No. 5675 and the House amendments thereto: Senators Metcalf, McMullen and Oke.

MOTION

On motion of Senator Newhouse, the Conference Committee appointments were confirmed.

MOTION

Senator Kreidler moved that the Senate immediately consider the Message from the House concerning their amendments to Engrossed Senate Bill No. 6089.

Debate ensued.

Senator McMullen demanded a roll call and the demand was sustained.

MOTION

On motion of Senator Newhouse, Senator Matson was excused.

CALL OF THE SENATE

Senators Newhouse, von Reichbauer and Hayner demanded a Call of the Senate.

Senator Anderson demanded a roll call on the demand for a Call of the Senate and the roll call demand was sustained.

The President declared the question before the Senate to be the roll call on the demand for a Call of the Senate.

ROLL CALL

The Secretary called the roll and the demand for a Call of the Senate carried, 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, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Oke, Patterson, Roach, Saling, Sellar, L. Smith, Sumner, Thorsness, von Reichbauer, West - 24.

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.

Excused: Senator Matson - 1.

A Call of the Senate was ordered.

The Sergeant at Arms locked the doors of the Senate Chamber. The Secretary called the roll on the Call of the Senate and all members were present except Senator Matson who had been excused earlier.

The Senate resumed consideration of the demand for a roll call by Senator McMullen, which had been sustained, on the motion by Senator Kreidler to immediately consider the Message from the House concerning their amendments to Engrossed Senate Bill No. 6089.

The President declared the question before the Senate to be the roll call on the motion by Senator Kreidler to immediately consider the Message from the House concerning their amendments to Engrossed Senate Bill No. 6089.

ROLL CALL

The Secretary called the roll and the motion to immediately consider the Message from the House on Engrossed Senate Bill No. 6089 failed 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, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Oke, Patterson, Roach, Saling, Sellar, L. Smith, Sumner, Thorsness, von Reichbauer, West - 24.

Excused: Senator Matson - 1.

DISPENSE WITH CALL OF THE SENATE

The Call of the Senate was dispensed with on motion of Senator Newhouse.

MESSAGE FROM THE HOUSE

March 9, 1992

MR. PRESIDENT:

The House refuses to recede, insists on its position regarding the House amendment(s) to SENATE BILL NO. 6155 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Rayburn, Kremen and Nealey.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Newhouse, the Senate grants the request of the House for a conference on Senate Bill No. 6155 and the House amendments thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Senate Bill No. 6155 and the House amendments thereto: Senators Barr, Hansen and Bailey.

MOTION

On motion of Senator Newhouse, the Conference Committee appointments were confirmed.

MOTION

Senator Skratek moved that the Senate advance to the ninth order of business.

Senator Skratek 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 Skratek to advance to the ninth order of business.

ROLL CALL

The Secretary called the roll and the motion to advance to the ninth order of business failed 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, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Oke, Patterson, Roach, Saling, Sellár, L. Smith, Sumner, Thorsness, von Reichbauer, West - 24.

Excused: Senator Matson - 1.

MESSAGE FROM THE HOUSE

March 9, 1992

MR. PRESIDENT:

The House refuses to recede, insists on its position regarding the House amendment(s) to REENGROSSED SUBSTITUTE SENATE BILL NO. 5526 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Appelwick, Jones and Fuhrman.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Newhouse, the Senate refuses to grant a conference and adheres to its position regarding the House amendments to Reengrossed Substitute Senate Bill No. 5526 and once again asks the House to recede therefrom.

MESSAGE FROM THE HOUSE

March 9, 1992

MR. PRESIDENT:

The House refuses to recede from its amendment(s) to SUBSTITUTE SENATE BILL NO. 6393 and again asks the Senate to concur therein, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Newhouse, the Senate concurred in the House amendments to Substitute Senate Bill No. 6393.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6393, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6393, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 1; Absent, 3; Excused, 1.

Voting yea: Senators Amondson, 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, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sumner, Talmadge, Thorsness, Vognild, von Reichbauer, Williams, Wojahn - 44.

Voting nay: Senator Sutherland - 1.

Absent: Senators Hayner, McDonald, West - 3.

Excused: Senator Matson - 1.

SUBSTITUTE SENATE BILL NO. 6393, as amended by the House, having received the 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 Niemi was excused.

MESSAGE FROM THE HOUSE

March 9, 1992

MR. PRESIDENT:

The House refuses to recede from its amendment(s) to SUBSTITUTE SENATE BILL NO. 6085 and again asks the Senate to concur therein, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator McCaslin, the Senate concurred in the House amendments to Substitute Senate Bill No. 6085.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6085, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6085, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 2; Absent, 2; Excused, 2.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, McCaslin, McMullen, Metcalf, Murray, Nelson, Newhouse, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sumner, Sutherland, Thorsness, Vognild, von Reichbauer, Williams, Wojahn - 43.

Voting nay: Senators Moore, Talmadge - 2.

Absent: Senators McDonald, West - 2.

Excused: Senators Matson, Niemi - 2.

SUBSTITUTE SENATE BILL NO. 6085, as amended by the House, having received the 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
MESSAGE FROM THE HOUSE

March 6, 1992

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6428 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that a primary goal of public involvement in the lives of children has been to strengthen the family unit.

However, the legislature recognizes that traditional two-parent families with one parent routinely at home are now in the minority. In addition, extended family and natural community supports have eroded drastically. The legislature recognizes that public policy assumptions must be altered to account for this new social reality. Public effort must be redirected to expand, support, strengthen, and help refashion family and community associations to care for children.

The legislature finds that a broad variety of services for children and families has been independently designed over the years and that the coordination and cost-effectiveness of these services will be enhanced through the adoption of a common approach to their delivery. The legislature further finds that the most successful programs for reaching and working with at-risk families and children treat individuals' problems in the context of the family, offer a broad spectrum of services, are flexible in the use of program resources, and use staff who are trained in crossing traditional program categories in order to broker services necessary to fully meet a family's needs.

The legislature further finds that eligibility criteria, expenditure restrictions, and reporting requirements of state and federal categorical programs often create barriers toward the effective use of resources for addressing the multiple problems of at-risk families and children.

The purposes of this chapter are (1) to modify public policy and programs to empower communities to support and respond to the needs of individual families and children and (2) to improve the responsiveness of services for children and families at risk by facilitating greater coordination and flexibility in the use of funds by state and local service agencies.

NEW SECTION. Sec. 2. A new section is added to chapter 74.14A RCW to read as follows:

To update, specify, and expand the policy stated in RCW 74.14A.020, the following is declared:

It is the policy of the state of Washington to promote:

- (1) Family-oriented services and supports that:
 - (a) Recognize that families include both traditional and nontraditional support systems and those who live alone;
 - (b) Respond to the changing nature of families;
 - (c) Respond to what individuals and families say they need, and meet those needs in a way that maintains their dignity and respects their choices; and
 - (d) Treat children holistically within the context of their family and community, but when the child's rights and those of the family conflict, the rights of basic nurture, physical, and mental health and safety conflict with the legal rights of the parents, the rights and safety of the child will prevail;
- (2) Culturally relevant services and supports that:
 - (a) Explicitly recognize the culture and beliefs of each family and use these as resources on behalf of the family;
 - (b) Provide equal access to culturally unique communities in planning and programs, and day-to-day work, and actively address instances where clearly disproportionate needs exist; and
 - (c) Enhance every culture's ability to achieve self-sufficiency and contribute in a productive way to the larger community;
- (3) Coordinated services that:
 - (a) Develop strategies and skills for collaborative planning, problem solving, and service delivery;
 - (b) Encourage coordination and innovation by providing both formal and informal ways for people to communicate and collaborate in planning and programs;
 - (c) Allow clients, vendors, community people, and other agencies to creatively provide the most effective, responsive, and flexible services; and
 - (d) Commit to an open exchange of skills and information; and expect people throughout the system to treat each other with respect, dignity, and understanding;
- (4) Locally planned services and supports that:
 - (a) Operate on the belief that each community has special characteristics, needs, and strengths;

- (b) Include a cross-section of local community partners from the public and private sectors, in the planning and delivery of services and supports; and
- (c) Support these partners in addressing the needs of their communities through both short-range and long-range planning and in establishing priorities within state and federal standards;
- (5) Community-based prevention that encourages and supports state residents to create positive conditions in their communities to promote the well-being of families and reduce crises and the need for future services;
- (6) Outcome-based services and supports that:
 - (a) Include a fair and realistic system for measuring both short-range and long-range progress and determining whether efforts make a difference;
 - (b) Use outcomes and indicators that reflect the goals that communities establish for themselves and their children;
 - (c) Work towards these goals and outcomes at all staff levels and in every agency; and
 - (d) Provide a mechanism for informing the development of program policies;
- (7) Customer service that:
 - (a) Provides a climate that empowers staff to deliver quality programs and services;
 - (b) Is provided by courteous, sensitive, and competent professionals; and
 - (c) Upholds the dignity and respect of individuals and families by providing appropriate staff recognition, information, training, skills, and support;
- (8) Creativity that:
 - (a) Increases the flexibility of funding and programs to promote innovation in planning, development, and provision of quality services; and
 - (b) Simplifies and reduces or eliminates rules that are barriers to coordination and quality services.

NEW SECTION. Sec. 3. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Comprehensive plan" means a two-year plan that examines available resources and unmet needs for a county or multicounty area, barriers that limit the effective use of resources, and a plan to address these issues that is broadly supported.

(2) "Participating state agencies" means the office of the superintendent of public instruction, the department of social and health services, the department of health, the employment security department, the department of community development, and such other departments as may be specifically designated by the governor.

(3) "Family policy council" or "council" means the superintendent of public instruction, the secretary of social and health services, the secretary of health, the commissioner of the employment security department, and the director of the department of community development and their designees, one legislator from each caucus of the senate and house of representatives, and one representative of the governor.

(4) "Outcome based" means defined and measurable outcomes and indicators that make it possible for communities to evaluate progress in meeting their goals and whether systems are fulfilling their responsibilities.

(5) "Matching funds" means an amount no less than twenty-five percent of the amount budgeted for a consortium's project. Up to half of the consortium's matching funds may be in-kind goods and services. Funding sources allowable for match include appropriate federal or local levy funds, private charitable funding, and other charitable giving. Basic education funds shall not be used as a match.

(6) "Consortium" means a diverse group of individuals that includes at least representatives of local service providers, service recipients, local government administering or funding children or family service programs, participating state agencies, school districts, existing children's commissions, ethnic and racial minority populations, and other interested persons organized for the purpose of designing and providing collaborative and coordinated services under this chapter. Consortia shall represent a county, multicounty, or municipal service area. In addition, consortia may represent Indian tribes applying either individually or collectively.

NEW SECTION. Sec. 4. To the extent that any power or duty of the council created according to this act may duplicate efforts of existing councils, commissions, advisory committees, or other entities, the governor is authorized to take necessary actions to eliminate such duplication. This shall include authority to consolidate similar councils or activities in a manner consistent with the goals of this act.

NEW SECTION. Sec. 5. (1) The family policy council shall annually solicit from consortia proposals to facilitate greater flexibility, coordination, and responsiveness of services at the community level. The council shall consider such proposals only if:

- (a) A comprehensive plan has been prepared by the consortium; and
- (b) The consortium has identified and agreed to contribute matching funds as specified in section 3 of this act;

and

(c) An interagency agreement has been prepared by the family policy council and the participating local service and support agencies that governs the use of funds, specifies the relationship of the project to the principles listed in section 2 of this act, and identifies specific outcomes and indicators; and

(d) Funds are to be used to provide support or services needed to implement a family's or child's case plan that are not otherwise adequately available through existing categorical services or community programs;

(e) The consortium has provided written agreements that identify a lead agency that will assume fiscal and programmatic responsibility for the project, and identify participants in a consortium council with broad participation and that shall have responsibility for ensuring effective coordination of resources; and

(f) The consortium has designed into its comprehensive plan standards for accountability. Accountability standards include, but are not limited to, the public hearing process eliciting public comment about the appropriateness of the proposed comprehensive plan. The consortium must submit reports to the family policy council outlining the public response regarding the appropriateness and effectiveness of the comprehensive plan.

(2) The family policy council may submit a prioritized list of projects recommended for funding in the governor's budget document.

(3) The participating state agencies shall identify funds to implement the proposed projects from budget requests or existing appropriations for services to children and their families.

Sec. 6. RCW 28A.300.040 and 1991 c 116 s 2 are each amended to read as follows:

In addition to any other powers and duties as provided by law, the powers and duties of the superintendent of public instruction shall be:

(1) To have supervision over all matters pertaining to the public schools of the state.

(2) To report to the governor and the legislature such information and data as may be required for the management and improvement of the schools.

(3) To prepare and have printed such forms, registers, courses of study, rules and regulations for the government of the common schools, questions prepared for the examination of persons as provided for in RCW 28A.305.130(9), and such other material and books as may be necessary for the discharge of the duties of teachers and officials charged with the administration of the laws relating to the common schools, and to distribute the same to educational service district superintendents.

(4) To travel, without neglecting his or her other official duties as superintendent of public instruction, for the purpose of attending educational meetings or conventions, of visiting schools, of consulting educational service district superintendents or other school officials.

(5) To prepare and from time to time to revise a manual of the Washington state common school code, copies of which shall be provided in such numbers as determined by the superintendent of public instruction at no cost to those public agencies within the common school system and which shall be sold at approximate actual cost of publication and distribution per volume to all other public and nonpublic agencies or individuals, said manual to contain Titles 28A and 28C RCW, rules and regulations related to the common schools, and such other matter as the state superintendent or the state board of education shall determine. Proceeds of the sale of such code shall be transmitted to the public printer who shall credit the state superintendent's account within the state printing plant revolving fund by a like amount.

(6) To act as ex officio member and the chief executive officer of the state board of education.

(7) To file all papers, reports and public documents transmitted to the superintendent by the school officials of the several counties or districts of the state, each year separately. Copies of all papers filed in the superintendent's office, and the superintendent's official acts, may, or upon request, shall be certified by the superintendent and attested by the superintendent's official seal, and when so certified shall be evidence of the papers or acts so certified to.

(8) To require annually, on or before the 15th day of August, of the president, manager, or principal of every educational institution in this state, a report as required by the superintendent of public instruction; and it is the duty of every president, manager or principal, to complete and return such forms within such time as the superintendent of public instruction shall direct.

(9) To keep in the superintendent's office a record of all teachers receiving certificates to teach in the common schools of this state.

(10) To issue certificates as provided by law.

(11) To keep in the superintendent's office at the capital of the state, all books and papers pertaining to the business of the superintendent's office, and to keep and preserve in the superintendent's office a complete record of statistics, as well as a record of the meetings of the state board of education.

(12) With the assistance of the office of the attorney general, to decide all points of law which may be submitted to the superintendent in writing by any educational service district superintendent, or that may be submitted to the superintendent by any other person, upon appeal from the decision of any educational service district superintendent; and the superintendent shall publish his or her rulings and decisions from time to time for the information

of school officials and teachers; and the superintendent's decision shall be final unless set aside by a court of competent jurisdiction.

(13) To administer oaths and affirmations in the discharge of the superintendent's official duties.

(14) To deliver to his or her successor, at the expiration of the superintendent's term of office, all records, books, maps, documents and papers of whatever kind belonging to the superintendent's office or which may have been received by the superintendent's for the use of the superintendent's office.

(15) To administer family services and programs to promote the state's policy as provided in section 2 of this act.

(16) To perform such other duties as may be required by law.

Sec. 7. RCW 43.63A.065 and 1990 1st ex.s. c 17 s 70 are each amended to read as follows:

The department shall have the following functions and responsibilities:

(1) Cooperate with and provide technical and financial assistance to the local governments and to the local agencies serving the communities of the state for the purpose of aiding and encouraging orderly, productive, and coordinated development of the state, and, unless stipulated otherwise, give priority to local communities with the greatest relative need and the fewest resources.

(2) Administer state and federal grants and programs which are assigned to the department by the governor or the legislature.

(3) Administer community services programs through private, nonprofit organizations and units of general purpose local government; these programs are directed to the poor and infirm and include community-based efforts to foster self-sufficiency and self-reliance, energy assistance programs, head start, and weatherization.

(4) Study issues affecting the structure, operation, and financing of local government as well as those state activities which involve relations with local government and report the results and recommendations to the governor, legislature, local government, and citizens of the state.

(5) Assist the governor in coordinating the activities of state agencies which have an impact on local governments and communities.

(6) Provide technical assistance to the governor and the legislature on community development policies for the state.

(7) Assist in the production, development, rehabilitation, and operation of owner-occupied or rental housing for low and moderate income persons, and qualify as a participating state agency for all programs of the Department of Housing and Urban Development or its successor.

(8) Support and coordinate local efforts to promote volunteer activities throughout the state.

(9) Participate with other states or subdivisions thereof in interstate programs and assist cities, counties, municipal corporations, governmental conferences or councils, and regional planning commissions to participate with other states or their subdivisions.

(10) Hold public hearings and meetings to carry out the purposes of this chapter.

(11) Provide a comprehensive state-level focus for state fire protection services, funding, and policy.

(12) Administer a program to identify, evaluate, and protect properties which reflect outstanding elements of the state's cultural heritage.

(13) Coordinate a comprehensive state program for mitigating, preparing for, responding to, and recovering from emergencies and disasters.

(14) Administer family services and programs to promote the state's policy as provided in section 2 of this act.

Sec. 8. RCW 43.70.020 and 1989 1st ex.s. c 9 s 103 are each amended to read as follows:

(1) There is hereby created a department of state government to be known as the department of health. The department shall be vested with all powers and duties transferred to it by this act and such other powers and duties as may be authorized by law. The main administrative office of the department shall be located in the city of Olympia. The secretary may establish administrative facilities in other locations, if deemed necessary for the efficient operation of the department, and if consistent with the principles set forth in subsection (2) of this section.

(2) The department of health shall be organized consistent with the goals of providing state government with a focus in health and serving the people of this state. The legislature recognizes that the secretary needs sufficient organizational flexibility to carry out the department's various duties. To the extent practical, the secretary shall consider the following organizational principles:

(a) Clear lines of authority which avoid functional duplication within and between subelements of the department;

(b) A clear and simplified organizational design promoting accessibility, responsiveness, and accountability to the legislature, the consumer, and the general public;

(c) Maximum span of control without jeopardizing adequate supervision;

(d) A substate or regional organizational structure for the department's health service delivery programs and activities that encourages joint working agreements with local health departments and that is consistent between programs;

(e) Decentralized authority and responsibility, with clear accountability;

(f) A single point of access for persons receiving like services from the department which would limit the number of referrals between divisions.

(3) The department shall provide leadership and coordination in identifying and resolving threats to the public health by:

(a) Working with local health departments and local governments to strengthen the state and local governmental partnership in providing public protection;

(b) Developing intervention strategies;

(c) Providing expert advice to the executive and legislative branches of state government;

(d) Providing active and fair enforcement of rules;

(e) Working with other federal, state, and local agencies and facilitating their involvement in planning and implementing health preservation measures;

(f) Providing information to the public; and

(g) Carrying out such other related actions as may be appropriate to this purpose.

(4) In accordance with the administrative procedure act, chapter 34.05 RCW, the department shall ensure an opportunity for consultation, review, and comment by the department's clients before the adoption of standards, guidelines, and rules.

(5) Consistent with the principles set forth in subsection (2) of this section, the secretary may create such administrative divisions, offices, bureaus, and programs within the department as the secretary deems necessary. The secretary shall have complete charge of and supervisory powers over the department, except where the secretary's authority is specifically limited by law.

(6) The secretary shall appoint such personnel as are necessary to carry out the duties of the department in accordance with chapter 41.06 RCW.

(7) The secretary shall appoint the state health officer and such deputy secretaries, assistant secretaries, and other administrative positions as deemed necessary consistent with the principles set forth in subsection (2) of this section. All persons who administer the necessary divisions, offices, bureaus, and programs, and five additional employees shall be exempt from the provisions of chapter 41.06 RCW. The officers and employees appointed under this subsection shall be paid salaries to be fixed by the governor in accordance with the procedure established by law for the fixing of salaries for officers exempt from the state civil service law.

(8) The secretary shall administer family services and programs to promote the state's policy as provided in section 2 of this act.

NEW SECTION. Sec. 9. A new section is added to chapter 43.20A RCW to read as follows:

The secretary shall administer family services and programs to promote the state's policy as provided in section 2 of this act.

NEW SECTION. Sec. 10. A new section is added to chapter 50.08 RCW to read as follows:

The commissioner shall administer family services and programs to promote the state's policy as provided in section 2 of this act.

NEW SECTION. Sec. 11. By June 30, 1995, the family policy council shall report to the appropriate committees of the legislature on the expenditures made, outcomes attained, and other pertinent aspects of its experience in the implementation of section 5 of this act.

NEW SECTION. Sec. 12. The juvenile issues task force reauthorized under chapter --, Laws of 1992 (either Engrossed Substitute House Bill No. 2466 or Second Substitute Senate Bill No. 6041) shall conduct a study to determine whether a network of consortia on children, youth, and families may be authorized to receive a transfer of authority to administer: (1) The program funds from council agencies including at least: (a) The prevention and early intervention programs that the department of social and health services contracted for with private agencies on January 1, 1992; (b) consolidated juvenile services within the department of social and health services; (c) all residential and foster care services within the department of social and health services; (d) drug and alcohol prevention under chapter 28A.170 RCW; (e) the Fair Start program from the superintendent of public instruction; (f) school psychological and social counseling services from the superintendent of public instruction; (g) school health and nutrition services from the superintendent of public instruction; (h) the early childhood education and assistance program in the department of community development; and (i) the first steps program and for other department of health funded health education and health promotion programs where the primary target population is children; (2) a requirement that consortia prepare two-year plans that respond at a minimum to needs assessments, interagency service plans, and the goals of local school districts, public health departments, juvenile courts, and children's protective services; and (3) ways in which consortia

can improve access to assistance that will strengthen the healthy family unit or community organizations, including at a minimum ways to reduce abuse of alcohol and illegal substances by children and their parents, and interpersonal violence and intentional injury to children. The study should recommend specific financial incentives to encourage the transfer of authority as outlined under this section. The juvenile issues task force shall also assess existing resources and institutes on children and family services and recommend whether an institute on children and family services affiliated with a college or university be established, or, if existing, modified or expanded.

NEW SECTION. Sec. 13. A new section is added to chapter 74.14A RCW to read as follows:

The implementation of council, consortia, and institute, shall be included in all federal and state plans affecting the state's children, youth, and families, including at least those required by this chapter and applicable federal law. These plans shall be consistent with the intent and requirements of this chapter.

NEW SECTION. Sec. 14. 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 capability 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. 15. 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. The coordinating council shall report to the appropriate committees of the legislature on the implementation of this chapter by January 15, 1993.

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.

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. 16. State agencies providing or paying for early intervention services shall enter into formal interagency agreements with each other and where appropriate, with school districts, counties, and other providers, to define their relationships and financial and service responsibilities. Local agencies or entities, including local school districts, counties, and service providers receiving public money for providing or paying for early intervention services shall enter into formal interagency agreements with each other that define their relationships and financial responsibilities to provide services within each county. In establishing priorities, school districts, counties, and other service providers shall give due regard to the needs of children birth to three years of age and shall ensure that they continue to participate in providing services and collaborate with each other. The interagency agreements shall include procedures for resolving disputes, provisions for establishing maintenance requirements, and all additional components necessary to ensure collaboration and coordination.

NEW SECTION. Sec. 17. 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. 18. Sections 14 through 17 of this act shall constitute a new chapter in Title 70 RCW.

NEW SECTION. Sec. 19. Sections 1 and 3 through 5 of this act shall constitute a new chapter in Title 70 RCW.

Sec. 20. RCW 13.34.160 and 1987 c 435 s 14 are each amended to read as follows:

~~((In any case in which the court shall find the child dependent, it may in the same or subsequent proceeding upon the parent or parents, guardian, or other person having custody of said child, being duly summoned or voluntarily appearing, proceed to inquire into the ability of such persons or person able to support the child or contribute thereto, the court may enter such order or decree as shall be according to equity in the premises, and may enforce the same by execution, or in any way in which a court of equity may enforce its decrees. All child support orders entered pursuant to this chapter shall be in compliance with the provisions of RCW 26.23.050))~~ In an action brought under this chapter, the court shall inquire into the ability of the parent or parents of the subject child to pay child support and shall enter a child support

order or decree consistent with chapter 26.19 RCW. In determining a parent's income the court shall consider how anticipated reunification efforts may affect that parent's availability for work. The child support obligation shall not be set at a level so as to interfere with reunification efforts. The court shall consider as a basis for deviation parental responsibility for costs related to reunification efforts or the special needs of the child.

NEW SECTION. Sec. 21. RCW 13.34.162 and 1988 c 275 s 15 are each repealed.

NEW SECTION. Sec. 22. (1) The legislature finds that a significant number of school age children in the state of Washington are not under the care and supervision of an adult during the hours before and after school while their parents work or are engaged in job training and professional preparation programs. The legislature finds that these children are at risk and that the provision of before-and-after-school child care will promote not only the safety and welfare of these children, but their ability to learn and develop into healthy and productive citizens.

(2) It is the intent of the legislature to promote the growth, development, and safety of school age children by supporting the establishment of high quality before-and-after-school child care programs, in partnership with local governments and the private sector.

Sec. 23. RCW 74.13.085 and 1989 c 381 s 2 are each amended to read as follows:

It shall be the policy of the state of Washington to:

(1) Recognize the family as the most important social and economic unit of society and support the central role parents play in child rearing. All parents are encouraged to care for and nurture their children through the traditional methods of parental care at home. However, there has been a dramatic increase in participation of women in the workforce which has made the availability of quality, affordable child care a critical concern for the state and its citizens. There are not enough child care services and facilities to meet the needs of working parents, the costs of care are often beyond the resources of working parents, and child care facilities are not located conveniently to work places and neighborhoods. Parents are encouraged to participate fully in the effort to improve the quality of child care services.

(2) Promote a variety of culturally and developmentally appropriate child care settings and services of the highest possible quality in accordance with the basic principle of continuity of care. These settings and services shall include, but not be limited to, family day care homes, (~~mini-centers,~~) centers and before-and-after-school child care programs located in or near public school((e)) buildings.

(3) Promote the growth, development and safety of children by working with community groups including providers and parents to establish standards for quality service, training of child care providers, fair and equitable monitoring, and salary levels commensurate with provider responsibilities and support services.

(4) Promote equal access to quality, affordable, socio-economically integrated child care for all children and families.

(5) Facilitate broad community and private sector involvement in the provision of quality child care services to foster economic development and assist industry.

NEW SECTION. Sec. 24. A new section is added to chapter 74.13 RCW to read as follows:

(1) Within available federal funds the department may award before-and-after-school child care facility grants subject to the following conditions and limitations:

(a) Before-and-after-school child care facility grant requests may be for expanding existing before-and-after-school child care programs or establishing new programs located in or near public elementary schools.

(b) Grantees under this section may include public school districts, educational service districts, or other governmental or nongovernmental not-for-profit organizations.

(c) Grants may be used for any of the following purposes:

(i) Planning and design of facilities and programs;

(ii) Equipment, supplies, and materials of a noncapital nature, including but not limited to toys, office supplies, art supplies, and kitchen utensils; and

(iii) Operating expenses for the first six months of operation of a new before-and-after-school child care program.

(d) A grant under this section may be used to support no more than seventy-five percent of the costs of establishing a before-and-after-school child care program. A grantee may meet the local matching requirement under this subsection through contributions by private or public entities of materials, supplies, in-kind services, or physical facilities.

(2) The child care coordinating committee established under RCW 74.13.090 shall establish standards and criteria for the review and awarding of grants. The committee shall include relevant information regarding grants awarded under this section in the annual report to the legislature.

NEW SECTION. Sec. 25. A new section is added to chapter 41.04 RCW to read as follows:

In order to implement the state's child care policy established by RCW 41.04.385, the director of personnel shall:

(1) Provide technical assistance to state agencies for addressing employee child care needs;

(2) Conduct periodic needs assessments to determine the demand for specific child care services and facilities by state employees and to determine the availability and costs of child care services accessible to employees within a surveyed community. In lieu of conducting new needs assessments, the department may use similar assessments completed by other organizations, provided that the assessments conform to standards established by the department;

(3) Assist state employees with establishing nonprofit employee organizations to contract for the provision of child care services;

(4) Develop, in consultation with the department of general administration, model contracts for agencies to use when contracting with nonprofit employee organizations to use state-owned or state-leased buildings for child care services;

(5) Develop, in consultation with the departments of general administration, social and health services, and the office of financial management, model contracts and quality standards for nonprofit employee organizations to use when contracting with child care providers;

(6) Inform state employees of the child care and family services available to them through state programs, policies, or merit system rules;

(7) Assist state agencies and employees with developing alternatives to state employee child care centers for meeting child care needs;

(8) In consultation with the state employee child care advisory committee, establish general policies for the distribution of state employee child care facility grants by the department of social and health services;

(9) Conduct research and develop pilot programs to measure changes in employee productivity, recruitment, retention, and absenteeism, associated with state-supported child care services; and

(10) Establish policies, subject to the approval of the director of financial management, for the development of partnerships with private employers for the provision of child care services.

The policies established under this section shall apply to all state agencies subject to chapter 41.06 RCW that provide, or assist with the provision of, child care services for state employees. The cost of department of personnel services provided to agencies exempted by RCW 41.06.070 from the provisions of chapter 41.06 RCW shall be reimbursed in accordance with RCW 41.06.080.

NEW SECTION. Sec. 26. A new section is added to chapter 41.04 RCW to read as follows:

The director of personnel shall attempt to develop a program of flexible child care and family policies and services so that state employees may choose among those that best meet their needs.

NEW SECTION. Sec. 27. By June 30, 1993, the director of personnel shall provide a plan for the development of a child care program that includes objective, quantifiable, and measurable standards and goals to be achieved. Such goals shall be established in consultation with the state employee child care advisory committee.

The director shall report to the governor by September 1996 describing the results achieved through the child care program compared to original performance standards and goals.

Sec. 28. RCW 41.04.370 and 1984 c 162 s 1 are each amended to read as follows:

The legislature recognizes that ~~((on-site))~~ supporting child ~~((day))~~ care for employees of public and private organizations is a worthwhile pursuit. To further the goals of affordable, accessible, and quality child care for working parents, the legislature intends to ~~((establish a))~~ provide for the development of self-supporting child care ~~((demonstration project))~~ programs for employees of state government. ~~((The legislature recognizes that appropriate child day care services may enhance productivity and lower absenteeism among state employees.))~~

Sec. 29. RCW 41.04.375 and 1984 c 162 s 2 are each amended to read as follows:

Subsequent to the completion of needs assessments indicating a demand for additional accessible center-based child care, and at the request of the director of personnel, the department of general administration shall identify ~~((an amount of))~~ the availability of suitable space ~~((in state-owned or state-leased buildings in the Olympia area))~~ for use as child ~~((day))~~ care centers for the children of state employees.

If suitable space is identified in state-owned or state-leased buildings, the department of general administration shall establish a ~~((fair))~~ rental rate for ~~((the))~~ organizations to pay for the space used by persons who are not state employees.

Sec. 30. RCW 41.04.380 and 1984 c 162 s 3 are each amended to read as follows:

~~((1))~~ After the department of personnel ~~((shall conduct))~~ has conducted a needs assessment under section 25 of this act to determine the need for and interest in child ~~((day))~~ care facilities for the children of state employees;

~~((2))~~ The department of personnel shall determine the number of children which may participate in the demonstration project required under RCW 41.04.370 through 41.04.380; and

~~((3))~~ If the ~~((and the assessment has indicated a need for additional child care services accessible to state employees; and suitable space~~ ~~((is))~~ has been determined to be available, the department of personnel ~~((shall))~~ may assist state employees with establishing nonprofit organizations in order to contract with one or more ~~((organizations))~~ providers

to operate child ((day)) care facilities ~~((for the children identified under this section. Such facilities may be located in one or more buildings as identified under RCW 41.04.375)).~~

Subject to the approval of the director of financial management, suitable space for child care centers may be provided to nonprofit organizations of state employees without charge or at reduced charge for rent or services solely for the purpose of reducing employee child care costs.

NEW SECTION. Sec. 31. A new section is added to chapter 41.04 RCW to read as follows:

In order to qualify for services under RCW 41.04.380, state employee child care organizations shall be organized under chapter 24.03 RCW. Such organizations shall be subject to the policies established under section 25 of this act when contracting for space in state-owned or state-leased buildings.

Sec. 32. RCW 41.04.385 and 1986 c 135 s 1 are each amended to read as follows:

The legislature finds that (1) demographic, economic, and social trends underlie a critical and increasing demand for child ((day)) care in the state of Washington; (2) working parents and their children benefit when the employees' child care needs have been resolved; ~~((and))~~ (3) the state of Washington should serve as a model employer by creating a supportive atmosphere, to the extent feasible, in which its employees may meet their child ((day)) care needs; and (4) the state of Washington should encourage the development of partnerships between state agencies, state employees, state employee labor organizations, and private employers to expand the availability of affordable quality child care. The legislature finds further that resolving employee child ((day)) care concerns not only benefits the employees and their children, but may benefit the employer by reducing absenteeism, increasing employee productivity, improving morale, and enhancing the employer's position in recruiting and retaining employees. Therefore, the legislature declares that it is the policy of the state of Washington to assist state employees by creating a supportive atmosphere in which they may meet their child ((day)) care needs.

Sec. 33. 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) Establish policies allowing state agencies to contract for specialized child care services including resources and referral, sick child care, and after-hour care;

(c) Report to the governor with regard to duplication of effort or lack of coordination among agencies;

~~((e))~~ (d) 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))~~ (e) 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))~~ (f) 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))~~ (g) Adopt rules to effectuate provisions contained in ((subsections)) (a) through ((e) hereof) (f) 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.

(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.

Sec. 34. RCW 74.13.090 and 1989 c 381 s 3 are each amended to read as follows:

(1) There is established a child care coordinating committee to provide coordination and communication between state agencies responsible for child care and early childhood education services. The child care coordinating committee shall be composed of not less than seventeen nor more than thirty-three members who shall include:

(a) One representative each from the department of social and health services, the department of community development, the office of the superintendent of public instruction, and any other agency having responsibility for regulation, provision, or funding of child care services in the state;

(b) One representative from the department of labor and industries;

(c) One representative from the department of trade and economic development;

(d) One representative from the department of revenue;

(e) One representative from the employment security department;

(f) One representative from the department of personnel;

(g) One representative from the department of health;

(h) At least one representative of family home child care providers and one representative of center care providers;

~~((g))~~ (i) At least one representative of early childhood development experts;

~~((h))~~ (j) At least one representative of school districts and teachers involved in the provision of child care and preschool programs;

~~((i))~~ (k) At least one parent education specialist;

~~((j))~~ (l) At least one representative of resource and referral programs;

~~((k))~~ (m) One pediatric or other health professional;

~~((l))~~ (n) At least one representative of college or university child care providers;

~~((m))~~ (o) At least one representative of a citizen group concerned with child care;

~~((n))~~ (p) At least one representative of a labor organization;

~~((o))~~ (q) At least one representative of a head start - early childhood education assistance program agency;

~~((p))~~ (r) At least one employer who provides child care assistance to employees;

~~((q))~~ (s) Parents of children receiving, or in need of, child care, half of whom shall be parents needing or receiving subsidized child care and half of whom shall be parents who are able to pay for child care.

The named state agencies shall select their representative to the child care coordinating committee. The department of social and health services shall select the remaining members, considering recommendations from lists submitted by professional associations and other interest groups until such time as the committee adopts a member

selection process. The department shall use any federal funds which may become available to accomplish the purposes of RCW 74.13.085 through 74.13.095.

The committee shall elect officers from among its membership and shall adopt policies and procedures specifying the lengths of terms, methods for filling vacancies, and other matters necessary to the ongoing functioning of the committee. The secretary of social and health services shall appoint a temporary chair until the committee has adopted policies and elected a chair accordingly. Child care coordinating committee members shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

(2) To the extent possible within available funds, the child care coordinating committee shall:

(a) Serve as an advisory coordinator for all state agencies responsible for early childhood or child care programs for the purpose of improving communication and interagency coordination;

(b) Annually review state programs and make recommendations to the agencies and the legislature which will maximize funding and promote furtherance of the policies set forth in RCW 74.13.085. Reports shall be provided to all appropriate committees of the legislature by December 1 of each year. At a minimum the committee shall:

(i) Review and propose changes to the child care subsidy system in its December 1989 report; and

(ii) Review alternative models for child care service systems, in the context of the policies set forth in RCW 74.13.085, and recommend to the legislature a new child care service structure; ~~((and~~

~~(iii) Review options and make recommendations on the feasibility of establishing an allocation for day care facilities when constructing state buildings;))~~

(c) Review department of social and health services administration of the child care expansion grant program described in RCW 74.13.095;

(d) Review rules regarding child care facilities and services for the purpose of identifying those which unnecessarily obstruct the availability and affordability of child care in the state;

(e) Advise and assist the child care resource coordinator in implementing his or her duties under RCW 74.13.0903; ~~((and))~~

(f) Establish a state employee child care advisory subcommittee to (i) provide coordination among state agencies that assist employees with child care services, advise the director of the department of personnel regarding the development of child care programs, services, and policies, and enhance communication among state agencies regarding the state's child care services, programs, and policies; (ii) assist the department of personnel in developing strategies for child care partnerships between state agencies and private employers; (iii) advise the department of personnel in establishing policies for the distribution of state employee child care facility grants; and (iv) assist the department of social and health services with the allocation of such grants; and

(g) Perform other functions to improve the quantity and quality of child care in the state, including compliance with existing and future prerequisites for federal funding.

NEW SECTION. Sec. 35. Sections 1 through 13 and 19 of this act shall take effect July 1, 1992.

"PART I - JUVENILE JUSTICE"

NEW SECTION. Sec. 101. The legislature reaffirms the dual policies of the juvenile justice act of 1977 of punishment and rehabilitation. However, the legislature finds that confusion exists about the relative priority of the purposes enumerated in section 55, chapter 291, Laws of 1977 ex. sess. and that simplification and clarification is necessary to reduce that confusion. The legislature finds that the policies of rehabilitation; accountability; and flexibility in service delivery, sanctions, and placement options are equally important in ensuring public safety. The purpose of section 102 of this act is to clarify that these goals are equally important.

NEW SECTION. Sec. 102. A new section is added to chapter 13.40 RCW to read as follows:

The purpose of this chapter is to establish a juvenile justice system that both punishes and rehabilitates juvenile offenders. The legislature intends that juvenile offenders be held accountable for their offenses, are justly punished, but are provided necessary treatment, rehabilitation, and supervision. Active parental and community involvement is vital to ensure swift response to youthful offenders' needs. Flexibility in disposition, sanctions, placement, and treatment alternatives within a structured discretionary framework will enhance the system's ability to respond to individual offender's needs while ensuring proportionality and fairness. Community safety will be achieved by implementing the following equally important purposes:

(1) Accountability and just punishment proportional to the offense, juvenile's age, and offense history;

(2) Treatment, rehabilitation, and supervision through flexibility in options for disposition, treatment, custody, programming, and active parental and community involvement;

(3) Victim restitution; and

(4) Due process protection for juvenile offenders with a clear policy to determine which types of offenders shall receive punishment, treatment, or both, and to determine the jurisdictional limitations of the court, institutions, and community services.

Sec. 103. RCW 13.40.020 and 1990 1st ex.s. c 12 s 1 are each amended to read as follows:

For the purposes of this chapter:

(1) "Serious offender" means a person fifteen years of age or older who has committed an offense which if committed by an adult would be:

(a) A class A felony, or an attempt to commit a class A felony;

(b) Manslaughter in the first degree; or

(c) Assault in the second degree, extortion in the first degree, child molestation in the second degree, kidnapping in the second degree, robbery in the second degree, residential burglary, or burglary in the second degree, where such offenses include the infliction of bodily harm upon another or where during the commission of or immediate withdrawal from such an offense the perpetrator is armed with a deadly weapon or firearm as defined in RCW 9A.04.110;

(2) "Community service" means compulsory service, without compensation, performed for the benefit of the community by the offender as punishment for committing an offense. Community service may be performed through public or private organizations or through work crews;

(3) "Community supervision" means an order of disposition by the court of an adjudicated youth not committed to the department. A community supervision order for a single offense may be for a period of up to two years for a sex offense as defined by RCW 9.94A.030 and up to one year for other offenses ~~((and))~~. Community supervision is an individualized program comprised of one or more of the following:

(a) Community-based sanctions;

(b) Community-based rehabilitation;

(c) Monitoring and reporting requirements;

(4) Community-based sanctions may include one or more of the following:

(a) A fine, not to exceed one hundred dollars;

(b) Community service not to exceed one hundred fifty hours of service;

~~((c))~~ (5) "Community-based rehabilitation" means one or more of the following: Attendance of information classes;

~~((d) Counseling; or~~

~~((e) Such other services to the extent funds are available for such services;))~~ counseling, outpatient substance abuse treatment programs, outpatient mental health programs, anger management classes, or other services; attendance at school or other educational programs appropriate for the juvenile as determined by the school district; or placement in foster care that is not used as a pretrial, postadjudication, or postdisposition detention facility. Placement in community-based rehabilitation programs is subject to available funds;

(6) "Monitoring and reporting requirements" means one or more of the following: Curfews; requirements to remain at home, school, work, or court-ordered treatment programs during specified hours; restrictions from leaving or entering specified geographical areas; requirements to report to the probation officer as directed and to remain under the probation officer's supervision; home monitoring by electronic or staff monitoring; and other conditions((,)) or limitations as the court may require which may not include confinement;

~~((4))~~ (7) "Confinement" means ((physical custody by the department of social and health services in a facility operated by or pursuant to a contract with the state, or physical custody in a facility operated by or pursuant to a contract with any county)) incarceration in a detention facility following: Arrest pending a detention hearing under RCW 13.40.050; entry of an order of detention entered pursuant to RCW 13.40.050; commitment to a county detention facility, the department, or an inpatient drug and alcohol treatment facility following imposition of option D of RCW 13.40.0357; modification of a disposition for violation of the disposition; or modification of parole for violation of parole. The county may operate or contract with vendors to operate county detention facilities. The department may operate or contract to operate detention facilities for juveniles committed to the department. Confinement of less than thirty-one days imposed as part of a disposition or modification order may be served consecutively or intermittently, in the discretion of the court;

~~((5))~~ (8) "Court", when used without further qualification, means the juvenile court judge(s) or commissioner(s);

~~((6))~~ (9) "Criminal history" includes all criminal complaints against the respondent for which, prior to the commission of a current offense:

(a) The allegations were found correct by a court. If a respondent is convicted of two or more charges arising out of the same course of conduct, only the highest charge from among these shall count as an offense for the purposes of this chapter; or

(b) The criminal complaint was diverted by a prosecutor pursuant to the provisions of this chapter on agreement of the respondent and after an advisement to the respondent that the criminal complaint would be considered as part of the respondent's criminal history;

~~((7))~~ (10) "Department" means the department of social and health services;

~~((8))~~ (11) "Detention facility" means a facility for the physical confinement of a juvenile alleged to have committed an offense or an adjudicated offender subject to a disposition or modification order. Detention facilities may be secure, semisecure, or nonsecure, and may include group homes and foster homes. Detention foster homes and group homes may not be used for placement of juveniles who are ordered into rehabilitation placements pursuant to a community supervision disposition. "Secure detention" means lockup or staff-secure facilities. "Nonsecure detention" means residential placement in the community in a physically nonrestrictive environment under the supervision of the county probation department or department of social and health services;

(12) "Home monitoring" means placement of the juvenile in the custody of the juvenile's parent, guardian, or custodian in a physically nonrestrictive environment under the supervision of the county probation department or the department of social and health services with electronic or staff monitoring;

(13) "Diversion unit" means any probation counselor who enters into a diversion agreement with an alleged youthful offender, or any other person or entity with whom the juvenile court administrator has contracted to arrange and supervise such agreements pursuant to RCW ~~((13.04.040, as now or hereafter amended,))~~ 13.40.080, or any person or entity specially funded by the legislature to arrange and supervise diversion agreements in accordance with the requirements of this chapter;

~~((9))~~ (14) "Institution" means a juvenile facility established pursuant to chapters 72.05 and 72.16 through 72.20 RCW;

~~((10))~~ (15) "Juvenile," "youth," and "child" mean any individual who is under the chronological age of eighteen years and who has not been previously transferred to adult court;

~~((11))~~ (16) "Juvenile offender" means any juvenile who has been found by the juvenile court to have committed an offense, including a person eighteen years of age or older over whom jurisdiction has been extended under RCW 13.40.300;

~~((12))~~ (17) "Manifest injustice" means a disposition that would either impose an excessive penalty on the juvenile or would impose a serious, and clear danger to society in light of the purposes of this chapter;

~~((13))~~ (18) "Middle offender" means a person who has committed an offense and who is neither a minor or first offender nor a serious offender;

~~((14))~~ (19) "Minor or first offender" means a person sixteen years of age or younger whose current offense(s) and criminal history fall entirely within one of the following categories:

(a) Four misdemeanors;

(b) Two misdemeanors and one gross misdemeanor;

(c) One misdemeanor and two gross misdemeanors;

(d) Three gross misdemeanors;

(e) One class C felony except manslaughter in the second degree and one misdemeanor or gross misdemeanor;

(f) One class B felony except: Any felony which constitutes an attempt to commit a class A felony; manslaughter in the first degree; assault in the second degree; extortion in the first degree; indecent liberties; kidnapping in the second degree; robbery in the second degree; burglary in the second degree; residential burglary; vehicular homicide; or arson in the second degree.

For purposes of this definition, current violations shall be counted as misdemeanors;

~~((15))~~ (20) "Offense" means an act designated a violation or a crime if committed by an adult under the law of this state, under any ordinance of any city or county of this state, under any federal law, or under the law of another state if the act occurred in that state;

~~((16))~~ (21) "Respondent" means a juvenile who is alleged or proven to have committed an offense;

~~((17))~~ (22) "Restitution" means financial reimbursement by the offender to the victim, and shall be limited to easily ascertainable damages for injury to or loss of property, actual expenses incurred for medical treatment for physical injury to persons, lost wages resulting from physical injury, and costs of the victim's counseling reasonably related to the offense if the offense is a sex offense. Restitution shall not include reimbursement for damages for mental anguish, pain and suffering, or other intangible losses. Nothing in this chapter shall limit or replace civil remedies or defenses available to the victim or offender;

~~((18))~~ (23) "Secretary" means the secretary of the department of social and health services;

~~((19))~~ (24) "Services" mean services which provide alternatives to incarceration for those juveniles who have pleaded or been adjudicated guilty of an offense or have signed a diversion agreement pursuant to this chapter;

~~((20))~~ (25) "Sex offense" means an offense defined as a sex offense in RCW 9.94A.030;

~~((21))~~ (26) "Sexual motivation" means that one of the purposes for which the respondent committed the offense was for the purpose of his or her sexual gratification;

~~((22))~~ (27) "Foster care" means temporary physical care in a foster family home or group care facility as defined in RCW 74.15.020 and licensed by the department, or other legally authorized care;

~~((23))~~ (28) "Violation" means an act or omission, which if committed by an adult, must be proven beyond a reasonable doubt, and is punishable by sanctions which do not include incarceration.

Sec. 104. RCW 13.40.027 and 1989 c 407 s 2 are each amended to read as follows:

(1) It is the responsibility of the commission to: (a) (i) Evaluate the effectiveness of existing disposition standards and related statutes in implementing policies set forth in ~~((RCW 13.40.010))~~ section 102 of this act generally and (ii) specifically review the guidelines relating to the confinement of minor and first offenders as well as the use of diversion; (b) solicit the comments and suggestions of the juvenile justice community concerning disposition standards; and (c) make recommendations to the legislature regarding revisions or modifications of the disposition standards in accordance with RCW 13.40.030.

(2) It is the responsibility of the department to: (a) Provide the commission with available data concerning the implementation of the disposition standards and related statutes and their effect on the performance of the department's responsibilities relating to juvenile offenders; (b) at the request of the commission, provide technical and administrative assistance to the commission in the performance of its responsibilities; and (c) provide the commission and legislature with recommendations for modification of the disposition standards.

Sec. 105. RCW 13.40.0357 and 1989 c 407 s 7 are each amended to read as follows:

SCHEDULE A
DESCRIPTION AND OFFENSE CATEGORY

JUVENILE DISPOSITION OFFENSE CATEGORY	DESCRIPTION (RCW CITATION)	JUVENILE DISPOSITION CATEGORY FOR ATTEMPT, BAILJUMP, CONSPIRACY, OR SOLICITATION
Arson and Malicious Mischief		
A	Arson 1 (9A.48.020)	B+
B	Arson 2 (9A.48.030)	C
C	Reckless Burning 1 (9A.48.040)	D
D	Reckless Burning 2 (9A.48.050)	E
B	Malicious Mischief 1 (9A.48.070)	C
C	Malicious Mischief 2 (9A.48.080)	D
D	Malicious Mischief 3 (<\$50 is E class) (9A.48.090)	E
E	Tampering with Fire Alarm Apparatus (9.40.100)	E
A	Possession of Incendiary Device (9.40.120)	B+
Assault and Other Crimes Involving Physical Harm		
A	Assault 1 (9A.36.011)	B+
B+	Assault 2 (9A.36.021)	C+
C+	Assault 3 (9A.36.031)	D+
D+	Assault 4 (9A.36.041)	E
D+	Reckless Endangerment (9A.36.050)	E
C+	Promoting Suicide Attempt (9A.36.060)	D+
D+	Coercion (9A.36.070)	E

C+	Custodial Assault (9A.36.100)	D+
	Burglary and Trespass	
B+	Burglary 1 (9A.52.020)	C+
B	Burglary 2 (9A.52.030)	C
D	Burglary Tools (Possession of) (9A.52.060)	E
D	Criminal Trespass 1 (9A.52.070)	E
E	Criminal Trespass 2 (9A.52.080)	E
D	Vehicle Prowling (9A.52.100)	E
	Drugs	
E	Possession/Consumption of Alcohol (66.44.270)	E
C	Illegally Obtaining Legend Drug (69.41.020)	D
C+	Sale, Delivery, Possession of Legend Drug with Intent to Sell (69.41.030)	D+
E	Possession of Legend Drug (69.41.030)	E
B+	Violation of Uniform Controlled Substances Act - Narcotic Sale (69.50.401(a)(1)(i))	B+
C	Violation of Uniform Controlled Substances Act - Nonnarcotic Sale (69.50.401(a)(1)(ii))	C
E	Possession of Marihuana <40 grams (69.50.401(e))	E
C	Fraudulently Obtaining Controlled Substance (69.50.403)	C
C+	Sale of Controlled Substance for Profit (69.50.410)	C+
E	((Glue Sniffing (9.47A.050))) <u>Unlawful Inhalation (9.47A.020)</u>	E
B	Violation of Uniform Controlled Substances Act - Narcotic Counterfeit Substances (69.50.401(b)(1)(i))	B
C	Violation of Uniform Controlled Substances Act - Nonnarcotic Counterfeit Substances (69.50.401(b)(1) (ii), (iii), (iv))	C
C	Violation of Uniform Controlled Substances Act - Possession of a Controlled Substance (69.50.401(d))	C
C	Violation of Uniform Controlled Substances Act - Possession of a Controlled Substance (69.50.401(c))	C
	Firearms and Weapons	
((C+	Committing Crime when Armed (9.41.025)	D+))
E	Carrying Loaded Pistol Without	

	Permit (9.41.050)	E
E	Use of Firearms by Minor (<14) (9.41.240)	E
D+	Possession of Dangerous Weapon (9.41.250)	E
D	Intimidating Another Person by use of Weapon (9.41.270)	E
	Homicide	
A+	Murder 1 (9A.32.030)	A
A+	Murder 2 (9A.32.050)	B+
B+	Manslaughter 1 (9A.32.060)	C+
C+	Manslaughter 2 (9A.32.070)	D+
B+	Vehicular Homicide (46.61.520)	C+
	Kidnapping	
A	Kidnap 1 (9A.40.020)	B+
B+	Kidnap 2 (9A.40.030)	C+
C+	Unlawful Imprisonment (9A.40.040)	D+
(D)	Custodial Interference (9A.40.050)	E))
	Obstructing Governmental Operation	
E	Obstructing a Public Servant . (9A.76.020)	E
E	Resisting Arrest (9A.76.040)	E
B	Introducing Contraband 1 (9A.76.140)	C
C	Introducing Contraband 2 (9A.76.150)	D
E	Introducing Contraband 3 (9A.76.160)	E
B+	Intimidating a Public Servant (9A.76.180)	C+
B+	Intimidating a Witness (9A.72.110)	C+
(E)	Criminal Contempt (9.23.010)	E))
	Public Disturbance	
C+	Riot with Weapon (9A.84.010)	D+
D+	Riot Without Weapon (9A.84.010)	E
E	Failure to Disperse (9A.84.020)	E
E	Disorderly Conduct (9A.84.030)	E
	Sex Crimes	
A	Rape 1 (9A.44.040)	B+
A-	Rape 2 (9A.44.050)	B+
C+	Rape 3 (9A.44.060)	D+
A-	Rape of a Child 1 (9A.44.073)	B+
B	Rape of a Child 2 (9A.44.076)	C+
B	Incest 1 (9A.64.020(1))	C
C	Incest 2 (9A.64.020(2))	D
D+	(Public Indecency)) <u>Indecent Exposure</u>	

	(Victim <14) (9A.88.010)	E
E	((Public Indecency)) <u>Indecent Exposure</u> (Victim 14 or over) (9A.88.010)	E
B+	Promoting Prostitution 1 (9A.88.070)	C+
C+	Promoting Prostitution 2 (9A.88.080)	D+
E	O & A (Prostitution) (9A.88.030)	E
B+	Indecent Liberties (9A.44.100)	C+
B+	Child Molestation 1 (9A.44.083)	C+
C+	Child Molestation 2 (9A.44.086)	C
	Theft, Robbery, Extortion, and Forgery	
B	Theft 1 (9A.56.030)	C
C	Theft 2 (9A.56.040)	D
D	Theft 3 (9A.56.050)	E
B	Theft of Livestock (9A.56.080)	C
C	Forgery (((9A.56.020))) <u>(9A.60.020)</u>	D
A	Robbery 1 (9A.56.200)	B+
B+	Robbery 2 (9A.56.210)	C+
B+	Extortion 1 (9A.56.120)	C+
C+	Extortion 2 (9A.56.130)	D+
B	Possession of Stolen Property 1 (9A.56.150)	C
C	Possession of Stolen Property 2 (9A.56.160)	D
D	Possession of Stolen Property 3 (9A.56.170)	E
C	Taking Motor Vehicle Without Owner's Permission (9A.56.070)	D
	Motor Vehicle Related Crimes	
E	Driving Without a License (46.20.021)	E
C	Hit and Run - Injury (46.52.020(4))	D
D	Hit and Run-Attended (46.52.020(5))	E
E	Hit and Run-Unattended (46.52.010)	E
C	Vehicular Assault (46.61.522)	D
C	Attempting to Elude Pursuing Police Vehicle (46.61.024)	D
E	Reckless Driving (46.61.500)	E
D	Driving While Under the Influence (46.61.515)	E
B+	Negligent Homicide by Motor Vehicle (46.61.520)	C+
D	Vehicle Prowling (9A.52.100)	E
C	Taking Motor Vehicle Without Owner's Permission (9A.56.070)	D
	Other	
B	Bomb Threat (9.61.160)	C
C	Escape 1 ¹ (9A.76.110)	C
C	Escape 2 ¹ (9A.76.120)	C

JOURNAL OF THE SENATE

D	Escape 3 (9A.76.130)	E
C	Failure to Appear in Court (10.19.130)	D
E	Tampering with Fire Alarm Apparatus (9.40.100)	E
E	Obscene, Harassing, Etc., Phone Calls (9.61.230)	E
A	Other Offense Equivalent to an Adult Class A Felony	B+
B	Other Offense Equivalent to an Adult Class B Felony	C
C	Other Offense Equivalent to an Adult Class C Felony	D
D	Other Offense Equivalent to an Adult Gross Misdemeanor	E
E	Other Offense Equivalent to an Adult Misdemeanor	E
V	Violation of Order of Restitution, Community Supervision, or Confinement (13.40.200) ²	V

¹Escape 1 and 2 and Attempted Escape 1 and 2 are classed as C offenses and the standard range is established as follows:

- 1st escape or attempted escape during 12-month period - 4 weeks confinement
- 2nd escape or attempted escape during 12-month period - 8 weeks confinement
- 3rd and subsequent escape or attempted escape during 12-month period - 12 weeks confinement

²If the court finds that a respondent has violated terms of an order, it may impose a penalty of up to 30 days of confinement.

**SCHEDULE B
PRIOR OFFENSE INCREASE FACTOR**

For use with all CURRENT OFFENSES occurring on or after July 1, 1989.

TIME SPAN

OFFENSE CATEGORY	0-12 Months	13-24 Months	25 Months or More
A+	.9	.9	.9
A	.9	.8	.6
A-	.9	.8	.5
B+	.9	.7	.4
B	.9	.6	.3
C+	.6	.3	.2
C	.5	.2	.2
D+	.3	.2	.1
D	.2	.1	.1
E	.1	.1	.1

Prior history - Any offense in which a diversion agreement or counsel and release form was signed, or any offense which has been adjudicated by court to be correct prior to the commission of the current offense(s).

**SCHEDULE C
CURRENT OFFENSE POINTS**

For use with all CURRENT OFFENSES occurring on or after July 1, 1989.

AGE

OFFENSE CATEGORY	12 & Under	13	14	15	16	17
A+	STANDARD RANGE 180-224 WEEKS					
A	250	300	350	375	375	375
A-	150	150	150	200	200	200
B+	110	110	120	130	140	150
B	45	45	50	50	57	57
C+	44	44	49	49	55	55
C	40	40	45	45	50	50
D+	16	18	20	22	24	26
D	14	16	18	20	22	24
E	4	4	4	6	8	10

JUVENILE SENTENCING STANDARDS
SCHEDULE D-1

This schedule may only be used for minor/first offenders. After the determination is made that a youth is a minor/first offender, the court has the discretion to select sentencing option A, B, or C. In addition, the court may select option D. A disposition order for a minor/first offender may not include an order of confinement except pursuant to option D.

The court shall not order option D if the court imposes a manifest injustice under option C and commits the juvenile to the department of social and health services.

MINOR/FIRST OFFENDER

OPTION A
STANDARD RANGE

Points	Community Supervision	Community Service Hours	Fine
1-9	((0-3)) 0-12 months	and/or 0-8	and/or 0-\$10
10-19	((0-3)) 0-12 months	and/or 0-8	and/or 0-\$10
20-29	((0-3)) 0-12 months	and/or 0-16	and/or 0-\$10
30-39	((0-3)) 0-12 months	and/or 8-24	and/or 0-\$25
40-49	((3-6)) 0-12 months	and/or 16-32	and/or 0-\$25
50-59	((3-6)) 0-12 months	and/or 24-40	and/or 0-\$25
60-69	((6-9)) 0-12 months	and/or 32-48	and/or 0-\$50
70-79	((6-9)) 0-12 months	and/or 40-55	and/or 0-\$50
80-89	((9-12)) 0-12 months	and/or 48-64	and/or 10-\$100
90-109	((9-12)) 0-12 months	and/or 56-72	and/or 10-\$100

OR

OPTION B
STATUTORY OPTION

0-12 Months Community Supervision
0-150 Hours Community Service
0-100 Fine

A term of community supervision with a maximum of 150 hours, \$100.00 fine, and 12 months supervision.

JOURNAL OF THE SENATE

OR
OPTION C
MANIFEST INJUSTICE

When a term of community supervision would effectuate a manifest injustice, another disposition may be imposed. When a judge imposes a sentence of confinement exceeding 30 days, the court shall sentence the juvenile to a maximum term and the provisions of RCW (~~(13.40.030(5))~~) 13.40.030(2), as now or hereafter amended, shall be used to determine the range.

AND
OPTION D
SUBSTANCE ABUSE TREATMENT

In addition to any disposition entered under option A, B, or C, following adjudication for an offense, but prior to disposition, the court may order the child to be evaluated for a substance abuse problem to determine whether inpatient or outpatient treatment for substance abuse is necessary. If the court finds that the child suffers from a substance abuse problem the court may order the child to participate in an outpatient treatment program as a condition of community supervision. If the evaluation recommends that the child be placed in treatment for a substance abuse problem, the court may order inpatient treatment if the commitment criteria are met for involuntary commitment of minors to inpatient drug and alcohol treatment pursuant to RCW 70.96A.140. The maximum period of time the court may order the offender into inpatient treatment is ninety days as a term of the disposition order for the offense. Placement in inpatient treatment or participation in outpatient treatment is subject to available funds.

Nothing in option D prevents the court from referring the juvenile to inpatient or outpatient treatment services that the juvenile may obtain on a voluntary basis. In addition, if the juvenile agrees to enter into inpatient or outpatient treatment on a voluntary basis, the court may include the agreement as part of the court's order on disposition. Failure to enter into treatment pursuant to the terms of the agreement entered in the disposition shall not be grounds to impose sanctions for a violation of the disposition under RCW 13.40.200 but shall be grounds for the court to modify the disposition order and, if appropriate, order the juvenile into treatment on an involuntary basis pursuant to the commitment provisions of option D.

JUVENILE SENTENCING STANDARDS
SCHEDULE D-2

This schedule may only be used for middle offenders. After the determination is made that a youth is a middle offender, the court has the discretion to select sentencing option A, B, or C.

MIDDLE OFFENDER
OPTION A
STANDARD RANGE

Points	Community Supervision	Community Service Hours	Fine	Confinement Days Weeks
1-9	((0-3)) <u>0-12</u> months	and/or 0-8	and/or 0-\$10	and/or 0
10-19	((0-3)) <u>0-12</u> months	and/or 0-8	and/or 0-\$10	and/or 0
20-29	((0-3)) <u>0-12</u> months	and/or 0-16	and/or 0-\$10	and/or 0
30-39	((0-3)) <u>0-12</u> months	and/or 8-24	and/or 0-\$25	and/or ((2-4)) <u>0-10</u>
40-49	((3-6)) <u>0-12</u> months	and/or 16-32	and/or 0-\$25	and/or ((2-4)) <u>0-10</u>
50-59	((3-6)) <u>0-12</u> months	and/or 24-40	and/or 0-\$25	and/or ((5-10)) <u>0-10</u>
60-69	((6-9)) <u>0-12</u> months	and/or 32-48	and/or 0-\$50	and/or ((5-10)) <u>10-20</u>
70-79	((6-9)) <u>0-12</u> months	and/or 40-56	and/or 0-\$50	and/or 10-20
80-89	((9-12)) <u>0-12</u> months	and/or 48-64	and/or 0-\$100	and/or 10-20
90-109	((9-12)) <u>0-12</u> months	and/or 56-72	and/or 0-\$100	and/or ((15-30)) <u>20-30</u>
110-129				8-12
130-149				13-16
150-199				21-28
200-249				30-40

250-299
300-374
375+

52-65
80-100
103-129

Middle offenders with more than 110 points do not have to be committed. They may be assigned community supervision under option B.
All A+ offenses 180-224 weeks

OR
**OPTION B
STATUTORY OPTION**

0-12 Months Community Supervision
0-150 Hours Community Service
0-100 Fine

The court may impose a determinate disposition of community supervision and/or up to 30 days confinement; in which case, if confinement has been imposed, the court shall state either aggravating or mitigating factors as set forth in RCW 13.40.150, as now or hereafter amended.

OR
**OPTION C
MANIFEST INJUSTICE**

If the court determines that a disposition under A or B would effectuate a manifest injustice, the court shall sentence the juvenile to a maximum term and the provisions of RCW ((13.40.030(5))) 13.40.030(2), as now or hereafter amended, shall be used to determine range.

**AND
OPTION D
SUBSTANCE ABUSE TREATMENT**

In addition to any disposition entered under option A, B, or C, following adjudication for an offense, but prior to disposition, the court may order the child to be evaluated for a substance abuse problem to determine whether inpatient or outpatient treatment for substance abuse is necessary. If the court finds that the child suffers from a substance abuse problem the court may order the child to participate in an outpatient treatment program as a condition of community supervision. If the evaluation recommends that the child be placed in treatment for a substance abuse problem, the court may order inpatient treatment if the commitment criteria are met for involuntary commitment of minors to inpatient drug and alcohol treatment pursuant to RCW 70.96A.140. The maximum period of time the court may order the offender into inpatient treatment is ninety days as a term of the disposition order for the offense. Placement in inpatient treatment or participation in outpatient treatment is subject to available funds.

The court shall not order option D if the court commits the juvenile to the department of social and health services under an option A standard range commitment for middle offenders or under an option C manifest injustice. The court may order option D if the court imposes option B on a juvenile who may be committed to the department under the standard range.

Nothing in option D prevents the court from referring the juvenile to inpatient or outpatient treatment services that the juvenile may obtain on a voluntary basis. In addition, if the juvenile agrees to enter into inpatient or outpatient treatment on a voluntary basis, the court may include the agreement as part of the court's order on disposition. Failure to enter into treatment pursuant to the terms of the agreement entered in the disposition shall not be grounds to impose sanctions for a violation of the disposition under RCW 13.40.200 but shall be grounds for the court to modify the disposition order and, if appropriate, order the juvenile into treatment on an involuntary basis pursuant to the commitment provisions of option D.

**JUVENILE SENTENCING STANDARDS
SCHEDULE D-3**

This schedule may only be used for serious offenders. After the determination is made that a youth is a serious offender, the court has the discretion to select sentencing option A or B.

**SERIOUS OFFENDER
OPTION A
STANDARD RANGE**

Points	Institution Time
0-129	8-12 weeks
130-149	13-16 weeks
150-199	21-28 weeks
200-249	30-40 weeks
250-299	52-65 weeks
300-374	80-100 weeks
375+	103-129 weeks
All A+ Offenses	180-224 weeks

OR

**OPTION B
MANIFEST INJUSTICE**

A disposition outside the standard range shall be determined and shall be comprised of confinement or community supervision or a combination thereof. When a judge finds a manifest injustice and imposes a sentence of confinement exceeding 30 days, the court shall sentence the juvenile to a maximum term, and the provisions of RCW ((13.40.030(5))) 13.40.030(2), as now or hereafter amended, shall be used to determine the range.

**SCHEDULE E
DEADLY WEAPON DISPOSITION ENHANCEMENT**

The following additional times shall be added to the determinate disposition under option A, B, or C in schedule D for middle and serious offenders if the court enters a finding that the offender or an accomplice was armed with a deadly weapon as defined in RCW 9.94A.125:

(1) 26 weeks if the offender is adjudicated for the commission of Rape 1 (RCW 9A.44.040), Robbery 1 (RCW 9A.56.200), or Kidnapping 1 (RCW 9A.40.020);

(2) 16 weeks if the offender is adjudicated for the commission of Burglary 1 (RCW 9A.52.020);

(3) 12 weeks if the offender is adjudicated for the commission of Assault 2 (RCW 9A.36.020 or 9A.36.021), Escape 1 (RCW 9A.76.110), Kidnapping 2 (RCW 9A.40.030), Burglary 2 of a building other than a dwelling (RCW 9A.52.030), Theft of Livestock 1 or 2 (RCW 9A.56.080), or any drug offense.

Sec. 106. RCW 13.40.038 and 1986 c 288 s 7 are each amended to read as follows:

It is the policy of this state that all county juvenile detention facilities provide a humane, safe, and rehabilitative environment and that unadjudicated youth remain in the community whenever possible, consistent with public safety and the provisions of chapter 13.40 RCW.

The counties shall develop and implement detention intake standards and risk assessment standards to determine whether detention is warranted and if so whether the juvenile should be placed in secure or nonsecure detention to implement the goals of this section. Inability to pay for a less restrictive detention placement shall not be a basis for denying a respondent a less restrictive placement in the community. The detention and risk assessment standards shall be developed and implemented no later than December 31, 1992.

Sec. 107. RCW 13.40.050 and 1979 c 155 s 58 are each amended to read as follows:

(1) When a juvenile taken into custody is held in detention:

(a) An information, a community supervision modification or termination of diversion petition, or a parole modification petition shall be filed within seventy-two hours, Saturdays, Sundays, and holidays excluded, or the juvenile shall be released; and

(b) A detention hearing, a community supervision modification or termination of diversion petition, or a parole modification petition shall be held within seventy-two hours, Saturdays, Sundays, and holidays excluded, from the time of filing the information or petition, to determine whether continued detention is necessary under RCW 13.40.040.

(2) Upon filing an information, a community supervision modification, or termination of diversion petition as required under subsection (1)(a) of this section, the clerk of the court shall issue a summons directed to the parent,

guardian, or custodian, and such other persons as appears to the court to be proper or necessary parties to the proceedings, requiring them to appear personally before the court at the time fixed for the hearing required under subsection (1)(b) of this section. The summons shall include notice of the ((detention)) hearing, stating the time, place, and purpose of the hearing, and stating the right to counsel((, shall be given to the parent, guardian, or custodian if such person can be found and)). Such notice shall also be given to the juvenile ((if over twelve years of age)) held in detention. When the custodian is summoned, the parent or guardian or both shall also be served with a summons.

(3) At the commencement of the detention hearing, the court shall advise the parties of their rights under this chapter and shall appoint counsel as specified in this chapter.

(4) The court shall, based upon the allegations in the information, determine whether the case is properly before it or whether the case should be treated as a diversion case under RCW 13.40.080. If the case is not properly before the court the juvenile shall be ordered released.

(5) Notwithstanding a determination that the case is properly before the court and that probable cause exists, a juvenile shall at the detention hearing be ordered released on the juvenile's personal recognizance pending further hearing unless the court finds detention is necessary under RCW 13.40.040 as now or hereafter amended.

(6) If detention is not necessary under RCW 13.40.040, as now or hereafter amended, the court shall impose the most appropriate of the following conditions or, if necessary, any combination of the following conditions:

- (a) Place the juvenile in the custody of a designated person agreeing to supervise such juvenile;
- (b) Place restrictions on the travel of the juvenile during the period of release;
- (c) Require the juvenile to report regularly to and remain under the supervision of the juvenile court;
- (d) Impose any condition other than detention deemed reasonably necessary to assure appearance as required; ~~((or))~~

(e) Place the juvenile under home monitoring; or

(f) Require that the juvenile return to detention during specified hours.

(7) If the parent, guardian, or custodian of the juvenile in detention is available, the court shall consult with them prior to a determination to further detain or release the juvenile or treat the case as a diversion case under RCW 13.40.080.

Sec. 108. RCW 13.40.070 and 1989 c 407 s 9 are each amended to read as follows:

(1) Complaints referred to the juvenile court alleging the commission of an offense shall be referred directly to the prosecutor. The prosecutor, upon receipt of a complaint, shall screen the complaint to determine whether:

- (a) The alleged facts bring the case within the jurisdiction of the court; and
- (b) On a basis of available evidence there is probable cause to believe that the juvenile did commit the offense.

(2) If the identical alleged acts constitute an offense under both the law of this state and an ordinance of any city or county of this state, state law shall govern the prosecutor's screening and charging decision for both filed and diverted cases.

(3) If the requirements of subsections (1) (a) and (b) of this section are met, the prosecutor shall either file an information in juvenile court or divert the case, as set forth in subsections (5), (6), and (7) of this section. If the prosecutor finds that the requirements of subsection (1) (a) and (b) of this section are not met, the prosecutor shall maintain a record, for one year, of such decision and the reasons therefor. In lieu of filing an information or diverting an offense a prosecutor may file a motion to modify community supervision where such offense constitutes a violation of community supervision.

(4) An information shall be a plain, concise, and definite written statement of the essential facts constituting the offense charged. It shall be signed by the prosecuting attorney and conform to chapter 10.37 RCW.

(5) Where a case is legally sufficient, the prosecutor shall file an information with the juvenile court if:

(a) An alleged offender is accused of a class A felony, a class B felony, an attempt to commit a class B felony, ~~((assault in the third degree, rape in the third degree))~~ a class C felony listed in RCW 9.94A.440(2) as a crime against persons, or any other offense listed in RCW 13.40.020(1) (b) or (c); or

(b) An alleged offender is accused of a felony and has a criminal history of at least one class A or class B felony, or two class C felonies, or at least two gross misdemeanors, or at least two misdemeanors and one additional misdemeanor or gross misdemeanor, or at least one class C felony and one misdemeanor or gross misdemeanor; or

(c) An alleged offender has previously been committed to the department; or

(d) An alleged offender has been referred by a diversion unit for prosecution or desires prosecution instead of diversion; or

~~((d))~~ (e) An alleged offender has three or more diversions on the alleged offender's criminal history ~~((within eighteen months of the current alleged offense)).~~

(6) Where a case is legally sufficient the prosecutor shall divert the case if the alleged offense is a misdemeanor or gross misdemeanor or violation and the alleged offense(s) in combination with the alleged offender's criminal history do not exceed two offenses or violations and do not include any felonies: PROVIDED, That if the alleged offender is charged with a related offense that must or may be filed under subsections (5) and (7) of this section, a case under this subsection may also be filed.

(7) Where a case is legally sufficient and falls into neither subsection (5) nor (6) of this section, it may be filed or diverted. In deciding whether to file or divert an offense under this section the prosecutor shall be guided only by the length, seriousness, and recency of the alleged offender's criminal history and the circumstances surrounding the commission of the alleged offense.

(8) Whenever a juvenile is placed in custody or, where not placed in custody, referred to a diversionary interview, the parent or legal guardian of the juvenile shall be notified as soon as possible concerning the allegation made against the juvenile and the current status of the juvenile. Where a case involves victims of crimes against persons or victims whose property has not been recovered at the time a juvenile is referred to a diversionary unit, the victim shall be notified of the referral and informed how to contact the unit.

(9) The responsibilities of the prosecutor under subsections (1) through (8) of this section may be performed by a juvenile court probation counselor for any complaint referred to the court alleging the commission of an offense which would not be a felony if committed by an adult, if the prosecutor has given sufficient written notice to the juvenile court that the prosecutor will not review such complaints.

(10) The prosecutor, juvenile court probation counselor, or diversion unit may, in exercising their authority under this section or RCW 13.40.080, refer juveniles to mediation or victim offender reconciliation programs. Mediation and victim offender reconciliation programs shall be voluntary for victims.

Sec. 109. RCW 13.40.080 and 1985 c 73 s 2 are each amended to read as follows:

(1) A diversion agreement shall be a contract between a juvenile accused of an offense and a diversionary unit whereby the juvenile agrees to fulfill certain conditions in lieu of prosecution. Such agreements may be entered into only after the prosecutor, or probation counselor pursuant to this chapter, has determined that probable cause exists to believe that a crime has been committed and that the juvenile committed it. Such agreements shall be entered into as expeditiously as possible.

(2) A diversion agreement shall be limited to:

(a) Community service not to exceed one hundred fifty hours, not to be performed during school hours if the juvenile is attending school;

(b) Restitution limited to the amount of actual loss incurred by the victim, and to an amount the juvenile has the means or potential means to pay;

(c) Attendance at up to ~~((two))~~ ten hours of counseling and/or up to ~~((ten))~~ twenty hours of educational or informational sessions at a community agency: PROVIDED, That the state shall not be liable for costs resulting from the diversionary unit exercising the option to permit diversion agreements to mandate attendance at up to ~~((two))~~ ten hours of counseling and/or up to ~~((ten))~~ twenty hours of educational or informational sessions; and

(d) A fine, not to exceed one hundred dollars. In determining the amount of the fine, the diversion unit shall consider only the juvenile's financial resources and whether the juvenile has the means to pay the fine. The diversion unit shall not consider the financial resources of the juvenile's parents, guardian, or custodian in determining the fine to be imposed.

(3) In assessing periods of community service to be performed and restitution to be paid by a juvenile who has entered into a diversion agreement, the court officer to whom this task is assigned shall consult with victims who have contacted the diversionary unit and, to the extent possible, involve members of the community. Such members of the community shall meet with the juvenile and advise the court officer as to the terms of the diversion agreement and shall supervise the juvenile in carrying out its terms.

(4) A diversion agreement may not exceed a period of six months ~~((for a misdemeanor or gross misdemeanor or one year for a felony))~~ and may include a period extending beyond the eighteenth birthday of the divertee. Any restitution assessed during its term may not exceed an amount which the juvenile could be reasonably expected to pay during this period. If additional time is necessary for the juvenile to complete restitution to the victim, the time period limitations of this subsection may be extended by an additional six months.

(5) The juvenile shall retain the right to be referred to the court at any time prior to the signing of the diversion agreement.

(6) Divertees and potential divertees shall be afforded due process in all contacts with a diversionary unit regardless of whether the juveniles are accepted for diversion or whether the diversion program is successfully completed. Such due process shall include, but not be limited to, the following:

- (a) A written diversion agreement shall be executed stating all conditions in clearly understandable language;
- (b) Violation of the terms of the agreement shall be the only grounds for termination;
- (c) No divertee may be terminated from a diversion program without being given a court hearing, which hearing shall be preceded by:
- (i) Written notice of alleged violations of the conditions of the diversion program; and
 - (ii) Disclosure of all evidence to be offered against the divertee;
- (d) The hearing shall be conducted by the juvenile court and shall include:
- (i) Opportunity to be heard in person and to present evidence;
 - (ii) The right to confront and cross-examine all adverse witnesses;
 - (iii) A written statement by the court as to the evidence relied on and the reasons for termination, should that be the decision; and
 - (iv) Demonstration by evidence that the divertee has substantially violated the terms of his or her diversion agreement.
- (e) The prosecutor may file an information on the offense for which the divertee was diverted:
- (i) In juvenile court if the divertee is under eighteen years of age; or
 - (ii) In superior court or the appropriate court of limited jurisdiction if the divertee is eighteen years of age or older.
- (7) The diversion unit shall, subject to available funds, be responsible for providing interpreters when juveniles need interpreters to effectively communicate during diversion unit hearings or negotiations.
- (8) The diversion unit shall be responsible for advising a divertee of his or her rights as provided in this chapter.
- ~~((8))~~ (9) The diversion unit may refer a juvenile to treatment programs or the department's family reconciliation services.

(10) The right to counsel shall inure prior to the initial interview for purposes of advising the juvenile as to whether he or she desires to participate in the diversion process or to appear in the juvenile court. The juvenile may be represented by counsel at any critical stage of the diversion process, including intake interviews and termination hearings. The juvenile shall be fully advised at the intake of his or her right to an attorney and of the relevant services an attorney can provide. For the purpose of this section, intake interviews mean all interviews regarding the diversion agreement process.

The juvenile shall be advised that a diversion agreement shall constitute a part of the juvenile's criminal history as defined by RCW 13.40.020~~((6))~~(9) as now or hereafter amended. A signed acknowledgment of such advisement shall be obtained from the juvenile, and the document shall be maintained by the diversionary unit together with the diversion agreement, and a copy of both documents shall be delivered to the prosecutor if requested by the prosecutor. The supreme court shall promulgate rules setting forth the content of such advisement in simple language.

~~((9))~~ (11) When a juvenile enters into a diversion agreement, the juvenile court may receive only the following information for dispositional purposes:

- (a) The fact that a charge or charges were made;
- (b) The fact that a diversion agreement was entered into;
- (c) The juvenile's obligations under such agreement;
- (d) Whether the alleged offender performed his or her obligations under such agreement; and
- (e) The facts of the alleged offense.

~~((10))~~ (12) A diversionary unit may refuse to enter into a diversion agreement with a juvenile. When a diversionary unit refuses to enter a diversion agreement with a juvenile, it shall immediately refer such juvenile to the court for action and shall forward to the court the criminal complaint and a detailed statement of its reasons for refusing to enter into a diversion agreement. The diversionary unit shall also immediately refer the case to the prosecuting attorney for action if such juvenile violates the terms of the diversion agreement.

~~((11))~~ (13) A diversionary unit may, in instances where it determines that the act or omission of an act for which a juvenile has been referred to it involved no victim, or where it determines that the juvenile referred to it has no prior criminal history and is alleged to have committed an illegal act involving no threat of or instance of actual physical harm and involving not more than fifty dollars in property loss or damage and that there is no loss outstanding to the person or firm suffering such damage or loss, counsel and release or release such a juvenile without entering into a diversion agreement~~((: PROVIDED, That))~~. A diversion unit's authority to counsel and release a juvenile under this subsection shall include the authority to refer the juvenile to local treatment programs or the department's family reconciliation services. Any juvenile ~~((so handled))~~ released under this subsection shall be

advised that the act or omission of any act for which he or she had been referred shall constitute a part of the juvenile's criminal history as defined by RCW 13.40.020~~((6))~~(9) as now or hereafter amended. A signed acknowledgment of such advisement shall be obtained from the juvenile, and the document shall be maintained by the unit, and a copy of the document shall be delivered to the prosecutor if requested by the prosecutor. The supreme court shall promulgate rules setting forth the content of such advisement in simple language~~((= PROVIDED FURTHER, That))~~. A juvenile determined to be eligible by a diversionary unit for ~~((such))~~ release as provided in this subsection shall retain the same right to counsel and right to have his or her case referred to the court for formal action as any other juvenile referred to the unit.

~~((12))~~ (14) A diversion unit may supervise the fulfillment of a diversion agreement entered into before the juvenile's eighteenth birthday and which includes a period extending beyond the divertee's eighteenth birthday.

~~((13))~~ (15) If a fine required by a diversion agreement cannot reasonably be paid due to a change of circumstance, the diversion agreement may be modified at the request of the divertee and with the concurrence of the diversion unit to convert an unpaid fine into community service. The modification of the diversion agreement shall be in writing and signed by the divertee and the diversion unit. The number of hours of community service in lieu of a monetary penalty shall be converted at the rate of the prevailing state minimum wage per hour.

~~((14))~~ (16) Fines imposed under this section shall be collected and paid into the county general fund in accordance with procedures established by the juvenile court administrator under RCW 13.04.040 and may be used only for juvenile services. In the expenditure of funds for juvenile services, there shall be a maintenance of effort whereby counties exhaust existing resources before using amounts collected under this section.

Sec. 110. RCW 13.40.100 and 1979 c 155 s 62 are each amended to read as follows:

(1) Upon the filing of an information the alleged offender shall be notified by summons, warrant, or other method approved by the court of the next required court appearance.

(2) ~~((If notice is by summons,))~~ The clerk of the court shall also issue a summons directed to ~~((the juvenile, if the juvenile is twelve or more years of age, and another to))~~ the parents, guardian, or custodian, and such other persons as appear to the court to be proper or necessary parties to the proceedings, requiring them to appear personally before the court at the time fixed to hear the petition. Where the custodian is summoned, the parent or guardian or both shall also be served with a summons.

(3) A copy of the information shall be attached to each summons.

(4) The summons shall advise the parties of the right to counsel.

(5) The judge may endorse upon the summons an order directing the parents, guardian, or custodian having the custody or control of the juvenile to bring the juvenile to the hearing.

(6) If it appears from affidavit or sworn statement presented to the judge that there is probable cause for the issuance of a warrant of arrest or that the juvenile needs to be taken into custody pursuant to RCW 13.34.050, as now or hereafter amended, the judge may endorse upon the summons an order that an officer serving the summons shall at once take the juvenile into custody and take the juvenile to the place of detention or shelter designated by the court.

(7) Service of summons may be made under the direction of the court by any law enforcement officer or probation counselor.

(8) If the person summoned as herein provided fails without reasonable cause to appear and abide the order of the court, the person may be proceeded against as for contempt of court.

(9) When the clerk issues a summons to the parents, the clerk shall also serve with the summons a letter from the court directed to the parents. The letter shall encourage the parents to appear and participate in the juvenile court proceedings. The letter shall notify the parents that the parents: (a) Have a right to be advised of future court dates involving the juvenile if the parents appear at the next hearing; (b) have a right to give a statement to the court regarding the disposition to be imposed if the offender is found to have committed the offense; and (c) may obtain referrals for appropriate services from the court if the parent appears at the hearings. The letter shall notify the parent who is the assigned probation officer, if any, and if no probation officer is assigned, the letter shall provide a telephone number for the parent to use to call for information about hearings involving their child. If the child is in a detention facility, the letter shall provide the telephone number of the detention facility. The letter shall advise the parents that the court may hold the parent in contempt for failure to appear at the next hearing specified in the summons but that the court may excuse the parent's attendance for a reasonable cause. The letter shall also advise the parents that the court may refer the child and family to other agencies for appropriate services such as counseling, appropriate classes, the department's family reconciliation services, or to investigating agencies such as community mental health or drug and alcohol specialists or the attorney general for child protective services investigations.

The office of the administrator for the courts may develop a form letter for the court clerk's use.

Subject to available funds and time constraints, the court clerk shall make a reasonable effort to determine if the juvenile is a dependant of the state of Washington, in which case, the juvenile court may waive all or part of

the requirement to send the letter to the parents. If the juvenile is the subject of a dependency provision, the court may waive all or a portion of the requirement to send a letter, but the court clerk shall advise the department of social and health services of the pending matter.

Sec. 111. RCW 13.40.130 and 1981 c 299 s 10 are each amended to read as follows:

(1) The respondent shall be advised of the allegations in the information and shall be required to plead guilty or not guilty to the allegation(s). The state or the respondent may make preliminary motions up to the time of the plea.

(2) If the respondent pleads guilty, the court may proceed with disposition or may continue the case for a dispositional hearing. If the respondent denies guilt, an adjudicatory hearing date shall be set.

(3) At the adjudicatory hearing it shall be the burden of the prosecution to prove the allegations of the information beyond a reasonable doubt.

(4) The court shall record its findings of fact and shall enter its decision upon the record. Such findings shall set forth the evidence relied upon by the court in reaching its decision.

(5) If the respondent is found not guilty he or she shall be released from detention.

(6) If the respondent is found guilty the court may immediately proceed to disposition or may continue the case for a dispositional hearing. Notice of the time and place of the continued hearing may be given in open court. If notice is not given in open court to a party, the party shall be notified by mail of the time and place of the continued hearing.

(7) The court following an adjudicatory hearing may request that a predisposition study be prepared to aid the court in its evaluation of the matters relevant to disposition of the case.

(8) The disposition hearing shall be held within fourteen days after the adjudicatory hearing or plea of guilty unless good cause is shown for further delay, or within twenty-one days if the juvenile is not held in a detention facility, unless good cause is shown for further delay.

(9) In sentencing an offender, the court shall use the disposition standards in effect on the date of the offense.

(10) The court may require the probation officer conducting the predisposition study ordered under subsection (7) of this section, to investigate whether the juvenile's parents require services to address family problems or substance abuse problems that may be adversely impacting the juvenile and may be contributing to the juvenile's involvement with delinquency. If the court orders the investigation, the probation officer shall, within available funds, conduct an investigation and make a recommendation to the court regarding referral to services or to other investigatory agencies.

Sec. 112. RCW 13.40.150 and 1990 c 3 s 605 are each amended to read as follows:

(1) In disposition hearings all relevant and material evidence, including oral and written reports, may be received by the court and may be relied upon to the extent of its probative value, even though such evidence may not be admissible in a hearing on the information. The youth or the youth's counsel and the prosecuting attorney shall be afforded an opportunity to examine and controvert written reports so received and to cross-examine individuals making reports when such individuals are reasonably available, but sources of confidential information need not be disclosed. The prosecutor and counsel for the juvenile may submit recommendations for disposition.

(2) For purposes of disposition:

(a) Violations which are current offenses count as misdemeanors;

(b) Violations may not count as part of the offender's criminal history;

(c) In no event may a disposition for a violation include confinement.

(3) Before entering a dispositional order as to a respondent found to have committed an offense, the court shall hold a disposition hearing, at which the court shall:

(a) Consider the facts supporting the allegations of criminal conduct by the respondent;

(b) Consider information and arguments offered by parties and their counsel;

(c) Consider any predisposition reports;

(d) Consult with the respondent's parent, guardian, or custodian on the appropriateness of dispositional options under consideration and afford the respondent and the respondent's parent, guardian, or custodian an opportunity to speak in the respondent's behalf;

(e) Allow the victim or a representative of the victim and an investigative law enforcement officer to speak;

(f) Determine the amount of restitution owing to the victim, if any;

(g) Determine whether the respondent is a serious offender, a middle offender, or a minor or first offender;

(h) Consider whether or not any of the following mitigating factors exist:

(i) The respondent's conduct neither caused nor threatened serious bodily injury or the respondent did not contemplate that his or her conduct would cause or threaten serious bodily injury;

- (ii) The respondent acted under strong and immediate provocation;
- (iii) The respondent was suffering from a mental or physical condition that significantly reduced his or her culpability for the offense though failing to establish a defense;
- (iv) Prior to his or her detection, the respondent compensated or made a good faith attempt to compensate the victim for the injury or loss sustained; and
- (v) There has been at least one year between the respondent's current offense and any prior criminal offense;

- (i) Consider whether or not any of the following aggravating factors exist:
 - (i) In the commission of the offense, or in flight therefrom, the respondent inflicted or attempted to inflict serious bodily injury to another;
 - (ii) The offense was committed in an especially heinous, cruel, or depraved manner;
 - (iii) The victim or victims were particularly vulnerable;
 - (iv) The respondent has a recent criminal history or has failed to comply with conditions of a recent dispositional order or diversion agreement;
 - (v) The current offense included a finding of sexual motivation pursuant to RCW 9.94A.127;
 - (vi) The respondent was the leader of a criminal enterprise involving several persons; and
 - (vii) There are other complaints which have resulted in diversion or a finding or plea of guilty but which are not included as criminal history.

- (4) The following factors may not be considered in determining the punishment to be imposed:
 - (a) The sex of the respondent;
 - (b) The race or color of the respondent or the respondent's family;
 - (c) The creed or religion of the respondent or the respondent's family;
 - (d) The economic or social class of the respondent or the respondent's family; and
 - (e) Factors indicating that the respondent may be or is a dependent child within the meaning of this chapter.
- (5) A court may not commit a juvenile to a state institution solely because of the lack of facilities, including treatment facilities, existing in the community.

NEW SECTION. Sec. 113. A new section is added to chapter 13.40 RCW to read as follows:

At the disposition hearing, the court shall consider any recommendations in the presentence report regarding referrals of the parents to services or agencies designed to address any family problems or any parental substance abuse problems that may be adversely impacting the juvenile and may be contributing to the juvenile's involvement with delinquency. The parents may respond to the recommendations at the disposition hearing. If the court determines that referral to other services or to another investigatory agency is appropriate the court shall enter findings of fact in the disposition order. The court shall make or cause appropriate referrals to be made. The referral of the parents to services or to other agencies shall not be a condition of the juvenile's disposition for the offense. A finding by the court that the parent's family problems or substance abuse problems may be adversely impacting the juvenile or may be contributing to the juvenile's involvement with delinquency shall not be a mitigating factor in setting the disposition.

The purpose of this section is solely to provide the court express authority to refer parents to services and other investigatory agencies. Nothing in this section shall be construed to require addition of new facilities, expansion of programs, or expenditure of funds beyond existing resources nor does it affect the department of social and health services', the counties', and private vendors' authority to determine the uses of those existing programs and facilities.

Sec. 114. RCW 13.40.200 and 1986 c 288 s 5 are each amended to read as follows:

- (1) When a respondent fails to comply with an order of restitution, community supervision, penalty assessments, or confinement of less than thirty days, the court upon motion of the prosecutor or its own motion, may modify the order after a hearing on the violation.
- (2) The hearing shall afford the respondent the same due process of law as would be afforded an adult probationer. The court may issue a summons or a warrant to compel the respondent's appearance. The state shall have the burden of proving by a preponderance of the evidence the fact of the violation. The respondent shall have the burden of showing that the violation was not a wilful refusal to comply with the terms of the order. If a respondent has failed to pay a fine, penalty assessments, or restitution or to perform community service hours, as required by the court, it shall be the respondent's burden to show that he or she did not have the means and could not reasonably have acquired the means to pay the fine, penalty assessments, or restitution or perform community service.
- (3) (a) If the court finds that a respondent has wilfully violated the terms of an order pursuant to subsections (1) and (2) of this section, it may impose a penalty of up to thirty days' confinement. Penalties for multiple violations occurring prior to the hearing shall not be aggregated to exceed thirty days' confinement.

Regardless of the number of times a respondent is brought to court for violations of the terms of a single disposition order, the combined total number of days spent by the respondent in detention shall never exceed the maximum term to which an adult could be sentenced for the underlying offense.

(b) If the violation of the terms of the order under (a) of this subsection is failure to pay fines, penalty assessments, complete community service, or make restitution, the term of confinement imposed under (a) of this subsection shall be assessed at a rate of one day of confinement for each twenty-five dollars or eight hours owed.

(4) If a respondent has been ordered to pay a fine or monetary penalty and due to a change of circumstance cannot reasonably comply with the order, the court, upon motion of the respondent, may order that the unpaid fine or monetary penalty be converted to community service. The number of hours of community service in lieu of a monetary penalty or fine shall be converted at the rate of the prevailing state minimum wage per hour. The monetary penalties or fines collected shall be deposited in the county general fund. A failure to comply with an order under this subsection shall be deemed a failure to comply with an order of community supervision and may be proceeded against as provided in this section.

(5) Nothing in this section prohibits filing of escape charges if the juvenile escapes from confinement except that no escape charges may be filed if the juvenile leaves an inpatient treatment facility without permission in violation of a court order pursuant to option D of RCW 13.40.0357. Failure to comply with an order pursuant to option D of RCW 13.40.0357 shall be a basis for modification under this section.

NEW SECTION. Sec. 115. A new section is added to chapter 13.40 RCW to read as follows:

The legislature finds that the purposes of this chapter are best implemented by regionally based facilities.

Consistent with this finding, the department, in cooperation and consultation with local communities and affected agencies, shall develop a plan to reduce its reliance on large institutional facilities for juvenile offenders committed to the department by redistributing a portion of its institutional beds to secure regionally based facilities. The department's plan shall: (1) Provide sufficient beds to house all committed offenders at security levels commensurate with the offender's risk to public safety; (2) redistribute to secure regional facilities up to two hundred forty beds from the five existing institutions for juvenile offenders between July 1, 1993, and June 30, 1997; (3) include a specific risk assessment tool for determining which offenders may be placed in various security levels which will ensure offenders posing the greatest risk are held in more secure settings than offenders posing lesser risk; (4) include a siting plan and schedule for the timely siting and development of smaller secure and semisecure regional facilities to ensure the most effective rehabilitation efforts; (5) include a specific plan ensuring offenders will be housed in regional facilities close to their home communities unless such placement is contrary to the best interests of the offender, their family, or public safety; (6) include a cost analysis of the construction and renovation, if any, and operation of the facilities.

The department shall submit the plan no later than September 1, 1992, to the appropriate policy and fiscal committees of the house of representatives and the senate. The department shall incorporate the plan into the department's budget proposal for the 1993-95 biennium. No reduction in secure beds shall occur until, and then only to the extent that, regional secure beds are substituted on at least a one-to-one ratio.

NEW SECTION. Sec. 116. The department of social and health services shall investigate mechanisms for increasing the use of federal funds throughout the juvenile justice system. The department shall identify ways to increase federal funding for these programs in concert with the office of financial management, the counties, and juvenile court administrators. The department shall report the results of its investigation to the appropriate fiscal committees of the senate and house of representatives by December 1, 1992.

Sec. 117. RCW 2.56.030 and 1989 c 95 s 2 are each amended to read as follows:

The administrator for the courts shall, under the supervision and direction of the chief justice:

(1) Examine the administrative methods and systems employed in the offices of the judges, clerks, stenographers, and employees of the courts and make recommendations, through the chief justice, for the improvement of the same;

(2) Examine the state of the dockets of the courts and determine the need for assistance by any court;

(3) Make recommendations to the chief justice relating to the assignment of judges where courts are in need of assistance and carry out the direction of the chief justice as to the assignments of judges to counties and districts where the courts are in need of assistance;

(4) Collect and compile statistical and other data and make reports of the business transacted by the courts and transmit the same to the chief justice to the end that proper action may be taken in respect thereto;

(5) Prepare and submit budget estimates of state appropriations necessary for the maintenance and operation of the judicial system and make recommendations in respect thereto;

(6) Collect statistical and other data and make reports relating to the expenditure of public moneys, state and local, for the maintenance and operation of the judicial system and the offices connected therewith;

(7) Obtain reports from clerks of courts in accordance with law or rules adopted by the supreme court of this state on cases and other judicial business in which action has been delayed beyond periods of time specified by law or rules of court and make report thereof to supreme court of this state;

(8) Act as secretary of the judicial conference referred to in RCW 2.56.060;

(9) Formulate and submit to the judicial council of this state recommendations of policies for the improvement of the judicial system;

(10) Submit annually, as of February 1st, to the chief justice and the judicial council, a report of the activities of the administrator's office for the preceding calendar year;

(11) Administer programs and standards for the training and education of judicial personnel;

(12) Examine the need for new superior court and district judge positions under a weighted caseload analysis that takes into account the time required to hear all the cases in a particular court and the amount of time existing judges have available to hear cases in that court. The results of the weighted caseload analysis shall be reviewed by the board for judicial administration and the judicial council, both of which shall make recommendations to the legislature by January 1, 1989. It is the intent of the legislature that weighted caseload analysis become the basis for creating additional district court positions, and recommendations should address that objective;

(13) Provide staff to the judicial retirement account plan under chapter 2.14 RCW;

(14) Attend to such other matters as may be assigned by the supreme court of this state;

(15) Develop a curriculum for a general understanding of child development, placement, and treatment resources, as well as specific legal skills and knowledge of relevant statutes including chapters 13.32A ((and)), 13.34, and 13.40 RCW, cases, court rules, interviewing skills, and special needs of the abused or neglected child. This curriculum shall be completed and made available to all juvenile court judges, court personnel, and service providers by July 1, 1988. The curriculum shall be updated yearly to reflect changes in statutes, court rules, or case law;

(16) Develop a curriculum for a general understanding of hate or bias crimes, as well as specific legal skills and knowledge of RCW 9A.36.080, relevant cases, court rules, and the special needs of malicious harassment victims. This curriculum shall be completed and made available to all superior court and court of appeals judges and to all justices of the supreme court by July 1, 1989.

Sec. 118. RCW 2.56.030 and 1992 c -- s 117 (section 117 of this act) are each amended to read as follows:

The administrator for the courts shall, under the supervision and direction of the chief justice:

(1) Examine the administrative methods and systems employed in the offices of the judges, clerks, stenographers, and employees of the courts and make recommendations, through the chief justice, for the improvement of the same;

(2) Examine the state of the dockets of the courts and determine the need for assistance by any court;

(3) Make recommendations to the chief justice relating to the assignment of judges where courts are in need of assistance and carry out the direction of the chief justice as to the assignments of judges to counties and districts where the courts are in need of assistance;

(4) Collect and compile statistical and other data and make reports of the business transacted by the courts and transmit the same to the chief justice to the end that proper action may be taken in respect thereto;

(5) Prepare and submit budget estimates of state appropriations necessary for the maintenance and operation of the judicial system and make recommendations in respect thereto;

(6) Collect statistical and other data and make reports relating to the expenditure of public moneys, state and local, for the maintenance and operation of the judicial system and the offices connected therewith;

(7) Obtain reports from clerks of courts in accordance with law or rules adopted by the supreme court of this state on cases and other judicial business in which action has been delayed beyond periods of time specified by law or rules of court and make report thereof to supreme court of this state;

(8) Act as secretary of the judicial conference referred to in RCW 2.56.060;

(9) Formulate and submit to the judicial council of this state recommendations of policies for the improvement of the judicial system;

(10) Submit annually, as of February 1st, to the chief justice and the judicial council, a report of the activities of the administrator's office for the preceding calendar year;

(11) Administer programs and standards for the training and education of judicial personnel;

(12) Examine the need for new superior court and district judge positions under a weighted caseload analysis that takes into account the time required to hear all the cases in a particular court and the amount of time existing judges have available to hear cases in that court. The results of the weighted caseload analysis shall be reviewed by the board for judicial administration and the judicial council, both of which shall make recommendations to the legislature by January 1, 1989. It is the intent of the legislature that weighted caseload analysis become the basis for creating additional district court positions, and recommendations should address that objective;

(13) Provide staff to the judicial retirement account plan under chapter 2.14 RCW;

(14) Attend to such other matters as may be assigned by the supreme court of this state;

(15) Develop a curriculum for a general understanding of child development, placement, and treatment resources, as well as specific legal skills and knowledge of relevant statutes including chapters 13.32A, 13.34, and 13.40 RCW, cases, court rules, interviewing skills, and special needs of the abused or neglected child. This curriculum shall be completed and made available to all juvenile court judges, court personnel, and service providers by July 1, 1988. The curriculum shall be updated yearly to reflect changes in statutes, court rules, or case law;

(16) Develop a curriculum for a general understanding of hate or bias crimes, as well as specific legal skills and knowledge of RCW 9A.36.080, relevant cases, court rules, and the special needs of malicious harassment victims. This curriculum shall be completed and made available to all superior court and court of appeals judges and to all justices of the supreme court by July 1, 1989;

(17) Collect data as may be necessary to monitor any disparity in processing or disposing of cases involving juvenile offenders due to economic or racial factors that may result from implementation of chapter ..., Laws of 1992 (this act). Beginning December 1, 1993, the office of the administrator for the courts shall report annually to the legislature on economic or racial disproportionality in the rates of arrest, detention, trial, treatment, and disposition in the state's juvenile justice system. The report shall cover the preceding calendar year. The annual report shall identify the causes of the disproportionality and shall specifically point out any economic or racial disproportionality resulting from implementation of chapter ..., Laws of 1992 (this act).

Sec. 119. RCW 9A.1.010 and 1983 c 232 s 1 are each amended to read as follows:

(1) "Short firearm" or "pistol" as used in this chapter means any firearm with a barrel less than twelve inches in length.

(2) "Crime of violence" as used in this chapter means:

(a) Any of the following felonies, as now existing or hereafter amended: Any felony defined under any law as a class A felony or an attempt to commit a class A felony, criminal solicitation of or criminal conspiracy to commit a class A felony, manslaughter in the first degree, manslaughter in the second degree, indecent liberties if committed by forcible compulsion, rape in the second degree, kidnapping in the second degree, arson in the second degree, assault in the second degree, extortion in the first degree, burglary in the second degree, and robbery in the second degree;

(b) Any conviction or adjudication for a felony offense in effect at any time prior to July 1, 1976, which is comparable to a felony classified as a crime of violence in subsection (2)(a) of this section; and

(c) Any federal or out-of-state conviction or adjudication for an offense comparable to a felony classified as a crime of violence under subsection (2) (a) or (b) of this section.

(3) "Firearm" as used in this chapter means a weapon or device from which a projectile may be fired by an explosive such as gunpowder.

(4) "Commercial seller" as used in this chapter means a person who has a federal firearms license.

Sec. 120. RCW 9A.1.040 and 1983 c 232 s 2 are each amended to read as follows:

(1) ~~((A person))~~ An adult or juvenile is guilty of the crime of unlawful possession of a short firearm or pistol, if, having previously been convicted or, as a juvenile, adjudicated 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 or adjudicated" 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 or disposition, post-trial or post-factfinding motions, and appeals. A person shall not be precluded from possession under this section if the conviction or adjudication 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 adjudicated or the conviction or disposition 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 or adjudicated 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 owns or has in his possession or under his 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.

Sec. 121. RCW 9.41.280 and 1989 c 219 s 1 are each amended to read as follows:

(1) It is unlawful for an elementary or secondary school student under the age of twenty-one knowingly to carry onto public or private elementary or secondary school premises:

- (a) Any firearm; or
- (b) Any dangerous weapon as defined in RCW 9.41.250; or
- (c) Any device commonly known as "nun-chu-ka sticks", consisting of two or more lengths of wood, metal, plastic, or similar substance connected with wire, rope, or other means; or
- (d) Any device, commonly known as "throwing stars", which are multi-pointed, metal objects designed to embed upon impact from any aspect; or
- (e) Any air gun, including any air pistol or air rifle, designed to propel a BB, pellet, or other projectile by the discharge of compressed air, carbon dioxide, or other gas.

(2) Any such student violating subsection (1) (b) through (e) of this section is guilty of a gross misdemeanor. Any student violating subsection (1)(a) of this section is guilty of a class C felony.

Any violation of subsection (1) of this section constitutes grounds for expulsion.

(3) Subsection (1) of this section does not apply to:

- (a) Any student of a private military academy; or
- (b) Any student engaged in military activities, sponsored by the federal or state governments while engaged in official duties; or
- (c) Any student who is attending a convention or firearms safety course authorized by school authorities in which the firearms of collectors or instructors are handled or displayed; or
- (d) Any student who possesses nun-chu-ka sticks, throwing stars, or other dangerous weapons to be used in martial arts classes conducted on the school premises; ~~((e))~~
- (e) Any student while the student is participating in a firearms or air gun competition approved by the school or school district;
- (f) Any student who has permission of the school authorities to bring the firearm to school for participation in school classes such as a woodworking class; or
- (g) Any student who keeps a hunting rifle or shotgun in a vehicle the student drives to the school premises if the student keeps the vehicle locked while unattended and does not remove the firearm from the vehicle while on the school premises without permission of the school authorities.

Sec. 122. RCW 13.04.011 and 1979 c 155 s 1 are each amended to read as follows:

For purposes of this title:

- (1) Except as specifically provided in RCW 13.40.020 and chapter 13.24 RCW, as now or hereafter amended, "juvenile," "youth," and "child" mean any individual who is under the chronological age of eighteen years;
- (2) "Juvenile offender" and "juvenile offense" have the meaning ascribed in RCW ~~((13.40.010 through 13.40.240))~~ 13.40.020;
- (3) "Court" when used without further qualification means the juvenile court judge(s) or commissioner(s);
- (4) "Parent" or "parents," except as used in chapter 13.34 RCW, as now or hereafter amended, means that parent or parents who have the right of legal custody of the child. "Parent" or "parents" as used in chapter 13.34 RCW, means the biological or adoptive parents of a child unless the legal rights of that person have been terminated by judicial proceedings;
- (5) "Custodian" means that person who has the legal right to custody of the child.

NEW SECTION. Sec. 123. A new section is added to chapter 28A.600 RCW to read as follows:

School districts may participate in the exchange of information with law enforcement and juvenile court officials to the extent permitted by federal law. When directed by court order or pursuant to any lawfully issued subpoena, a school district shall make student records and information available to law enforcement officials, probation officers, court personnel, and others legally entitled to the information. Parents and students shall be notified by the school district of all such orders or subpoenas in advance of compliance with them.

NEW SECTION. Sec. 124. RCW 13.40.010 and 1977 ex.s. c 291 s 55 are each repealed.

"PART II - FAMILIES AT RISK"

NEW SECTION. Sec. 201. A new section is added to chapter 28A.225 RCW to read as follows:

Each school within a school district shall inform the students and the parents of the students enrolled in the school about the compulsory education requirements under this chapter. The school shall distribute the information at least annually.

Sec. 202. RCW 28A.225.020 and 1986 c 132 s 2 are each amended to read as follows:

If a juvenile required to attend school under the laws of the state of Washington fails to attend school without valid justification (~~(recurrently or for an extended period of time)~~), the juvenile's school(~~(, where appropriate,)~~) shall:

(1) Inform the juvenile's custodial parent, parents or guardian by a notice in writing in English and, if different, in the primary language of the custodial parent, parents or guardian and by other means reasonably necessary to achieve notice of the fact that the juvenile has failed to attend school without valid justification (~~(recurrently or for an extended period of time)~~) after one unexcused absence;

(2) Schedule a conference or conferences with the custodial parent, parents or guardian and juvenile at a time and place reasonably convenient for all persons included for the purpose of analyzing the causes of the juvenile's absences; and

(3) Take steps to eliminate or reduce the juvenile's absences. These steps shall include, where appropriate, adjusting the juvenile's school program or school or course assignment, providing more individualized or remedial instruction, preparing the juvenile for employment with specific vocational courses or work experience, or both, and assisting the parent or student to obtain supplementary services that might eliminate or ameliorate the cause or causes for the absence from school.

Sec. 203. RCW 28A.225.090 and 1990 c 33 s 226 are each amended to read as follows:

Any person violating any of the provisions of either RCW 28A.225.010 or 28A.225.080 shall be fined not more than twenty-five dollars for each day of unexcused absence from school. However, a child found to be in violation of RCW 28A.225.010 shall be required to attend school and shall not be fined. If the child fails to comply with the court order to attend school, the court may order the child be punished by detention or may impose alternatives to detention such as community service hours or participation in dropout prevention programs or referral to a community truancy board, if available. Failure by a child to comply with an order issued under this section shall not be punishable by detention for a period greater than that permitted pursuant to a contempt proceeding against a child under chapter 13.32A RCW. It shall be a defense for a parent charged with violating RCW 28A.225.010 to show that he or she exercised reasonable diligence in attempting to cause a child in his or her custody to attend school or that the juvenile's school did not perform its duties as required in RCW 28A.225.020. Any fine imposed pursuant to this section may be suspended upon the condition that a parent charged with violating RCW 28A.225.010 shall participate with the school and the juvenile in a supervised plan for the juvenile's attendance at school or upon condition that the parent attend a conference or conferences scheduled by a school for the purpose of analyzing the causes of a child's absence.

Attendance officers shall make complaint for violation of the provisions of RCW 28A.225.010 through 28A.225.140 to a judge of the superior or district court.

Sec. 204. RCW 28A.225.150 and 1990 c 33 s 232 are each amended to read as follows:

The school district attendance officer shall report biannually to the educational service district superintendent, in the instance of petitions filed alleging a violation by a child under RCW 28A.225.030:

- (1) The number of petitions filed by a school district or by a parent;
- (2) The frequency of each action taken under RCW 28A.225.020 prior to the filing of such petition;
- (3) When deemed appropriate under RCW 28A.225.020, the frequency of delivery of supplemental services;

and

(4) Disposition of cases filed with the juvenile court, including the frequency of contempt orders issued to enforce a court's order under RCW 28A.225.090.

The educational service district superintendent shall compile such information and report annually to the superintendent of public instruction. The superintendent of public instruction shall compile such information and report to the committees of the house of representatives and the senate by ~~((January 1, 1988))~~ September 1 of each year.

Sec. 205. RCW 13.32A.130 and 1990 c 276 s 8 are each amended to read as follows:

A child admitted to a crisis residential center under this chapter who is not returned to the home of his or her parent or who is not placed in an alternative residential placement under an agreement between the parent and child, shall, except as provided for by RCW 13.32A.140 and 13.32A.160(2), reside in such placement under the rules and regulations established for the center for a period not to exceed ~~((seventy-two hours, excluding Saturdays, Sundays, and holidays,))~~ five consecutive days from the time of intake, except as otherwise provided by this chapter. Crisis residential center staff shall make a concerted effort to achieve a reconciliation of the family. If a

reconciliation and voluntary return of the child has not been achieved within forty-eight hours (~~(, excluding Saturdays, Sundays and holidays,)~~) from the time of intake, and if the person in charge of the center does not consider it likely that reconciliation will be achieved within the (~~(seventy-two hour)~~) five-day period, then the person in charge shall inform the parent and child of (1) the availability of counseling services; (2) the right to file a petition for an alternative residential placement, the right of a parent to file an at-risk youth petition, and the right of the parent and child to obtain assistance in filing the petition; and (3) the right to request a review of any alternative residential placement: PROVIDED, That at no time shall information regarding a parent's or child's rights be withheld if requested: PROVIDED FURTHER, That the department shall develop and distribute to all law enforcement agencies and to each crisis residential center administrator a written statement delineating such services and rights. Every officer taking a child into custody shall provide the child and his or her parent(s) or responsible adult with whom the child is placed with a copy of such statement. In addition, the administrator of the facility or his or her designee shall provide every resident and parent with a copy of such statement.

Sec. 206. RCW 13.32A.140 and 1990 c 276 s 9 are each amended to read as follows:

The department shall file a petition to approve an alternative residential placement on behalf of a child under any of the following sets of circumstances:

(1) The child has been admitted to a crisis residential center or has been placed with a responsible person other than his or her parent, and:

(a) The parent has been notified that the child was so admitted or placed;

(b) (~~(Seventy-two hours, including Saturdays, Sundays, and holidays,)~~) Five consecutive days have passed since such notification;

(c) No agreement between the parent and the child as to where the child shall live has been reached;

(d) No petition requesting approval of an alternative residential placement has been filed by either the child or parent or legal custodian;

(e) The parent has not filed an at-risk youth petition; and

(f) The child has no suitable place to live other than the home of his or her parent.

(2) The child has been admitted to a crisis residential center and:

(a) (~~(Seventy-two hours, including Saturdays, Sundays, and holidays,)~~) Five consecutive days have passed since such placement;

(b) The staff, after searching with due diligence, have been unable to contact the parent of such child; and

(c) The child has no suitable place to live other than the home of his or her parent.

(3) An agreement between parent and child made pursuant to RCW 13.32A.090(2)(e) or pursuant to RCW 13.32A.120(1) is no longer acceptable to parent or child, and:

(a) The party to whom the arrangement is no longer acceptable has so notified the department;

(b) (~~(Seventy-two hours, including Saturdays, Sundays, and holidays,)~~) Five consecutive days have passed since such notification;

(c) No new agreement between parent and child as to where the child shall live has been reached;

(d) No petition requesting approval of an alternative residential placement has been filed by either the child or the parent;

(e) The parent has not filed an at-risk youth petition; and

(f) The child has no suitable place to live other than the home of his or her parent.

Under the circumstances of subsections (1), (2), or (3) of this section, the child shall remain in a licensed child care facility, including but not limited to a crisis residential center, or in any other suitable residence to be determined by the department until an alternative residential placement petition filed by the department on behalf of the child is reviewed by the juvenile court and is resolved by such court. The department may authorize emergency medical or dental care for a child placed under this section. The state, when the department files a petition for alternative residential placement under this section, shall be represented as provided for in RCW 13.04.093.

Sec. 207. RCW 13.32A.150 and 1990 c 276 s 10 are each amended to read as follows:

(1) Except as otherwise provided in this section the juvenile court shall not accept the filing of an alternative residential placement petition by the child or the parents or the filing of an at-risk youth petition by the parent, unless verification is provided that a family assessment has been completed by the department. The family assessment shall be aimed at family reconciliation and avoidance of the out-of-home placement of the child. If the department is unable to complete an assessment within two working days following a request for assessment the child or the parents may proceed under subsection (2) of this section or the parent may proceed under subsection (3) of this section.

(2) A child or a child's parent may file with the juvenile court a petition to approve an alternative residential placement for the child outside the parent's home. The department shall, when requested, assist either a

parent or child in the filing of the petition. The petition shall only ask that the placement of a child outside the home of his or her parent be approved. The filing of a petition to approve such placement is not dependent upon the court's having obtained any prior jurisdiction over the child or his or her parent, and confers upon the court a special jurisdiction to approve or disapprove an alternative residential placement.

(3) A child's parent may file with the juvenile court a petition in the interest of a child alleged to be an at-risk youth. The department shall, when requested, assist the parent in filing the petition. The petition shall be filed in the county where the petitioning parent resides. The petition shall set forth the name, age, and residence of the child and the names and residence of the child's parents and shall allege that:

- (a) The child is an at-risk youth as defined in this chapter;
- (b) The petitioning parent has the right to legal custody of the child;
- (c) Court intervention and supervision are necessary to assist the parent to maintain the care, custody, and control of the child; and
- (d) Alternatives to court intervention have been attempted or there is good cause why such alternatives have not been attempted.

The petition shall set forth facts that support the allegations in this subsection and shall generally request relief available under this chapter. The petition need not specify any proposed disposition following adjudication of the petition. The filing of an at-risk youth petition is not dependent upon the court's having obtained any prior jurisdiction over the child or his or her parent and confers upon the court the special jurisdiction to assist the parent in maintaining parental authority and responsibility for the child. An at-risk youth petition may not be filed if the court has approved an alternative residential placement petition regarding the child or if the child is the subject of a proceeding under chapter 13.34 RCW. A petition may be accepted for filing only if alternatives to court intervention have been attempted (~~(or if there is good cause why they were not attempted)~~). Juvenile court personnel may screen all at-risk youth petitions and may refuse to allow the filing of any petition that lacks merit, fails to comply with the requirements of this section, or fails to allege sufficient facts in support of allegations in the petition.

NEW SECTION. Sec. 208. To the extent possible, the department of social and health services shall transfer children who are inappropriately housed in crisis residential centers to residential and treatment services designed to meet their specific, unique needs by June 30, 1993.

The department shall prepare a budget request for the 1993-95 biennium that ensures all children inappropriately housed in crisis residential centers are transferred to appropriate residential and treatment services. The budget request shall be included in the governor's proposed expenditure plan for the 1993-95 biennium.

NEW SECTION. Sec. 209. A new section is added to chapter 13.32A RCW to read as follows:

The department of social and health services shall not administratively split-code staff responsible for family reconciliation services between separate and distinct functions, except in remote rural offices where to do otherwise proves impractical.

NEW SECTION. Sec. 210. A new section is added to chapter 13.32A RCW to read as follows:

All placements into crisis residential centers shall be approved by and coordinated through the family reconciliation services supervisor. The department of social and health services shall establish uniform procedures for the use of crisis residential centers, which shall be adhered to by all family reconciliation services supervisors. The department shall ensure procedures established under this section will facilitate and complement law enforcement officer's existing responsibility to pick up and transport children to crisis residential centers and other places authorized by law under this chapter.

Sec. 211. RCW 74.13.032 and 1979 c 155 s 78 are each amended to read as follows:

(1) The department shall establish, by contracts with private vendors, (~~(not less than eight regional)~~) crisis residential centers, which shall be structured group care facilities licensed under rules adopted by the department. Each (~~(regional)~~) center shall have (~~(an average of at least four adult staff members and in no event less than)~~) three adult staff members to every (~~(eight)~~) nine children. The staff shall be trained so that they may effectively counsel juveniles admitted to the centers, provide treatment, supervision, and structure to the juveniles, and carry out the responsibilities outlined in RCW 13.32A.090.

(2) The department shall, in addition to the (~~(regional)~~) facilities established under subsection (1) of this section, establish (~~(not less than thirty)~~) additional crisis residential centers pursuant to contract with licensed (~~(private group care or)~~) specialized foster home facilities. The staff at the facilities shall be trained so that they may effectively counsel juveniles admitted to the centers, provide treatment, supervision, and structure to the juveniles, and carry out the responsibilities stated in RCW 13.32A.090. The responsibilities stated in RCW 13.32A.090 may, in any of the centers, be carried out by the department.

Crisis residential facilities shall be operated as semi-secure facilities. A child placed in group care or specialized foster care facilities designated as crisis residential centers under this section, may be placed in a certified secure detention facility as authorized by RCW 74.13.034.

Sec. 212. RCW 74.13.033 and 1979 c 155 s 79 are each amended to read as follows:

(1) If a resident of a center becomes by his or her behavior disruptive to the facility's program, such resident may be immediately removed to a separate area within the facility and counseled on an individual basis until such time as the child regains his or her composure. The department may set rules and regulations establishing additional procedures for dealing with severely disruptive children on the premises, which procedures are consistent with the federal juvenile justice and delinquency prevention act of 1974 and regulations and clarifying instructions promulgated thereunder. Nothing in this section shall prohibit a center from referring any child who, as the result of a mental or emotional disorder, or intoxication by alcohol or other drugs, is suicidal, seriously assaultive or seriously destructive toward others, or otherwise similarly evidences an immediate need for emergency medical evaluation and possible care, ~~((to a community mental health center))~~ for evaluation pursuant to chapter 71.34 RCW ((72.23.070)) or to a mental health professional pursuant to chapter 71.05 RCW whenever such action is deemed appropriate and consistent with law.

(2) When the juvenile resides in this facility, all services deemed necessary to the juvenile's reentry to normal family life shall be made available to the juvenile as required by chapter 13.32A RCW. In providing these services, the facility shall:

- (a) Interview the juvenile as soon as possible;
- (b) Contact the juvenile's parents and arrange for a counseling interview with the juvenile and his or her parents as soon as possible;
- (c) Conduct counseling interviews with the juvenile and his or her parents, to the end that resolution of the child/parent conflict is attained and the child is returned home as soon as possible; and
- (d) Provide additional crisis counseling as needed, to the end that placement of the child in the crisis residential center will be required for the shortest time possible, but not to exceed ~~((seventy-two hours))~~ five consecutive days.

(3) A juvenile taking unauthorized leave from this residence may be apprehended and returned to it by law enforcement officers or other persons designated as having this authority as provided in RCW 13.32A.050. If returned to the facility after having taken unauthorized leave for a period of more than twenty-four hours a juvenile may be supervised by such a facility for a period, pursuant to this chapter, which, unless where otherwise provided, may not exceed ~~((seventy-two hours))~~ five consecutive days on the premises. Costs of housing juveniles admitted to crisis residential centers shall be assumed by the department for a period not to exceed ~~((seventy-two hours))~~ five consecutive days.

Sec. 213. RCW 74.13.034 and 1991 c 364 s 5 are each amended to read as follows:

(1) A child taken into custody and taken to a crisis residential center established pursuant to RCW 74.13.032(2) may, if the center is unable to provide appropriate treatment, supervision, and structure to the child, be taken at department expense to another crisis residential center ~~((or the nearest regional crisis residential center))~~. Placement in both centers shall not exceed ~~((seventy-two hours))~~ five consecutive days from the point of intake as provided in RCW 13.32A.130.

(2) A child taken into custody and taken to a crisis residential center established by this chapter may be placed physically by the department or the department's designee and, at departmental expense and approval, in a secure juvenile detention facility operated by the county in which the center is located for a maximum of ~~((forty-eight))~~ twenty-four hours, including Saturdays, Sundays, and holidays, if the child has taken unauthorized leave from the center and the person in charge of the center determines that the center cannot provide supervision and structure adequate to ensure that the child will not again take unauthorized leave. Juveniles placed in such a facility pursuant to this section may not, to the extent possible, come in contact with alleged or convicted juvenile or adult offenders.

(3) Any child placed in secure detention pursuant to this section shall, during the period of confinement, be provided with appropriate treatment by the department or the department's designee, which shall include the services defined in RCW 74.13.033(2). If the child placed in secure detention is not returned home or if an alternative living arrangement agreeable to the parent and the child is not made within twenty-four hours after the child's admission, the child shall be taken at the department's expense to a crisis residential center. Placement in the crisis residential center or centers plus placement in juvenile detention shall not exceed ~~((seventy-two hours))~~ five consecutive days from the point of intake as provided in RCW 13.32A.130.

(4) Juvenile detention facilities used pursuant to this section shall first be certified by the department to ensure that juveniles placed in the facility pursuant to this section are provided with living conditions suitable to the

well-being of the child. Where space is available, juvenile courts, when certified by the department to do so, shall provide secure placement for juveniles pursuant to this section, at department expense.

(5) It is the intent of the legislature that by July 1, 1982, crisis residential centers, supplemented by community mental health programs and mental health professionals, will be able to respond appropriately to children admitted to centers under this chapter and will be able to respond to the needs of such children with appropriate treatment, supervision, and structure.

Sec. 214. RCW 74.13.035 and 1979 c 155 s 81 are each amended to read as follows:

Crisis residential centers shall compile yearly records which shall be transmitted to the department and which shall contain information regarding population profiles of the children admitted to the centers during each past calendar year. Such information shall include but shall not be limited to the following:

- (1) The number, age, and sex of children admitted to custody;
- (2) Who brought the children to the center;
- (3) Services provided to children admitted to the center;
- (4) The circumstances which necessitated the children being brought to the center;
- (5) The ultimate disposition of cases;
- (6) The number of children admitted to custody who ran away from the center and their ultimate disposition, if any;
- (7) Length of stay.

The department may require the provision of additional information and may require each center to provide all such necessary information in a uniform manner.

~~((A center may, in addition to being licensed as such, also be licensed as a family foster home or group care facility and may house on the premises juveniles assigned for foster or group care.))~~

NEW SECTION. Sec. 215. Sections 205, 206, 211, 213, and 214 of this act shall take effect July 1, 1993.

"PART III - INVOLUNTARY COMMITMENT AND TREATMENT"

Sec. 301. RCW 74.04.055 and 1991 c 126 s 2 are each amended to read as follows:

In furtherance of the policy of this state to cooperate with the federal government in the programs included in this title the secretary shall issue such rules and regulations as may become necessary to entitle this state to participate in federal grants-in-aid, goods, commodities and services unless the same be expressly prohibited by this title. The secretary shall ensure that the department's services and programs are designed and implemented to maximize the allocation of federal funds to the state.

Any section or provision of this title which may be susceptible to more than one construction shall be interpreted in favor of the construction most likely to satisfy federal laws entitling this state to receive federal matching or other funds for the various programs of public assistance. If any part of this chapter is found to be in conflict with federal requirements which are a prescribed condition to the receipts of federal funds to the state, the conflicting part of this chapter is hereby inoperative solely to the extent of the conflict with respect to the agencies directly affected, and such finding or determination shall not affect the operation of the remainder of this chapter.

Sec. 302. RCW 71.34.010 and 1985 c 354 s 1 are each amended to read as follows:

It is the purpose of this ~~((legislation))~~ chapter to ensure that minors in need of mental health care and treatment receive an appropriate continuum of culturally relevant care and treatment, ((and to enable treatment decisions to be made in response to clinical needs and in accordance with sound professional judgment while also recognizing parents' rights to participate in treatment decisions for their minor children, and to protect minors against needless hospitalization and deprivations of liberty)) from prevention and early intervention to involuntary treatment. To facilitate the continuum of care and treatment to minors in out-of-home placements, all divisions of the department that provide mental health services to minors shall jointly plan and deliver those services.

It is also the purpose of this chapter to protect the rights of minors against needless hospitalization and deprivations of liberty and to enable treatment decisions to be made in response to clinical needs in accordance with sound professional judgment. The mental health care and treatment providers shall encourage the use of voluntary services and, whenever clinically appropriate, the providers shall offer less restrictive alternatives to inpatient treatment. Additionally, all mental health care and treatment providers shall ensure that minors' parents are given an opportunity to participate in the treatment decisions for their children. The mental health care and treatment providers shall, to the extent possible, offer services that involve minors' parents or family.

Sec. 303. RCW 71.34.020 and 1985 c 354 s 2 are each amended to read as follows:

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

(1) "Child psychiatrist" means a person having a license as a physician and surgeon in this state, who has had graduate training in child psychiatry in a program approved by the American Medical Association or the American Osteopathic Association, and who is board eligible or board certified in child psychiatry.

(2) "Children's mental health specialist" means:

(a) A mental health professional who has completed a minimum of one hundred actual hours, not quarter or semester hours, of specialized training devoted to the study of child development and the treatment of children; and

(b) A mental health professional who has the equivalent of one year of full-time experience in the treatment of children under the supervision of a children's mental health specialist.

(3) "Commitment" means a determination by a judge or court commissioner, made after a commitment hearing, that the minor is in need of inpatient diagnosis, evaluation, or treatment or that the minor is in need of less restrictive alternative treatment.

(4) "County-designated mental health professional" means a mental health professional designated by one or more counties to perform the functions of a county-designated mental health professional described in this chapter.

(5) "Department" means the department of social and health services.

(6) "Evaluation and treatment facility" means a public or private facility or unit that is certified by the department to provide emergency, inpatient, residential, or outpatient mental health evaluation and treatment services for minors. A physically separate and separately-operated portion of a state hospital may be designated as an evaluation and treatment facility for minors. A facility which is part of or operated by the department or federal agency does not require certification. No correctional institution or facility, juvenile court detention facility, or jail may be an evaluation and treatment facility within the meaning of this chapter.

(7) "Evaluation and treatment program" means the total system of services and facilities coordinated and approved by a county or combination of counties for the evaluation and treatment of minors under this chapter.

(8) "Gravely disabled minor" means a minor who, as a result of a mental disorder, is in danger of serious physical harm resulting from a failure to provide for his or her essential human needs of health or safety, or manifests severe deterioration in routine functioning evidenced by repeated and escalating loss of cognitive or volitional control over his or her actions and is not receiving such care as is essential for his or her health or safety.

(9) "Inpatient treatment" means twenty-four-hour-per-day mental health care provided within a general hospital, psychiatric hospital, or residential treatment facility certified by the department as an evaluation and treatment facility for minors.

(10) "Less restrictive alternative" or "less restrictive setting" means outpatient treatment provided to a minor who is not residing in a facility providing inpatient treatment as defined in this chapter.

(11) "Likelihood of serious harm" means either: (a) A substantial risk that physical harm will be inflicted by an individual upon his or her own person, as evidenced by threats or attempts to commit suicide or inflict physical harm on oneself; (b) a substantial risk that physical harm will be inflicted by an individual upon another, as evidenced by behavior which has caused such harm or which places another person or persons in reasonable fear of sustaining such harm; or (c) a substantial risk that physical harm will be inflicted by an individual upon the property of others, as evidenced by behavior which has caused substantial loss or damage to the property of others. In assessing risk of harm, the frame of reference shall include all relevant history and shall not be limited to the minor's behavior when assessed by a mental health professional.

(12) "Mental disorder" means any organic, mental, or emotional impairment that has substantial adverse effects on an individual's cognitive or volitional functions. The presence of alcohol abuse, drug abuse, juvenile criminal history, antisocial behavior, or mental retardation alone is insufficient to justify a finding of "mental disorder" within the meaning of this section. A mental disorder shall include any illness, impairment, or disorder identified as such by the American psychiatric association by and through its published Diagnostic and Statistical Manual as now in existence or hereafter revised.

(13) "Mental health professional" means a psychiatrist, psychologist, psychiatric nurse, or social worker, and such other mental health professionals as may be defined by rules adopted by the secretary under this chapter.

(14) "Minor" means any person under the age of eighteen years.

(15) "Outpatient treatment" means any of the nonresidential services mandated under chapter 71.24 RCW and provided by licensed services providers as identified by RCW 71.24.025(3).

(16) "Parent" means:

(a) A biological or adoptive parent who has legal custody of the child, including either parent if custody is shared under a joint custody agreement; or

(b) A person or agency judicially appointed as legal guardian or custodian of the child.

(17) "Professional person in charge" means a physician or other mental health professional empowered by an evaluation and treatment facility with authority to make admission and discharge decisions on behalf of that facility.

(18) "Psychiatric nurse" means a registered nurse who has a bachelor's degree from an accredited college or university, and who has had, in addition, at least two years' experience in the direct treatment of mentally ill or emotionally disturbed persons, such experience gained under the supervision of a mental health professional. "Psychiatric nurse" shall also mean any other registered nurse who has three years of such experience.

(19) "Psychiatrist" means a person having a license as a physician in this state who has completed residency training in psychiatry in a program approved by the American Medical Association or the American Osteopathic Association, and is board eligible or board certified in psychiatry.

(20) "Psychologist" means a person licensed as a psychologist under chapter 18.83 RCW.

(21) "Responsible other" means the minor, the minor's parent or estate, or any other person legally responsible for support of the minor.

(22) "Secretary" means the secretary of the department or secretary's designee.

(23) "Start of initial detention" means the time of arrival of the minor at the first evaluation and treatment facility offering inpatient treatment if the minor is being involuntarily detained at the time. With regard to voluntary patients, "start of initial detention" means the time at which the minor gives notice of intent to leave under the provisions of this chapter.

NEW SECTION. Sec. 304. A new section is added to chapter 71.34 RCW to read as follows:

For the purpose of encouraging the expansion of existing evaluation and treatment facilities and the creation of new facilities, the department shall endeavor to redirect federal Title XIX funds which are expended on out-of-state placements to fund placements within the state.

NEW SECTION. Sec. 305. A new section is added to chapter 71.34 RCW to read as follows:

The department shall ensure that the provisions of this chapter are applied by the counties in a consistent and uniform manner. The department shall also ensure that the county-designated mental health professionals are specifically trained in adolescent mental health issues, the mental health civil commitment laws, and the criteria for civil commitment.

NEW SECTION. Sec. 306. A new section is added to chapter 71.34 RCW to read as follows:

Whenever a county-designated mental health professional makes a determination under RCW 71.34.050 that a minor, thirteen years or older, does not meet the criteria for an involuntary detention at an evaluation and treatment facility, the county-designated mental health professional shall:

- (1) Provide written notice to the minor's parent of the parent's right to file petitions and obtain services available under chapter 13.32A RCW;
- (2) Provide written notice to the minor's parent of the parent's right to file a petition, as provided in section 307 of this act, to seek a review of the decision not to detain the minor at an evaluation and treatment facility;
- (3) Provide a written evaluation to the minor's parent detailing the county-designated mental health professional's reasons for not detaining the minor at an evaluation and treatment facility. The evaluation shall include the specific facts investigated, the credibility of the person or persons providing the information, and the criteria for an involuntary detention; and
- (4) Refer the minor and the parents to other available services.

NEW SECTION. Sec. 307. A new section is added to chapter 71.34 RCW to read as follows:

(1) Whenever a county-designated mental health professional makes a determination under RCW 71.34.050 that a minor, thirteen years of age or older, does not meet the criteria for an involuntary admission at an evaluation and treatment facility, the minor's parent may file a petition in the superior court seeking a review of the county-designated mental health professional's decision not to detain the minor.

- (2) The following documents shall be filed with the petition:
 - (a) An affidavit of the parent which states the reasons why the parent disagrees with the evaluation conducted by the county-designated mental health professional and includes the specific facts alleged which indicate the need for the minor's detention;
 - (b) Any other relevant affidavits signed by persons with knowledge of the specific facts alleged that indicate the need for the minor's detention at an evaluation and treatment facility; and
 - (c) The county-designated mental health professional's written evaluation provided under section 306(3) of this act.

(3) If after reviewing the petition, affidavits, and supporting documentation, the court finds that the minor, as a result of a mental disorder, presents a likelihood of serious harm or is gravely disabled, the court shall issue a warrant for the detention of the minor at an evaluation and treatment facility. The warrant shall be served with a

statement of the minor's rights as delineated in RCW 71.34.050(3), which includes the immediate right to an attorney.

(4) All other provisions contained in this chapter relating to the detention, evaluation, and treatment shall apply.

NEW SECTION. Sec. 308. A new section is added to chapter 70.96A RCW to read as follows:

The department shall ensure that the provisions of this chapter are applied by the counties in a consistent and uniform manner. The department shall also ensure that the county-designated chemical dependency specialists are specifically trained in adolescent chemical dependency issues, the chemical dependency commitment laws, and the criteria for commitment.

NEW SECTION. Sec. 309. A new section is added to chapter 70.96A RCW to read as follows:

Whenever a county-designated chemical dependency specialist makes a determination under RCW 70.96A.140 that a minor does not meet the criteria for a commitment to a chemical dependency program, the county-designated chemical dependency specialist shall:

(1) Provide written notice to the minor's parent of the parent's right to file petitions and obtain services available under chapter 13.32A RCW;

(2) Provide written notice to the minor's parent of the parent's right to file a petition, as provided in section 310 of this act, to seek a review of the decision not to commit the minor to a chemical dependency program;

(3) Provide a written evaluation to the minor's parent detailing the county-designated chemical dependency specialist's reasons for not committing the minor in a chemical dependency program. The evaluation shall include the specific facts investigated, the credibility of the person or persons providing the information, and the criteria for a commitment to a chemical dependency treatment program; and

(4) Refer the minor and the parents to other available services.

NEW SECTION. Sec. 310. A new section is added to chapter 70.96A RCW to read as follows:

(1) Whenever a county-designated chemical dependency specialist makes a determination under RCW 70.96A.140 that a minor does not meet the criteria for a commitment to a chemical dependency treatment program, the minor's parent may file a petition in the superior court seeking a review of the county-designated chemical dependency specialist's decision not to commit the minor.

(2) The following documents shall be filed with the petition:

(a) An affidavit of the parent which states the reasons why the parent disagrees with the evaluation conducted by the county-designated chemical dependency specialist and includes the specific facts alleged that indicate the need for the minor's commitment;

(b) Any other relevant affidavits signed by persons with knowledge of the specific facts alleged that indicate the need for the minor's commitment in a chemical dependency treatment program; and

(c) The county-designated chemical dependency specialist's written evaluation provided under section 309(3) of this act.

(3) If after reviewing the petition, affidavits, and supporting documentation, the court finds by a preponderance of the evidence that the minor meets the criteria for commitment as set forth in RCW 70.96A.140(1), the court shall fix a date for a hearing as provided in RCW 70.96A.140(2). The petition and order for a hearing shall be served on the minor and on the county-designated chemical dependency specialist who wrote the evaluation that was filed with the court.

(4) All other provisions contained in this chapter relating to the hearing and commitment shall apply.

NEW SECTION. Sec. 311. The department of social and health services shall conduct a planning study of the children in its care to determine the appropriate level of residential and treatment services required by these children. The study shall be based on a statistically valid sample of all children in the department's care. The study shall also estimate the treatment needs of youth who have been evaluated for a mental disorder but were not involuntarily detained pursuant to chapter 71.34 RCW.

In conducting the study, the department shall utilize all existing studies to the extent possible. The department shall report the results of the study to the appropriate standing committees of the legislature by September 15, 1992. The department shall use the study results for designing future programs, treatment models, and for determining the reallocation of funds within the department. The department shall submit recommendations to the appropriate standing committees of the legislature on the necessary reallocation of funds, as indicated by the assessment results, by January 1, 1993.

"PART IV - MISCELLANEOUS"

Sec. 401. 1991 c 234 s 1 (uncodified) is amended to read as follows:

A juvenile issues task force is created to review the operation of the 1977 Juvenile Justice Act, the Family Reconciliation Act, the 1990 "at-risk" youth legislation, and to study related issues. The task force is charged with issuing a report and making recommendations to the legislature by December 15, ~~((1991))~~ 1992.

The task force shall consist of the following members:

(1) Three co-chairs, one from the state senate appointed by the president of the senate; one from the state house of representatives appointed by the speaker of the house of representatives; and one appointed by the governor from among the members of the task force named in subsection (3) of this section.

(2) Eight legislators in addition to the two legislative cochair selected under subsection (1) of this section, two each from the majority and minority caucuses of the senate and two each from the majority and minority caucuses of the house of representatives.

(3) The governor shall appoint the following members of the task force:

(a) ~~((Three))~~ Two superior court judges;

(b) ~~((Two))~~ One prosecuting attorney~~((s))~~;

(c) ~~((Two))~~ One juvenile public defender~~((s))~~;

(d) The secretary of social and health services or the secretary's designee;

(e) ~~((Two))~~ One juvenile court administrator~~((s))~~;

(f) One police chief or county sheriff;

(g) ~~((One child psychologist;~~

~~(h) One child psychiatrist;~~

~~((i))~~ Two directors of ~~((a))~~ youth service organizations;

~~((j))~~ (h) One person from the Washington council on crime and delinquency;

~~((k))~~ (i) One person from a parents' organization;

~~((l) One person from a crisis residential center;~~

~~((m))~~ (j) One juvenile court caseworker;

~~((n) One representative of the executive branch;~~

~~((o) One))~~ (k) Two members of the mental health treatment community; ~~((and~~

~~((p))~~ (l) One member from the substance abuse treatment community;

(m) One member from the education system; and

(n) One member from local government.

The department of social and health services shall fund the task force in an amount sufficient to meet its mission. The task force shall be staffed, to the extent possible, by staff available from the membership of the task force.

The governor shall ensure that the racial diversity of the task force membership appointed by the governor reflects the racial diversity of juveniles served under the Family Reconciliation Act, the 1977 Juvenile Justice Act, and the 1990 "at-risk" youth legislation.

The task force shall develop a statutory community-based planning, allocation, and service system for children and families, including at-risk youth, runaways, and families in conflict, and submit it to the appropriate legislative committees no later than December 1, 1992. The task force shall: (i) Identify which state agencies, programs, and services should be included in the system; (ii) identify the various youth populations to be served by the system; and (iii) determine how to coordinate this system with existing community-based planning and coordination requirements, including, but not limited to, chapter 326, Laws of 1991, and chapter 13.06 RCW.

Sec. 402. 1991 c 234 s 2 (uncodified) is amended to read as follows:

The department of social and health services, in cooperation with the commission on African American affairs, shall contract for an independent study of racial disproportionality in the juvenile justice system. The study shall identify key decision points in the juvenile justice system where race and/or ethnicity-based disproportionality exists in the treatment and incarceration of juvenile offenders. The study shall identify the causes of disproportionality, and propose new policies and procedures to address disproportionality.

~~((The department shall submit the study's preliminary findings and recommendations to the juvenile justice task force established under section 1 of this act by September 13, 1991.))~~ The final report shall be submitted to the appropriate committees of the legislature by December ~~((1, 1991))~~ 15, 1992.

The juvenile justice task force shall utilize the information on disproportionality in developing its report and recommendations to the legislature required under section ~~((1))~~ 401 of this act. ~~((If by June 30, 1991, the omnibus operating budget appropriations act for the 1991-93 biennium does not provide specific funding for this section, referencing this section by bill number and section, this section is null and void.))~~

NEW SECTION. Sec. 403. Part headings as used in this act do not constitute any part of the law.

NEW SECTION. Sec. 404. 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. 405. The purpose of this act is solely to provide authority for the counties and the department of social and health services to provide services within existing funds and current programs and facilities unless otherwise specifically funded by June 30, 1992, by reference to this bill and section number, in the supplemental omnibus appropriations act for the 1992. Nothing in this act shall be construed to require the addition of new facilities nor affect the department of social and health services' nor county authority for the uses of existing programs and funding.

NEW SECTION. Sec. 406. Sections 103, 105, 107, 111, 118, 305, 306, 307, 308, 309, and 310 of this act shall take effect July 1, 1993.

The department of social and health services, the department of community development, and the office of the administrator for the courts, shall prepare a budget request for the 1993-95 biennium to implement sections 103, 105, 107, 111, 118, 305, 306, 307, 308, 309, and 310 of this act. The budget request shall be included in the governor's expenditure plan for the 1993-95 biennium.

On page 1, line 1 of the title, after "families;" strike the remainder of the title and insert "amending RCW 28A.300.040, 43.63A.065, 43.70.020, 13.34.160, 74.13.085, 41.04.370, 41.04.375, 41.04.380, 41.04.385, 43.88.160, 74.13.090, 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, 2.56.030, 2.56.030, 9.41.010, 9.41.040, 9.41.280, 13.04.011, 28A.225.020, 28A.225.090, 28A.225.150, 13.32A.130, 13.32A.140, 13.32A.150, 74.13.032, 74.13.033, 74.13.034, 74.13.035, 74.04.055, 71.34.010, and 71.34.020; amending 1991 c 234 s 1 (uncodified); amending 1991 c 234 s 2 (uncodified); adding new sections to chapter 74.14A RCW; adding a new section to chapter 43.20A RCW; adding a new section to chapter 50.08 RCW; adding a new section to chapter 74.13 RCW; adding new sections to chapter 41.04 RCW; adding new chapters to Title 70 RCW; adding new sections to chapter 13.40 RCW; adding a new section to chapter 28A.600 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 13.34.162 and 13.40.010; prescribing penalties; and providing effective dates.", and the same are herewith transmitted.

GREG PIERCE, Assistant Chief Clerk

POINT OF ORDER

Senator Talmadge: "A point of order, Mr. President. I raise the point of order that the House amendments, particularly with respect to Section 20 and thereafter in the amendment expands the scope and object of Substitute Senate Bill No. 6428. This bill, Mr. President, was originally a bill relating to reorganization of the provision of services to at-risk youth in Washington State. In the House of Representatives, five separate House Bills were attached to it, one relating to state employee child care; one relating to child care programs, a further one relating to child support; and finally a bill relating to the Juvenile Justice Act. I believe all of those additional amendments to the original Senate Bill relating to the organization of children's services would expand the scope and object of a bill that was calculated to address only the organization of services for kids."

At 4:20 p.m., there being no objection, the President declared the Senate to be at ease.

The Senate was called to order at 4:25 p.m. by President Pritchard.

There being no objection, the Senate resumed consideration of the Message from the House and their amendments to Substitute Senate Bill No. 6428, under consideration before the Senate went at ease.

RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator Talmadge, the President finds that Substitute Senate Bill No. 6428 is a measure which creates a means to coordinate and review programs and policies for children, youth and families and directs certain agencies to follow a stated policy designed to promote family-oriented services and supports.

"The House amendments retain the original coordination and review structure, with some modifications and also creates a mechanism to provide coordination of early intervention services for children. However, following Section 19, the House amendment adds provisions creating new child care programs, modifying child support requirements, and establishes new guidelines for confinement and community supervision of juvenile offenders.

"The President, therefore, finds that the proposed amendments do change the scope and object of the bill and the point of order is well taken."

The House amendments to Substitute Senate Bill No. 6428 were ruled out of order.

MOTION

On motion of Senator Talmadge, the Senate refuses to concur in the House amendments to Substitute Senate Bill No. 6428 and asks the House to recede therefrom.

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

MOTION

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

SENATE RESOLUTION 1992-8726

By Senators Wojahn and Rasmussen

WHEREAS, The Senate finds and declares that the fall of the Iron Curtain has touched lives throughout the world as well as in Eastern Europe; and

WHEREAS, The demise of Communism brought with it new found academic freedom for many oppressed people; and

WHEREAS, Dr. Z.J. Vozenilek, a native of Czechoslovakia, and resident of the Twenty-Seventh Legislative District, was one whose life was affected by the change of government in the land of his birth; and

WHEREAS, Dr. Vozenilek's role as a young student activist forced him to flee from Prague in 1948 and finish his medical studies in Switzerland; and

WHEREAS, Dr. Vozenilek became an American citizen in 1953 after joining the 101st Airborne Division of the U.S. Army; and

WHEREAS, The change of government in Czechoslovakia provided an opportunity for Dr. Vozenilek to return to Charles the Fourth University in Prague; and

WHEREAS, Dr. Vozenilek was awarded an honorary doctorate from the prestigious university in recognition of his past and present activities in Czechoslovakia;

NOW, THEREFORE, BE IT RESOLVED, That the President and members of the Washington State Senate do hereby recognize the achievements of Dr. Vozenilek and extend heartfelt congratulations for his courage and dedication; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate transmit copies of this resolution to Dr. Z.J. Vozenilek.

INTRODUCTION OF SPECIAL GUEST

The President introduced Dr. Z. J. Vozenilek who was seated in the gallery.

MOTION

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

INTRODUCTION AND FIRST READING

SCR 8427 by Senators Saling, Moore, Matson and Jesernig

Requesting a study concerning high technology education.

SCR 8429 by Senators Thorsness, Niemi, Erwin and A. Smith

Resolving to continue development of sentencing alternatives.

MOTION

On motion of Senator Newhouse, the rules were suspended, Senate Concurrent Resolution No. 8427 and Senate Concurrent Resolution No. 8429 were advanced to second reading and placed on the second reading calendar.

MOTION

On motion of Senator Saling, the Senate advanced to the sixth order of business.

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8427, by Senators Saling, Moore, Matson and Jesernig

Requesting a study concerning high technology education.

The concurrent resolution was read the second time.

MOTION

On motion of Senator Saling, the rules were suspended, Senate Concurrent Resolution No. 8427 was advanced to third reading, the second reading considered the third and the concurrent resolution was adopted.

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8429, by Senators Thorsness, Niemi, Erwin and A. Smith

Resolving to continue development of sentencing alternatives.

The concurrent resolution was read the second time.

MOTION

On motion of Senator Thorsness, the rules were suspended, Senate Concurrent Resolution No. 8429 was advanced to third reading, the second reading considered the third and the concurrent resolution was adopted.

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

MOTION

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

SENATE RESOLUTION 1992-8722

By Senators Roach, von Reichbauer, Murray, Thorsness and Wojahn

WHEREAS, Hunger and malnutrition threaten the future of a whole generation of children in Washington; and

WHEREAS, Children who are hungry or malnourished are unable to function optimally in the classroom and are thus at risk of lower achievement in school; and

WHEREAS, The resultant diminished future capacity of and opportunities for these children will affect this state's economic and social future; and

WHEREAS, The Legislature finds that the state has an interest in helping families provide nutritious meals to children and to support this interest passed Substitute Senate Bill No. 5568 in 1991, the anti-hunger and child nutrition bill; and

WHEREAS, The programs essential to maximizing nutrition assistance and education for children and adolescents in Washington State are currently administered by a variety of state agencies and many community-based organizations and there is no structure to promote coordination, cooperation, and resource development on goals and standards; and

WHEREAS, Nutrition is critical for disease prevention, health promotion, and the educational readiness of children;

NOW, THEREFORE, BE IT RESOLVED, That the Senate assign to the Family Policy Council the task of ensuring that a comprehensive child and adolescent nutrition policy for the state of Washington be developed according to the following guidelines:

(1) Agencies and organizations that should be invited to be involved include the Legislature, the Governor, the Board of Health, the Department of Health, the Department of Community Development, the Office of the Superintendent of Public Instruction, the Department of Social and Health Services, county and city officials, the Washington Association for the Education of Young Children, the Washington State Dietetic Association, the Washington School Food Service Association, the University of Washington School of Public Health, the Washington State University Cooperative Extension, teachers, school administrators from school districts and educational service districts, the

Washington Association of School Administrators, the Washington Association of School Directors, Head Start/ECEAP, parent-teacher associations, the Anti-Hunger and Child Nutrition Coalition, the Washington Association of Local WIC Agencies, the Washington State Family Child Care Association, School Nurses Association of Washington, the Nursing Directors Association, the Washington State Food and Nutrition Council, and other relevant organizations;

(2) The issues to be addressed include dietary guidelines, nutrition education, coordination of dietary and food selection standards across programs, cultural competency, training of providers and educators, and public awareness;

(3) The policy recommendations should rely on current funding sources, resource coordination, and total funding needs;

(4) A continuing review process should be incorporated into the policy; and

(5) The policy should focus on programs for children from birth through twelfth grade, including educational settings, public health programs, and community programs; and

BE IT FURTHER RESOLVED, That the Family Policy Council report to the Legislature by December 15, 1992, outlining progress and providing recommendations for further action; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the President of the Senate to the Family Policy Council.

MOTION

At 4:43 p.m., on motion of Senator Newhouse, the Senate adjourned until 9:00 a.m., Tuesday, March 10, 1992.

JOEL PRITCHARD, President of the Senate.

GORDON A. GOLOB, Secretary of the Senate.

FIFTY-EIGHTH DAY-----
MORNING SESSION

Senate Chamber, Olympia, Tuesday, March 10, 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, Metcalf, Niemi, Oke, Owen and Sumner. On motion of Senator Anderson, Senators Matson, McDonald, Metcalf, Oke and Sumner were excused. On motion of Senator Murray, Senator Niemi was excused.

The Sergeant at Arms Color Guard, consisting of Pages George Munro and Shanelle Soine, presented the Colors. Reverend David McMartin, pastor of the Evangelical Free Church 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 HOUSE

March 9, 1992

MR. PRESIDENT:

The Speaker has signed:
SUBSTITUTE HOUSE BILL NO. 1392,
HOUSE BILL NO. 1732,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2293,
ENGROSSED HOUSE BILL NO. 2316,
HOUSE BILL NO. 2368,
SUBSTITUTE HOUSE BILL NO. 2373,
SUBSTITUTE HOUSE BILL NO. 2457,
SUBSTITUTE HOUSE BILL NO. 2495,
HOUSE BILL NO. 2554,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2643,
SUBSTITUTE HOUSE BILL NO. 2659,
SUBSTITUTE HOUSE BILL NO. 2660,
HOUSE BILL NO. 2727,
SUBSTITUTE HOUSE BILL NO. 2747,
SUBSTITUTE HOUSE BILL NO. 2766,
SUBSTITUTE HOUSE BILL NO. 2833,
HOUSE BILL 2844, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

March 9, 1992

MR. PRESIDENT:

The Speaker has signed:
HOUSE BILL NO. 1664,
SUBSTITUTE HOUSE BILL NO. 2055,
ENGROSSED HOUSE BILL NO. 2260,
SUBSTITUTE HOUSE BILL NO. 2299,
SUBSTITUTE HOUSE BILL NO. 2302,
SUBSTITUTE HOUSE BILL NO. 2348,
HOUSE BILL NO. 2350,
SUBSTITUTE HOUSE BILL NO. 2359,
HOUSE BILL NO. 2417,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2490,
SUBSTITUTE HOUSE BILL NO. 2555,
SUBSTITUTE HOUSE BILL NO. 2594,
HOUSE BILL NO. 2682,
SUBSTITUTE HOUSE BILL NO. 2686,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2702,
SUBSTITUTE HOUSE BILL NO. 2796,
ENGROSSED HOUSE BILL NO. 2813,
SUBSTITUTE HOUSE BILL NO. 2831,
SUBSTITUTE HOUSE BILL NO. 2865,
SUBSTITUTE HOUSE BILL NO. 2873,
HOUSE BILL NO. 2896,
HOUSE BILL NO. 2961, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

March 9, 1992

MR. PRESIDENT:

The Speaker has signed:
REENGROSSED SUBSTITUTE SENATE BILL NO. 5121,
ENGROSSED SENATE BILL NO. 6033,
SUBSTITUTE SENATE BILL NO. 6111,
ENGROSSED SENATE BILL NO. 6273, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

March 9, 1992

MR. PRESIDENT:

The Speaker has signed:
SECOND SUBSTITUTE SENATE BILL NO. 5318,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5728,
SUBSTITUTE SENATE BILL NO. 5953,
ENGROSSED SENATE BILL NO. 6054,
SUBSTITUTE SENATE BILL NO. 6055,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6069,
ENGROSSED SENATE BILL NO. 6093,
ENGROSSED SENATE BILL NO. 6261,
SENATE BILL NO. 6289,

ENGROSSED SENATE BILL NO. 6292,
SENATE BILL NO. 6296,
SUBSTITUTE SENATE BILL NO. 6321,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6326,
SUBSTITUTE SENATE BILL NO. 6377,
ENGROSSED SENATE BILL NO. 6401,
SENATE BILL NO. 6452,
SUBSTITUTE SENATE JOINT MEMORIAL NO. 8024, and the same are herewith
transmitted.

ALAN THOMPSON, Chief Clerk

March 9, 1992

MR. PRESIDENT:

The Speaker has signed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5092,
SUBSTITUTE SENATE BILL NO. 5116,
SUBSTITUTE SENATE BILL NO. 5305,
SUBSTITUTE SENATE BILL NO. 5342,
SENATE BILL NO. 5510,
SUBSTITUTE SENATE BILL NO. 5557,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5986,
ENGROSSED SENATE BILL NO. 6008,
ENGROSSED SENATE BILL NO. 6023,
SUBSTITUTE SENATE BILL NO. 6042,
SUBSTITUTE SENATE BILL NO. 6086,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6104,
SUBSTITUTE SENATE BILL NO. 6120,
ENGROSSED SENATE BILL NO. 6161,
SENATE BILL NO. 6220,
SENATE BILL NO. 6221,
SUBSTITUTE SENATE BILL NO. 6354,
SENATE BILL NO. 6396,
SENATE BILL NO. 6444,
SUBSTITUTE SENATE BILL NO. 6451,
SENATE CONCURRENT RESOLUTION NO. 8428, and the same are herewith
transmitted.

ALAN THOMPSON, Chief Clerk

March 9, 1992

MR. PRESIDENT:

The House has concurred in the Senate amendment(s) to the following bills, and passed said
bills as amended by the Senate:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2389,
SUBSTITUTE HOUSE BILL NO. 2551,
HOUSE BILL NO. 2681,
SUBSTITUTE HOUSE BILL NO. 2874,
HOUSE BILL NO. 2944.

ALAN THOMPSON, Chief Clerk

March 9, 1992

MR. PRESIDENT:

The House has concurred in the Senate amendment(s) to the following bills, and passed said bills as amended by the Senate:

SUBSTITUTE HOUSE BILL NO. 1258,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2518,
 HOUSE BILL NO. 2811,
 SUBSTITUTE HOUSE BILL NO. 2857,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2985.

ALAN THOMPSON, Chief Clerk

SECOND READING
 CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Saling, Gubernatorial Appointment No. 9163, Roberta J. Greene, as a member of the Board of Trustees for Spokane Community College District No. 17, was confirmed.

APPOINTMENT OF ROBERTA J. GREENE

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 41; Nays, 0; Absent, 2; Excused, 6.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, McCaslin, McMullen, Moore, Murray, Nelson, Newhouse, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 41.

Absent: Senators Conner, Owen - 2.

Excused: Senators Matson, McDonald, Metcalf, Niemi, Oke, Sumner - 6.

MOTION

On motion of Senator Anderson, Gubernatorial Appointment No. 9194, Judge S. Frederick Feller, as Chair of the Board of Industrial Insurance Appeals, was confirmed.

APPOINTMENT OF JUDGE S. FREDERICK FELLER

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, Hayner, Jesernig, Kreidler, Madsen, McCaslin, McMullen, Moore, Murray, Nelson, Newhouse, Owen, Patterson, 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 Matson, McDonald, Metcalf, Niemi, Oke, Sumner - 6.

MOTION

On motion of Senator Murray, Senator McMullen was excused.

MOTION.

On motion of Senator Saling, Gubernatorial Appointment No. 9184, Mitchell Bower, Jr., as a member of the State Board for Community and Technical Colleges, was confirmed.

APPOINTMENT OF MITCHELL BOWER, JR.

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 42; Nays, 0; Absent, 2; Excused, 5.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, McCaslin, 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 - 42.

Absent: Senators Amondson, Patterson - 2.

Excused: Senators Matson, McDonald, McMullen, Metcalf, Niemi - 5.

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

MESSAGE FROM THE HOUSE

March 9, 1992

MR. PRESIDENT:

The House refuses to concur, insists on its position regarding the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2274 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Heavey, Appelwick and D. Sommers.

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. 2274 and the Senate amendments thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute House Bill No. 2274 and the Senate amendments thereto: Senators Amondson, Vognild and Anderson.

MOTION

On motion of Senator Newhouse, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

March 9, 1992

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2025 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Anderson, Spanel and Brumsickle.

ALAN THOMPSON, Chief Clerk

JOURNAL OF THE SENATE

MOTION

On motion of Senator Newhouse, the Senate grants the request of the House for a conference on Engrossed Substitute House Bill No. 2025 and the Senate amendments thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute House Bill No. 2025 and the Senate amendments thereto: Senators Amondson, McMullen and Roach.

MOTION

On motion of Senator Newhouse, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

March 9, 1992

MR. PRESIDENT:

The House insists on its position regarding the Senate amendment(s) to ENGROSSED HOUSE BILL NO. 2680 and again asks the Senate for a conference thereon.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Newhouse, the Senate grants the request of the House for a conference on Engrossed House Bill No. 2680 and the Senate amendments thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed House Bill No. 2680 and the Senate amendments thereto: Senators Craswell, Snyder and Cantu.

MOTION

On motion of Senator Newhouse, the Conference Committee appointments were confirmed.

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 6085,
SUBSTITUTE SENATE BILL NO. 6393.

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE HOUSE BILL NO. 1392,
HOUSE BILL NO. 1732,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2293,
ENGROSSED HOUSE BILL NO. 2316,
HOUSE BILL NO. 2368,
SUBSTITUTE HOUSE BILL NO. 2373,

SUBSTITUTE HOUSE BILL NO. 2457,
SUBSTITUTE HOUSE BILL NO. 2495,
HOUSE BILL NO. 2554,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2643,
SUBSTITUTE HOUSE BILL NO. 2659,
SUBSTITUTE HOUSE BILL NO. 2660,
HOUSE BILL NO. 2727,
SUBSTITUTE HOUSE BILL NO. 2747,
SUBSTITUTE HOUSE BILL NO. 2766,
SUBSTITUTE HOUSE BILL NO. 2833,
HOUSE BILL NO. 2844.

SIGNED BY THE PRESIDENT

The President signed:

HOUSE BILL NO. 1664,
SUBSTITUTE HOUSE BILL NO. 2055,
ENGROSSED HOUSE BILL NO. 2260,
SUBSTITUTE HOUSE BILL NO. 2299,
SUBSTITUTE HOUSE BILL NO. 2302,
SUBSTITUTE HOUSE BILL NO. 2348,
HOUSE BILL NO. 2350,
SUBSTITUTE HOUSE BILL NO. 2359,
HOUSE BILL NO. 2417,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2490,
SUBSTITUTE HOUSE BILL NO. 2555,
SUBSTITUTE HOUSE BILL NO. 2594,
HOUSE BILL NO. 2682,
SUBSTITUTE HOUSE BILL NO. 2686,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2702,
SUBSTITUTE HOUSE BILL NO. 2796,
ENGROSSED HOUSE BILL NO. 2813,
SUBSTITUTE HOUSE BILL NO. 2831,
SUBSTITUTE HOUSE BILL NO. 2865,
SUBSTITUTE HOUSE BILL NO. 2873,
HOUSE BILL NO. 2896,
HOUSE BILL NO. 2961.

MESSAGE FROM THE HOUSE

March 9, 1992

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2609 and asks the Senate to recede therefrom, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Nelson, the rules were suspended, Engrossed Substitute House Bill No. 2609 was returned to second reading and read the second time.

MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Nelson moved that the Senate reconsider the vote by which the Committee on Transportation amendment on page 2, line 24, as amended, to Engrossed Substitute House Bill No. 2609 was adopted March 4, 1992.

The President declared the question before the Senate to be the motion by Senator Nelson to reconsider the vote by which the Committee on Transportation amendment on page 2, line 24, as amended, to Engrossed Substitute House Bill No. 2609 was adopted March 4, 1992.

The motion for reconsideration of the Committee on Transportation amendment, as amended, carried.

MOTION

On motion of Senator Nelson, the Committee on Transportation amendment on page 2, line 24, as amended, to Engrossed Substitute House Bill No. 2609, was not adopted on reconsideration.

MOTION

Senator Nelson moved that the following amendment by Senators Vognild and Nelson 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, or permit an air carrier to initiate new service at any airport not presently receiving commercial service that is affected by this section, before the air transportation commission has submitted its final report to the legislative transportation committee, which shall occur no later than December 1, 1994"

POINT OF INQUIRY

Senator Talmadge: "Senator Nelson, there is some concern about this amendment as to how it is drafted. Let me ask you the question specifically. My understanding is, ordinarily, when we speak of a county or a city or any other municipality in an amendment, we are speaking to the question of whether those municipalities are in the state of Washington. Specifically, with respect to this amendment, is there any intention that this amendment would apply to Clark County? For example, insofar as Clark County is contiguous to a county in the state of Oregon with a population that is mentioned in this amendment, but my understanding that this was only to apply to counties within the state of Washington, so that the circumstances would not apply to Clark County."

Senator Nelson: "Your observation is correct. It would not apply to Clark County."

POINT OF INQUIRY

Senator Saling: "Senator Nelson, this amendment stops everything for a period of time at Sea-Tac Airport in the way of expansion. Does the Alaskan Airlines--do they approve of this kind of amendment? They have been actively pursuing the opposite direction, I thought."

Senator Nelson: "I can only give you hearsay testimony on the acceptance of everyone. We had everyone who was affected by this amendment get together and help craft this so the wording would be acceptable to everyone who had any concern over the entire direction Engrossed Substitute House Bill No. 2609 was taking."

Senator Saling: "Was Alaskan Airlines part of that discussion?"

Senator Nelson: "To my knowledge, they were. I didn't sit in the discussion group, so I can't tell who was there, but it was my understanding--"

Senator Saling: "Who did sit in the discussion group?"

Senator Nelson: "The principles from the port, the air transportation--"

Senator Saling: "Any Senators?"

Senator Nelson: "I'm not aware that any Senators sat in on it. They brought the language to the Senate."

POINT OF INQUIRY

Senator Saling: "Senator Vognild, I ask you the same question. Was Alaskan Airlines involved in participating in making this amendment?"

Senator Vognild: "Senator Saling, I cannot directly tell you that Alaskan Airlines was involved in this. I can tell you that the Port of Seattle was involved in it--that the people from the Paine Field area in Snohomish County--were involved in it. It is interesting that this measure is coming up right now because this is almost identical language to the amendment that passed. There was a technical flaw in it and I can tell you the technical flaw was on line 13, after the second 'or,' it said 'cause an airline to permit' and this says 'to permit.' The problem with the bill the way it went out of here was that the bill said one airport couldn't cause another airport to do something and the intent of it was to say that the airport itself couldn't do that. I know that there have been no complaints as far as I am aware of--and I have been involved in this--from Alaskan Airlines or from any other carrier."

Senator Saling: "There have been no complaints about this amendment?"

Senator Vognild: "No sir, there have not."

Senator Saling: "Thank you."

The President declared the question before the Senate to be the adoption of the amendment by Senators Vognild and Nelson on page 2, beginning on line 24, to Engrossed Substitute House Bill No. 2609.

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

MOTION

On motion of McCaslin, the rules were suspended, Engrossed Substitute House Bill No. 2609, as amended by the Senate under suspension of the rules, 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. 2609, as amended by the Senate under suspension of the rules.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2609, as amended by the Senate under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 42; Nays, 5; Absent, 1; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bluechel, Cantu, Craswell, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, Snyder, Stratton, Sumner, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams - 42.

Voting nay: Senators Bauer, Conner, Rasmussen, L. Smith, Wojahn - 5.

Absent: Senator Erwin - 1.

Excused: Senator Matson - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2609, as amended by the Senate under suspension of the rules, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 9, 1992

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 2720 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives R. Meyers, Dellwo and Broback.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Newhouse, the Senate grants the request of the House for a conference on Substitute House Bill No. 2720 and the Senate amendments thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute House Bill No. 2720 and the Senate amendments thereto: Senators Matson, McMullen and Amondson.

MOTION

On motion of Senator Newhouse, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

March 9, 1992

MR. PRESIDENT:

The House refuses to grant the request of the Senate for a conference on ENGROSSED SUBSTITUTE SENATE BILL NO. 5727, adheres to its position and again asks the Senate to concur therein, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Newhouse, the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 5727.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5727, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5727, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 2; Absent, 2; 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, 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 - 45.

Voting nay: Senators Talmadge, Wojahn - 2.

Absent: Senators Metcalf, Vognild - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5727, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 8, 1992

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to HOUSE BILL NO. 2448 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Rayburn, Grant and Nealey.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Newhouse, the Senate refuses to grant the request of the House for a conference and recesses from its amendments to House Bill No. 2448.

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 House Bill No. 2448, without the Senate amendments.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2448, without the Senate amendments, 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, Snyder, Stratton, Sumner, Sutherland, Thorsness, von Reichbauer, West, Williams, Wojahn - 47.

Voting nay: Senator Talmadge - 1.

Excused: Senator Vognild - 1.

HOUSE BILL NO. 2448, without the Senate amendments, having received the 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 10:04 a.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 11:32 a.m. by President Pritchard.

MESSAGE FROM THE HOUSE

March 10, 1992

MR. PRESIDENT:

The Speaker has signed:

SUBSTITUTE SENATE BILL NO. 6085,

SUBSTITUTE SENATE BILL NO. 6393, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MESSAGE FROM THE HOUSE

March 9, 1992

MR. PRESIDENT:

The House insists on its position regarding the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2553 and again asks the Senate for a conference thereon.

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. 2553 and the Senate amendments thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute House Bill No. 2553 and the Senate amendments thereto: Senators Patterson, Vognild and Nelson.

MOTION

On motion of Senator Newhouse, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

March 8, 1992

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 1736 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Heavey, O'Brien and Fuhrman.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Matson, the rules were suspended, Substitute House Bill No. 1736 was returned to second reading and read the second time.

MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Matson moved that the Senate reconsider the vote by which the Committee on Commerce and Labor striking amendment, as amended, to Substitute House Bill No. 1736, was adopted March 5, 1992.

The President declared the question before the Senate to be the motion by Senator Matson to reconsider the vote by which the Committee on Commerce and Labor striking amendment, as amended, to Substitute House Bill No. 1736 was adopted March 5, 1992.

The motion for reconsideration of the Committee on Commerce and Labor striking amendment, as amended, carried.

MOTION

On motion of Senator Matson, the Committee on Commerce and Labor striking amendment, as amended, to Substitute House Bill No. 1736 was not adopted, on reconsideration.

MOTIONS

On motion of Senator Matson, the following amendment by Senators Matson and McMullen 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 a rate of one percent per month, but at least one dollar per month, 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) 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 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 a public improvement contract shall have a lien upon moneys reserved by a public body under the provisions of a public improvement contract: PROVIDED, That the notice of the lien of the claimant shall be given within forty-five days of completion of the contract work, and in the manner provided in RCW 39.08.030.

(3) The contractor at any time may request the contract retainage be reduced to one hundred percent of the value of the work remaining on the project.

(a) 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.

(b) 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.

(4) The moneys reserved 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;

(b) Deposited by the public body in an interest bearing account in a bank, mutual savings bank, or savings and loan association. Interest on 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. 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.

(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.

(6) With the consent of the public body the contractor may submit a bond for all or any portion of the contract retainage 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.

(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 this case any amounts retained and accumulated under this section shall be held for a period of sixty 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 shall supersede all provisions and regulations in conflict herewith.

(8) 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 sixty 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.

(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 are not subject to subsections (1) through (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.

NEW SECTION. Sec. 3. After the expiration of the forty-five day period for giving notice of lien provided in section 2(2) 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.

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."

MOTION

On motion of Senator Matson, the rules were suspended, Substitute House Bill No. 1736, as amended by the Senate under suspension of the rules, 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 under suspension of the rules.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1736, as amended by the Senate under suspension of the rules, 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. 1736, as amended by the Senate under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 6, 1992

MR. PRESIDENT:

The House has passed ENGROSSED SENATE BILL NO. 6089 with the following amendments:

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(15) 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 when 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) "Enrollee" means any person who is a Washington resident enrolled in a certified health plan.

(8) "Enrollee point of service cost-sharing" means fees paid to certified health plans by enrollees at the time of receiving uniform benefits package services.

(9) "Enrollee premium sharing" means that portion of the premium, as determined in section 14 of this act, that is paid by enrollees or their family members.

(10) "Federal poverty level" means the federal poverty guidelines determined annually by the United States department of health and human services or successor agency.

(11) "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.

(12) "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.

(13) "Improper queuing" means a delay in the delivery of health services, the results of which could be detrimental to the health of an enrollee.

(14) "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.

(15) "Premium" means the level of payment a certified health plan receives 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.

(16) "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.

(17) "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.

(18) "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.

(19) "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) The Washington health services commission is created with the responsibility of exercising strategies to control rapidly increasing health services expenditures and ensure universal access. The regulatory practices of the commission shall be limited to strategies that will reduce administrative waste, limit inefficient use of capital and technology, reduce defensive medical practices, structure payment mechanisms that provide incentives for efficient delivery of appropriate services, and define the uniform benefits package and the price that may be charged to provide that package to citizens of the state. The rate of increase in the price of the uniform benefits package is limited by this act. Implementation of these cost control strategies is necessary to meet the goal of universal access.

The commission's regulatory efforts shall include regulation that aids market forces as an effective means of cost containment. Increasing the use of managed care systems to provide health services, and emphasizing preventive and primary care shall guide the commission's regulatory activities.

(2) There is created an agency of state government to be known as the Washington health services commission. The commission shall consist of seven 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 six 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. One member shall have experience as a health service provider, and one member shall have experience in health service administration. Of the initial members, two shall be appointed to a term of three years, two 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.

(3) 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.

(4) 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, not to exceed twenty-five full-time employees, 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 activities of the commission shall be limited to the following powers and duties:

(1) Establish a total state health services budget, as provided in section 13 of this act.

(2) 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 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.

(3) 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 (4) of this section.

(4) 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.

(5) Evaluate and monitor the extent to which racial and ethnic minorities have access to and receive health services within the state.

(6) Monitor the actual growth in total annual health services expenditures in the state.

(7) 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.

(8) 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.

(9) 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.

(10) 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.

(11) Adopt standards for personal health systems data and information systems as provided in section 17 of this act.

(12) Adopt standards that prevent conflict of interest by health service providers as provided in section 10 of this act.

(13) Certify certified health plans to provide the uniform benefits package.

(14) Contract with certified health plans to provide the uniform benefits package.

(15) When deemed necessary to ensure 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.

(16) Ensure that no certified health plan may charge any additional fees or balance bill for services included in the uniform benefits package.

(17) 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.

(18) As of July 1, 1994, 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.

(19) 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.

(20) Monitor certified health plans for compliance with standards established pursuant to this section.

(21) 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.

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 within a defined geographic area.

(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, giving consideration to the state health services budget established pursuant to section 13 of this act.

(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 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.
- (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. SUPPLEMENTAL BENEFITS. Nothing in this chapter shall preclude disability group insurers, health care service contractors, or health maintenance organizations 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.

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. The state health services budget shall reflect total expenditures for all health services included in the uniform benefits package and shall be derived from the following sources:

- (1) Medicare, parts A and B, Title XVIII of the federal social security act, as amended;
- (2) Medicaid, Title XIX of the federal social security act, as amended;
- (3) Other federal health services funds that are allocated for the purposes of health services included in the accounts established pursuant to section 16 of this act;
- (4) Legislative general fund--state appropriations;

- (5) Employer contribution, as determined in section 14 of this act;
- (6) Enrollee premium sharing, as determined in section 14 of this act; and
- (7) Enrollee point of service cost-sharing, as determined in section 14 of this act.

NEW SECTION. Sec. 14. UNIVERSAL ACCESS MECHANISMS.

(1) The commission shall develop recommendations relating to the most effective and cost-efficient methods of providing and financing universal access to the uniform benefits package. Such methods shall ensure access to appropriate and effective health services for all residents of Washington state regardless of age, sex, family structure, ethnicity, race, health condition, geographic location, employment, or economic status. In developing recommended financing methods, the commission shall consider the financial sources enumerated in section 13 of this act.

(2) The commission shall use the following criteria as the basis for its determination:

- (a) Provision of the uniform benefits package to all residents;
- (b) Minimal shift of costs from payer to payer;
- (c) Compliance with health data requirements as set forth in this chapter;
- (d) Accessibility by all residents to the uniform benefits package;
- (e) Efficiency through uniformity in billing, claims, and records procedures;
- (f) Propensity to resist inflationary increases on cost;
- (g) Public accountability;
- (h) Portability of benefits, whereby a resident changing employment or traveling out-of-state continues to be covered;
- (i) Equity in risk adjustment methods;
- (j) Seamlessness;
- (k) Simplicity and ease with which residents can comprehend the operation of the health services system; and
- (l) Development of appropriate technology.

(3) The commission shall report its findings and recommended methods to the governor and appropriate committees of the legislature no later than December 1, 1993.

(4) Any act or bill passed by the legislature related to methods of providing and financing universal access to the uniform benefits package shall be submitted to the people as a referendum, pursuant to Article II, section 1 of the Constitution of the state of Washington. No methods of providing or financing universal access to the uniform benefits package shall be implemented or amount collected unless approved by the voters of Washington state by referendum as provided in this subsection.

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. The Washington health services trust fund is hereby established in the state treasury. Funds designated pursuant to section 14 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:

(1) 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.

(2) 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 (a) assess and report on the population's health status; (b) develop public policy which promotes and maintains health; and (c) 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 that may be required under this chapter.

(3) 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.

(4) The health professions and research account from which funds shall be expended to:

(a) Retain needed health service providers in a manner consistent with the health professional shortage provisions set forth in chapter 332, Laws of 1991; and

(b) Conduct research relative to the commission's responsibilities.

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. Consistent with the determinations made pursuant to section 14 of this act, 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(1) 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(2) 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 methods of providing and financing universal access to the uniform benefits package, as provided in section 14 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, and shall submit any act or bill passed by the legislature related to methods of providing and financing universal access to the uniform benefits package to the people as a referendum, as provided in section 14(4) of this act.

(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.

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 26 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 26 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 26 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 26 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 26 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 26 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 26 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) Studies to determine the desirability and feasibility of consolidating the following programs, services, and funding sources into the system established by sections 1 through 26 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.

(2) A study to evaluate the implementation of the provisions of sections 1 through 26 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 than 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. HEALTH CARE LIABILITY. On or before December 1, 1994, the commission shall report the following information to the governor and appropriate committees of the legislature:

- (1) The status of the commission's development of practice guidelines, as provided in section 5(8) of this act;
- (2) The feasibility of implementing a demonstration project in which practice guidelines in specific practice areas may be used as evidence in medical malpractice actions.

In preparing this report, the commission shall consider recommendations related to health care liability that have been developed by the health care cost control and access commission.

NEW SECTION. Sec. 26. RESERVATION OF LEGISLATIVE POWER. The legislature reserves the right to amend or repeal all or any part of sections 1 through 26 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 25 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 25 of this act at any time.

"INSURANCE REFORM"

NEW SECTION. Sec. 27. 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. 28. A new section is added to Title 48 RCW to read as follows:

For the purposes of sections 29, 30, and 31 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. 29. 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. 30. 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. 31. 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. 32. 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 pursuant to section 5 of this act and from time to time revised by the Washington health services commission shall become the minimum benefits package required of any plan under this chapter. The maximum per capita rate determined and from time to time revised by the Washington health services commission shall become the maximum rate charged for this minimum benefits package.

NEW SECTION. Sec. 33. 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 pursuant to section 5 of this act and from time to time revised by the Washington health services commission shall become the minimum benefits package required of any plan under this chapter. The maximum per capita rate determined and from time to time revised by the Washington health services commission shall become the maximum rate charged for this minimum benefits package.

NEW SECTION. Sec. 34. 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 pursuant to section 5 of this act and from time to time revised by the Washington health services commission shall become the minimum benefits package required of any plan under this chapter. The maximum per capita rate determined and from time to time revised by the Washington health services commission shall become the maximum rate charged for this minimum benefits package.

NEW SECTION. Sec. 35. 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. 36. 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. 37. 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. 38. 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. 39. 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. 40. 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. 41. If apportionments of budgeted funds are required because of the transfers directed by sections 37 through 40 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. 42. Nothing contained in sections 36 through 41 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. 43. 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. 44. 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. 45. 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. 46. 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((s)) 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. 47. 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 unsubsidized 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.

~~((41))~~ (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. 48. 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. 49. 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. 50. 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. 51. 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. 52. 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. 53. 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. 54. CAPTIONS. Captions used in this act do not constitute any part of the law.

NEW SECTION. Sec. 55. SHORT TITLE. This act may be known and cited as the Washington health services act.

NEW SECTION. Sec. 56. EMERGENCY CLAUSE. Sections 1 through 26, 51, and 52 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. 57. (1) Sections 27 through 31 and 35 through 50 of this act shall take effect July 1, 1992.

(2) Sections 32 through 34 of this act shall take effect January 1, 1994.

NEW SECTION. Sec. 58. Sections 27 through 35 of this act shall expire on July 1, 1996.

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, 70.47.040, 70.47.080, and 70.47.120; reenacting and amending RCW 70.47.030 and 70.47.060; adding a new section to chapter 70.170 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 chapter 70.47 RCW; adding a new chapter to Title 70 RCW; creating new sections; repealing RCW 43.131.355 and 43.131.356; providing effective dates; providing an expiration date; and declaring an emergency.", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

Senator Kreidler moved that the Senate do concur in the House amendments to Engrossed Senate Bill No. 6089.

POINT OF INQUIRY

Senator Nelson: "Senator Kreidler, I had a chance last night again to read this striking amendment that the House has put on the Senate Bill. One of the things that I ran across and that I still don't understand is Section 12 of the amendment. I am sure you have it in front of you. Section 12 of this amendment ends up being entitled 'Improper Queuing Protection.' What I would like to know, since you are proposing that we vote for this particular striking amendment, what is this queuing and why is it called 'improper queuing,' and why is it necessary to have a policy on this in the statutes?"

Senator Kreidler: "Thank you, Senator Nelson, for asking that very important question. It has been alluded to by some that there was going to be a problem of rationing of health care if we move toward establishing a program to control costs in the state of Washington and to hold down health care expenditures and therefore, less money will be spent in the state on health care that would result in some form of rationing and some form of queuing for certain types of services and procedures. In light of that, there is language in the House amendment to Engrossed Senate Bill No. 6089 that would make reference to making sure that if, indeed, that ever happened, there would be a program available to address that particular problem from the stand point of making sure that that wouldn't arise to the point where we needed to essentially worry that certain vital services were not being provided in a timely fashion."

Senator Nelson: "I have a follow-up question. I read this section and it says 'Make every effort to avoid delays in service,' and I guess that addresses in part what you are saying. It follows up by saying, in this section, 'The Commission shall develop strategies that will reduce or prevent improper queuing.' It seems as though your argument is then the government is going to tell

individuals that they are or are not improperly queued up for some kind of service, but I think the rest of the section leaves me to believe that we really are rationing, because it says, 'Funds from the improper queuing reserve account of the Washington Health Services Trust Fund may be used to implement such strategies.' I cannot, in the rest of this bill, find anything that reflects what these strategies are supposed to be and why it is necessary to do any of this queuing up to begin with."

Senator Kreidler: "Senator Nelson, I think that it is a tendency on the part of some people to lose sight of the problem that we have in front of us right now--that we have some place between ten and fifteen percent of the people of the state of Washington that don't have any health care insurance at the present time. Many other individuals have extremely limited health insurance programs. Take for example the Basic Health Care Program that a number of people have advocated as a way of providing health care insurance for a large number of our population. One of the vital services that was alluded to the other day by the Senator from Spokane was that there wouldn't be transplants. Well, if you take a look at the Basic Health Care Plan, there is no opportunity for transplants, whether it be a bone marrow transplant--we dealt with the donor bill here earlier--that isn't even covered. Those are the kinds of services and the same thing would apply for the small business insurance program--very limited programs--that don't provide what most of us would consider more or less essential services.

"Even pharmaceuticals wouldn't be covered under the basic health care plan, including such things as insulin. Most people would consider insulin a very basic type of service. What we are looking at right now is many people are essentially being rationed out of health care and forced to accept either having no health insurance at all or having extremely minimalist types of health programs. The crisis we face today is one of trying to contain health care costs. We've got to find some way of bringing down health care costs; we're at two and three times the consumer price index. What that means is that more and more people tomorrow are going to be faced with a dilemma of having no health insurance or faced with having a much smaller benefits package coverage that they are paying a lot more for.

"That, to me, is rationing and a very painful unfortunate form of rationing. What we need to do, Senator, is to find a system that can hold down those costs and make sure we can take care of those vital services in a way that works for the people. If, indeed, we find that there are some programs that need to be better taken care of, whether it be some form of transplants or whatever it might involve--open heart surgery or whatever it might be and believe me, we are a long way from that. We've got more high tech tertiary services on First Hill in Seattle than they have in the whole country of Canada.

"If one day we reach that point, I think it is going to come back to the Legislature and it duly should and we should make an adjustment, either to put more money in there or to take care of those services. In the bill before us right now, is the provision that would help to act as a stop gap for this very specific area that you are raising the question, just to make sure that if that starts to happen, we have a way of addressing that concern and making sure we have those services available to us."

Further debate ensued.

Senator Bauer demanded a roll call and the demand was sustained.

POINT OF INQUIRY

Senator Oke: "Senator Kreidler, are you willing to give over the health care of your family to the government?"

Senator Kreidler: "Senator Oke, I think you need to read this bill. What you see here are private insurance companies that are going to be providing the health insurance in much the same

way that you receive health care today. I should like to point out, Senator Oke, and some of the other members, we enjoy as part-time Legislators, a very comprehensive health care benefit's package, very unlike the benefit's package that is available to people that are under the Basic Health Care Plan or those who would be enrolled in a program for a small business or certainly is far better than those who have no health insurance at all.

"Yes, I like the kind of insurance program that I have today. The bill we have before us right now will help guarantee that I will have it tomorrow, which is something that we are absolutely certain we won't tomorrow if we don't do something to control costs. Yes, I like the kind of insurance we have today. I want to make sure that if we are able to hold down prices so that I have the same amount of coverage and that I have, essentially, the same prices that are not going to be rising at two and three times inflation, as opposed to holding it to just the normal inflation rate. Yes, I have a vital concern in making sure that is available to me and my family and certainly to the people of the state of Washington. This bill will enable us to do that. It is a marriage between government being able to make sure that we have a funding mechanism to private insurance companies and those private insurance companies then, because we are holding down the overall expenditure, are going to make sure that we have health care out there for all of us."

Senator Oke: "Thank you, Senator Kreidler. The only thing that I need to end this comment with is that I asked this question of my constituents every time we discuss health care in my community. When I ask the question, 'Do you want government to control the health care of your family?' Resoundingly, I hear 'no,' and the discussion is ended. Thank you."

Further debate ensued.

POINT OF INQUIRY

Senator West: "Senator Kreidler, in Section 20 (f), and that's what I am talking about--Section 20 (f)--and if you need it, I can send a copy over to you. In Section 20 (f), it implies and it states that health care services shall be rationed in relation to other community services. They will be judged on their social value and then rationed based on their social value with other services. Is it your intent and is it the intent of this bill, and it seems to be by that language, is it your intent with this policy to ration health care to pay for other budget items like welfare, like roads, because what the language says 'social policies against other priorities?' 'Other priorities' seem to be the rest of the budget and that seems to be the Governor's argument of why we need this cost control in this rationing fashion."

Senator Kreidler: "Senator West, it is very interesting to me that what you are proposing right now is to do nothing. I've read your quotes in the paper that have said, 'Let the free enterprise system continue to work and do its job.' Now, maybe you were taken out of context, but that is how it read. What we have right now is a terrible, terrible cruel form of rationing that is taking place every day out there. What are we talking about for the people who have no health insurance? Oh yes, be afraid of rationing someday that we might not continue to spend an exorbitant amount to make sure that some unproven forms of technology are part of our overall health care system."

"The bill very specifically says that we want to have a program very much like the Health Commission that you and I have been a part of that says that it should be a health insurance program that is more comprehensive than lean. It identifies the program that is going to be very similar to what you and I enjoy today. Yes, Senator West, maybe some day out there all of us are going to have to come to grips with the fact we can't do everything for everybody when it comes to health care--not if we want to live up to the expectations that we are going to fund the common schools of the state, take care of higher education and take care of other social services programs."

"You are right, but that is where the debate should take place. It should take place right here in this body. We should make that decision. We should all be a part of that discussion and certainly should have a strong input from the consumers of health care out there to make sure that we are providing the right level of health care and we certainly need to be a part of the debate when we talk about education and whether it be in the K-12 system or in higher education or the social services programs that are a part of state government. We should be making that debate rather than allowing it just to happen by fiat right now and, in essence, allowing many people to have no health insurance and many other people to wind up with very inadequate care--the kind of care that you have advocated, Senator, from the stand point of the Basic Health Care Plan that offers very minimalist health care--or the small employer insurance programs which fits in the same mold--which offers very, very limited programs. Those individuals, I would dare say, would say, 'Please let's change a system that comes close to what you and I enjoy as part-time legislators.' This is what this bill offers."

Senator West: "I guess you said, 'yes.' Please folks the motion is to concur, we need to vote 'no' and send it over to the House. We've been working with a few people over there that we can seem to talk to that don't want a commission and don't want to do this rationing program. Let's send it over there, see if we can get it down to second reading and hang on an amendment that will make a difference. Let's vote 'no' on this; we do not concur by voting 'no.'"

Further debate ensued.

The President declared the question before the Senate to be the roll call on the motion by Senator Kreidler that the Senate do concur in the House amendments to Engrossed Senate Bill No. 6089.

ROLL CALL

The Secretary called the roll and the motion by Senator Kreidler to concur in the House amendments to Engrossed Senate Bill No. 6089 failed by the following vote: Yeas, 24; Nays, 25; Absent, 0; Excused, 0.

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, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Oke, Patterson, Roach, Saling, Sellar, L. Smith, Sumner, Thorsness, von Reichbauer, West - 25.

The Senate refuses to concur in the House amendments to Engrossed Senate Bill No. 6089 and asks the House to recede therefrom.

CHANGE IN CONFERENCE COMMITTEE ASSIGNMENT

On motion of Senator Newhouse, Senator Amondson was relieved of Conference Committee duties on Substitute House Bill No. 2720.

APPOINTMENT OF NEW CONFERENCE COMMITTEE MEMBER

The President appointed Senator Sellar as a member of the Conference Committee on Substitute House Bill No. 2720.

MOTION

On motion of Senator Newhouse, the Conference Committee appointment was confirmed.

MESSAGE FROM THE HOUSE

March 10, 1992

MR. PRESIDENT:

The House refuses to recede from its amendment(s) to ENGROSSED SENATE BILL NO. 6128, insists on its position and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Rust, Valle and Horn.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Newhouse, the Senate grants the request of the House for a conference on Engrossed Senate Bill No. 6128 and the House amendments thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Senate Bill No. 6128 and the House amendments thereto: Senators Metcalf, Owen and Craswell.

MOTION

On motion of Senator Newhouse, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

March 10, 1992

MR. PRESIDENT:

The House insists on its position regarding the House amendment(s) to SUBSTITUTE SENATE BILL NO. 6428 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Leonard, Riley and Winsley.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Newhouse, the Senate grants the request of the House for a conference on Substitute Senate Bill No. 6428 and the House amendments thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute Senate Bill No. 6428 and the House amendments thereto: Senators Roach, Talmadge and Linda Smith.

MOTION

On motion of Senator Newhouse, the Conference Committee appointments were confirmed.

MOTION

At 12:13 p.m., on motion of Senator Newhouse, the Senate recessed until 1:30 p.m.

The Senate was called to order at 1:36 p.m. by President Pritchard.

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. 9201, Robert E. Hunt, Jr., as a member of the Board of Trustees for Bates Technical College, was confirmed.

MOTION

On motion of Senator Murray, Senators Kreidler, Moore, Pelz and Williams were excused.

APPOINTMENT OF ROBERT E. HUNT, JR.

The Secretary called the roll. The appointment was confirmed 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, 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, Talmadge, Thorsness, Vognild, von Reichbauer, West, Wojahn - 45.

Excused: Senators Kreidler, Moore, Pelz, Williams - 4.

MOTION

At 1:41 p.m., on motion of Senator Sellar, the Senate was declared to be at ease.

The Senate was called to order at 4:24 p.m. by President Pritchard.

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

MESSAGE FROM THE HOUSE

March 10, 1992

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2876 and passed the bill as amended by the Senate.

ALAN THOMPSON, Chief Clerk

STATEMENT FOR THE JOURNAL

Due to business in Seattle, I missed the votes on Engrossed Senate Bill No. 5675, Engrossed House Bill No. 2812, Substitute House Bill No. 2498, Substitute House Bill No. 2344, Substitute House Bill No. 2784, Substitute House Bill No. 2967, Substitute House Bill No. 2993, Engrossed House Bill No. 1185, Substitute House Bill No. 2284, Substitute House Bill No. 2887,

Substitute Senate Bill No. 6461 and the amended version of Substitute House Bill No. 2967. I would have voted 'yes' on all of these measures except Senate Bill No. 2344.

SENATOR PHIL TALMADGE, 34th District

MESSAGE FROM THE HOUSE

March 9, 1992

MR. PRESIDENT:

The House refuses to grant the request of the Senate for a conference on ENGROSSED SENATE BILL NO. 5675, adheres to its position and again asks the Senate to concur therein.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Metcalf, the Senate concurred in the House amendments to Engrossed Senate Bill No. 5675.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5675, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5675, as amended by the House, 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, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 48.

Absent: Senator Talmadge - 1.

ENGROSSED SENATE BILL NO. 5675, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 9, 1992

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to HOUSE BILL NO. 2259 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Hine, Spanel and McLean.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Newhouse, the Senate grants the request of the House for a conference on House Bill No. 2259 and the Senate amendments thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on House Bill No. 2259 and the Senate amendments thereto: Senators Hayner, Bauer and Saling.

MOTION

On motion of Senator Newhouse, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

March 10, 1992

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to ENGROSSED HOUSE BILL NO. 2812 and asks the Senate to recede therefrom, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator West, the rules were suspended, Engrossed House Bill No. 2812 was returned to second reading and read the second time.

MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator West moved that the Senate reconsider the vote by which the Committee on Commerce and Labor striking amendment to Engrossed House Bill No. 2812 was adopted March 6, 1992.

The President declared the question before the Senate to be the motion by Senator West to reconsider the vote by which the Committee on Commerce and Labor striking amendment to Engrossed House Bill No. 2812 was adopted March 6, 1992.

The motion for reconsideration of the Committee on Commerce and Labor striking amendment carried.

MOTION

On motion of Senator West, the following amendment by Senators West, Pelz and Adam Smith to the Committee on Commerce and Labor striking amendment, on reconsideration, was adopted:

On page 2 of the amendment, after line 2, insert the following:

Sec. 3. RCW 28C.04.420 and 1983 1st ex. s. c 21 § 4 are each amended to read as follows:

The commission may, subject to appropriation from the legislature or from funds made available from any other public or private source and pursuant to rules adopted by the commission, provide job skills grants to educational institutions. The job skills grants shall be used exclusively for programs which are consistent with the job skills program. A job skills grant may be awarded only after:

(1) Receipt of an application from an educational institution which contains a proposal for a program of skills training and education, including a description of the program, the type of skills training or education to be provided, a statement of the total cost of the program and a breakdown of the costs associated with equipment, personnel, facilities, and materials, a statement of the employment needs for the program and evidence in support thereof, demonstrates that the program does not unnecessarily duplicate existing programs in the area and is provided at a reasonable cost, a statement of the technical assistance and financial support for the program received or to be received from business and industry, and such other information as the commission requests; and

(2) The commission, based on the application submitted by the educational institution and such additional investigation as the staff of the commission shall make, finds that:

- (a) The program is within the scope of the job skills program under this chapter and may reasonably be expected to succeed and thereby increase employment within the state;
 - (b) Provision has been made to use any available alternative funding from local, state, and federal sources;
 - (c) The job skills grant will only be used to cover the costs associated with the program;
 - (d) The program will not unnecessarily duplicate existing programs and could not be provided by another educational institution more effectively or efficiently;
 - (e) The program involves an area of skills training and education for which there is a demonstrable need;
 - (f) The applicant has made provisions for the use of existing federal and state resources for student financial assistance;
 - (g) The job skills grant is essential to the success of the program as the resources of the applicant are inadequate to attract the technical assistance and financial support necessary for the program from business and industry;
 - (h) The commitment of financial support from business and industry shall be equal to or greater than the amount of the requested job skills grant, except that no commitment is necessary for grants under section 2 of this act;
 - (i) Binding commitments have been made to the commission by the applicant for adequate reporting of information and data regarding the program to the commission, particularly information concerning the recruitment and employment of trainees and students, and including a requirement for an annual or other periodic audit of the books of the applicant directly related to the program, and for such control on the part of the commission as it considers prudent over the management of the program, so as to protect the use of public funds, including, in the discretion of the commission and without limitation, right of access to financial and other records of the applicant directly related to the programs;
 - (j) Provision has been made by the applicant to work, in cooperation with the employment security department, to identify and screen potential trainees and that provision has been made by the applicant of persons who are victims of economic dislocation and persons from minority and economically disadvantaged groups to participate in the program; and
 - (k) Binding commitments have been made to the commission by the applicant for compliance with the monitoring and evaluation rules of the commission."
- Renumber the sections consecutively.

The President declared the question before the Senate to be the adoption of the Committee on Commerce and Labor striking amendment, as amended on reconsideration, to Engrossed House Bill No. 2812.

The Committee on Commerce and Labor striking amendment, as amended on reconsideration, to Engrossed House Bill No. 2812, was adopted.

MOTIONS

On motion of Senator West, the following title amendment was adopted:
On page 2, line 11 of the title amendment, before "creating" insert "amending RCW 28C.04.420;"

On motion of Senator West, the rules were suspended, Engrossed House Bill No. 2812, as amended by the Senate under suspension of the rules, 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 Talmadge was excused.

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 under suspension of the rules.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2812, as amended by the Senate under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 30; Nays, 18; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bluechel, Cantu, Craswell, Erwin, Hansen, Hayner, Jesernig, Matson, McCaslin, McDonald, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Saling, Sellar, Skratek, A. Smith, Stratton, Thorsness, West - 30.

Voting nay: Senators Bauer, Conner, Gaspard, Kreidler, Madsen, McMullen, Moore, Rasmussen, Rinehart, Roach, L. Smith, Snyder, Sumner, Sutherland, Vognild, von Reichbauer, Williams, Wojahn - 18.

Excused: Senator Talmadge - 1.

ENGROSSED HOUSE BILL NO. 2812, as amended by the Senate under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

CHANGE IN CONFERENCE COMMITTEE ASSIGNMENT

On motion of Senator Newhouse, Senator Talmadge was relieved of Conference Committee duties on Substitute Senate Bill No. 6428.

APPOINTMENT OF NEW CONFERENCE COMMITTEE MEMBER

The President appointed Senator Stratton as a member of the Conference Committee on Substitute House Bill No. 6428.

MOTION

On motion of Senator Newhouse, the Conference Committee appointment was confirmed.

MESSAGE FROM THE HOUSE

March 9, 1992

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 2344 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Ludwig, Wineberry and Vance.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Newhouse, further consideration of the Message from the House on Substitute House Bill No. 2344 was deferred.

MESSAGE FROM THE HOUSE

March 9, 1992

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 2498 and asks the Senate to recede therefrom, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Anderson, the rules were suspended, Substitute House Bill No. 2498 was returned to second reading and read the second time.

MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Anderson moved that the Senate reconsider the vote by which the Committee on Ways and Means striking amendment to Substitute House Bill No. 2498 was adopted March 6, 1992.

The President declared the question before the Senate to be the motion by Senator Anderson to reconsider the vote by which the Committee on Ways and Means striking amendment to Substitute House Bill No. 2498 was adopted March 6, 1992.

The motion for reconsideration of the Committee on Ways and Means striking amendment carried.

MOTION

Senator Anderson moved that the following amendment to the Committee on Ways and Means striking amendment, on reconsideration, be adopted:

On page 3, beginning on line 8 of the amendment, strike all of section 8

Renumber the sections consecutively and correct any internal references.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Anderson on page 3, beginning on line 8 to the Committee on Ways and Means striking amendment, on reconsideration, to Substitute House Bill No. 2498.

The motion by Senator Anderson carried and the amendment to the Committee on Ways and Means striking amendment, on reconsideration, was adopted.

MOTION

On motion of Senator Anderson, the following amendment to the Committee on Ways and Means striking amendment, on reconsideration, was adopted:

On page 5, line 23 of the amendment, after "Sec. 10." strike all material through "void." on line 26, and insert "If specific funding for the purpose of section 6 of this act, referencing this act by bill and section number, is not provided by June 30, 1992, in the omnibus appropriations act, section 6 of this act shall be null and void."

The President declared the question before the Senate to be the adoption of the Committee on Ways and Means striking amendment, as amended on reconsideration, to Substitute House Bill No. 2498.

The Committee on Ways and Means striking amendment, as amended on reconsideration, to Substitute House Bill No. 2498 was adopted.

MOTIONS

On motion of Senator Anderson, the following title amendment was adopted:

On page 6, beginning on line 5 of the title, strike "reenacting and amending RCW 19.85.030;"

On motion of Senator Anderson, the rules were suspended, Substitute House Bill No. 2498, as amended by the Senate under suspension of the rules, 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 Skratek was excused.

The President 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 under suspension of the rules.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2498, as amended by the Senate under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 1; 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, Rinehart, Roach, Saling, Sellar, A. Smith, L. Smith, Snyder, Stratton, Sumner, Sutherland, Thorsness, Vognil, von Reichbauer, West, Williams, Wojahn - 45.

Voting nay: Senator Niemi - 1.

Absent: Senator Matson - 1.

Excused: Senators Skratek, Talmadge - 2.

SUBSTITUTE HOUSE BILL NO. 2498, as amended by the Senate under suspension of the rules, having received the 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 the Message from the House concerning a request for a conference and the Senate amendments to Substitute House Bill No. 2344, deferred earlier today.

MOTION

On motion of Senator Nelson, the Senate refuses to grant a conference and recesses from the Senate amendments to Substitute House Bill No. 2344.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2344, without the Senate amendments.

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2344, without the Senate amendments, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 2; 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, Rasmussen, Rinehart, Roach, Saling, Sellar, A. Smith, L. Smith, Snyder, Sumner, Sutherland, Thorsness, Vognil, von Reichbauer, West, Williams, Wojahn - 45.

Voting nay: Senators Pelz, Stratton - 2.

Excused: Senators Skratek, Talmadge - 2.

SUBSTITUTE HOUSE BILL NO. 2344, without the Senate amendments, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 9, 1992

MR. PRESIDENT:

The House insists on its position regarding the House amendment(s) to ENGROSSED SENATE BILL NO. 6407 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Heavey, G. Cole and Lisk.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Newhouse, the Senate grants the request of the House for a conference on Engrossed Senate Bill No. 6407 and the House amendments thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Senate Bill No. 6407 and the House amendments thereto: Senators Anderson, McMullen and Bluechel.

MOTION

On motion of Senator Newhouse, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

March 8, 1992

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 2784 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Appelwick, Belcher and Padden.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Nelson, the rules were suspended, Substitute House Bill No. 2784 was returned to second reading and read the second time.

MOTIONS

On motion of Senator Nelson, the following additional amendments were considered simultaneously and were adopted:

On page 8, line 7, after "develop" strike "a"

On page 8, line 7, after "mandatory" strike "form" and insert "forms"

On page 8, line 8, after "The" strike "form" and insert "forms"

On motion of Senator Nelson, the following additional amendment was adopted:

On page 8, line 15, after "courts." strike all material through "forms." on line 18.

MOTION

On motion of Senator Nelson, the rules were suspended, Substitute House Bill No. 2784, as amended by the Senate under suspension of the rules, 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 under suspension of the rules.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2784, as amended by the Senate under suspension of the rules, 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, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, A. Smith, L. Smith, Snyder, Stratton, Sumner, Sutherland, Thorsness, Vognild, von Reichbauer, West, Wojahn - 46.

Absent: Senator Williams - 1.

Excused: Senators Skratek, Talmadge - 2.

SUBSTITUTE HOUSE BILL NO. 2784, as amended by the Senate under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 9, 1992

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to HOUSE BILL NO. 2398 and asks the Senate to recede therefrom.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Barr, the Senate insists on its position regarding the Senate amendments to House Bill No. 2398 and asks the House to concur therein.

MESSAGE FROM THE HOUSE

March 10, 1992

MR. PRESIDENT:

The House (again) refuses to concur in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 2501 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Nelson, Wineberry and Mitchell.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Nelson, the Senate refuses to grant a conference, adheres to its position regarding the Senate amendments to Substitute House Bill No. 2501 and once again asks the House to concur therein.

MOTION

At 5:17 p.m., on motion of Senator Newhouse, the Senate recessed until 6:30 p.m.

The Senate was called to order at 6:31 p.m. by President Pritchard.

MOTION

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

INTRODUCTION AND FIRST READING OF HOUSE BILLS

ESHB 2947 by House Committee on Appropriations (originally sponsored by Representatives Locke, Ferguson, Belcher, Miller, Peery, Hine, Fraser, Dellwo, Winsley, Paris, Edmondson, D. Sommers, Bowman, Basich, Van Luven, Jones, Former, Neher, Scott, Haugen, Rayburn, Ludwig, Sheldon, O'Brien and Anderson)

Authorizing early retirement for certain employees of PERS and TRS.

HOLD.

SHB 2967 by House Committee on Revenue (originally sponsored by Representatives Wang, Locke, Braddock and Paris)

Expanding federally authorized medicaid taxes and appropriations to IMR facilities.

HOLD.

SHB 2983 by House Committee on Appropriations (originally sponsored by Representatives Locke, H. Sommers and D. Sommers)

Providing job training or work experience for public assistance recipients.

HOLD.

SHB 2993 by House Committee on Appropriations (originally sponsored by Representatives Orr, Locke, Inslee, Spanel, Rayburn, Roland and Rasmussen)

Creating the rural health access account.

HOLD.

MOTION

On motion of Senator Newhouse, the rules were suspended, Engrossed Substitute House Bill No. 2947, Substitute House Bill No. 2967, Substitute House Bill No 2983 and Substitute House Bill No. 2993 were advanced to second reading and placed on the second reading calendar.

MOTION

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

MOTIONS

On motion of Senator Newhouse, the Committee on Rules was relieved of further consideration of Engrossed House Bill No. 1185, Substitute House Bill No. 2110, Engrossed Substitute House Bill No. 2268, Senate Bill No. 6461 and Senate Bill No. 6483.

On motion of Senator Newhouse, the rules were suspended, Engrossed House Bill No. 1185, Substitute House Bill No. 2110, Engrossed Substitute House Bill No. 2268, Senate Bill No. 6461 and Senate Bill No. 6483 were advanced to second reading and placed on the second reading calendar.

MOTIONS

On motion of Senator Newhouse, the Committee on Higher Education was relieved of further consideration of Senate Bill No. 6285.

On motion of Senator Newhouse, the rules were suspended, Senate Bill No. 6285 was advanced to second reading and placed on the second reading calendar.

MOTION

On motion of Senator Newhouse, the Senate returned to the fourth order of business.

MESSAGE FROM THE HOUSE

March 10, 1992

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to the following bills, and passed said bills as amended by the Senate:

SUBSTITUTE HOUSE BILL NO. 1736,
SUBSTITUTE HOUSE BILL NO. 2370.

GREG PIERCE, Assistant Chief Clerk

MESSAGE FROM THE HOUSE

March 10, 1992

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to the ENGROSSED SUBSTITUTE HOUSE BILL NO. 2609 and passed the bill as amended by the Senate.

ALAN THOMPSON, Chief Clerk

MESSAGE FROM THE HOUSE

March 10, 1992

MR. PRESIDENT:

The House insists on its position regarding the House amendment(s) to ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5724 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Rust, Valle and Horn.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Newhouse, the Senate grants the request of the House for a conference on Engrossed Second Substitute Senate Bill No. 5724 and the House amendments thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Second Substitute Senate Bill No. 5724 and the House amendments thereto: Senators Amondson, Sutherland and Oke.

MOTION

On motion of Senator Newhouse, the Conference Committee appointments were confirmed.

MOTION

At 6:36 p.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 7:03 p.m. by President Pritchard.

SIGNED BY THE PRESIDENT

The President signed:
ENGROSSED SUBSTITUTE SENATE BILL NO. 5727.

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

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2967, by House Committee on Revenue (originally sponsored by Representatives Wang, Locke, Braddock and Paris)

Expanding federally authorized medicaid taxes and appropriations to IMR facilities.

The bill was read the second time.

MOTION

On motion of Senator McDonald, the rules were suspended, Substitute House Bill No. 2967 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, I didn't quite understand that 'win, win, win' deal-- everybody wins. Let me ask you one question, if I may. The medicaid and the medicare fund is pretty sound back there in the federal government. How does the federal government finance that?"

Senator McDonald: "Senator Rasmussen, I think, if you are asking me is the federal treasury totally well-financed, I don't think any of us on this floor would argue that. I will say this that this revenue will come to the state and it does come from the federal treasury which we all pay into."

Senator Rasmussen: "And if the treasury is sound, we have only the four hundred billion dollar deficit this fiscal year, 1992. Thank you, Senator McDonald."

Further debate ensued.

MOTIONS

On motion of Senator Amondson, Senator Matson was excused.

On motion of Senator Murray, Senator Williams was excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2967.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2967 and the bill passed the Senate by the following vote: Yeas, 34; Nays, 11; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hayner, Kreidler, Madsen, McDonald, McMullen, Metcalf, Moore, Murray, Newhouse, Niemi, Owen, Patterson, Pelz, Rinehart, Roach, Saling, Sellar, L. Smith, Snyder, Sumner, Vognild, West, Wojahn - 34.

Voting nay: Senators Hansen, Jesernig, McCaslin, Nelson, Oke, Rasmussen, A. Smith, Stratton, Sutherland, Thorsness, von Reichbauer - 11.

Excused: Senators Matson, Skratek, Talmadge, Williams - 4.

SUBSTITUTE HOUSE BILL NO. 2967, having received the 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. 2993, by House Committee on Appropriations (originally sponsored by Representatives Orr, Locke, Inslee, Spanel, Rayburn, Roland and Rasmussen)

Creating the rural health access account.

The bill was read the second time.

MOTION

On motion of Senator McDonald, the rules were suspended, Substitute House Bill No. 2993 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. 2993.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2993 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, 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, Thorsness, Vognild, von Reichbauer, West, Wojahn - 44.

Voting nay: Senator McCaslin - 1.

Excused: Senators Matson, Skratek, Talmadge, Williams - 4.

SUBSTITUTE HOUSE BILL NO. 2993, having received the 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. 1185, by Representatives Appelwick, Paris and Wineberry

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

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 60.68.015 and 1988 c 73 s 2 are each amended to read as follows:

(1) Notices of liens, certificates, and other notices affecting federal tax liens or other federal liens must be recorded for record in accordance with this chapter.

(2) Notices of liens upon real property for obligations payable to the United States and certificates and notices affecting the liens shall be recorded in the office of the recorder of the county in which the real property subject to the liens is situated.

(3) Notices of federal liens upon personal property, whether tangible or intangible, for obligations payable to the United States and certificates and notices affecting the liens shall be ~~((recorded or))~~ filed ~~((as follows:~~

~~((a))) with the department of licensing ((if the person against whose interest the lien applies is a corporation or a partnership, as defined under federal internal revenue laws, whose principal executive office is in Washington;~~

~~((b) In all other cases, with the recorder of the county where the person against whose interest the lien applies resides at the time of recording of the notice of lien)).~~

Sec. 2. RCW 60.68.035 and 1988 c 73 s 4 are each amended to read as follows:

(1) The fee for recording a lien on ~~((personal property or))~~ real estate with the county auditor shall be as set forth in RCW 36.18.010.

(2) The fee for filing liens of personal property with the department of licensing of the state of Washington shall be as determined by the department.

(3) The recording or filing officer shall bill the district directors of the internal revenue service or other appropriate federal officials on a monthly basis for fees for documents filed for record by them.

Sec. 3. RCW 60.68.045 and 1988 c 73 s 5 are each amended to read as follows:

(1) When a notice of ((such)) a tax lien is recorded under RCW 60.68.015(2), the county auditor shall forthwith enter it in an alphabetical tax lien index to be provided by the board of county commissioners showing on one line the name and residence of the taxpayer named in the notice, the collector's serial number of the notice, the date and hour of recording, and the amount of tax and penalty assessed.

(2) When a notice of a tax lien is filed under RCW 60.68.015(3), the department of licensing shall enter it in the uniform commercial code filing system showing the name and address of the taxpayer as the debtor, and the internal revenue service as a secured party, and include the collector's serial number of the notice, the date and hour of filing, and the amount of tax and penalty assessed.

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 July 1, 1992.

On motion of Senator Nelson, 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 60.68.015, 60.68.035, and 60.68.045; providing an effective date; and declaring an emergency."

MOTION

On motion of Senator Nelson, the rules were suspended, Engrossed House Bill No. 1185, 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 House Bill No. 1185, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1185, 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 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, Sumner, Sutherland, Thorsness, Vognild, von Reichbauer, West, Wojahn - 44.

Voting nay: Senator Stratton - 1.

Excused: Senators Matson, Skratek, Talmadge, Williams - 4.

ENGROSSED HOUSE BILL NO. 1185, 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. 2284, by House Committee on Local Government (originally sponsored by Representatives Haugen, Horn, Paris and May)

Revising provisions relating to county law libraries.

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 27.24.010 and 1919 c 84 s 1 are each amended to read as follows:

~~((In))~~ Each county ((having)) with a population of ((three hundred)) eight thousand or more ((there)) shall ((be)) have a county law library, which shall be governed and maintained as hereinafter provided.

Sec. 2. RCW 27.24.020 and 1919 c 84 s 2 are each amended to read as follows:

~~((There shall be in))~~ (1) Every ((such)) county with a population of three hundred thousand or more must have a board of law library trustees consisting of five members to be constituted as follows: The chairman of the ((board of)) county ((commissioners shall be)) legislative authority is an ex officio ((a)) trustee, ((and)) the judges of the superior court of the county shall choose two of their number to be trustees, and the members of the county bar association shall choose two members of the bar of the county to be trustees.

(2) Every county with a population of eight thousand or more but less than three hundred thousand must have a board of law library trustees consisting of five members to be constituted as follows: The chairman of the county legislative authority is an ex officio trustee, the judges of the superior court of the county shall choose one of their number to be a trustee, and the members of the county bar association shall choose three members of the county to be trustees. If there is no county bar association, then the lawyers of the county shall choose three of their number to be trustees.

(3) If a county has a population of less than eight thousand, then the provisions contained in RCW 27.24.068 shall apply to the establishment and operation of the county law library.

(4) If a regional law library is created pursuant to RCW 27.24.062, then it shall be governed by one board of trustees. The board shall consist of the following representatives from each county: The judges of the superior court of the county shall choose one of their number to be a trustee, the county legislative authority shall choose one of their number to be a trustee, and the members of the county bar association shall choose one member of the bar of the county to be a trustee. If there is no county bar association, then the lawyers of the county shall choose one of their number to be a trustee.

(5) The term of office of a member of the board who is a judge (~~(shall be)~~) is for as long as he or she continues to be a judge, and the term of a member who is from the bar (~~(shall be)~~) is four years. Vacancies shall be filled as they occur and in the manner (~~(above)~~) directed in this section. The office of trustee shall be without salary or other compensation. The board shall elect one of their number president and the librarian shall act as secretary, except that in counties with a population of eight thousand or more but less than three hundred thousand, the board shall elect one of their number to act as secretary if no librarian is appointed. Meetings shall be held at least (~~(quarterly and as much oftener and)~~) once per year, and if more often, then at such times as may be prescribed by rule.

Sec. 3. RCW 27.24.040 and 1919 c 84 s 4 are each amended to read as follows:

The board of law library trustees shall, on or before the first Monday in September of each year, make a report to the (~~(board of)~~) county (~~(commissioners)~~) legislative authority of their county giving the condition of their trust, with a full statement of all property received and how used, the number of books and other publications on hand, the number added by purchase, gift or otherwise during the preceding year, the number lost or missing, and such other information as may be of public interest, together with a financial report showing all receipts and disbursements of money.

Sec. 4. RCW 27.24.062 and 1991 c 363 s 18 are each amended to read as follows:

(In each county with a population of from eight thousand to less than one hundred twenty five thousand, there shall be a county law library which shall be governed and maintained as hereinafter provided.)

Two or more (~~(of such)~~) counties each with a population of from eight thousand to less than one hundred twenty-five thousand may, by agreement of the respective law library boards of trustees, create a regional law library and establish and maintain one principal law library at such location as the regional board of trustees may determine will best suit the needs of the users: PROVIDED, HOWEVER, That there shall be at all times a law library in such size as the board of trustees may determine necessary to be located at the courthouse where each superior court is located.

Sec. 5. RCW 27.24.066 and 1933 c 167 s 3 are each amended to read as follows:

The (~~(board of)~~) county (~~(commissioners)~~) legislative authority of each county (~~(to which this act is applicable,)~~) that is required to maintain a county law library shall upon demand by the board of law library trustees, provide a room suitable for the law library, (~~(adequately heated, lighted)~~) with adequate heat, light, and janitor service.

Sec. 6. RCW 27.24.067 and 1933 c 167 s 3 are each amended to read as follows:

The use of the county law library shall be free to the judges of the state, to state and county officials, and to members of the bar, and to such others as the board of trustees may by rule provide. Residents of counties with a population of three hundred thousand or more shall have free use of the law library.

NEW SECTION. Sec. 7. A new section is added to chapter 3.62 RCW to read as follows:

All courts organized under Title 3 or 35 RCW may charge fees as prescribed in RCW 3.62.060. The fees or charges imposed under this section shall be allowed as court costs whenever a judgment for costs is awarded.

Sec. 8. RCW 3.62.060 and 1990 c 172 s 2 are each amended to read as follows:

Clerks of the district courts shall collect the following fees for their official services;

(1) In any civil action commenced before or transferred to a district court, the plaintiff shall, at the time of such commencement or transfer, pay to such court a filing fee of (~~(twenty-five)~~) thirty-one dollars plus any surcharge authorized by RCW 7.75.035. No party shall be compelled to pay to the court any other fees or charges up to and including the rendition of judgment in the action other than those listed.

(2) For issuing a writ of garnishment or other writ a fee of six dollars.

(3) For filing a supplemental proceeding a fee of twelve dollars.

(4) For demanding a jury in a civil case a fee of fifty dollars to be paid by the person demanding a jury.

(5) For preparing a transcript of a judgment a fee of six dollars.

(6) For certifying any document on file or of record in the clerk's office a fee of five dollars.

(7) For preparing the record of a case for appeal to superior court a fee of forty dollars including any costs of tape duplication as governed by the rules of appeal for courts of limited jurisdiction (RALJ).

(8) For duplication of part or all of the electronic tape or tapes of a proceeding ten dollars per tape.

The fees or charges imposed under this section shall be allowed as court costs whenever a judgment for costs is awarded.

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

(1) RCW 27.24.050 and 1919 c 84 s 5;

(2) RCW 27.24.060 and 1919 c 84 s 6;

- (3) RCW 27.24.063 and 1971 ex.s. c 141 s 2 & 1933 c 167 s 3;
- (4) RCW 27.24.064 and 1933 c 167 s 3; and
- (5) RCW 27.24.065 and 1933 c 167 s 3.

Senator McDonald moved that the following amendment to the Committee on Ways and Means striking amendment be adopted:

On page 5, after line 19 of the Ways and Means Committee amendment, insert:

NEW SECTION. Sec. 9. The legislature finds that county hospitals that are used as primary university teaching hospitals serve vital public interests by treating the poor and infirm and by providing clinical resources unique in the state. It is the intent of sections 10 through 17 of this act to restructure the governance of such hospitals to further those interests and to strengthen their economic viability.

Sec. 10. RCW 36.62.110 and 1984 c 26 s 8 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, whenever any county, or any county and city jointly, or two or more counties jointly, establish a hospital for the care and treatment of the indigent, sick, injured, or infirm, under the provisions of this chapter, and such hospital is completed and ready for operation, the county legislative authority of the county in which the institution is located shall appoint thirteen persons as trustees for the institution. The thirteen trustees, together with the additional trustees required by RCW 36.62.130, if any, shall constitute a board of trustees for such hospital.

(2) In the case of a hospital established prior to the effective date of this 1992 act in a class AA county, the governor shall appoint, subject to confirmation by the senate, four trustees in the manner provided in RCW 36.62.120(2), and the county legislative authority shall appoint eleven trustees.

Sec. 11. RCW 36.62.120 and 1984 c 26 s 9 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, the first members of the board of trustees of such institution shall be appointed by the county legislative authority within thirty days after the institution has been completed and is ready for operation. The county legislative authority appointing the initial members shall appoint three members for one-year terms, three members for two-year terms, three members for three-year terms, and four members for four-year terms, and until their successors are appointed and qualified, and thereafter their successors shall be appointed for terms of four years and until their successors are appointed and qualified: PROVIDED, That the continuation of a member past the expiration date of the term shall not change the commencement date of the term of the succeeding member. Each term of the initial trustees shall be deemed to commence on the first day of August following the appointment but shall also include the period intervening between the appointment and the first day of August following the appointment.

~~((For an institution which is already in existence on June 7, 1984, the county legislative authority shall appoint within thirty days of June 7, 1984, three additional members for one year terms, two additional members for two year terms, and two additional members for three year terms, and until their successors are appointed and qualified, and thereafter their successors shall be appointed for terms of four years and until their successors are appointed and qualified: PROVIDED FURTHER, That the continuation of an additional member past the expiration date of the term shall not change the commencement date of the term of the succeeding member. Each term of the initial additional members shall be deemed to commence on the first day of August of the year of appointment but shall also include the period intervening between the appointment and the first day of August of the year of the appointment.))~~

~~Upon expiration of the terms of current members, the successors to current members shall be appointed for four year terms and until their successors are appointed and qualified: AND PROVIDED FURTHER, That the continuation of a successor to a current member past the expiration date of the term shall not change the commencement date of the term of the succeeding member. Each term of the initial successors to current members shall be deemed to commence on the first day of August following the expiration of a current term but shall also include the period intervening between the appointment and the first day of August of the year of the appointment.))~~

(2) In the case of a hospital established prior to the effective date of this 1992 act in a class AA county:

(a) The governor shall appoint two members of the board of trustees for terms of four years beginning August 1, 1992; one member for a term of three years beginning August 1, 1992; and one member for a term of four years beginning August 1, 1993. Thereafter, their successors shall be appointed for terms of four years;

(b) Any persons serving as members of the board on the effective date of this 1992 act may continue to serve for the remainder of the terms to which the persons were appointed. Thereafter, their successors shall be appointed for terms of four years unless the county legislative authority elects, on a one-time basis, to make any appointments for a lesser term in order to achieve more evenly staggered terms; and

(c) A person is not eligible to be appointed to the board of trustees after the effective date of this 1992 act if the person has previously served as a trustee for four successive terms of three years or more.

Sec. 12. RCW 36.62.140 and 1984 c 26 s 11 are each amended to read as follows:

In making appointments to the board of trustees, the appointing authority shall make efforts to ensure that diverse social, cultural, ethnic, racial, and economic backgrounds and perspectives are considered. The appointing authority shall seek persons with demonstrated leadership abilities and recognized experience in management, administration, planning, finance, health service delivery, consumer representation, or institutional operations. No person shall be eligible for appointment as a trustee who holds or has held during the period of two years immediately prior to appointment any salaried office or position in any office, department, or branch of the government of the appointing authority or the government which established or maintained the hospital.

The board of trustees may submit nominations to the appointing authority or recommend those attributes, skills, or expertise that would contribute to the work of the board.

Sec. 13. RCW 36.62.150 and 1984 c 26 s 12 are each amended to read as follows:

(1) The county legislative authority which appointed a member of the board of trustees may remove the member for cause and in the manner provided in this section. Notice shall be provided by the county appointing authority to the trustee and the board of trustees generally. The notice shall set forth reasons which justify removal. The trustee shall be provided opportunity for a hearing before the county appointing authority: PROVIDED, That three consecutive unexcused absences from regular meetings of the board of trustees shall be deemed cause for removal of a trustee without hearing. Any trustee removed for a cause other than three consecutive unexcused absences may appeal the removal within twenty days of the order of removal by seeking a writ of review before the superior court pursuant to chapter 7.16 RCW. Removal shall disqualify the trustee from subsequent reappointment.

(2) Members of the board of trustees appointed by the governor under RCW 36.62.110 may be removed pursuant to RCW 43.06.070.

Sec. 14. RCW 36.62.160 and 1984 c 26 s 13 are each amended to read as follows:

Any vacancy in the board of trustees shall be filled by appointment by the ~~((county legislative))~~ authority making the original appointment, and such appointee shall hold office for the remainder of the term of the trustee replaced.

Sec. 15. RCW 36.62.180 and 1984 c 26 s 15 are each amended to read as follows:

The board of trustees shall:

(1) Have general supervision and care of such hospitals and institutions and the buildings and grounds thereof and power to do everything necessary to the proper maintenance ~~((and)),~~ operation, renovation, and capital improvement thereof within the limits of approved budgets and the appropriations authorized. Each year, the board of trustees shall submit to the county legislative authority an annual capital expenditure plan and an updated six-year capital plan;

(2) Elect from among its members a president and vice president;

(3) Adopt bylaws and rules for its own guidance and for the government of the hospital;

(4) Prepare annually a budget covering both hospital operations and capital projects, in accordance with the provisions of applicable law, and file such budgets with the county treasurer or if the hospital has been established by more than one county, with the county treasurer of each county, and if a city has contributed to the establishment of the hospital, with the official of the city charged by law with the preparation of the city budget; and

(5) File with the legislative authority of each county and city contributing to the establishment of such hospital, at a time to be determined by the county legislative authority of the county in which the hospital is located, a report covering the proceedings of the board with reference to the hospital during the preceding twelve months and an annual financial report and statement.

Sec. 16. RCW 36.62.290 and 1984 c 26 s 22 are each amended to read as follows:

Whenever any county, or any county and city jointly, or two or more counties jointly, establish a hospital under the provisions of this chapter, the board of trustees of the hospital is empowered, with the approval of the county legislative authority, to enter into a contract with the board of regents of a state university to provide hospital services, including management under the direction of a hospital administrator for the hospital, to provide for the rendering of medical services in connection with the hospital and to provide for the conduct of teaching and research activities by the university in connection with the hospital. Any such board of regents is empowered to enter into such a contract, to provide such hospital services, and to provide for the rendition of such medical services and for the carrying on of teaching and research in connection with such a hospital. If such a contract is entered into~~((r))~~: (1) The provisions of RCW 36.62.210 and 36.62.230 shall not be applicable during the term of the contract ~~((and));~~ (2) all of the powers, duties, and functions vested in the superintendent in this chapter shall be vested in the board of trustees; and (3) one of the trustees appointed by the governor under RCW 36.62.110 may be selected from among the board of regents of the university, which trustee, notwithstanding any provisions to the contrary under any county charter, shall not by virtue of appointment as a trustee be deemed a county employee and shall be authorized to participate fully in all business of the board of trustees and in all business of the board of regents. The board of trustees shall provide for such conditions and controls in the contract as it shall deem to be in the community interest.

NEW SECTION. Sec. 17. A new section is added to chapter 36.62 RCW to read as follows:

A hospital established under this chapter is not in any manner an agency of the state and nothing in this chapter shall be construed to mean that such a hospital is a state agency or that the state is liable for the debts of or claims against the hospital."

Renumber remaining sections consecutively and correct internal references accordingly.

POINT OF ORDER

Senator Rasmussen: "A point of order, Mr. President, this amendment to the committee amendment doesn't relate to county law libraries, it relates to county hospitals. I'm lost in the forest, Mr. President, the bill that I am reading in the book says, 'county law libraries' and this says 'county hospitals.' I can't tie that relationship together. I think I have explained when I was wandering around trying to find out where I was. It doesn't relate to what I am reading in the book."

MOTION

On motion of Senator McDonald, and there being no objection, the amendment on page 5, after line 19, to the Committee on Ways and Means striking amendment to Substitute House Bill No. 2284 was withdrawn.

MOTION

On motion of Senator McDonald, the following amendment to the Committee on Ways and Means striking amendment was adopted:

On page 5, after line 26 of the Ways and Means committee amendment insert the following:

NEW SECTION. Sec. 10. 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 April 1, 1992.

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. 2284.

The Committee on Ways and Means striking amendment, as amended, to Substitute House Bill No. 2284 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 "counties;" strike the remainder of the title and insert "amending RCW 27.24.010, 27.24.020, 27.24.040, 27.24.062, 27.24.066, 27.24.067, and 3.62.060; adding a new section to chapter 3.62 RCW; and repealing RCW 27.24.050, 27.24.060, 27.24.063, 27.24.064, and 27.24.065."

On page 6, line 7 of the Ways and Means committee title amendment, after "3.62 RCW;" strike "and"

On page 6, line 8 of the Ways and Means committee title amendment, after "27.24.065" insert"; providing an effective date; and declaring an emergency"

On motion of Senator McDonald, the rules were suspended, Substitute House Bill No. 2284, 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 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. 2284, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2284, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 33; Nays, 11; Absent, 0; Excused, 5.

Voting yea: Senators Amondson, Bailey, Bluechel, Conner, Craswell, Erwin, Gaspard, Hayner, Jesernig, Kreidler, Madsen, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rinehart, Saling, Sellar, A. Smith, L. Smith, Snyder, Stratton, Sumner, Thorsness, West, Wojahn - 33.

Voting nay: Senators Anderson, Barr, Bauer, Cantu, Hansen, McCaslin, Rasmussen, Roach, Sutherland, Vognild, von Reichbauer - 11.

Excused: Senators Matson, Moore, Skratek, Talmadge, Williams - 5.

SUBSTITUTE HOUSE BILL NO. 2284, 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 McCaslin, Senator von Reichbauer was excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2887, by House Committee on Appropriations (originally sponsored by Representative Appelwick)

Raising appellate court filing fees.

The bill was read the second time.

MOTION

On motion of Senator McDonald, the rules were suspended, Substitute House Bill No. 2887 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. 2887.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2887 and the bill passed the Senate by the following vote: Yeas, 33; Nays, 10; Absent, 0; Excused, 6.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bluechel, Conner, Craswell, Erwin, Gaspard, Hayner, Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Patterson, Pelz, Rinehart, Saling, Sellar, A. Smith, L. Smith, Snyder, Sumner, Vognild, West, Wojahn - 33.

Voting nay: Senators Bauer, Cantu, Hansen, Jesernig, Owen, Rasmussen, Roach, Stratton, Sutherland, Thorsness - 10.

Excused: Senators Matson, Moore, Skratek, Talmadge, von Reichbauer, Williams - 6.

SUBSTITUTE HOUSE BILL NO. 2887, having received the 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. 6461, by Senators Snyder, Newhouse, Sellar and von Reichbauer (by request of Department of Licensing)

Providing for self-support for the master license system.

MOTIONS

On motion of Senator Newhouse, Substitute Senate Bill No. 6461 was substituted for Senate Bill No. 6461 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. 6461 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. 6461.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6461 and the bill passed the Senate by the following vote: Yeas, 31; Nays, 12; Absent, 0; Excused, 6.

Voting yea: Senators Anderson, Bailey, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hayner, Kreidler, Madsen, McCaslin, McDonald, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pelz, Rasmussen, Rinehart, Saling, Sellar, L. Smith, Snyder, Stratton, Sumner, Thorsness, West, Wojahn - 31.

Voting nay: Senators Amondson, Barr, Bauer, Hansen, Jesernig, McMullen, Metcalf, Oke, Roach, A. Smith, Sutherland, Vognild - 12.

Excused: Senators Matson, Moore, Skratek, Talmadge, von Reichbauer, Williams - 6.

SUBSTITUTE SENATE BILL NO. 6461, having received the 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 voted on the prevailing, Senator McDonald moved to reconsider the vote by which Substitute House Bill No. 2967 passed the Senate earlier today.

The President declared the question before the Senate to be the motion by Senator McDonald to reconsider the vote by which Substitute House Bill No. 2967 passed the Senate.

The motion for reconsideration of Substitute House Bill No. 2967 carried.

MOTIONS

On motion of Senator McDonald, the rules were suspended and Substitute House Bill No. 2967 was returned to second reading and read the second time.

On motion of Senator McDonald, the following amendment was adopted:

On page 3, after line 16, strike all of section 7

Renumber the remaining sections consecutively.

MOTIONS

On motion of Senator McDonald, the following title amendment was adopted:

On page 1, line 3 of the title, strike "making an appropriation;"

On motion of Senator McDonald, the rules were suspended, Substitute House Bill No. 2967, 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.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2967, as amended by the Senate on reconsideration.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2967, as amended by the Senate on reconsideration, and the bill passed the Senate by the following vote: Yeas, 38; Nays, 5; Absent, 0; Excused, 6.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pelz, Rinehart, Roach, Saling, Sellar, A. Smith, L. Smith, Snyder, Sumner, Thorsness, Vognild, West, Wojahn - 38.

Voting nay: Senators Jesernig, Oke, Rasmussen, Stratton, Sutherland - 5.

Excused: Senators Matson, Moore, Skratek, Talmadge, von Reichbauer, Williams - 6.

SUBSTITUTE HOUSE BILL NO. 2967, 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.

MOTION

At 7:56 p.m., on motion of Senator Newhouse, the Senate adjourned until 9:00 a.m., Wednesday, March 11, 1992.

JOEL PRITCHARD, President of the Senate.

GORDON A. GOLOB, Secretary of the Senate.

FIFTY-NINTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, March 11, 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, Bluechel, Matson, McDonald, McMullen and Sutherland. On motion of Senator Anderson, Senators Barr, Bluechel, Matson, and McDonald were excused.

The Sergeant at Arms Color Guard, consisting of Pages Elisa McClurkan and Jaret Sutherland, presented the Colors. Reverend David McMartin, pastor of the Evangelical Free Church 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.

MESSAGE FROM THE HOUSE

March 10, 1992

MR. PRESIDENT:

The Speaker has signed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1150,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1495,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2262,

ENGROSSED HOUSE BILL NO. 2287,

SUBSTITUTE HOUSE BILL NO. 2502,

SUBSTITUTE HOUSE BILL NO. 2635,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2928, and the same are herewith transmitted.

GREG PIERCE, Assistant Chief Clerk

INTRODUCTION AND FIRST READING

SCR 8430 by Senators Hayner, Nelson, Anderson and Sellar

Advocating the creation of a task force to study issues on gambling.

MOTION

On motion of Senator Newhouse, the rules were suspended, Senate Concurrent Resolution No. 8430 was advanced to second reading and placed on the second reading calendar.

SIGNED BY THE PRESIDENT

The President signed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1150,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1495,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2262,
ENGROSSED HOUSE BILL NO. 2287,
SUBSTITUTE HOUSE BILL NO. 2502,
SUBSTITUTE HOUSE BILL NO. 2635,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2928.

SIGNED BY THE PRESIDENT

The President signed:

ENGROSSED SENATE BILL NO. 5675.

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Metcalf, Gubernatorial Appointment No. 9179, Bruce W. Hilyer, as a member of the Parks and Recreation Commission, was confirmed.

APPOINTMENT OF BRUCE W. HILYER

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 41; Nays, 2; Absent, 2; Excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Bauer, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, McCaslin, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sumner, Talmadge, Thorsness, Vognild, von Reichbauer, Williams, Wojahn - 41.

Voting nay: Senators Roach, West - 2.

Absent: Senators McMullen, Sutherland - 2.

Excused: Senators Barr, Bluechel, Matson, McDonald - 4.

MOTION

On motion of Senator Saling, Gubernatorial Appointment No. 9250, Theodore Bolton, as a member of the Board of Trustees for Clover Park Technical College District No. 29, was confirmed.

MOTIONS

On motion of Senator Murray, Senator Wojahn was excused.

On motion of Senator Anderson, Senator Roach was excused.

APPOINTMENT OF THEODORE BOLTON

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, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, 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 - 45.

Excused: Senators McDonald, McMullen, Roach, Wojahn - 4.

PARLIAMENTARY INQUIRY

Senator Rasmussen: "A parliamentary inquiry, Mr. President. What of this paper hanging can I throw away and what should I keep and what is our progress going to be today? I would like to know which calendars I can throw away and which I should keep. You keep referring back to old times, the big one, and then we go to the little one. I hope you can advise us which one we can heave."

REPLY BY THE PRESIDENT

President Pritchard: "Right now, I would keep everything."

REMARKS BY SENATOR NEWHOUSE

Senator Newhouse: "For Senator Rasmussen's information, we still need the large yellow calendar and today's yellow calendar. There are two that we still need."

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 11:19 a.m. by President Pritchard.

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

MESSAGE FROM THE HOUSE

March 10, 1992

MR. PRESIDENT:

The House insists on its position regarding the House amendment(s) to REENGROSSED SUBSTITUTE SENATE BILL NO. 5526 and again asks the Senate to concur therein.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Newhouse, the Senate adheres to its position regarding the House amendments to Reengrossed Substitute Senate Bill No. 5526 and asks the House to recede therefrom.

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

SECOND READING

SUBSTITUTE HOUSE JOINT MEMORIAL NO. 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.

The joint memorial was read the second time.

MOTION

On motion of Senator Metcalf, the rules were suspended, Substitute House Joint Memorial No. 4033 was advanced to third reading, the second reading considered the third and the joint memorial 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 Joint Memorial Bill No. 4033.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Joint Memorial No. 4033 and the joint memorial passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 2; Excused, 0.

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, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sumner, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 47.

Absent: Senators Barr, Hayner - 2.

SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4033, having received the constitutional majority, was declared passed.

MOTION

At 11:31 a.m., on motion of Senator Newhouse, the Senate recessed until 1:30 p.m.

The Senate was called to order at 1:48 p.m. by President Pritchard.

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

MOTIONS

On motion of Senator Erwin, the following resolution was adopted.

SENATE RESOLUTION 1992-8731

By Senators Erwin, Owen, Gaspard, Madsen, Hansen, von Reichbauer, Sumner, Barr, Vognild, Oke, Metcalf, Sellar and Rasmussen

WHEREAS, Mr. Edward J. McLeary of Tacoma, Washington, has contributed to this state as a private pilot and as a successful businessman; and

WHEREAS, Mr. McLeary has held a private pilot's license for more than fifty years and has been flying since the days when his plane had so few instruments that Mr. McLeary needed to use the sound of the wing wires to determine air speed; and

WHEREAS, During World War II, Mr. McLeary served as a pilot instructor at Gonzaga University and taught many other Washingtonians the art of flying; and

WHEREAS, As a businessman, Mr. McLeary has exemplified the true entrepreneurial spirit of Washingtonians by creating on the headwaters of Rocky Ford Creek near Soap Lake, Washington, what has become the largest fish breeding and hatchery business in the world, producing over 250 million live trout and salmon eggs per year; and

WHEREAS, During the nearly fifty years since his business's maiden flight, Mr. McLeary has piloted the business through thirty states and twenty-five countries - landing along the way on the state's Small Business Administration's Businessman of the Year Award in 1969, and on the Governor's Export Award in 1987; and

WHEREAS, The success of Mr. McLeary's missions has depended in great part upon the exceptional support of Mrs. Lois McLeary, the McLeary children and grandchildren, and the personnel at the six Washington facilities and one Oregon facility; and

WHEREAS, Senator Wanda Hansen and her husband, the late-Senator Frank "Tub" Hansen, were influential in helping the McLeary business secure a lease agreement with the Washington State Wildlife Department that resulted in significant numbers of rainbow trout being publicly stocked into Columbia Basin lakes at no cost to state taxpayers;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate hereby recognize the aerial achievements and business contributions of Mr. and Mrs. Edward J. McLeary and their family and personnel, and pay tribute to them as people of whom Washingtonians young and old can be proud; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate immediately transmit copies of this resolution to Mr. and Mrs. McLeary and family, to the personnel at the business headquarters at McMillin, Washington, and to Senator Wanda Hansen.

Senators Erwin, Hansen, Owen, Sumner and Sellar spoke to Senate Resolution 1992-8731.

INTRODUCTION OF SPECIAL GUESTS

The President introduced Mr. Edward J. McLeary and his grandson, who were seated in the gallery.

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

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 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.

The bill was read the second time.

MOTION

On motion of Senator Nelson, the rules were suspended, Engrossed Substitute House Bill No. 2268 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. 2268.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2268 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 3; Absent, 3; Excused, 0.

Voting yea: Senators Amondson, 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, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sumner, Sutherland, Talmadge, von Reichbauer, West, Williams, Wojahn - 43.

Voting nay: Senators Anderson, Moore, Vognild - 3.

Absent: Senators Matson, Rinehart, Thorsness - 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2268, having received the 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. 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.

The bill was read the second time.

MOTIONS

Senator Metcalf 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.

(1) The legislature finds that:

- (a) Municipal sewage sludge is an unavoidable byproduct of the wastewater treatment process;
- (b) Population increases and technological improvements in wastewater treatment processes will double the amount of sludge generated within the next ten years;
- (c) Sludge management is often a financial burden to municipalities and to ratepayers;
- (d) Properly managed municipal sewage sludge is a valuable commodity and can be beneficially used in agriculture, silviculture, and in landscapes as a soil conditioner; and
- (e) Municipal sewage sludge can contain metals and microorganisms that, under certain circumstances, may pose a risk to public health.

(2) The legislature declares that a program shall be established to manage municipal sewage sludge and that the program shall, to the maximum extent possible, ensure that municipal sewage sludge is reused as a beneficial commodity and is managed in a manner that minimizes risk to public health and the environment.

NEW SECTION. Sec. 2. The purpose of this chapter is to provide the department of ecology and local governments with the authority and direction to meet federal regulatory requirements for municipal sewage sludge. The department of ecology may seek delegation and administer the sludge permit program required by the federal clean water act as it existed February 4, 1987.

NEW SECTION. Sec. 3. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Biosolids" means municipal sewage sludge that is a primarily organic, semisolid product resulting from the waste water treatment process, that can be beneficially recycled and meets all requirements under this chapter. For the purposes of this chapter, "biosolids" includes septic tank sludge, also known as septage, that can be beneficially recycled and meets all requirements under this chapter.

(2) "Department" means the department of ecology.

(3) "Local health department" has the same meaning as "jurisdictional health department" in RCW 70.95.030.

(4) "Municipal sewage sludge" means a semisolid substance consisting of settled sewage solids combined with varying amounts of water and dissolved materials generated from a publicly owned wastewater treatment plant.

NEW SECTION. Sec. 4.

(1) The department shall adopt rules to implement a biosolid management program within twelve months of the adoption of federal rules, 40 C.F.R. Sec. 503, relating to technical standards for the use and disposal of sewage sludge. The biosolid management program shall, at a minimum, conform with all applicable federal rules adopted pursuant to the federal clean water act as it existed on February 4, 1987.

(2) In addition to any federal requirements, the state biosolid management program may include, but not be limited to, an education program to provide relevant legal and scientific information to local governments and citizen groups.

(3) Rules adopted by the department under this section shall provide for public input and involvement for all state and local permits.

(4) Materials that have received a permit as a biosolid shall be regulated pursuant to this chapter.

(5) The transportation of biosolids and municipal sewage sludge shall be governed by Title 81 RCW. Certificates issued by the utilities and transportation commission before the effective date of this section that include or authorize transportation of municipal sewage sludge shall continue in force and effect and be interpreted to include biosolids.

NEW SECTION. Sec. 5. The department may work with all appropriate state agencies, local governments, and private entities to establish beneficial uses for biosolids.

NEW SECTION. Sec. 6. If a person violates any provision of this chapter, or a permit issued or rule adopted pursuant to this chapter, the department may issue an appropriate order to assure compliance with the chapter, permit, or rule.

NEW SECTION. Sec. 7. The department, with the assistance of the attorney general, may bring an action at law or in equity, including an action for injunctive relief, to enforce this chapter or a permit issued or rule adopted by the department pursuant to this chapter.

NEW SECTION. Sec. 8. A person who willfully violates, without sufficient cause, any of the provisions of this chapter, or a permit or order issued pursuant to this chapter, is guilty of a gross misdemeanor. Willful violation of this chapter, or a permit or order issued pursuant to this chapter is a gross misdemeanor punishable by a fine of up to ten thousand dollars and costs of prosecution, or by imprisonment for up to one year, or by both. Each day of violation may be deemed a separate violation.

NEW SECTION. Sec. 9. In addition to any other penalty provided by law, a person who violates this chapter or rules or orders adopted or issued pursuant to it shall be subject to a penalty in an amount of up to five thousand dollars a day for each violation. Each violation shall be a separate violation. In the case of a continuing violation, each day of violation is a separate violation. An act of commission or omission that procures, aids, or abets in the violation shall be considered a violation under this section.

NEW SECTION. Sec. 10. The department may delegate to a local health department the powers necessary to issue and enforce permits to use or dispose of biosolids. A delegation may be withdrawn if the department finds that a local health department is not effectively administering the permit program.

NEW SECTION. Sec. 11.

(1) Any permit issued by a local health department under section 10 of this act may be reviewed by the department to ensure that the proposed site or facility conforms with all applicable laws, rules, and standards under this chapter.

(2) If the department does not approve or disapprove a permit within sixty days, the permit shall be considered approved.

(3) A local health department may appeal the department's decision to disapprove a permit to the pollution control hearings board, as provided in chapter 43.21B RCW.

Sec. 12. RCW 43.19A.010 and 1991 c 297 s 2 are each amended to read as follows:

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

(1) "Compost products" means mulch, soil amendments, ground cover, or other landscaping material derived from the biological or mechanical conversion of biosolids or cellulose-containing waste materials.

- (2) "Department" means the department of general administration.
- (3) "Director" means the director of the department of general administration.
- (4) "Local government" means a city, town, county, special purpose district, school district, or other municipal corporation.
- (5) "Lubricating oil" means petroleum-based oils for reducing friction in engine parts and other mechanical parts.
- (6) "Mixed waste paper" means assorted low-value grades of paper that have not been separated into individual grades of paper at the point of collection.
- (7) "Municipal sewage sludge" means a semisolid substance consisting of settled sewage solids combined with varying amounts of water and dissolved materials generated from a publicly owned wastewater treatment plant.
- (8) "Biosolids" means municipal sewage sludge or septic tank septage sludge that meets the requirements of chapter 70.-- RCW (sections 1 through 11 of this act).
- (9) "Paper and paper products" means all items manufactured from paper or paperboard.
- ((8)) (10) "Postconsumer waste" means a material or product that has served its intended use and has been discarded for disposal or recovery by a final consumer.
- ((9)) (11) "Procurement officer" means the person that has the primary responsibility for procurement of materials or products.
- ((10)) (12) "State agency" means all units of state government, including divisions of the governor's office, the legislature, the judiciary, state agencies and departments, correctional institutions, vocational technical institutions, and universities and colleges.
- ((11)) (13) "Recycled content product" or "recycled product" means a product containing recycled materials.
- ((12)) (14) "Recycled materials" means waste materials and by-products that have been recovered or diverted from solid waste and that can be utilized in place of a raw or virgin material in manufacturing a product and consists of materials derived from postconsumer waste, manufacturing waste, industrial scrap, agricultural wastes, and other items, all of which can be used in the manufacture of new or recycled products.
- ((13)) (15) "Re-refined oils" means used lubricating oils from which the physical and chemical contaminants acquired through previous use have been removed through a refining process. Re-refining may include distillation, hydrotreating, or treatments employing acid, caustic, solvent, clay, or other chemicals, or other physical treatments other than those used in reclaiming.
- ((14)) (16) "USEPA product standards" means the product standards of the United States environmental protection agency for recycled content published in the code of federal regulations.
- Sec. 13. RCW 43.21B.110 and 1989 c 175 s 102 are each amended to read as follows:
- (1) The hearings board shall only have jurisdiction to hear and decide appeals from the following decisions of the department, the director, and the air pollution control boards or authorities as established pursuant to chapter 70.94 RCW, or local health departments:
- (a) Civil penalties imposed pursuant to RCW 70.94.431, 70.105.080, 70.107.050, 90.03.600, 90.48.144, and ((90.48.350)) 90.56.330.
- (b) Orders issued pursuant to RCW 43.27A.190, 70.94.211, 70.94.332, 70.105.095, 86.16.020, 90.14.130, and 90.48.120.
- (c) The issuance, modification, or termination of any permit, certificate, or license by the department or any air authority in the exercise of its jurisdiction, including the issuance or termination of a waste disposal permit, the denial of an application for a waste disposal permit, or the modification of the conditions or the terms of a waste disposal permit.
- (d) Decisions of local health departments regarding the grant or denial of solid waste permits pursuant to chapter 70.95 RCW.
- (e) Decisions of local health departments regarding the issuance and enforcement of permits to use or dispose of biosolids under section 10 of this act.
- (f) Any other decision by the department or an air authority which pursuant to law must be decided as an adjudicative proceeding under chapter 34.05 RCW.
- (2) The following hearings shall not be conducted by the hearings board:
- (a) Hearings required by law to be conducted by the shorelines hearings board pursuant to chapter 90.58 RCW.
- (b) Hearings conducted by the department pursuant to RCW 70.94.332, 70.94.390, 70.94.395, 70.94.400, 70.94.405, 70.94.410, and 90.44.180.
- (c) Proceedings by the department relating to general adjudications of water rights pursuant to chapter 90.03 or 90.44 RCW.
- (d) Hearings conducted by the department to adopt, modify, or repeal rules.

(3) Review of rules and regulations adopted by the hearings board shall be subject to review in accordance with the provisions of the Administrative Procedure Act, chapter 34.05 RCW.

Sec. 14. RCW 47.28.220 and 1991 c 297 s 14 are each amended to read as follows:

(1) A contract awarded in whole or in part for the purchase of compost products as a soil cover or soil amendment to state highway rights of way shall specify that compost products be purchased in accordance with the following schedule:

(a) For the period July 1, 1991, through June 30, 1993, twenty-five percent of the total dollar amount purchased;

(b) For the period July 1, 1993, through June 30, 1995, fifty percent of the total dollar amount purchased. The percentages in this subsection apply only to the materials' value, and do not include services or other materials.

(2) In order to carry out the provisions of this section, the department of transportation shall develop and adopt bid specifications for compost products used in state highway construction projects.

(3)(a) For purposes of this section, "compost products" means mulch, soil amendments, ground cover, or other landscaping material derived from the biological or mechanical conversion of biosolids or cellulose-containing waste materials.

(b) For purposes of this section, "biosolids" means municipal sewage sludge or septic tank septage sludge that meets the requirements of chapter 70.-- RCW (sections 1 through 11 of this act).

Sec. 15. RCW 70.95.255 and 1986 c 297 s 1 are each amended to read as follows:

After January 1, 1988, the department of ecology may prohibit disposal of ~~((municipal))~~ sewage sludge or septic tank sludge (septage) in landfills for final disposal, except on a temporary, emergency basis, if the jurisdictional health department determines that a potentially unhealthful circumstance exists. Beneficial uses of sludge in landfill reclamation is acceptable utilization and not considered disposal.

The department of ecology shall adopt rules that provide exemptions from this section on a case-by-case basis. Exemptions shall be based on the economic infeasibility of using or disposing of the sludge material other than in a landfill.

~~((The department of ecology, after consulting with representatives from cities, counties, special purpose districts, and operators of septic tank pump out services, shall adopt rules for the environmentally safe use of municipal sewage sludge and septage in this state.))~~

The department of ecology, after consulting with representatives from the pulp and paper industry ~~((and the food processing industry))~~, may adopt rules for the environmentally safe use of appropriate industrial sludges, such as pulp and paper sludges ~~((or food processing wastes))~~, used to improve the texture or nutrient content of soils.

The department of ecology, in conjunction with the department of ~~((social and))~~ health ~~((services))~~ and the department of agriculture, shall adopt rules establishing labeling and notification requirements for sludge material sold commercially or given away to the public. The department shall specify mandatory wording for labels and notification to warn the public against improper use of the material.

Sec. 16. RCW 70.95.030 and 1991 c 298 s 2 are each amended to read as follows:

As used in this chapter, unless the context indicates otherwise:

(1) "City" means every incorporated city and town.

(2) "Commission" means the utilities and transportation commission.

(3) "Committee" means the state solid waste advisory committee.

(4) "Department" means the department of ecology.

(5) "Director" means the director of the department of ecology.

(6) "Disposal site" means the location where any final treatment, utilization, processing, or deposit of solid waste occurs.

(7) "Energy recovery" means a process operating under federal and state environmental laws and regulations for converting solid waste into usable energy and for reducing the volume of solid waste.

(8) "Functional standards" means criteria for solid waste handling expressed in terms of expected performance or solid waste handling functions.

(9) "Incineration" means a process of reducing the volume of solid waste operating under federal and state environmental laws and regulations by use of an enclosed device using controlled flame combustion.

(10) "Jurisdictional health department" means city, county, city-county, or district public health department.

(11) "Landfill" means a disposal facility or part of a facility at which solid waste is placed in or on land and which is not a land treatment facility.

(12) "Local government" means a city, town, or county.

(13) "Multiple family residence" means any structure housing two or more dwelling units.

(14) "Person" means individual, firm, association, copartnership, political subdivision, government agency, municipality, industry, public or private corporation, or any other entity whatsoever.

(15) "Recyclable materials" means those solid wastes that are separated for recycling or reuse, such as papers, metals, and glass, that are identified as recyclable material pursuant to a local comprehensive solid waste plan. Prior to the adoption of the local comprehensive solid waste plan, adopted pursuant to RCW 70.95.110(2), local governments may identify recyclable materials by ordinance from July 23, 1989.

(16) "Recycling" means transforming or remanufacturing waste materials into usable or marketable materials for use other than landfill disposal or incineration.

(17) "Residence" means the regular dwelling place of an individual or individuals.

(18) "Sewage sludge" means a semisolid substance consisting of settled sewage solids combined with varying amounts of water and dissolved materials, generated from a wastewater treatment system, that does not meet the requirements of chapter 70.-- RCW (sections 1 through 11 of this act).

(19) "Solid waste" or "wastes" means all putrescible and nonputrescible solid and semisolid wastes including, but not limited to, garbage, rubbish, ashes, industrial wastes, swill, sewage sludge, demolition and construction wastes, abandoned vehicles or parts thereof, and recyclable materials.

~~((19))~~ (20) "Solid waste handling" means the management, storage, collection, transportation, treatment, utilization, processing, and final disposal of solid wastes, including the recovery and recycling of materials from solid wastes, the recovery of energy resources from solid wastes or the conversion of the energy in solid wastes to more useful forms or combinations thereof.

~~((20))~~ (21) "Source separation" means the separation of different kinds of solid waste at the place where the waste originates.

~~((21))~~ (22) "Vehicle" includes every device physically capable of being moved upon a public or private highway, road, street, or watercourse and in, upon, or by which any person or property is or may be transported or drawn upon a public or private highway, road, street, or watercourse, except devices moved by human or animal power or used exclusively upon stationary rails or tracks.

~~((22))~~ (23) "Waste reduction" means reducing the amount or toxicity of waste generated or reusing materials.

Sec. 17. RCW 90.48.465 and 1991 c 307 s 1 are each amended to read as follows:

(1) The department shall establish annual fees to collect expenses for issuing and administering each class of permits under RCW 90.48.160, 90.48.162, ~~((and))~~ 90.48.260, and sections 4 through 11 of this act. An initial fee schedule shall be established by rule within one year of March 1, 1989, and thereafter the fee schedule shall be adjusted no more often than once every two years. This fee schedule shall apply to all permits, regardless of date of issuance, and fees shall be assessed prospectively. All fees charged shall be based on factors relating to the complexity of permit issuance and compliance and may be based on pollutant loading and toxicity and be designed to encourage recycling and the reduction of the quantity of pollutants. Fees shall be established in amounts to fully recover and not to exceed expenses incurred by the department in processing permit applications and modifications, monitoring and evaluating compliance with permits, conducting inspections, securing laboratory analysis of samples taken during inspections, reviewing plans and documents directly related to operations of permittees, overseeing performance of delegated pretreatment programs, and supporting the overhead expenses that are directly related to these activities.

(2) The annual fee paid by a municipality, as defined in 33 U.S.C. Sec. 1362, for all domestic wastewater facility permits issued under RCW 90.48.162 ~~((and))~~, 90.48.260, and sections 4 through 11 of this act shall not exceed the total of a maximum of fifteen cents per month per residence or residential equivalent contributing to the municipality's wastewater system. The department shall adopt by rule a schedule of credits for any municipality engaging in a comprehensive monitoring program beyond the requirements imposed by the department, with the credits available for five years from March 1, 1989, and with the total amount of all credits not to exceed fifty thousand dollars in the five-year period.

(3) The department shall ensure that indirect dischargers do not pay twice for the administrative expense of a permit. Accordingly, administrative expenses for permits issued by a municipality under RCW 90.48.165 are not recoverable by the department.

(4) In establishing fees, the department shall consider the economic impact of fees on small dischargers and the economic impact of fees on public entities required to obtain permits for storm water runoff and shall provide appropriate adjustments.

(5) All fees collected under this section shall be deposited in the water quality permit account hereby created in the state treasury. Moneys in the account may be appropriated only for purposes of administering permits under RCW 90.48.160, 90.48.162, ~~((and))~~ 90.48.260, and sections 4 through 11 of this act.

(6) The department shall submit an annual report to the legislature showing detailed information on fees collected, actual expenses incurred, and anticipated expenses for the current and following fiscal years.

(7) The legislative budget committee in 1993 shall review the fees established under this section and report its findings to the legislature in January 1994.

NEW SECTION. Sec. 18. Sections 1 through 11 of this act shall constitute a new chapter in Title 70 RCW.

On motion of Senator Roach, the following amendment to the Committee on Ways and Means striking amendment was adopted:

On page 3, line 13, after "biosolids," insert the following:

"(6) No biosolids shall be applied within a two-mile radius of a state owned park."

MOTION

Senator Roach moved that the following amendment to the Committee on Ways and Means striking amendment be adopted:

On page 3, line 16, after "biosolids" insert "and glassified sewage sludge"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Roach on page 3, line 16, to the Committee on Ways and Means striking amendment to Engrossed Substitute House Bill No. 2640.

The motion by Senator Roach carried and the amendment to the Committee on Ways and Means striking amendment was adopted.

MOTION

Senator Roach moved that the following amendment to the Committee on Ways and Means striking amendment be adopted:

On page 4, line 21, after "program." insert "A local health department may not issue a permit allowing disposal of biosolids within a two-mile radius of a state park."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Roach on page 4, line 21, to the Committee on Ways and Means striking amendment to Engrossed Substitute House Bill No. 2640.

The motion by Senator Roach failed and the amendment to the Committee on Ways and Means striking amendment was not adopted.

MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Metcalf moved that the Senate reconsider the vote by which the amendment by Senator Roach on page 3, line 13, to the Committee on Ways and Means striking amendment to Engrossed Substitute House Bill No. 2640 was adopted.

The President declared the question before the Senate to be the motion by Senator Metcalf to reconsider the vote by which the amendment by Senator Roach on page 3, line 13, to the Committee on Ways and Means striking amendment was adopted.

The motion by Senator Metcalf for reconsideration carried.

MOTION

Senator Metcalf moved that the amendment by Senator Roach on page 3, line 13, to the Committee on Ways and Means striking amendment not be adopted, on reconsideration.

Senator Roach demanded a roll call and the demand was not sustained.

The President declared the question before the Senate to be the motion by Senator Metcalf to not adopt the amendment by Senator Roach on page 3, line 13, to the Committee on Ways and Means striking amendment, on reconsideration.

The motion by Senator Metcalf carried and the amendment by Senator Roach on page 3, line 13, to the Committee on Ways and Means striking amendment to Engrossed Substitute House Bill No. 2640 was not adopted, on reconsideration.

MOTION

On motion of Senator Metcalf, the following amendment to the Committee on Ways and Means striking amendment was adopted:

On page 9, beginning on line 19, strike

"The department of ecology, after consulting with representatives from the pulp and paper industry (~~and the food processing industry~~), may adopt rules for the environmentally safe use of appropriate industrial sludges, such as pulp and paper sludges (~~or food processing wastes~~), used to improve the texture or nutrient content of soils." and insert "~~(The department of ecology, after consulting with representatives from the pulp and paper industry and the food processing industry, may adopt rules for the environmentally safe use of appropriate industrial sludges, such as pulp and paper sludges or food processing wastes, used to improve the texture or nutrient content of soils.)~~"

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. 2640.

The Committee on Ways and Means striking amendment, as amended, was adopted.

MOTIONS

On motion of Senator Metcalf, the following title amendment was adopted:

On page 1, line 1 of the title, after "sludge;" strike the remainder of the title and insert "amending RCW 43.19A.010, 43.21B.110, 47.28.220, 70.95.255, 70.95.030, and 90.48.465; adding a new chapter to Title 70 RCW; and prescribing penalties."

On motion of Senator Metcalf, the rules were suspended, Substitute House Bill No. 2640, 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. 2640, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2640, 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. 2640, 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. 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.

The bill was read the second time.

MOTION

On motion of Senator McDonald, the rules were suspended, Engrossed Substitute House Bill No. 2964 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

POINT OF INQUIRY

Senator Stratton: "Senator McDonald, over the last year, we have been reading in the newspapers that our car rental--many of our rental organizations are licensing their cars out of state. Is this going to have any impact on that--forcing them to license them in our state?"

Senator McDonald: "I don't think that will have any affect, because rental car industries are located by state and it would only apply to those rental cars. It would not be personal owned vehicles."

POINT OF INQUIRY

Senator Murray: "Senator McDonald, is this bill revenue neutral?"

Senator McDonald: "It is revenue neutral. If they impose a new tax at a county level, then it would not be revenue neutral, but that would be by the county legislative authority."

Senator Murray: "Senator McDonald, it was my understanding back at the beginning of the session that this was being done in order to solve the driver education money problem. Is that no longer true?"

Senator McDonald: "That is no longer true. That portion was stripped out of this bill. That was a new tax that was imposed to pay for driver's ed. As proposed in the budget or the Conference Committee Report, it would be five point nine million dollars out of the general fund."

Senator Murray: "So, if this bill does not pass, traffic safety education will still be funded in the budget?"

Senator McDonald: "Absolutely."

Senator Murray: "Thank you."

Further debate ensued.

POINT OF INQUIRY

Senator Talmadge: "Senator McDonald, Senator Hayner raised a point about which I am very concerned--the question of the allocation of the monies under this proposal as between youth recreational activities and the support of professional sport's facilities that you referenced. Is there any indication in the bill at least with respect to King County expressing any intent on the part of the Legislature as to how much should be allocated to such things as, say, open air baseball stadiums as opposed to additional recreational facilities for young people?"

Senator McDonald: "I think it is totally permissive, Senator Talmadge. There is no allocation or no formula in this bill, to my knowledge."

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. 2964.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2964 and the bill passed the Senate by the following vote: Yeas, 35; Nays, 14; Absent, 0; Excused, 0.

Voting yea: Senators Amondson, Bailey, Barr, Bauer, Bluechel, Conner, Craswell, Erwin, Gaspard, Hayner, Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Moore, Nelson, Newhouse, Niemi, Oke, Owen, Pelz, Saling, Sellar, A. Smith, L. Smith, Snyder, Sumner, Talmadge, Thorsness, Vognild, von Reichbauer, West, Wojahn - 35.

Voting nay: Senators Anderson, Cantu, Hansen, Jesernig, Metcalf, Murray, Patterson, Rasmussen, Rinehart, Roach, Skratek, Stratton, Sutherland, Williams - 14.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2964, having received the 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 Committee on Ways and Means was relieved of further consideration of Engrossed Substitute House Bill No. 2466.

On motion of Senator Newhouse, the rules were suspended, Engrossed Substitute House Bill No. 2466 was advanced to second reading and placed on the second reading calendar.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 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.

The bill was read the second time.

MOTIONS

On motion of Senator McDonald, the following amendment by Senators McCaslin and Madsen was adopted:

On page 6, after line 15, insert the following:

NEW SECTION. Sec. 9. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Department" means the department of community development.

(2) "Director" means the director of the department of community development.

(3) "State fire marshal" means the assistant director of the division of fire protection services in the department of community development.

(4) "Fire chief" includes the chief officer of a statutorily authorized fire agency, or the fire chief's authorized representative. Also included are the department of natural resources fire control chief, and the department of natural resources regional managers.

(5) "Jurisdiction" means state, county, city, fire district, or port district fighting units, or other units covered by this chapter.

(6) "Mobilization" means that fire fighting resources beyond those available through existing agreements will be requested and, when available, sent to fight a fire that has or soon will exceed the capabilities of available local resources. During a large scale fire emergency, mobilization includes redistribution of regional or state-wide fire fighting resources to either direct fire fighting assignments or to assignment in communities where fire fighting resources are needed. This chapter shall not reduce or suspend the authority or responsibility of the department of natural resources under chapter 76.04 RCW.

(7) "Mutual aid" means emergency interagency assistance provided without compensation under an agreement between jurisdictions under chapter 39.34 RCW.

NEW SECTION. Sec. 10. Because of the possibility of the occurrence of disastrous fires or other disasters of unprecedented size and destructiveness, the need to insure that the state is adequately prepared to respond to such a fire or disaster, the need to establish a mechanism and a procedure to provide for reimbursement to fire fighting agencies that respond to help others in time of need, and generally to protect the public peace, health, safety, lives, and property of the people of Washington, it is hereby declared necessary to:

(1) Provide the policy and organizational structure for large scale mobilization of fire fighting resources in the state through creation of the Washington state fire services mobilization plan;

(2) Confer upon the director of the department of community development the powers provided herein; and

(3) Provide a means for reimbursement to fire jurisdictions that incur expenses when mobilized by the director under the Washington state fire services mobilization plan.

NEW SECTION. Sec. 11. There is created the state fire defense board consisting of the state fire marshal, a representative from the department of natural resources appointed by the commissioner of public lands, the assistant director of the emergency management division of the department of community development, and one representative selected by each regional fire defense board in the state. Members of the state fire defense board shall select from among themselves a chairperson. Members serving on the board do so in a voluntary capacity and are not eligible for reimbursement for meeting-related expenses from the state.

The state fire defense board shall develop and maintain the Washington state fire services mobilization plan, which shall include the procedures to be used during fire emergencies for coordinating local, regional, and state fire jurisdiction resources. The Washington state fire services mobilization plan shall be consistent with, and made part of, the Washington state comprehensive emergency management plan. The director shall review the fire services mobilization plan as submitted by the state fire defense board and after consultation with the fire protection policy board, recommend changes that may be necessary, and approve the fire services mobilization plan for inclusion within the state comprehensive emergency management plan.

It is the responsibility of the director to mobilize jurisdictions under the Washington state fire services mobilization plan. The state fire marshal shall serve as the state fire resources coordinator when the Washington state fire services mobilization plan is mobilized.

NEW SECTION. Sec. 12. Regions within the state are initially established as follows but may be adjusted as necessary by the director:

(1) Northwest region - Whatcom, Skagit, Snohomish, San Juan, and Island counties;

(2) Northeast region - Okanogan, Ferry, Stevens, Pend Oreille, Spokane, and Lincoln counties;

(3) Olympic region - Clallam and Jefferson counties;

(4) South Puget Sound region - Kitsap, Mason, King, and Pierce counties;

(5) Southeast region - Chelan, Douglas, Kittitas, Grant, Adams, Whitman, Yakima, Klickitat, Benton, Franklin, Walla Walla, Columbia, Garfield, and Asotin counties;

(6) Central region - Grays Harbor, Thurston, Pacific, and Lewis counties; and

(7) Southwest region - Wahkiakum, Cowlitz, Clark, and Skamania counties.

Within each of these regions there is created a regional fire defense board. The regional fire defense boards shall consist of two members from each county in the region. One member from each county shall be appointed by the county fire chiefs' association or, in the event there is no such county association, by the county's legislative authority. Each county's office of emergency management or, in the event there is no such office, the county's legislative authority shall select the second representative to the regional board. The department of natural resources fire control chief shall appoint a representative from each department of natural resources region to serve as a member of the appropriate regional fire defense board. Members of each regional board will select a chairperson and secretary as officers. Members serving on the regional boards do so in a voluntary capacity and are not eligible for reimbursement for meeting-related expenses from the state.

Regional defense boards shall develop regional fire service plans that include provisions for organized fire agencies to respond across municipal, county, or regional boundaries. Each regional plan shall be consistent with the incident command system, the Washington state fire services mobilization plan, and regional response plans already adopted and in use in the state. The regional boards shall work with the relevant local government entities to facilitate development of intergovernmental agreements if any such agreements are required to implement a regional fire service plan. Each regional plan shall be approved by the state fire defense board before implementation.

NEW SECTION. Sec. 13. The department of community development in consultation with the office of financial management shall develop procedures to facilitate reimbursement to jurisdictions from appropriate federal and state funds when jurisdictions are mobilized by the director under the Washington state fire services mobilization plan.

NEW SECTION. Sec. 14. Sections 9 through 13 of this act shall constitute a new chapter in Title 38 RCW. Renumber the remaining section consecutively and correct internal references accordingly.

On motion of Senator McDonald, the following title amendment was adopted:

On page 1, line 3 of the title, after "35.21 RCW;" insert "adding a new chapter to Title 38 RCW;"

MOTION

On motion of Senator McDonald, the rules were suspended, Substitute House Bill No. 2937, 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 Talmadge: "Senator McDonald, as you know in dealing with this bill that there is a law suit presently pending in the Washington Supreme Court between the city of Ellensburg and the state of Washington regarding the state's implementation of its present responsibilities to pay for these local services. Is it the intent of the proponents of this bill to, in any way, interfere with, alter or change the consideration by the Washington Supreme Court of the issues in that litigation?"

Senator McDonald: "Senator Talmadge, I can't speak for all the proponents of the bill. I can speak for myself and that is not my intent. Once again, I say that I can't speak for all the proponents of the bill. Let me say that it seems to me that if we have to wait for all litigation to end before we pass any legislation on the floor, we wouldn't be jumping in to a number of problems that need resolution. So, I think this is a good bill."

Senator Talmadge: "If I could ask a second question, Senator, my understanding in the Ways and Means Committee, at least as to the testimony of the various proponents of this bill, was that this legislation was not going to be used as a device to change the outcome of the decision of the Washington Supreme Court, whatever that might be, in that law suit. What I am concerned about, I guess, explicitly is if this bill passes, is it the intent of the proponents to urge the Attorney General or have the Attorney General take the passage of this bill to the Supreme Court and affect the outcome of that litigation with the city of Ellensburg?"

Senator McDonald: "Senator Talmadge, I think your recollection of the testimony was my recollection."

Senator Talmadge: "Thank you."

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2937, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2937, as amended by the Senate, 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, 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, Thorsness, von Reichbauer, West, Wojahn - 44.

Voting nay: Senators Cantu, Saling, Talmadge, Vognild, Williams - 5.

SUBSTITUTE HOUSE BILL NO. 2937, 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. 6483, by Senators Matson, Murray and Bluechel

Modifying provisions relating to weights and measures.

MOTIONS

On motion of Senator McDonald, Substitute Senate Bill No. 6483 was substituted for Senate Bill No. 6483 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. 6483 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. 6483.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6483 and the bill failed to pass the Senate by the following vote: Yeas, 18; Nays, 30; Absent, 1; Excused, 0.

Voting yea: Senators Anderson, Bailey, Bluechel, Cantu, Craswell, Hayner, Madsen, McCaslin, McDonald, McMullen, Nelson, Newhouse, Niemi, Patterson, Sellar, Sumner, Talmadge, Wojahn - 18.

Voting nay: Senators Amondson, Bauer, Conner, Erwin, Gaspard, Hansen, Jesernig, Kreidler, Matson, Metcalf, Moore, Murray, Oke, Owen, Pelz, Rasmussen, Rinehart, Roach, Saling, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, West, Williams - 30.

Absent: Senator Barr - 1.

SUBSTITUTE SENATE BILL NO. 6483, having failed to receive the constitutional majority, was declared lost.

MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator West moved that the Senate reconsider the vote by which Substitute Senate Bill No. 6483 failed to pass the Senate.

Debate ensued.

MOTION

On motion of Senator West, and there being no objection, the motion to reconsider the vote by which Substitute Senate Bill No. 6483 failed to pass the Senate, was deferred.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 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, Dom, Riley, Silver, Heavey, Mielke, H. Myers, Inslee, Brekke, Chandler, Fuhrman, Jacobsen, Vance, Kremen, Hochstatter, Former, Brough, Broback, Winsley, Ferguson, Wood, Horn, P. Johnson, Jones, Wang, Haugen, Zellinsky, Carlson, Mitchell, Sprenkle, J. Kohl, Valle, O'Brien, May, Roland, Fraser, Hine, Sheldon, Tate and Rasmussen)

Changing provisions relating to juveniles.

The bill was read the second time.

MOTION

On motion of Senator Nelson, the following Committee on Law and Justice amendment was not adopted:

Strike everything after the enacting clause and insert the following:

"PART I - JUVENILE JUSTICE"

Sec. 101. RCW 13.40.010 and 1977 ex.s. c 291 s 55 are each amended to read as follows:

(1) This chapter shall be known and cited as the Juvenile Justice Act of 1977.

(2) It is the intent of the legislature that a system capable of having primary responsibility for, being accountable for, and responding to the needs of youthful offenders, as defined by this chapter, be established. It is the further intent of the legislature that youth, in turn, be held accountable for their offenses and that both communities and the juvenile courts carry out their functions consistent with this intent. To effectuate these policies, ~~((it shall be the purpose))~~ the legislature declares the following to be equally important purposes of this chapter ~~((to))~~:

- (a) Protect the citizenry from criminal behavior;
- (b) Provide for determining whether accused juveniles have committed offenses as defined by this chapter;
- (c) Make the juvenile offender accountable for his or her criminal behavior;
- (d) Provide for punishment commensurate with the age, crime, and criminal history of the juvenile offender;
- (e) Provide due process for juveniles alleged to have committed an offense;
- (f) Provide necessary treatment, supervision, and custody for juvenile offenders;
- (g) Provide for the handling of juvenile offenders by communities whenever consistent with public safety;
- (h) Provide for restitution to victims of crime;
- (i) Develop effective standards and goals for the operation, funding, and evaluation of all components of the juvenile justice system and related services at the state and local levels; and
- (j) Provide for a clear policy to determine what types of offenders shall receive punishment, treatment, or both, and to determine the jurisdictional limitations of the courts, institutions, and community services.

Sec. 102. RCW 13.40.020 and 1990 1st ex.s. c 12 s 1 are each amended to read as follows:

For the purposes of this chapter:

(1) "Serious offender" means a person fifteen years of age or older who has committed an offense which if committed by an adult would be:

- (a) A class A felony, or an attempt to commit a class A felony;
- (b) Manslaughter in the first degree; or

(c) Assault in the second degree, extortion in the first degree, child molestation in the second degree, kidnapping in the second degree, robbery in the second degree, residential burglary, or burglary in the second degree, where such offenses include the infliction of bodily harm upon another or where during the commission of or immediate withdrawal from such an offense the perpetrator is armed with a deadly weapon or firearm as defined in RCW 9A.04.110;

(2) "Community service" means compulsory service, without compensation, performed for the benefit of the community by the offender as punishment for committing an offense. Community service may be performed through public or private organizations or through work crews;

(3) "Community supervision" means an order of disposition by the court of an adjudicated youth not committed to the department. A community supervision order for a single offense may be for a period of up to two years for a sex offense as defined by RCW 9.94A.030 and up to one year for other offenses ~~((and))~~. Community supervision is an individualized program comprised of one or more of the following:

(a) Community-based sanctions;

(b) Community-based rehabilitation;

(c) Monitoring and reporting requirements;

(4) Community-based sanctions may include one or more of the following:

(a) A fine, not to exceed one hundred dollars;

(b) Community service not to exceed one hundred fifty hours of service;

~~((e))~~ (5) "Community-based rehabilitation" means one or more of the following: Attendance of information classes;

~~((d))~~ Counseling; or

~~((e))~~ Such other services to the extent funds are available for such services,) counseling, outpatient substance abuse treatment programs, outpatient mental health programs, anger management classes, or other services; attendance at school or other educational programs appropriate for the juvenile as determined by the school district; or placement in foster care that is not used as a pretrial, postadjudication, or postdisposition detention facility. Placement in community-based rehabilitation programs is subject to available funds;

(6) "Monitoring and reporting requirements" means one or more of the following: Curfews; requirements to remain at home, school, work, or court-ordered treatment programs during specified hours; restrictions from leaving or entering specified geographical areas; requirements to report to the probation officer as directed and to remain under the probation officer's supervision; and other conditions~~((s))~~ or limitations as the court may require which may not include confinement;

~~((4))~~ (7) "Confinement" means ~~((physical custody by the department of social and health services in a facility operated by or pursuant to a contract with the state, or physical custody in a facility operated by or pursuant to a contract with any county))~~ incarceration in a detention facility following: Arrest pending a detention hearing under RCW 13.40.050; entry of an order of detention entered pursuant to RCW 13.40.050; commitment to a county detention facility, the department, or an inpatient drug and alcohol treatment facility following imposition of option D of RCW 13.40.0357; modification of a disposition for violation of the disposition; or modification of parole for violation of parole. The county may operate or contract with vendors to operate county detention facilities. The department may operate or contract to operate detention facilities for juveniles committed to the department. Confinement of less than thirty-one days imposed as part of a disposition or modification order may be served consecutively or intermittently, in the discretion of the court;

~~((5))~~ (8) "Court", when used without further qualification, means the juvenile court judge(s) or commissioner(s);

~~((6))~~ (9) "Criminal history" includes all criminal complaints against the respondent for which, prior to the commission of a current offense:

(a) The allegations were found correct by a court. If a respondent is convicted of two or more charges arising out of the same course of conduct, only the highest charge from among these shall count as an offense for the purposes of this chapter; or

(b) The criminal complaint was diverted by a prosecutor pursuant to the provisions of this chapter on agreement of the respondent and after an advisement to the respondent that the criminal complaint would be considered as part of the respondent's criminal history;

~~((7))~~ (10) "Department" means the department of social and health services;

~~((8))~~ (11) "Detention facility" means a facility for the physical confinement of a juvenile alleged to have committed an offense or an adjudicated offender subject to a disposition or modification order. Detention facilities may be secure, semisecure, or nonsecure, and may include group homes, foster homes, and home detention with electronic or staff monitoring. Detention foster homes and group homes may not be used for placement of juveniles who are ordered into rehabilitation placements pursuant to a community supervision disposition. "Secure detention" means lockup or staff-secure facilities. "Nonsecure detention" means residential placement in the community in a physically

nonrestrictive environment under the supervision of the department of youth services or department of social and health services. "Home detention" means placement of the juvenile in the custody of the juvenile's parent, guardian, or custodian in a physically nonrestrictive environment under the supervision of the department of youth services or the department of social and health services with electronic monitoring or department staff monitoring;

(12) "Diversion unit" means any probation counselor who enters into a diversion agreement with an alleged youthful offender, or any other person or entity except a law enforcement official or entity, with whom the juvenile court administrator has contracted to arrange and supervise such agreements pursuant to RCW ((13.04.040, as now or hereafter amended,)) 13.40.080, or any person or entity specially funded by the legislature to arrange and supervise diversion agreements in accordance with the requirements of this chapter;

((9)) (13) "Institution" means a juvenile facility established pursuant to chapters 72.05 and 72.16 through 72.20 RCW;

((10)) (14) "Juvenile," "youth," and "child" mean any individual who is under the chronological age of eighteen years and who has not been previously transferred to adult court;

((11)) (15) "Juvenile offender" means any juvenile who has been found by the juvenile court to have committed an offense, including a person eighteen years of age or older over whom jurisdiction has been extended under RCW 13.40.300;

((12)) (16) "Manifest injustice" means a disposition that would either impose an excessive penalty on the juvenile or would impose a serious, and clear danger to society in light of the purposes of this chapter;

((13)) (17) "Middle offender" means a person who has committed an offense and who is neither a minor or first offender nor a serious offender;

((14)) (18) "Minor or first offender" means a person sixteen years of age or younger whose current offense(s) and criminal history fall entirely within one of the following categories:

(a) Four misdemeanors;

(b) Two misdemeanors and one gross misdemeanor;

(c) One misdemeanor and two gross misdemeanors;

(d) Three gross misdemeanors;

(e) One class C felony except manslaughter in the second degree and one misdemeanor or gross misdemeanor;

(f) One class B felony except: Any felony which constitutes an attempt to commit a class A felony; manslaughter in the first degree; assault in the second degree; extortion in the first degree; indecent liberties; kidnapping in the second degree; robbery in the second degree; burglary in the second degree; residential burglary; vehicular homicide; or arson in the second degree.

For purposes of this definition, current violations shall be counted as misdemeanors;

((15)) (19) "Offense" means an act designated a violation or a crime if committed by an adult under the law of this state, under any ordinance of any city or county of this state, under any federal law, or under the law of another state if the act occurred in that state;

((16)) (20) "Respondent" means a juvenile who is alleged or proven to have committed an offense;

((17)) (21) "Restitution" means financial reimbursement by the offender to the victim, and shall be limited to easily ascertainable damages for injury to or loss of property, actual expenses incurred for medical treatment for physical injury to persons, lost wages resulting from physical injury, and costs of the victim's counseling reasonably related to the offense if the offense is a sex offense. Restitution shall not include reimbursement for damages for mental anguish, pain and suffering, or other intangible losses. Nothing in this chapter shall limit or replace civil remedies or defenses available to the victim or offender;

((18)) (22) "Secretary" means the secretary of the department of social and health services;

((19)) (23) "Services" mean services which provide alternatives to incarceration for those juveniles who have pleaded or been adjudicated guilty of an offense or have signed a diversion agreement pursuant to this chapter;

((20)) (24) "Sex offense" means an offense defined as a sex offense in RCW 9.94A.030;

((21)) (25) "Sexual motivation" means that one of the purposes for which the respondent committed the offense was for the purpose of his or her sexual gratification;

((22)) (26) "Foster care" means temporary physical care in a foster family home or group care facility as defined in RCW 74.15.020 and licensed by the department, or other legally authorized care;

((23)) (27) "Violation" means an act or omission, which if committed by an adult, must be proven beyond a reasonable doubt, and is punishable by sanctions which do not include incarceration.

Sec. 103. RCW 13.40.027 and 1989 c 407 s 2 are each amended to read as follows:

(1) It is the responsibility of the commission to: (a) (i) Evaluate the effectiveness of existing disposition standards and related statutes in implementing policies set forth in RCW 13.40.010 generally and (ii) specifically review the guidelines relating to the confinement of minor and first offenders as well as the use of diversion; (b) solicit the

comments and suggestions of the juvenile justice community concerning disposition standards; and (c) make recommendations to the legislature regarding revisions or modifications of the disposition standards in accordance with RCW 13.40.030. The evaluations shall be submitted to the legislature by December 1, 1992, and on December 1 of each even-numbered year thereafter.

(2) It is the responsibility of the department to: (a) Provide the commission with available data concerning the implementation of the disposition standards and related statutes and their effect on the performance of the department's responsibilities relating to juvenile offenders; (b) at the request of the commission, provide technical and administrative assistance to the commission in the performance of its responsibilities; and (c) provide the commission and legislature with recommendations for modification of the disposition standards.

Sec. 104. RCW 13.40.0357 and 1989 c 407 s 7 are each amended to read as follows:

SCHEDULE A
DESCRIPTION AND OFFENSE CATEGORY

JUVENILE DISPOSITION OFFENSE CATEGORY	DESCRIPTION (RCW CITATION)	JUVENILE DISPOSITION CATEGORY FOR ATTEMPT, BAILJUMP, CONSPIRACY, OR SOLICITATION
Arson and Malicious Mischief		
A	Arson 1 (9A.48.020)	B+
B	Arson 2 (9A.48.030)	C
C	Reckless Burning 1 (9A.48.040)	D
D	Reckless Burning 2 (9A.48.050)	E
B	Malicious Mischief 1 (9A.48.070)	C
C	Malicious Mischief 2 (9A.48.080)	D
D	Malicious Mischief 3 (<\$50 is E class) (9A.48.090)	E
E	Tampering with Fire Alarm Apparatus (9.40.100)	E
A	Possession of Incendiary Device (9.40.120)	B+
Assault and Other Crimes Involving Physical Harm		
A	Assault 1 (9A.36.011)	B+
B+	Assault 2 (9A.36.021)	C+
C+	Assault 3 (9A.36.031)	D+
D+	Assault 4 (9A.36.041)	E
D+	Reckless Endangerment (9A.36.050)	E
C+	Promoting Suicide Attempt (9A.36.060)	D+
D+	Coercion (9A.36.070)	E
C+	Custodial Assault (9A.36.100)	D+
Burglary and Trespass		
B+	Burglary 1 (9A.52.020)	C+
B	Burglary 2 (9A.52.030)	C
D	Burglary Tools (Possession of) (9A.52.060)	E
D	Criminal Trespass 1 (9A.52.070)	E
E	Criminal Trespass 2 (9A.52.080)	E

D	Vehicle Prowling (9A.52.100)	E
	Drugs	
E	Possession/Consumption of Alcohol (66.44.270)	E
C	Illegally Obtaining Legend Drug (69.41.020)	D
C+	Sale, Delivery, Possession of Legend Drug with Intent to Sell (69.41.030)	D+
E	Possession of Legend Drug (69.41.030)	E
B+	Violation of Uniform Controlled Substances Act - Narcotic Sale (69.50.401(a)(1)(i))	B+
C	Violation of Uniform Controlled Substances Act - Nonnarcotic Sale (69.50.401(a)(1)(ii))	C
E	Possession of Marihuana <40 grams (69.50.401(e))	E
C	Fraudulently Obtaining Controlled Substance (69.50.403)	C
C+	Sale of Controlled Substance for Profit (69.50.410)	C+
E	((Glue Sniffing (9.47A.050))) <u>Unlawful Inhalation (9.47A.020)</u>	E
B	Violation of Uniform Controlled Substances Act - Narcotic Counterfeit Substances (69.50.401(b)(1)(i))	B
C	Violation of Uniform Controlled Substances Act - Nonnarcotic Counterfeit Substances (69.50.401(b)(1) (ii), (iii), (iv))	C
C	Violation of Uniform Controlled Substances Act - Possession of a Controlled Substance (69.50.401(d))	C
C	Violation of Uniform Controlled Substances Act - Possession of a Controlled Substance (69.50.401(c))	C
	Firearms and Weapons	
((C+	Committing Crime when Armed (9.41.025)	D+))
E	Carrying Loaded Pistol Without Permit (9.41.050)	E
E	Use of Firearms by Minor (<14) (9.41.240)	E
D+	Possession of Dangerous Weapon (9.41.250)	E
D	Intimidating Another Person by use of Weapon (9.41.270)	E

Homicide

A+	Murder 1 (9A.32.030)	A
A+	Murder 2 (9A.32.050)	B+
B+	Manslaughter 1 (9A.32.060)	C+
C+	Manslaughter 2 (9A.32.070)	D+
B+	Vehicular Homicide (46.61.520)	C+
	Kidnapping	
A	Kidnap 1 (9A.40.020)	B+
B+	Kidnap 2 (9A.40.030)	C+
C+	Unlawful Imprisonment (9A.40.040)	D+
(D	Custodial Interference (9A.40.050)	E))
	Obstructing Governmental Operation	
E	Obstructing a Public Servant (9A.76.020)	E
E	Resisting Arrest (9A.76.040)	E
B	Introducing Contraband 1 (9A.76.140)	C
C	Introducing Contraband 2 (9A.76.150)	D
E	Introducing Contraband 3 (9A.76.160)	E
B+	Intimidating a Public Servant (9A.76.180)	C+
B+	Intimidating a Witness (9A.72.110)	C+
((E	Criminal Contempt (9.23.010)	E))
	Public Disturbance	
C+	Riot with Weapon (9A.84.010)	D+
D+	Riot Without Weapon (9A.84.010)	E
E	Failure to Disperse (9A.84.020)	E
E	Disorderly Conduct (9A.84.030)	E
	Sex Crimes	
A	Rape 1 (9A.44.040)	B+
A-	Rape 2 (9A.44.050)	B+
C+	Rape 3 (9A.44.060)	D+
A-	Rape of a Child 1 (9A.44.073)	B+
B	Rape of a Child 2 (9A.44.076)	C+
B	Incest 1 (9A.64.020(1))	C
C	Incest 2 (9A.64.020(2))	D
D+	((Public Indecency)) <u>Indecent Exposure</u> (Victim <14) (9A.88.010)	E
E	((Public Indecency)) <u>Indecent Exposure</u> (Victim 14 or over) (9A.88.010)	E
B+	Promoting Prostitution 1 (9A.88.070)	C+
C+	Promoting Prostitution 2 (9A.88.080)	D+
E	O & A (Prostitution) (9A.88.030)	E
B+	Indecent Liberties (9A.44.100)	C+
B+	Child Molestation 1 (9A.44.083)	C+

C+	Child Molestation 2 (9A.44.086)	C
	Theft, Robbery, Extortion, and Forgery	
B	Theft 1 (9A.56.030)	C
C	Theft 2 (9A.56.040)	D
D	Theft 3 (9A.56.050)	E
B	Theft of Livestock (9A.56.080)	C
C	Forgery ((9A.56.020)) (9A.60.020)	D
A	Robbery 1 (9A.56.200)	B+
B+	Robbery 2 (9A.56.210)	C+
B+	Extortion 1 (9A.56.120)	C+
C+	Extortion 2 (9A.56.130)	D+
B	Possession of Stolen Property 1 (9A.56.150)	C
C	Possession of Stolen Property 2 (9A.56.160)	D
D	Possession of Stolen Property 3 (9A.56.170)	E
C	Taking Motor Vehicle Without Owner's Permission (9A.56.070)	D
	Motor Vehicle Related Crimes	
E	Driving Without a License (46.20.021)	E
C	Hit and Run - Injury (46.52.020(4))	D
D	Hit and Run-Attended (46.52.020(5))	E
E	Hit and Run-Unattended (46.52.010)	E
C	Vehicular Assault (46.61.522)	D
C	Attempting to Elude Pursuing Police Vehicle (46.61.024)	D
E	Reckless Driving (46.61.500)	E
D	Driving While Under the Influence (46.61.515)	E
B+	Negligent Homicide by Motor Vehicle (46.61.520)	C+
D	Vehicle Prowling (9A.52.100)	E
C	Taking Motor Vehicle Without Owner's Permission (9A.56.070)	D
	Other	
B	Bomb Threat (9.61.160)	C
C	Escape 1' (9A.76.110)	C
C	Escape 2' (9A.76.120)	C
D	Escape 3 (9A.76.130)	E
C	Failure to Appear in Court (10.19.130)	D
E	Tampering with Fire Alarm Apparatus (9.40.100)	E
E	Obscene, Harassing, Etc., Phone Calls (9.61.230)	E
A	Other Offense Equivalent to an Adult Class A Felony	B+
B	Other Offense Equivalent to an Adult Class B Felony	C

C	Other Offense Equivalent to an Adult Class C Felony	D
D	Other Offense Equivalent to an Adult Gross Misdemeanor	E
E	Other Offense Equivalent to an Adult Misdemeanor	E
V	Violation of Order of Restitution, Community Supervision, or Confinement (13.40.200) ²	V

¹Escape 1 and 2 and Attempted Escape 1 and 2 are classed as C offenses and the standard range is established as follows:

- 1st escape or attempted escape during 12-month period - 4 weeks confinement
- 2nd escape or attempted escape during 12-month period - 8 weeks confinement
- 3rd and subsequent escape or attempted escape during 12-month period - 12 weeks confinement

²If the court finds that a respondent has violated terms of an order, it may impose a penalty of up to 30 days of confinement.

**SCHEDULE B
PRIOR OFFENSE INCREASE FACTOR**

For use with all CURRENT OFFENSES occurring on or after July 1, 1989.

TIME SPAN

OFFENSE CATEGORY	0-12 Months	13-24 Months	25 Months or More
A+	.9	.9	.9
A	.9	.8	.6
A-	.9	.8	.5
B+	.9	.7	.4
B	.9	.6	.3
C+	.6	.3	.2
C	.5	.2	.2
D+	.3	.2	.1
D	.2	.1	.1
E	.1	.1	.1

Prior history - Any offense in which a diversion agreement or counsel and release form was signed, or any offense which has been adjudicated by court to be correct prior to the commission of the current offense(s).

**SCHEDULE C
CURRENT OFFENSE POINTS**

For use with all CURRENT OFFENSES occurring on or after July 1, 1989.

AGE

OFFENSE CATEGORY	12 & Under	13	14	15	16	17
	STANDARD RANGE 180-224 WEEKS					
A+						
A	250	300	350	375	375	375
A-	150	150	150	200	200	200
B+	110	110	120	130	140	150
B	45	45	50	50	57	57
C+	44	44	49	49	55	55
C	40	40	45	45	50	50

D+	16	18	20	22	24	26
D	14	16	18	20	22	24
E	4	4	4	6	8	10

**JUVENILE SENTENCING STANDARDS
SCHEDULE D-1**

This schedule may only be used for minor/first offenders. After the determination is made that a youth is a minor/first offender, the court has the discretion to select sentencing option A, B, or C. In addition, the court may select option D. A disposition order for a minor/first offender may not include an order of confinement except pursuant to option D.

MINOR/FIRST OFFENDER

**OPTION A
STANDARD RANGE**

Points	Community Supervision	Community Service Hours	Fine
1-9	((0-3)) <u>0-12</u> months	and/or 0-8	and/or 0-\$10
10-19	((0-3)) <u>0-12</u> months	and/or 0-8	and/or 0-\$10
20-29	((0-3)) <u>0-12</u> months	and/or 0-16	and/or 0-\$10
30-39	((0-3)) <u>0-12</u> months	and/or 8-24	and/or 0-\$25
40-49	((3-6)) <u>0-12</u> months	and/or 16-32	and/or 0-\$25
50-59	((3-6)) <u>0-12</u> months	and/or 24-40	and/or 0-\$25
60-69	((6-9)) <u>0-12</u> months	and/or 32-48	and/or 0-\$50
70-79	((6-9)) <u>0-12</u> months	and/or 40-55	and/or 0-\$50
80-89	((9-12)) <u>0-12</u> months	and/or 48-64	and/or 10-\$100
90-109	((9-12)) <u>0-12</u> months	and/or 56-72	and/or 10-\$100

OR

**OPTION B
STATUTORY OPTION**

0-12 Months Community Supervision
0-150 Hours Community Service
0-100 Fine

A term of community supervision with a maximum of 150 hours, \$100.00 fine, and 12 months supervision.

OR

**OPTION C
MANIFEST INJUSTICE**

When a term of community supervision would effectuate a manifest injustice, another disposition may be imposed. When a judge imposes a sentence of confinement exceeding 30 days, the court shall sentence the juvenile to a maximum term and the provisions of RCW ~~((13.40.030(5)))~~ 13.40.030(2), as now or hereafter amended, shall be used to determine the range.

**AND
OPTION D
SUBSTANCE ABUSE TREATMENT**

In addition to any disposition entered under option A, B, or C, following adjudication for an offense, but prior to disposition, the court may order the child to be evaluated for a substance abuse problem to determine whether inpatient or outpatient treatment for substance abuse is necessary. If the court finds that the child suffers from a substance abuse problem the court may order the child to participate in an outpatient treatment program as a condition of community supervision. If the evaluation recommends that the child be placed in inpatient treatment for a substance abuse problem, the court may order inpatient treatment if the commitment criteria are met for involuntary commitment of minors to inpatient drug and alcohol treatment pursuant to RCW 70.96A.140. The maximum period of time the court may order the offender into inpatient treatment is ninety days as a term of the disposition order for the offense. Payment for placement in inpatient treatment or participation in outpatient treatment is subject to available funds.

**JUVENILE SENTENCING STANDARDS
SCHEDULE D-2**

This schedule may only be used for middle offenders. After the determination is made that a youth is a middle offender, the court has the discretion to select sentencing option A, B, or C.

MIDDLE OFFENDER

**OPTION A
STANDARD RANGE**

Points	Community Supervision	Community Service Hours	Fine	Confinement Days Weeks
1-9	((0-3)) <u>0-12</u> months	and/or 0-8	and/or 0-\$10	and/or 0
10-19	((0-3)) <u>0-12</u> months	and/or 0-8	and/or 0-\$10	and/or 0
20-29	((0-3)) <u>0-12</u> months	and/or 0-16	and/or 0-\$10	and/or 0
30-39	((0-3)) <u>0-12</u> months	and/or 8-24	and/or 0-\$25	and/or ((2-4)) <u>0-10</u>
40-49	((3-6)) <u>0-12</u> months	and/or 16-32	and/or 0-\$25	and/or ((2-4)) <u>0-10</u>
50-59	((3-6)) <u>0-12</u> months	and/or 24-40	and/or 0-\$25	and/or ((5-10)) <u>0-10</u>
60-69	((6-9)) <u>0-12</u> months	and/or 32-48	and/or 0-\$50	and/or ((5-10)) <u>10-20</u>
70-79	((6-9)) <u>0-12</u> months	and/or 40-56	and/or 0-\$50	and/or 10-20
80-89	((9-12)) <u>0-12</u> months	and/or 48-64	and/or 0-\$100	and/or 10-20
90-109	((9-12)) <u>0-12</u> months	and/or 56-72	and/or 0-\$100	and/or ((15-30)) <u>20-30</u>
110-129				8-12
130-149				13-16
150-199				21-28
200-249				30-40
250-299				52-65
300-374				80-100
375+				103-129

Middle offenders with more than 110 points do not have to be committed. They may be assigned community supervision under option B.

All A+ offenses 180-224 weeks

OR

**OPTION B
STATUTORY OPTION**

- 0-12 Months Community Supervision
- 0-150 Hours Community Service
- 0-100 Fine

The court may impose a determinate disposition of community supervision and/or up to 30 days confinement; in which case, if confinement has been imposed, the court shall state either aggravating or mitigating factors as set forth in RCW 13.40.150, as now or hereafter amended.

OR

**OPTION C
MANIFEST INJUSTICE**

If the court determines that a disposition under A or B would effectuate a manifest injustice, the court shall sentence the juvenile to a maximum term and the provisions of RCW ((13.40.030(5))) 13.40.030(2), as now or hereafter amended, shall be used to determine range.

AND

**OPTION D
SUBSTANCE ABUSE TREATMENT**

In addition to any disposition entered under option A, B, or C, following adjudication for an offense, but prior to disposition, the court may order the child to be evaluated for a substance abuse problem to determine whether inpatient or outpatient treatment for substance abuse is necessary. If the court finds that the child suffers from a substance abuse problem the court may order the child to participate in an outpatient treatment program as a condition of community supervision. If the evaluation recommends that the child be placed in inpatient treatment for a substance abuse problem, the court may order inpatient treatment if the commitment criteria are met for involuntary commitment of minors to inpatient drug and alcohol treatment pursuant to RCW 70.96A.140. The maximum period of time the court may order the offender into inpatient treatment is ninety days as a term of the disposition order for the offense. Payment for placement in inpatient treatment or participation in outpatient treatment is subject to available funds.

**JUVENILE SENTENCING STANDARDS
SCHEDULE D-3**

This schedule may only be used for serious offenders. After the determination is made that a youth is a serious offender, the court has the discretion to select sentencing option A or B.

**SERIOUS OFFENDER
OPTION A
STANDARD RANGE**

Points	Institution Time
0-129	8-12 weeks
130-149	13-16 weeks
150-199	21-28 weeks
200-249	30-40 weeks
250-299	52-65 weeks
300-374	80-100 weeks
375+	103-129 weeks
All A+ Offenses	180-224 weeks

OR

**OPTION B
MANIFEST INJUSTICE**

A disposition outside the standard range shall be determined and shall be comprised of confinement or community supervision or a combination thereof. When a judge finds a manifest injustice and imposes a sentence of confinement

exceeding 30 days, the court shall sentence the juvenile to a maximum term, and the provisions of RCW ((13.40.030(5))) 13.40.030(2), as now or hereafter amended, shall be used to determine the range.

SCHEDULE E
DEADLY WEAPON DISPOSITION ENHANCEMENT

The following additional times shall be added to the determinate disposition under option A, B, or C in schedule D for middle and serious offenders if the court enters a finding that the offender or an accomplice was armed with a deadly weapon as defined in RCW 9.94A.125:

(1) 26 weeks if the offender is adjudicated for the commission of Rape 1 (RCW 9A.44.040), Robbery 1 (RCW 9A.56.200), or Kidnapping 1 (RCW 9A.40.020);

(2) 16 weeks if the offender is adjudicated for the commission of Burglary 1 (RCW 9A.52.020);

(3) 12 weeks if the offender is adjudicated for the commission of Assault 2 (RCW 9A.36.020 or 9A.36.021), Escape 1 (RCW 9A.76.110), Kidnapping 2 (RCW 9A.40.030), Burglary 2 of a building other than a dwelling (RCW 9A.52.030), Theft of Livestock 1 or 2 (RCW 9A.56.080), or any drug offense.

Sec. 105. RCW 13.40.038 and 1986 c 288 s 7 are each amended to read as follows:

It is the policy of this state that all county juvenile detention facilities provide a humane, safe, and rehabilitative environment and that adjudicated youth remain in the community whenever possible, consistent with public safety and the provisions of chapter 13.40 RCW.

The counties shall develop and implement detention intake standards and risk assessment standards to determine whether detention is warranted and if so whether the juvenile should be placed in secure, nonsecure, or home detention to implement the goals of this section. Inability to pay for a less restrictive detention placement shall not be a basis for denying a respondent a less restrictive placement in the community. The detention and risk assessment standards shall be developed and implemented no later than December 31, 1992.

Sec. 106. RCW 13.40.050 and 1979 c 155 s 58 are each amended to read as follows:

(1) When a juvenile taken into custody is held in detention:

(a) An information, a community supervision modification or termination of diversion petition, or a parole modification petition shall be filed within seventy-two hours, Saturdays, Sundays, and holidays excluded, or the juvenile shall be released; and

(b) A detention hearing, a community supervision modification or termination of diversion petition, or a parole modification petition shall be held within seventy-two hours, Saturdays, Sundays, and holidays excluded, from the time of filing the information or petition, to determine whether continued detention is necessary under RCW 13.40.040.

(2) Upon filing an information, a community supervision modification, or termination of diversion petition as required under subsection (1)(a) of this section, the clerk of the court shall issue a summons directed to the parent, guardian, or custodian, and such other persons as appears to the court to be proper or necessary parties to the proceedings, requiring them to appear personally before the court at the time fixed for the hearing required under subsection (1)(b) of this section. The summons shall include notice of the ((detention)) hearing, stating the time, place, and purpose of the hearing, and stating the right to counsel((, shall be given to the parent, guardian, or custodian if such person can be found and)). Such notice shall also be given to the juvenile ((if over twelve years of age)) held in detention. When the custodian is summoned, the parent or guardian or both shall also be served with a summons.

(3) At the commencement of the detention hearing, the court shall advise the parties of their rights under this chapter and shall appoint counsel as specified in this chapter.

(4) The court shall, based upon the allegations in the information, determine whether the case is properly before it or whether the case should be treated as a diversion case under RCW 13.40.080. If the case is not properly before the court the juvenile shall be ordered released.

(5) Notwithstanding a determination that the case is properly before the court and that probable cause exists, a juvenile shall at the detention hearing be ordered released on the juvenile's personal recognizance pending further hearing unless the court finds detention is necessary under RCW 13.40.040 as now or hereafter amended.

(6) If detention is not necessary under RCW 13.40.040, as now or hereafter amended, the court shall impose the most appropriate of the following conditions or, if necessary, any combination of the following conditions:

(a) Place the juvenile in the custody of a designated person agreeing to supervise such juvenile;

(b) Place restrictions on the travel of the juvenile during the period of release;

(c) Require the juvenile to report regularly to and remain under the supervision of the juvenile court;

(d) Impose any condition other than detention deemed reasonably necessary to assure appearance as required;

or

(e) Require that the juvenile return to detention during specified hours.

(7) If the parent, guardian, or custodian of the juvenile in detention is available, the court shall consult with them prior to a determination to further detain or release the juvenile or treat the case as a diversion case under RCW 13.40.080.

Sec. 107. RCW 13.40.070 and 1989 c 407 s 9 are each amended to read as follows:

(1) Complaints referred to the juvenile court alleging the commission of an offense shall be referred directly to the prosecutor. The prosecutor, upon receipt of a complaint, shall screen the complaint to determine whether:

- (a) The alleged facts bring the case within the jurisdiction of the court; and
- (b) On a basis of available evidence there is probable cause to believe that the juvenile did commit the offense.

(2) If the identical alleged acts constitute an offense under both the law of this state and an ordinance of any city or county of this state, state law shall govern the prosecutor's screening and charging decision for both filed and diverted cases.

(3) If the requirements of subsections (1) (a) and (b) of this section are met, the prosecutor shall either file an information in juvenile court or divert the case, as set forth in subsections (5), (6), and (7) of this section. If the prosecutor finds that the requirements of subsection (1) (a) and (b) of this section are not met, the prosecutor shall maintain a record, for one year, of such decision and the reasons therefor. In lieu of filing an information or diverting an offense a prosecutor may file a motion to modify community supervision where such offense constitutes a violation of community supervision.

(4) An information shall be a plain, concise, and definite written statement of the essential facts constituting the offense charged. It shall be signed by the prosecuting attorney and conform to chapter 10.37 RCW.

(5) Where a case is legally sufficient, the prosecutor shall file an information with the juvenile court if:

(a) An alleged offender is accused of a class A felony, a class B felony, an attempt to commit a class B felony, ~~((assault in the third degree, rape in the third degree))~~ a class C felony listed in RCW 9.94A.440(2) as a crime against persons, or any other offense listed in RCW 13.40.020(1) (b) or (c); or

(b) An alleged offender is accused of a felony and has a criminal history of at least one class A or class B felony, or two class C felonies, or at least two gross misdemeanors, or at least two misdemeanors and one additional misdemeanor or gross misdemeanor, or at least one class C felony and one misdemeanor or gross misdemeanor; or

(c) An alleged offender has previously been committed to the department; or

(d) An alleged offender has been referred by a diversion unit for prosecution or desires prosecution instead of diversion; or

~~((d))~~ (e) An alleged offender has three or more diversions on the alleged offender's criminal history ~~((within eighteen months of the current alleged offense))~~.

(6) Where a case is legally sufficient the prosecutor shall divert the case if the alleged offense is a misdemeanor or gross misdemeanor or violation and the alleged offense(s) in combination with the alleged offender's criminal history do not exceed two offenses or violations and do not include any felonies: PROVIDED, That if the alleged offender is charged with a related offense that must or may be filed under subsections (5) and (7) of this section, a case under this subsection may also be filed.

(7) Where a case is legally sufficient and falls into neither subsection (5) nor (6) of this section, it may be filed or diverted. In deciding whether to file or divert an offense under this section the prosecutor shall be guided only by the length, seriousness, and recency of the alleged offender's criminal history and the circumstances surrounding the commission of the alleged offense.

(8) Whenever a juvenile is placed in custody or, where not placed in custody, referred to a diversionary interview, the parent or legal guardian of the juvenile shall be notified as soon as possible concerning the allegation made against the juvenile and the current status of the juvenile. Where a case involves victims of crimes against persons or victims whose property has not been recovered at the time a juvenile is referred to a diversionary unit, the victim shall be notified of the referral and informed how to contact the unit.

(9) The responsibilities of the prosecutor under subsections (1) through (8) of this section may be performed by a juvenile court probation counselor for any complaint referred to the court alleging the commission of an offense which would not be a felony if committed by an adult, if the prosecutor has given sufficient written notice to the juvenile court that the prosecutor will not review such complaints.

(10) The prosecutor, juvenile court probation counselor, or diversion unit may, in exercising their authority under this section or RCW 13.40.080, refer juveniles to mediation or victim offender reconciliation programs. Such mediation or victim offender reconciliation programs shall be voluntary for victims.

Sec. 108. RCW 13.40.080 and 1985 c 73 s 2 are each amended to read as follows:

(1) A diversion agreement shall be a contract between a juvenile accused of an offense and a diversionary unit whereby the juvenile agrees to fulfill certain conditions in lieu of prosecution. Such agreements may be entered into only after the prosecutor, or probation counselor pursuant to this chapter, has determined that probable cause exists to believe

that a crime has been committed and that the juvenile committed it. Such agreements shall be entered into as expeditiously as possible.

(2) A diversion agreement shall be limited to:

(a) Community service not to exceed one hundred fifty hours, not to be performed during school hours if the juvenile is attending school;

(b) Restitution limited to the amount of actual loss incurred by the victim, and to an amount the juvenile has the means or potential means to pay;

(c) Attendance at up to ~~((two))~~ ten hours of counseling and/or up to ~~((ten))~~ twenty hours of educational or informational sessions at a community agency: PROVIDED, That the state shall not be liable for costs resulting from the diversionary unit exercising the option to permit diversion agreements to mandate attendance at up to ~~((two))~~ ten hours of counseling and/or up to ~~((ten))~~ twenty hours of educational or informational sessions; and

(d) A fine, not to exceed one hundred dollars. In determining the amount of the fine, the diversion unit shall consider only the juvenile's financial resources and whether the juvenile has the means to pay the fine. The diversion unit shall not consider the financial resources of the juvenile's parents, guardian, or custodian in determining the fine to be imposed.

(3) In assessing periods of community service to be performed and restitution to be paid by a juvenile who has entered into a diversion agreement, the court officer to whom this task is assigned shall consult with victims who have contacted the diversionary unit and, to the extent possible, involve members of the community. Such members of the community shall meet with the juvenile and advise the court officer as to the terms of the diversion agreement and shall supervise the juvenile in carrying out its terms.

(4) A diversion agreement may not exceed a period of six months ~~((for a misdemeanor or gross misdemeanor or one year for a felony))~~ and may include a period extending beyond the eighteenth birthday of the divertee. Any restitution assessed during its term may not exceed an amount which the juvenile could be reasonably expected to pay during this period. If additional time is necessary for the juvenile to complete restitution to the victim, the time period limitations of this subsection may be extended by an additional six months.

(5) The juvenile shall retain the right to be referred to the court at any time prior to the signing of the diversion agreement.

(6) Divertees and potential divertees shall be afforded due process in all contacts with a diversionary unit regardless of whether the juveniles are accepted for diversion or whether the diversion program is successfully completed. Such due process shall include, but not be limited to, the following:

(a) A written diversion agreement shall be executed stating all conditions in clearly understandable language;

(b) Violation of the terms of the agreement shall be the only grounds for termination;

(c) No divertee may be terminated from a diversion program without being given a court hearing, which hearing shall be preceded by:

(i) Written notice of alleged violations of the conditions of the diversion program; and

(ii) Disclosure of all evidence to be offered against the divertee;

(d) The hearing shall be conducted by the juvenile court and shall include:

(i) Opportunity to be heard in person and to present evidence;

(ii) The right to confront and cross-examine all adverse witnesses;

(iii) A written statement by the court as to the evidence relied on and the reasons for termination, should that be the decision; and

(iv) Demonstration by evidence that the divertee has substantially violated the terms of his or her diversion agreement.

(e) The prosecutor may file an information on the offense for which the divertee was diverted:

(i) In juvenile court if the divertee is under eighteen years of age; or

(ii) In superior court or the appropriate court of limited jurisdiction if the divertee is eighteen years of age or older.

(7) The diversion unit shall, subject to available funds, be responsible for providing interpreters when juveniles need interpreters to effectively communicate during diversion unit hearings or negotiations.

(8) The diversion unit shall be responsible for advising a divertee of his or her rights as provided in this chapter.

~~((8))~~ (9) The diversion unit may refer a juvenile to treatment programs or the department's family reconciliation services.

(10) The right to counsel shall inure prior to the initial interview for purposes of advising the juvenile as to whether he or she desires to participate in the diversion process or to appear in the juvenile court. The juvenile may be represented by counsel at any critical stage of the diversion process, including intake interviews and termination hearings. The juvenile shall be fully advised at the intake of his or her right to an attorney and of the relevant services an attorney

can provide. For the purpose of this section, intake interviews mean all interviews regarding the diversion agreement process.

The juvenile shall be advised that a diversion agreement shall constitute a part of the juvenile's criminal history as defined by RCW 13.40.020~~((6))~~(9) as now or hereafter amended. A signed acknowledgment of such advisement shall be obtained from the juvenile, and the document shall be maintained by the diversionary unit together with the diversion agreement, and a copy of both documents shall be delivered to the prosecutor if requested by the prosecutor. The supreme court shall promulgate rules setting forth the content of such advisement in simple language.

~~((9))~~ (11) When a juvenile enters into a diversion agreement, the juvenile court may receive only the following information for dispositional purposes:

- (a) The fact that a charge or charges were made;
- (b) The fact that a diversion agreement was entered into;
- (c) The juvenile's obligations under such agreement;
- (d) Whether the alleged offender performed his or her obligations under such agreement; and
- (e) The facts of the alleged offense.

~~((10))~~ (12) A diversionary unit may refuse to enter into a diversion agreement with a juvenile. When a diversionary unit refuses to enter a diversion agreement with a juvenile, it shall immediately refer such juvenile to the court for action and shall forward to the court the criminal complaint and a detailed statement of its reasons for refusing to enter into a diversion agreement. The diversionary unit shall also immediately refer the case to the prosecuting attorney for action if such juvenile violates the terms of the diversion agreement.

~~((11))~~ (13) A diversionary unit may, in instances where it determines that the act or omission of an act for which a juvenile has been referred to it involved no victim, or where it determines that the juvenile referred to it has no prior criminal history and is alleged to have committed an illegal act involving no threat of or instance of actual physical harm and involving not more than fifty dollars in property loss or damage and that there is no loss outstanding to the person or firm suffering such damage or loss, counsel and release or release such a juvenile without entering into a diversion agreement~~((: PROVIDED, That))~~. A diversion unit's authority to counsel and release a juvenile under this subsection shall include the authority to refer the juvenile to local treatment programs or the department's family reconciliation services. Any juvenile ~~((so handled))~~ released under this subsection shall be advised that the act or omission of any act for which he or she had been referred shall constitute a part of the juvenile's criminal history as defined by RCW 13.40.020~~((6))~~(9) as now or hereafter amended. A signed acknowledgment of such advisement shall be obtained from the juvenile, and the document shall be maintained by the unit, and a copy of the document shall be delivered to the prosecutor if requested by the prosecutor. The supreme court shall promulgate rules setting forth the content of such advisement in simple language~~((: PROVIDED FURTHER, That))~~. A juvenile determined to be eligible by a diversionary unit for ~~((such))~~ release as provided in this subsection shall retain the same right to counsel and right to have his or her case referred to the court for formal action as any other juvenile referred to the unit.

~~((12))~~ (14) A diversion unit may supervise the fulfillment of a diversion agreement entered into before the juvenile's eighteenth birthday and which includes a period extending beyond the diveree's eighteenth birthday.

~~((13))~~ (15) If a fine required by a diversion agreement cannot reasonably be paid due to a change of circumstance, the diversion agreement may be modified at the request of the diveree and with the concurrence of the diversion unit to convert an unpaid fine into community service. The modification of the diversion agreement shall be in writing and signed by the diveree and the diversion unit. The number of hours of community service in lieu of a monetary penalty shall be converted at the rate of the prevailing state minimum wage per hour.

~~((14))~~ (16) Fines imposed under this section shall be collected and paid into the county general fund in accordance with procedures established by the juvenile court administrator under RCW 13.04.040 and may be used only for juvenile services. In the expenditure of funds for juvenile services, there shall be a maintenance of effort whereby counties exhaust existing resources before using amounts collected under this section.

Sec. 109. RCW 13.40.100 and 1979 c 155 s 62 are each amended to read as follows:

(1) Upon the filing of an information the alleged offender shall be notified by summons, warrant, or other method approved by the court of the next required court appearance.

(2) ~~((If notice is by summons,))~~ The clerk of the court shall also issue a summons directed to ~~((the juvenile, if the juvenile is twelve or more years of age, and another to))~~ the parents, guardian, or custodian, and such other persons as appear to the court to be proper or necessary parties to the proceedings, requiring them to appear personally before the court at the time fixed to hear the petition. Where the custodian is summoned, the parent or guardian or both shall also be served with a summons.

(3) A copy of the information shall be attached to each summons.

(4) The summons shall advise the parties of the right to counsel.

(5) The judge may endorse upon the summons an order directing the parents, guardian, or custodian having the custody or control of the juvenile to bring the juvenile to the hearing.

(6) If it appears from affidavit or sworn statement presented to the judge that there is probable cause for the issuance of a warrant of arrest or that the juvenile needs to be taken into custody pursuant to RCW 13.34.050, as now or hereafter amended, the judge may endorse upon the summons an order that an officer serving the summons shall at once take the juvenile into custody and take the juvenile to the place of detention or shelter designated by the court.

(7) Service of summons may be made under the direction of the court by any law enforcement officer or probation counselor.

(8) If the person summoned as herein provided fails without reasonable cause to appear and abide the order of the court, the person may be proceeded against as for contempt of court.

Sec. 110. RCW 13.40.130 and 1981 c 299 s 10 are each amended to read as follows:

(1) The respondent shall be advised of the allegations in the information and shall be required to plead guilty or not guilty to the allegation(s). The state or the respondent may make preliminary motions up to the time of the plea.

(2) If the respondent pleads guilty, the court may proceed with disposition or may continue the case for a dispositional hearing. If the respondent denies guilt, an adjudicatory hearing date shall be set.

(3) The clerk of the court shall issue a summons directed to the parents, guardian, or custodian, and such other persons as appears to the court to be proper or necessary parties to the adjudicatory and subsequent dispositional hearings, requiring them to appear personally before the court at the time fixed for the adjudicatory and/or dispositional hearing or hearings. Where the custodian is summoned, the parent or guardian or both shall also be served with a summons.

(4) At the adjudicatory hearing it shall be the burden of the prosecution to prove the allegations of the information beyond a reasonable doubt.

~~((4))~~ (5) The court shall record its findings of fact and shall enter its decision upon the record. Such findings shall set forth the evidence relied upon by the court in reaching its decision.

~~((5))~~ (6) If the respondent is found not guilty he or she shall be released from detention.

~~((6))~~ (7) If the respondent is found guilty the court may immediately proceed to disposition or may continue the case for a dispositional hearing. Notice of the time and place of the continued hearing may be given in open court. If notice is not given in open court to a party, the party shall be notified by mail of the time and place of the continued hearing.

~~((7))~~ (8) The court following an adjudicatory hearing may request that a predisposition study be prepared to aid the court in its evaluation of the matters relevant to disposition of the case.

~~((8))~~ (9) The disposition hearing shall be held within fourteen days after the adjudicatory hearing or plea of guilty unless good cause is shown for further delay, or within twenty-one days if the juvenile is not held in a detention facility, unless good cause is shown for further delay.

~~((9))~~ (10) In sentencing an offender, the court shall use the disposition standards in effect on the date of the offense.

(11)(a) A parent, guardian, or custodian, if served with a summons under this section, shall be subject to the jurisdiction of the court. The court may order the parent, guardian, or custodian to assist the court in any reasonable manner in providing appropriate education or counseling for the child. The court may, in conjunction with the disposition hearing, conduct a hearing on whether the parent, guardian, or custodian has significantly contributed to the circumstances bringing the child within the jurisdiction of the court.

(b) If funds are available for this purpose and for implementing (d) and (e) of this subsection and if the court, after conducting the hearing under (a) of this subsection, enters findings of fact that a deficiency in parenting skills has significantly contributed to the circumstances bringing the child within the jurisdiction of the court, the court may order the parent, guardian, or custodian to participate in educational or counseling programs reasonably calculated to address the deficiencies of the parent, if it finds such participation would be consistent with the best interests of the juvenile. The court may order such participation either with the child or separately.

(c) If funds are available for this purpose and for implementing (d) and (e) of this subsection and if the court, after conducting the hearing under (a) of this subsection, enters findings of fact that the parent's, guardian's, or custodian's addiction to or habitual use of alcohol or controlled substances has significantly contributed to the circumstances bringing the child within the jurisdiction of the court, the court may order the parent, guardian, or custodian to participate in treatment and pay the costs thereof, if the court finds such participation would be consistent with the best interests of the juvenile.

(d) A dispositional order that requires a parent, guardian, or custodian to participate in educational, counseling, or treatment programs as provided in (b) and (c) of this subsection shall be in writing and shall contain appropriate findings of fact and conclusions of law. The court shall state with particularity, both orally and in the written order of the disposition, the precise terms of the disposition. Upon entering an order requiring such participation, the court shall

give the parent, guardian, or custodian notice of the order. The notice shall inform the recipient of the right to request a hearing within ten days after entry of the order and the right to employ an attorney to represent the parent, guardian, or custodian at the hearing or, if the parent, guardian, or custodian is financially unable to employ an attorney, the right to request court-appointed counsel. If the parent, guardian, or custodian does not request a hearing within ten days after entry of the order, the order shall take effect at that time. If the parent, guardian, or custodian requests a hearing, the court shall set the matter for hearing and, if requested, appoint an attorney as provided by RCW 10.101.020.

(e) If the court finds that a parent, guardian, or custodian has failed to comply with a court order under this section, the court may exercise its powers of contempt in addition to any other remedy provided by law to compel obedience of the parent, guardian, or custodian to the court's order. The court shall notify the parent, guardian, or custodian of the right to counsel, as set forth in (d) of this subsection, in any proceeding to compel obedience to the court's order.

Sec. 111. RCW 13.40.150 and 1990 c 3 s 605 are each amended to read as follows:

(1) In disposition hearings all relevant and material evidence, including oral and written reports, may be received by the court and may be relied upon to the extent of its probative value, even though such evidence may not be admissible in a hearing on the information. The youth or the youth's counsel and the prosecuting attorney shall be afforded an opportunity to examine and controvert written reports so received and to cross-examine individuals making reports when such individuals are reasonably available, but sources of confidential information need not be disclosed. The prosecutor and counsel for the juvenile may submit recommendations for disposition.

(2) For purposes of disposition:

- (a) Violations which are current offenses count as misdemeanors;
- (b) Violations may not count as part of the offender's criminal history;
- (c) In no event may a disposition for a violation include confinement.

(3) Before entering a dispositional order as to a respondent found to have committed an offense, the court shall hold a disposition hearing, at which the court shall:

- (a) Consider the facts supporting the allegations of criminal conduct by the respondent;
 - (b) Consider information and arguments offered by parties and their counsel;
 - (c) Consider any predisposition reports;
 - (d) Consult with the respondent's parent, guardian, or custodian on the appropriateness of dispositional options under consideration and afford the respondent and the respondent's parent, guardian, or custodian an opportunity to speak in the respondent's behalf;
 - (e) Allow the victim or a representative of the victim and an investigative law enforcement officer to speak;
 - (f) Determine the amount of restitution owing to the victim, if any;
 - (g) Determine whether the respondent is a serious offender, a middle offender, or a minor or first offender;
 - (h) Consider whether or not any of the following mitigating factors exist:
 - (i) The respondent's conduct neither caused nor threatened serious bodily injury or the respondent did not contemplate that his or her conduct would cause or threaten serious bodily injury;
 - (ii) The respondent acted under strong and immediate provocation;
 - (iii) The respondent was suffering from a mental or physical condition that significantly reduced his or her culpability for the offense though failing to establish a defense;
 - (iv) Prior to his or her detection, the respondent compensated or made a good faith attempt to compensate the victim for the injury or loss sustained; and
 - (v) There has been at least one year between the respondent's current offense and any prior criminal offense;
 - (i) Consider whether or not any of the following aggravating factors exist:
 - (i) In the commission of the offense, or in flight therefrom, the respondent inflicted or attempted to inflict serious bodily injury to another;
 - (ii) The offense was committed in an especially heinous, cruel, or depraved manner;
 - (iii) The victim or victims were particularly vulnerable;
 - (iv) The respondent has a recent criminal history or has failed to comply with conditions of a recent dispositional order or diversion agreement;
 - (v) The current offense included a finding of sexual motivation pursuant to RCW 9.94A.127;
 - (vi) The respondent was the leader of a criminal enterprise involving several persons; and
 - (vii) There are other complaints which have resulted in diversion or a finding or plea of guilty but which are not included as criminal history.
- (4) The following factors may not be considered in determining the punishment to be imposed:
- (a) The sex of the respondent;
 - (b) The race or color of the respondent or the respondent's family;

- (c) The creed or religion of the respondent or the respondent's family;
 - (d) The economic or social class of the respondent or the respondent's family; and
 - (e) Factors indicating that the respondent may be or is a dependent child within the meaning of this chapter.
- (5) A court may not commit a juvenile to a state institution solely because of the lack of facilities, including treatment facilities, existing in the community.

Sec. 112. RCW 13.40.200 and 1986 c 288 s 5 are each amended to read as follows:

(1) When a respondent fails to comply with an order of restitution, community supervision, penalty assessments, or confinement of less than thirty days, the court upon motion of the prosecutor or its own motion, may modify the order after a hearing on the violation.

(2) The hearing shall afford the respondent the same due process of law as would be afforded an adult probationer. The court may issue a summons or a warrant to compel the respondent's appearance. The state shall have the burden of proving by a preponderance of the evidence the fact of the violation. The respondent shall have the burden of showing that the violation was not a wilful refusal to comply with the terms of the order. If a respondent has failed to pay a fine, penalty assessments, or restitution or to perform community service hours, as required by the court, it shall be the respondent's burden to show that he or she did not have the means and could not reasonably have acquired the means to pay the fine, penalty assessments, or restitution or perform community service.

(3) (a) If the court finds that a respondent has wilfully violated the terms of an order pursuant to subsections (1) and (2) of this section, it may impose a penalty of up to thirty days' confinement. Penalties for multiple violations occurring prior to the hearing shall not be aggregated to exceed thirty days' confinement. Regardless of the number of times a respondent is brought to court for violations of the terms of a single disposition order, the combined total number of days spent by the respondent in detention shall never exceed the maximum term to which an adult could be sentenced for the underlying offense.

(b) If the violation of the terms of the order under (a) of this subsection is failure to pay fines, penalty assessments, complete community service, or make restitution, the term of confinement imposed under (a) of this subsection shall be assessed at a rate of one day of confinement for each twenty-five dollars or eight hours owed.

(4) If a respondent has been ordered to pay a fine or monetary penalty and due to a change of circumstance cannot reasonably comply with the order, the court, upon motion of the respondent, may order that the unpaid fine or monetary penalty be converted to community service. The number of hours of community service in lieu of a monetary penalty or fine shall be converted at the rate of the prevailing state minimum wage per hour. The monetary penalties or fines collected shall be deposited in the county general fund. A failure to comply with an order under this subsection shall be deemed a failure to comply with an order of community supervision and may be proceeded against as provided in this section.

(5) Nothing in this section prohibits filing of escape charges if the juvenile escapes from confinement except that no escape charges may be filed if the juvenile leaves an inpatient treatment facility without permission in violation of a court order pursuant to option D of RCW 13.40.0357. Failure to comply with an order pursuant to option D of RCW 13.40.0357 shall be a basis for modification under this section.

NEW SECTION. Sec. 113. A new section is added to chapter 13.40 RCW to read as follows:

The legislature finds that the purposes of this chapter are best implemented by regionally based facilities.

Consistent with this finding, the department, in cooperation and consultation with local communities and affected agencies, shall develop a plan to reduce its reliance on large institutional facilities for juvenile offenders committed to the department by redistributing a portion of its institutional beds to secure and semisecure regionally based facilities. The department's plan shall: (1) Provide sufficient beds to house all committed offenders at security levels commensurate with the offender's risk to public safety; (2) redistribute to secure and semisecure regional facilities up to two hundred forty beds from the five existing institutions for juvenile offenders between July 1, 1993, and June 30, 1997; (3) include a specific risk assessment tool for determining which offenders may be placed in various security levels which will ensure offenders posing the greatest risk are held in more secure settings than offenders posing lesser risk; (4) include a siting plan and schedule for the timely siting and development of smaller secure and semisecure regional facilities to ensure the most effective rehabilitation efforts; (5) include a specific plan ensuring offenders will be housed in regional facilities close to their home communities unless such placement is contrary to the best interests of the offender, their family, or public safety; and (6) include a cost analysis of the construction and renovation, if any, and operation of the facilities.

The department shall submit the plan no later than September 1, 1992, to the house of representatives judiciary committee, the senate law and justice committee, and the fiscal committees of the house of representatives and the senate. The department shall also incorporate the plan into the department's budget proposal for the 1993-95 biennium.

NEW SECTION. Sec. 114.

(1) The counties are expressly authorized to implement and operate a youthful offender discipline program to provide an intensive educational and physical training and rehabilitative program for appropriate children.

(2) A child may be placed in a youth offender discipline program if he is at least fourteen years of age but less than eighteen years of age at the time of adjudication and has been committed to the department as:

- (a) A serious offender, as defined in RCW 13.40.020(1); or
- (b) A minor or first offender, as defined in RCW 13.40.020(14).

NEW SECTION. Sec. 115.

(1) Each county establishing a youth offender discipline program shall screen children sent to the program, so that only those children who have medical and psychological profiles conducive to successfully completing an intensive work, educational, and disciplinary program may be admitted to the program. A participating county shall adopt rules for screening such admissions.

(2) The program shall include educational assignments, work assignments, and physical training exercises. Children shall be required to participate in educational, vocational, and substance abuse programs.

NEW SECTION. Sec. 116. Each county establishing a youth offender discipline program shall:

(1) Provide an aftercare component for monitoring and assisting the release of program participants into the community;

(2) Adopt rules for the program and aftercare which provide for at least six months of participation in the program and aftercare for successful completion and which also provide disciplinary sanctions and restrictions on the privileges of the general population of children in the program; and

(3) Keep records and monitor criminal activity, educational progress, and employment placement of program participants after their release from the program. An outcome evaluation study shall be published no later eighteen months after the program becomes operational, which includes a comparison of criminal activity, educational progress, and employment placements of children completing the program with the criminal activity, educational progress, and employment records of children completing other types of programs.

NEW SECTION. Sec. 117. A participating county may also contract with private organizations for the operation of the youth offender discipline program and aftercare.

NEW SECTION. Sec. 118.

(1) If a child in the youth offender discipline program becomes unmanageable or medically or psychologically ineligible, the participating county shall remove the child from the program.

(2) A participating county shall either establish criteria for training contract staff or provide a special training program for county personnel selected for the youth offender discipline program, which shall include appropriate methods of dealing with children who have been placed in such a stringent program.

Sec. 119. RCW 2.56.030 and 1989 c 95 s 2 are each amended to read as follows:

The administrator for the courts shall, under the supervision and direction of the chief justice:

(1) Examine the administrative methods and systems employed in the offices of the judges, clerks, stenographers, and employees of the courts and make recommendations, through the chief justice, for the improvement of the same;

(2) Examine the state of the dockets of the courts and determine the need for assistance by any court;

(3) Make recommendations to the chief justice relating to the assignment of judges where courts are in need of assistance and carry out the direction of the chief justice as to the assignments of judges to counties and districts where the courts are in need of assistance;

(4) Collect and compile statistical and other data and make reports of the business transacted by the courts and transmit the same to the chief justice to the end that proper action may be taken in respect thereto;

(5) Prepare and submit budget estimates of state appropriations necessary for the maintenance and operation of the judicial system and make recommendations in respect thereto;

(6) Collect statistical and other data and make reports relating to the expenditure of public moneys, state and local, for the maintenance and operation of the judicial system and the offices connected therewith;

(7) Obtain reports from clerks of courts in accordance with law or rules adopted by the supreme court of this state on cases and other judicial business in which action has been delayed beyond periods of time specified by law or rules of court and make report thereof to supreme court of this state;

(8) Act as secretary of the judicial conference referred to in RCW 2.56.060;

(9) Formulate and submit to the judicial council of this state recommendations of policies for the improvement of the judicial system;

(10) Submit annually, as of February 1st, to the chief justice and the judicial council, a report of the activities of the administrator's office for the preceding calendar year;

(11) Administer programs and standards for the training and education of judicial personnel;

(12) Examine the need for new superior court and district judge positions under a weighted caseload analysis that takes into account the time required to hear all the cases in a particular court and the amount of time existing judges have available to hear cases in that court. The results of the weighted caseload analysis shall be reviewed by the board for judicial administration and the judicial council, both of which shall make recommendations to the legislature by January 1, 1989. It is the intent of the legislature that weighted caseload analysis become the basis for creating additional district court positions, and recommendations should address that objective;

(13) Provide staff to the judicial retirement account plan under chapter 2.14 RCW;

(14) Attend to such other matters as may be assigned by the supreme court of this state;

(15) Develop a curriculum for a general understanding of child development, placement, and treatment resources, as well as specific legal skills and knowledge of relevant statutes including chapters 13.32A (~~and~~), 13.34, and 13.40 RCW, cases, court rules, interviewing skills, and special needs of the abused or neglected child. This curriculum shall be completed and made available to all juvenile court judges, court personnel, and service providers by July 1, 1988. The curriculum shall be updated yearly to reflect changes in statutes, court rules, or case law;

(16) Develop a curriculum for a general understanding of (~~hate or bias~~) crimes of malicious harassment, as well as specific legal skills and knowledge of RCW 9A.36.080, relevant cases, court rules, and the special needs of malicious harassment victims. This curriculum shall be completed and made available to all superior court and court of appeals judges and to all justices of the supreme court by July 1, 1989.

Sec. 120. RCW 4.24.190 and 1977 ex.s. c 145 s 1 are each amended to read as follows:

The parent or parents of any minor child under the age of eighteen years who is living with the parent or parents and who shall willfully or maliciously destroy property, real or personal or mixed, or who shall willfully and maliciously inflict personal injury on another person, shall be liable to the owner of such property or to the person injured in a civil action at law for damages in an amount not to exceed (~~three~~) five thousand dollars. This section shall in no way limit the amount of recovery against the parent or parents for their own common law negligence.

Sec. 121. RCW 9.41.010 and 1983 c 232 s 1 are each amended to read as follows:

(1) "Short firearm" or "pistol" as used in this chapter means any firearm with a barrel less than twelve inches in length.

(2) "Crime of violence" as used in this chapter means:

(a) Any of the following felonies, as now existing or hereafter amended: Any felony defined under any law as a class A felony or an attempt to commit a class A felony, criminal solicitation of or criminal conspiracy to commit a class A felony, manslaughter in the first degree, manslaughter in the second degree, indecent liberties if committed by forcible compulsion, rape in the second degree, kidnapping in the second degree, arson in the second degree, assault in the second degree, extortion in the first degree, burglary in the second degree, and robbery in the second degree;

(b) Any conviction or adjudication for a felony offense in effect at any time prior to July 1, 1976, which is comparable to a felony classified as a crime of violence in subsection (2)(a) of this section; and

(c) Any federal or out-of-state conviction or adjudication for an offense comparable to a felony classified as a crime of violence under subsection (2) (a) or (b) of this section.

(3) "Firearm" as used in this chapter means a weapon or device from which a projectile may be fired by an explosive such as gunpowder.

(4) "Commercial seller" as used in this chapter means a person who has a federal firearms license.

Sec. 122. RCW 9.41.040 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 or, as a juvenile, adjudicated 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 or adjudicated" 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 or disposition, post-trial or post-fact finding motions, and appeals. A person shall not be precluded from possession if the conviction or adjudication 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 adjudicated or the conviction or disposition 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 or adjudicated 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 owns or has in his possession or under his 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.

Sec. 123. RCW 13.04.011 and 1979 c 155 s 1 are each amended to read as follows:

For purposes of this title:

(1) Except as specifically provided in RCW 13.40.020 and chapter 13.24 RCW, as now or hereafter amended, "juvenile," "youth," and "child" mean any individual who is under the chronological age of eighteen years;

(2) "Juvenile offender" and "juvenile offense" have the meaning ascribed in RCW (~~13.40.010 through 13.40.240~~) 13.40.020;

(3) "Court" when used without further qualification means the juvenile court judge(s) or commissioner(s);

(4) "Parent" or "parents," except as used in chapter 13.34 RCW, as now or hereafter amended, means that parent or parents who have the right of legal custody of the child. "Parent" or "parents" as used in chapter 13.34 RCW, means the biological or adoptive parents of a child unless the legal rights of that person have been terminated by judicial proceedings;

(5) "Custodian" means that person who has the legal right to custody of the child.

NEW SECTION. Sec. 124. A new section is added to chapter 28A.600 RCW to read as follows:

School districts may participate in the exchange of information with law enforcement and juvenile court officials to the extent permitted by the family educational and privacy rights act of 1974, 20 U.S.C. Sec. 1232g. When directed by court order or pursuant to any lawfully issued subpoena, a school district shall make student records and information available to law enforcement officials, probation officers, court personnel, and others legally entitled to the information. Parents and students shall be notified by the school district of all such orders or subpoenas in advance of compliance with them.

"PART II - FAMILIES AT RISK"

NEW SECTION. Sec. 201. A new section is added to chapter 28A.225 RCW to read as follows:

Each school within a school district shall inform the students and the parents of the students enrolled in the school about the compulsory education requirements under this chapter. The school shall distribute the information at least annually.

Sec. 202. RCW 28A.225.020 and 1986 c 132 s 2 are each amended to read as follows:

If a juvenile required to attend school under the laws of the state of Washington fails to attend school without valid justification (~~(recurrently or for an extended period of time)~~), the juvenile's school(~~(, where appropriate,)~~) shall:

(1) Inform the juvenile's custodial parent, parents or guardian by a notice in writing in English and, if different, in the primary language of the custodial parent, parents or guardian and by other means reasonably necessary to achieve notice of the fact that the juvenile has failed to attend school without valid justification (~~(recurrently or for an extended period of time)~~) after one unexcused absence during the current school year;

(2) Schedule a conference or conferences with the custodial parent, parents or guardian and juvenile at a time and place reasonably convenient for all persons included for the purpose of analyzing the causes of the juvenile's absences after two unexcused absences during the current school year; and

(3) Take steps to eliminate or reduce the juvenile's absences. These steps shall include, where appropriate, adjusting the juvenile's school program or school or course assignment, providing more individualized or remedial instruction, preparing the juvenile for employment with specific vocational courses or work experience, or both, and assisting the parent or student to obtain supplementary services that might eliminate or ameliorate the cause or causes for the absence from school.

Sec. 203. RCW 28A.225.030 and 1990 c 33 s 220 are each amended to read as follows:

If action taken by a school pursuant to RCW 28A.225.020 is not successful in substantially reducing a student's absences from school, any of the following actions may be taken after five or more unexcused absences during the current school year: (1) The attendance officer of the school district through its attorney may petition the juvenile court to assume jurisdiction under RCW 28A.200.010, 28A.200.020, and 28A.225.010 through 28A.225.150 for the purpose of alleging a violation of RCW 28A.225.010 by the parent; or (2) a petition alleging a violation of RCW 28A.225.010 by a child may be filed with the juvenile court by the parent of such child or by the attendance officer of the school district through its attorney at the request of the parent. If the court assumes jurisdiction in such an instance, the provisions of RCW 28A.200.010, 28A.200.020, and 28A.225.010 through 28A.225.150, except where otherwise stated, shall apply.

Sec. 204. RCW 28A.225.090 and 1990 c 33 s 226 are each amended to read as follows:

Any person violating any of the provisions of either RCW 28A.225.010 or 28A.225.080 shall be fined not more than twenty-five dollars for each day of unexcused absence from school. However, a child found to be in violation of RCW 28A.225.010 shall be required to attend school and shall not be fined. If the child fails to comply with the court order to attend school, the court may order the child be punished by detention or may impose alternatives to detention such as community service hours or participation in dropout prevention programs or referral to a community truancy board, if available. Failure by a child to comply with an order issued under this section shall not be punishable by detention for a period greater than that permitted pursuant to a contempt proceeding against a child under chapter 13.32A RCW. It shall be a defense for a parent charged with violating RCW 28A.225.010 to show that he or she exercised reasonable diligence in attempting to cause a child in his or her custody to attend school or that the juvenile's school did not perform its duties as required in RCW 28A.225.020. Any fine imposed pursuant to this section may be suspended upon the condition that a parent charged with violating RCW 28A.225.010 shall participate with the school and the juvenile in a supervised plan for the juvenile's attendance at school or upon condition that the parent attend a conference or conferences scheduled by a school for the purpose of analyzing the causes of a child's absence.

Attendance officers shall make complaint for violation of the provisions of RCW 28A.225.010 through 28A.225.140 to a judge of the superior or district court.

Sec. 205. RCW 28A.225.150 and 1990 c 33 s 232 are each amended to read as follows:

The school district attendance officer shall report biannually to the educational service district superintendent, in the instance of petitions filed alleging a violation by a child under RCW 28A.225.030:

- (1) The number of petitions filed by a school district or by a parent;
 - (2) The frequency of each action taken under RCW 28A.225.020 prior to the filing of such petition;
 - (3) When deemed appropriate under RCW 28A.225.020, the frequency of delivery of supplemental services;
- and
- (4) Disposition of cases filed with the juvenile court, including the frequency of contempt orders issued to enforce a court's order under RCW 28A.225.090.

The educational service district superintendent shall compile such information and report annually to the superintendent of public instruction. The superintendent of public instruction shall compile such information and report to the committees of the house of representatives and the senate by ~~((January 1, 1988))~~ September 1 of each year.

Sec. 206. RCW 13.32A.130 and 1990 c 276 s 8 are each amended to read as follows:

A child admitted to a crisis residential center under this chapter who is not returned to the home of his or her parent or who is not placed in an alternative residential placement under an agreement between the parent and child, shall, except as provided for by RCW 13.32A.140 and 13.32A.160(2), reside in such placement under the rules and regulations established for the center for a period not to exceed ~~((seventy-two hours, excluding Saturdays, Sundays, and holidays,))~~ five consecutive days from the time of intake, except as otherwise provided by this chapter. Crisis residential center staff shall make a concerted effort to achieve a reconciliation of the family. If a reconciliation and voluntary return of the child has not been achieved within forty-eight hours ~~((, excluding Saturdays, Sundays and holidays,))~~ from the time of intake, and if the person in charge of the center does not consider it likely that reconciliation will be achieved within the ~~((seventy-two hour))~~ five-day period, then the person in charge shall inform the parent and child of (1) the availability of counseling services; (2) the right to file a petition for an alternative residential placement, the right of a parent to file an at-risk youth petition, and the right of the parent and child to obtain assistance in filing the petition; and (3) the right to request a review of any alternative residential placement: PROVIDED, That at no time shall information regarding a parent's or child's rights be withheld if requested: PROVIDED FURTHER, That the department shall develop and distribute to all law enforcement agencies and to each crisis residential center administrator a written statement delineating such services and rights. Every officer taking a child into custody shall provide the child and his or her parent(s) or responsible adult with whom the child is placed with a copy of such statement. In addition, the administrator of the facility or his or her designee shall provide every resident and parent with a copy of such statement.

Sec. 207. RCW 13.32A.140 and 1990 c 276 s 9 are each amended to read as follows:

The department shall file a petition to approve an alternative residential placement on behalf of a child under any of the following sets of circumstances:

- (1) The child has been admitted to a crisis residential center or has been placed with a responsible person other than his or her parent, and:
 - (a) The parent has been notified that the child was so admitted or placed;
 - (b) ~~((Seventy-two hours, including Saturdays, Sundays, and holidays,))~~ Five consecutive days have passed since such notification;
 - (c) No agreement between the parent and the child as to where the child shall live has been reached;

- (d) No petition requesting approval of an alternative residential placement has been filed by either the child or parent or legal custodian;
- (e) The parent has not filed an at-risk youth petition; and
- (f) The child has no suitable place to live other than the home of his or her parent.
- (2) The child has been admitted to a crisis residential center and:
 - (a) (~~((Seventy two hours, including Saturdays, Sundays, and holidays,))~~) Five consecutive days have passed since such placement;
 - (b) The staff, after searching with due diligence, have been unable to contact the parent of such child; and
 - (c) The child has no suitable place to live other than the home of his or her parent.
- (3) An agreement between parent and child made pursuant to RCW 13.32A.090(2)(e) or pursuant to RCW 13.32A.120(1) is no longer acceptable to parent or child, and:
 - (a) The party to whom the arrangement is no longer acceptable has so notified the department;
 - (b) (~~((Seventy two hours, including Saturdays, Sundays, and holidays,))~~) Five consecutive days have passed since such notification;
 - (c) No new agreement between parent and child as to where the child shall live has been reached;
 - (d) No petition requesting approval of an alternative residential placement has been filed by either the child or the parent;
 - (e) The parent has not filed an at-risk youth petition; and
 - (f) The child has no suitable place to live other than the home of his or her parent.

Under the circumstances of subsections (1), (2), or (3) of this section, the child shall remain in a licensed child care facility, including but not limited to a crisis residential center, or in any other suitable residence to be determined by the department until an alternative residential placement petition filed by the department on behalf of the child is reviewed by the juvenile court and is resolved by such court. The department may authorize emergency medical or dental care for a child placed under this section. The state, when the department files a petition for alternative residential placement under this section, shall be represented as provided for in RCW 13.04.093.

NEW SECTION. Sec. 208. To the extent possible, the department of social and health services shall transfer children who are inappropriately housed in crisis residential centers to residential and treatment services designed to meet their specific, unique needs by June 30, 1993.

The department shall prepare a budget request for the 1993-95 biennium that ensures all children inappropriately housed in crisis residential centers are transferred to appropriate residential and treatment services. The budget request shall be included in the governor's proposed expenditure plan for the 1993-95 biennium.

NEW SECTION. Sec. 209. A new section is added to chapter 13.32A RCW to read as follows:
The department of social and health services shall not administratively split-code staff responsible for family reconciliation services between separate and distinct functions, except in remote rural offices where to do otherwise proves impractical.

NEW SECTION. Sec. 210. A new section is added to chapter 13.32A RCW to read as follows:
All placements into crisis residential centers shall be approved by and coordinated through the family reconciliation services supervisor. The department of social and health services shall establish uniform procedures for the use of crisis residential centers, which shall be adhered to by all family reconciliation services supervisors. The department shall ensure procedures established under this section will facilitate and complement law enforcement officer's existing responsibility to pick up and transport children to crisis residential centers and other places authorized by law under this chapter.

Sec. 211. RCW 74.13.032 and 1979 c 155 s 78 are each amended to read as follows:

(1) The department (~~((shall establish, by contracts with private vendors,))~~) may operate or contract to operate not less than eight regional crisis residential centers, which shall be structured group care facilities licensed under rules adopted by the department. Each regional center shall have (~~((an average of at least four adult staff members and in no event less than))~~) three adult staff members to every (~~((eight))~~) nine children. The staff shall be trained so that they may effectively counsel juveniles admitted to the centers, provide treatment, supervision, and structure to the juveniles, and carry out the responsibilities outlined in RCW 13.32A.090.

(2) The department shall, in addition to the regional facilities established under subsection (1) of this section, establish not less than thirty additional crisis residential centers pursuant to contract with licensed private group care or specialized foster home facilities. The staff at the facilities shall be trained so that they may effectively counsel juveniles admitted to the centers, provide treatment, supervision, and structure to the juveniles, and carry out the responsibilities stated in RCW 13.32A.090. The responsibilities stated in RCW 13.32A.090 may, in any of the centers, be carried out by the department.

Crisis residential facilities shall be operated as semi-secure facilities.

Sec. 212. RCW 74.13.033 and 1979 c 155 s 79 are each amended to read as follows:

(1) If a resident of a center becomes by his or her behavior disruptive to the facility's program, such resident may be immediately removed to a separate area within the facility and counseled on an individual basis until such time as the child regains his or her composure. The department may set rules and regulations establishing additional procedures for dealing with severely disruptive children on the premises, which procedures are consistent with the federal juvenile justice and delinquency prevention act of 1974 and regulations and clarifying instructions promulgated thereunder. Nothing in this section shall prohibit a center from referring any child who, as the result of a mental or emotional disorder, or intoxication by alcohol or other drugs, is suicidal, seriously assaultive or seriously destructive toward others, or otherwise similarly evidences an immediate need for emergency medical evaluation and possible care, ~~((to a community mental health center))~~ for evaluation pursuant to chapter 71.34 RCW ~~((72.23.070))~~ or to a mental health professional pursuant to chapter 71.05 RCW whenever such action is deemed appropriate and consistent with law.

(2) When the juvenile resides in this facility, all services deemed necessary to the juvenile's reentry to normal family life shall be made available to the juvenile as required by chapter 13.32A RCW. In providing these services, the facility shall:

(a) Interview the juvenile as soon as possible;

(b) Contact the juvenile's parents and arrange for a counseling interview with the juvenile and his or her parents as soon as possible;

(c) Conduct counseling interviews with the juvenile and his or her parents, to the end that resolution of the child/parent conflict is attained and the child is returned home as soon as possible; and

(d) Provide additional crisis counseling as needed, to the end that placement of the child in the crisis residential center will be required for the shortest time possible, but not to exceed ~~((seventy-two hours))~~ five consecutive days.

(3) A juvenile taking unauthorized leave from this residence may be apprehended and returned to it by law enforcement officers or other persons designated as having this authority as provided in RCW 13.32A.050. If returned to the facility after having taken unauthorized leave for a period of more than twenty-four hours a juvenile may be supervised by such a facility for a period, pursuant to this chapter, which, unless where otherwise provided, may not exceed ~~((seventy-two hours))~~ five consecutive days on the premises. Costs of housing juveniles admitted to crisis residential centers shall be assumed by the department for a period not to exceed ~~((seventy-two hours))~~ five consecutive days.

Sec. 213. RCW 74.13.034 and 1991 c 364 s 5 are each amended to read as follows:

(1) A child taken into custody and taken to a crisis residential center established pursuant to RCW 74.13.032(2) may, if the center is unable to provide appropriate treatment, supervision, and structure to the child, be taken at department expense to another crisis residential center or the nearest regional crisis residential center. Placement in both centers shall not exceed ~~((seventy-two hours))~~ five consecutive days from the point of intake as provided in RCW 13.32A.130.

(2) A child taken into custody and taken to a crisis residential center established by this chapter may be placed physically by the department or the department's designee and, at departmental expense and approval, in a secure juvenile detention facility operated by the county in which the center is located for a maximum of forty-eight hours, including Saturdays, Sundays, and holidays, if the child has taken unauthorized leave from the center and the person in charge of the center determines that the center cannot provide supervision and structure adequate to ensure that the child will not again take unauthorized leave. Juveniles placed in such a facility pursuant to this section may not, to the extent possible, come in contact with alleged or convicted juvenile or adult offenders.

(3) Any child placed in secure detention pursuant to this section shall, during the period of confinement, be provided with appropriate treatment by the department or the department's designee, which shall include the services defined in RCW 74.13.033(2). If the child placed in secure detention is not returned home or if an alternative living arrangement agreeable to the parent and the child is not made within twenty-four hours after the child's admission, the child shall be taken at the department's expense to a crisis residential center. Placement in the crisis residential center or centers plus placement in juvenile detention shall not exceed ~~((seventy-two hours))~~ five consecutive days from the point of intake as provided in RCW 13.32A.130.

(4) Juvenile detention facilities used pursuant to this section shall first be certified by the department to ensure that juveniles placed in the facility pursuant to this section are provided with living conditions suitable to the well-being of the child. Where space is available, juvenile courts, when certified by the department to do so, shall provide secure placement for juveniles pursuant to this section, at department expense.

(5) It is the intent of the legislature that by July 1, 1982, crisis residential centers, supplemented by community mental health programs and mental health professionals, will be able to respond appropriately to children admitted to centers under this chapter and will be able to respond to the needs of such children with appropriate treatment, supervision, and structure.

Sec. 214. RCW 71A.10.020 and 1988 c 176 s 102 are each amended to read as follows:

As used in this title, the following terms have the meanings indicated unless the context clearly requires otherwise.

(1) "Department" means the department of social and health services.

(2) "Developmental disability" means a disability attributable to mental retardation, cerebral palsy, epilepsy, autism, fetal alcohol syndrome, or another neurological or other condition of an individual found by the secretary to be closely related to mental retardation or to require treatment similar to that required for individuals with mental retardation, which disability originates before the individual attains age eighteen, which has continued or can be expected to continue indefinitely, and which constitutes a substantial handicap to the individual. By January 1, 1989, the department shall promulgate rules which define neurological or other conditions in a way that is not limited to intelligence quotient scores as the sole ~~((determinate {determinant}))~~ determinant of these conditions, and notify the legislature of this action.

(3) "Eligible person" means a person who has been found by the secretary under RCW 71A.16.040 to be eligible for services.

(4) "Habilitative services" means those services provided by program personnel to assist persons in acquiring and maintaining life skills and to raise their levels of physical, mental, social, and vocational functioning. Habilitative services include education, training for employment, and therapy.

(5) "Legal representative" means a parent of a person who is under eighteen years of age, a person's legal guardian, a person's limited guardian when the subject matter is within the scope of the limited guardianship, a person's attorney at law, a person's attorney in fact, or any other person who is authorized by law to act for another person.

(6) "Notice" or "notification" of an action of the secretary means notice in compliance with RCW 71A.10.060.

(7) "Residential habilitation center" means a state-operated facility for persons with developmental disabilities governed by chapter 71A.20 RCW.

(8) "Secretary" means the secretary of social and health services or the secretary's designee.

(9) "Service" or "services" means services provided by state or local government to carry out this title.

"PART III - INVOLUNTARY COMMITMENT AND TREATMENT"

Sec. 301. RCW 74.04.055 and 1991 c 126 s 2 are each amended to read as follows:

In furtherance of the policy of this state to cooperate with the federal government in the programs included in this title the secretary shall issue such rules and regulations as may become necessary to entitle this state to participate in federal grants-in-aid, goods, commodities and services unless the same be expressly prohibited by this title. The secretary shall ensure that the department's services and programs are designed and implemented to maximize the allocation of federal funds to the state.

Any section or provision of this title which may be susceptible to more than one construction shall be interpreted in favor of the construction most likely to satisfy federal laws entitling this state to receive federal matching or other funds for the various programs of public assistance. If any part of this chapter is found to be in conflict with federal requirements which are a prescribed condition to the receipts of federal funds to the state, the conflicting part of this chapter is hereby inoperative solely to the extent of the conflict with respect to the agencies directly affected, and such finding or determination shall not affect the operation of the remainder of this chapter.

Sec. 302. RCW 71.34.010 and 1985 c 354 s 1 are each amended to read as follows:

It is the purpose of this ~~((legislation))~~ chapter to ensure that minors in need of mental health care and treatment receive an appropriate continuum of culturally relevant care and treatment, ((and to enable treatment decisions to be made in response to clinical needs and in accordance with sound professional judgment while also recognizing parents' rights to participate in treatment decisions for their minor children, and to protect minors against needless hospitalization and deprivations of liberty)) from prevention and early intervention to involuntary treatment. To facilitate the continuum of care and treatment to minors in out-of-home placements, all divisions of the department that provide mental health services to minors shall jointly plan and deliver those services.

It is also the purpose of this chapter to protect the rights of minors against needless hospitalization and deprivations of liberty and to enable treatment decisions to be made in response to clinical needs in accordance with sound professional judgment. The mental health care and treatment providers shall encourage the use of voluntary services and, whenever clinically appropriate, the providers shall offer less restrictive alternatives to inpatient treatment. Additionally, all mental health care and treatment providers shall ensure that minors' parents are given an opportunity to participate in the treatment decisions for their minor children. The mental health care and treatment providers shall, to the extent possible, offer services that involve minors' parents or family.

Sec. 303. RCW 71.34.020 and 1985 c 354 s 2 are each amended to read as follows:

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

(1) "Child psychiatrist" means a person having a license as a physician and surgeon in this state, who has had graduate training in child psychiatry in a program approved by the American Medical Association or the American Osteopathic Association, and who is board eligible or board certified in child psychiatry.

(2) "Children's mental health specialist" means:

(a) A mental health professional who has completed a minimum of one hundred actual hours, not quarter or semester hours, of specialized training devoted to the study of child development and the treatment of children; and

(b) A mental health professional who has the equivalent of one year of full-time experience in the treatment of children under the supervision of a children's mental health specialist.

(3) "Commitment" means a determination by a judge or court commissioner, made after a commitment hearing, that the minor is in need of inpatient diagnosis, evaluation, or treatment or that the minor is in need of less restrictive alternative treatment.

(4) "County-designated mental health professional" means a mental health professional designated by one or more counties to perform the functions of a county-designated mental health professional described in this chapter.

(5) "Department" means the department of social and health services.

(6) "Evaluation and treatment facility" means a public or private facility or unit that is certified by the department to provide emergency, inpatient, residential, or outpatient mental health evaluation and treatment services for minors. A physically separate and separately-operated portion of a state hospital may be designated as an evaluation and treatment facility for minors. A facility which is part of or operated by the department or federal agency does not require certification. No correctional institution or facility, juvenile court detention facility, or jail may be an evaluation and treatment facility within the meaning of this chapter.

(7) "Evaluation and treatment program" means the total system of services and facilities coordinated and approved by a county or combination of counties for the evaluation and treatment of minors under this chapter.

(8) "Gravely disabled minor" means a minor who, as a result of a mental disorder, is in danger of serious physical harm resulting from a failure to provide for his or her essential human needs of health or safety, or manifests severe deterioration in routine functioning evidenced by repeated and escalating loss of cognitive or volitional control over his or her actions and is not receiving such care as is essential for his or her health or safety.

(9) "Inpatient treatment" means twenty-four-hour-per-day mental health care provided within a general hospital, psychiatric hospital, or residential treatment facility certified by the department as an evaluation and treatment facility for minors.

(10) "Less restrictive alternative", or "less restrictive setting" means outpatient treatment provided to a minor who is not residing in a facility providing inpatient treatment as defined in this chapter.

(11) "Likelihood of serious harm" means either: (a) A substantial risk that physical harm will be inflicted by an individual upon his or her own person, as evidenced by threats or attempts to commit suicide or inflict physical harm on oneself; (b) a substantial risk that physical harm will be inflicted by an individual upon another, as evidenced by behavior which has caused such harm or which places another person or persons in reasonable fear of sustaining such harm; or (c) a substantial risk that physical harm will be inflicted by an individual upon the property of others, as evidenced by behavior which has caused substantial loss or damage to the property of others. In assessing risk of harm, the frame of reference shall include all relevant history and shall not be limited to the minor's behavior when assessed by a mental health professional.

(12) "Mental disorder" means any organic, mental, or emotional impairment that has substantial adverse effects on an individual's cognitive or volitional functions. The presence of alcohol abuse, drug abuse, juvenile criminal history, antisocial behavior, or mental retardation alone is insufficient to justify a finding of "mental disorder" within the meaning of this section. A mental disorder shall include any illness, impairment, or disorder identified as such by the American psychiatric association by and through its published Diagnostic and Statistical Manual as now in existence or hereafter revised.

(13) "Mental health professional" means a psychiatrist, psychologist, psychiatric nurse, or social worker, and such other mental health professionals as may be defined by rules adopted by the secretary under this chapter.

(14) "Minor" means any person under the age of eighteen years.

(15) "Outpatient treatment" means any of the nonresidential services mandated under chapter 71.24 RCW and provided by licensed services providers as identified by RCW 71.24.025(3).

(16) "Parent" means:

(a) A biological or adoptive parent who has legal custody of the child, including either parent if custody is shared under a joint custody agreement; or

(b) A person or agency judicially appointed as legal guardian or custodian of the child.

(17) "Professional person in charge" means a physician or other mental health professional empowered by an evaluation and treatment facility with authority to make admission and discharge decisions on behalf of that facility.

(18) "Psychiatric nurse" means a registered nurse who has a bachelor's degree from an accredited college or university, and who has had, in addition, at least two years' experience in the direct treatment of mentally ill or emotionally disturbed persons, such experience gained under the supervision of a mental health professional. "Psychiatric nurse" shall also mean any other registered nurse who has three years of such experience.

(19) "Psychiatrist" means a person having a license as a physician in this state who has completed residency training in psychiatry in a program approved by the American Medical Association or the American Osteopathic Association, and is board eligible or board certified in psychiatry.

(20) "Psychologist" means a person licensed as a psychologist under chapter 18.83 RCW.

(21) "Responsible other" means the minor, the minor's parent or estate, or any other person legally responsible for support of the minor.

(22) "Secretary" means the secretary of the department or secretary's designee.

(23) "Start of initial detention" means the time of arrival of the minor at the first evaluation and treatment facility offering inpatient treatment if the minor is being involuntarily detained at the time. With regard to voluntary patients, "start of initial detention" means the time at which the minor gives notice of intent to leave under the provisions of this chapter.

NEW SECTION. Sec. 304. A new section is added to chapter 71.34 RCW to read as follows:

For the purpose of encouraging the expansion of existing evaluation and treatment facilities and the creation of new facilities, the department shall endeavor to redirect federal Title XIX funds which are expended on out-of-state placements to fund placements within the state.

NEW SECTION. Sec. 305. A new section is added to chapter 71.34 RCW to read as follows:

The department shall ensure that the provisions of this chapter are applied by the counties in a consistent and uniform manner. The department shall also ensure that the county-designated mental health professionals are specifically trained in adolescent mental health issues, the mental health civil commitment laws, and the criteria for civil commitment.

NEW SECTION. Sec. 306. A new section is added to chapter 71.34 RCW to read as follows:

Whenever a county-designated mental health professional makes a determination under RCW 71.34.050 that a minor, thirteen years or older, does not meet the criteria for an involuntary detention at an evaluation and treatment facility, the county-designated mental health professional shall:

(1) Provide written notice to the minor's parent of the parent's right to file petitions and obtain services available under chapter 13.32A RCW;

(2) Provide written notice to the minor's parent of the parent's right to file a petition, as provided in section 307 of this act, to seek a review of the decision not to detain the minor at an evaluation and treatment facility;

(3) Provide a written evaluation to the minor's parent detailing the county-designated mental health professional's reasons for not detaining the minor at an evaluation and treatment facility. The evaluation shall include the specific facts investigated, the credibility of the person or persons providing the information, and the criteria for an involuntary detention; and

(4) Refer the minor and the parents to other available services.

NEW SECTION. Sec. 307. A new section is added to chapter 71.34 RCW to read as follows:

(1) Whenever a county-designated mental health professional makes a determination under RCW 71.34.050 that a minor, thirteen years of age or older, does not meet the criteria for an involuntary admission at an evaluation and treatment facility, the minor's parent may file a petition in the superior court seeking a review of the county-designated mental health professional's decision not to detain the minor.

(2) The following documents shall be filed with the petition:

(a) An affidavit of the parent which states the reasons why the parent disagrees with the evaluation conducted by the county-designated mental health professional and includes the specific facts alleged which indicate the need for the minor's detention;

(b) Any other relevant affidavits signed by persons with knowledge of the specific facts alleged that indicate the need for the minor's detention at an evaluation and treatment facility; and

(c) The county-designated mental health professional's written evaluation provided under section 306(3) of this act.

(3) The court shall review the petition, affidavits, and supporting documentation and render a decision within three judicial days after the petition is filed. If the court finds that the minor, as a result of a mental disorder, presents a likelihood of serious harm or is gravely disabled, the court shall issue a warrant for the detention of the minor at an evaluation and treatment facility. The warrant shall be served with a statement of the minor's rights as delineated in RCW 71.34.050(3), which includes the immediate right to an attorney.

(4) All other provisions contained in this chapter relating to the detention, evaluation, and treatment shall apply.

NEW SECTION. Sec. 308. A new section is added to chapter 70.96A RCW to read as follows:

The department shall ensure that the provisions of this chapter are applied by the counties in a consistent and uniform manner. The department shall also ensure that the county-designated chemical dependency specialists are specifically trained in adolescent chemical dependency issues, the chemical dependency commitment laws, and the criteria for commitment.

NEW SECTION. Sec. 309. A new section is added to chapter 70.96A RCW to read as follows:

Whenever a county-designated chemical dependency specialist makes a determination under RCW 70.96A.140 that a minor does not meet the criteria for a commitment to a chemical dependency program, the county-designated chemical dependency specialist shall:

(1) Provide written notice to the minor's parent of the parent's right to file petitions and obtain services available under chapter 13.32A RCW;

(2) Provide written notice to the minor's parent of the parent's right to file a petition, as provided in section 310 of this act, to seek a review of the decision not to commit the minor to a chemical dependency program;

(3) Provide a written evaluation to the minor's parent detailing the county-designated chemical dependency specialist's reasons for not committing the minor in a chemical dependency program. The evaluation shall include the specific facts investigated, the credibility of the person or persons providing the information, and the criteria for a commitment to a chemical dependency treatment program; and

(4) Refer the minor and the parents to other available services.

NEW SECTION. Sec. 310. A new section is added to chapter 70.96A RCW to read as follows:

(1) Whenever a county-designated chemical dependency specialist makes a determination under RCW 70.96A.140 that a minor does not meet the criteria for a commitment to a chemical dependency treatment program, the minor's parent may file a petition in the superior court seeking a review of the county-designated chemical dependency specialist's decision not to commit the minor.

(2) The following documents shall be filed with the petition:

(a) An affidavit of the parent which states the reasons why the parent disagrees with the evaluation conducted by the county-designated chemical dependency specialist and includes the specific facts alleged that indicate the need for the minor's commitment;

(b) Any other relevant affidavits signed by persons with knowledge of the specific facts alleged that indicate the need for the minor's commitment in a chemical dependency treatment program; and

(c) The county-designated chemical dependency specialist's written evaluation provided under section 309(3) of this act.

(3) The court shall review the petition, affidavits, and supporting documentation and render a decision within three judicial days after the petition is filed. If the court finds by a preponderance of the evidence that the minor meets the criteria for commitment as set forth in RCW 70.96A.140(1), the court shall fix a date for a hearing as provided in RCW 70.96A.140(2). The petition and order for a hearing shall be served on the minor and on the county-designated chemical dependency specialist who wrote the evaluation that was filed with the court.

(4) All other provisions contained in this chapter relating to the hearing and commitment shall apply.

NEW SECTION. Sec. 311. The department of social and health services shall conduct a planning study of the children in its care to determine the appropriate level of residential and treatment services required by these children. The study shall be based on a statistically valid sample of all children in the department's care. The study shall also estimate the treatment needs of youth who have been evaluated for a mental disorder but were not involuntarily detained pursuant to chapter 71.34 RCW.

In conducting the study, the department shall utilize all existing studies to the extent possible. The department shall report the results of the study to the appropriate standing committees of the legislature by September 15, 1992. The department shall use the study results for designing future programs, treatment models, and for determining the reallocation of funds within the department. The department shall submit recommendations to the appropriate standing committees of the legislature on the necessary reallocation of funds, as indicated by the assessment results, by January 1, 1993.

"PART IV - MISCELLANEOUS"

Sec. 401. 1991 c 234 s 1 (uncodified) is amended to read as follows:

A juvenile issues task force is created to review the operation of the 1977 Juvenile Justice Act, the Family Reconciliation Act, the 1990 "at-risk" youth legislation, and to study related issues. The task force is charged with issuing a report and making recommendations to the legislature by December 15, ((1991)) 1992.

The task force shall consist of the following members:

(1) Three co-chairs, one from the state senate appointed by the president of the senate; one from the state house of representatives appointed by the speaker of the house of representatives; and one appointed by the governor from among the members of the task force named in subsection (3) of this section.

(2) Eight legislators in addition to the two legislative cochair selected under subsection (1) of this section, two each from the majority and minority caucuses of the senate and two each from the majority and minority caucuses of the house of representatives.

(3) The governor shall appoint the following members of the task force:

- (a) ~~((Three))~~ Two superior court judges;
- (b) ~~((Two))~~ One prosecuting attorney~~((s))~~;
- (c) ~~((Two))~~ One juvenile public defender~~((s))~~;
- (d) The secretary of social and health services or the secretary's designee;
- (e) ~~((Two))~~ One juvenile court administrator~~((s))~~;
- (f) One police chief or county sheriff;
- (g) ~~((One child psychologist;~~
- ~~(h) One child psychiatrist;~~
- ~~((i))~~ Two directors of ((a)) youth service organizations;
- ~~((j))~~ (h) One person from the Washington council on crime and delinquency;
- ~~((k))~~ (i) One person from a parents' organization;
- ~~((l) One person from a crisis residential center;~~
- ~~((m))~~ (j) One juvenile court caseworker;
- ~~((n) One representative of the executive branch;~~
- ~~((o) One)~~ (k) Two members of the mental health treatment community; ~~((and~~
- ~~((p))~~ (l) One member from the substance abuse treatment community;
- (m) One member from the education system;
- (n) One member from local government; and
- (o) One member representing the employees of state institutions.

The department of social and health services shall fund the task force in an amount sufficient to meet its mission. The task force shall be staffed, to the extent possible, by staff available from the membership of the task force.

The governor shall ensure that the racial diversity of the task force membership appointed by the governor reflects the racial diversity of juveniles served under the Family Reconciliation Act, the 1977 Juvenile Justice Act, and the 1990 "at-risk" youth legislation.

The task force shall develop a statutory community-based planning, allocation, and service system for children and families, including at-risk youth, runaways, and families in conflict, and submit it to the appropriate legislative committees no later than December 1, 1992. The task force shall: (i) Identify which state agencies, programs, and services should be included in the system; (ii) identify the various youth populations to be served by the system; and (iii) determine how to coordinate this system with existing community-based planning and coordination requirements, including, but not limited to, chapter 326, Laws of 1991, and chapter 13.06 RCW.

Sec. 402. 1991 c 234 s 2 (uncodified) is amended to read as follows:

The department of social and health services, in cooperation with the commission on African American affairs, shall contract for an independent study of racial disproportionality in the juvenile justice system. The study shall identify key decision points in the juvenile justice system where race and/or ethnicity-based disproportionality exists in the treatment and incarceration of juvenile offenders. The study shall identify the causes of disproportionality, and propose new policies and procedures to address disproportionality.

~~((The department shall submit the study's preliminary findings and recommendations to the juvenile justice task force established under section 1 of this act by September 13, 1991.))~~ The final report shall be submitted to the appropriate committees of the legislature by December ~~((1, 1991))~~ 15, 1992.

The juvenile justice task force shall utilize the information on disproportionality in developing its report and recommendations to the legislature required under section ~~((1))~~ 401 of this act. ~~((If by June 30, 1991, the omnibus operating budget appropriations act for the 1991-93 biennium does not provide specific funding for this section, referencing this section by bill number and section, this section is null and void.))~~

NEW SECTION. Sec. 403. A new section is added to chapter 13.40 RCW to read as follows:

The department shall collect such data as may be necessary to monitor any disparity in processing or disposing of cases involving juvenile offenders due to economic, gender, geographic, or racial factors that may result from implementation of chapter ..., Laws of 1992 (this act). Beginning December 1, 1993, the department shall report annually to the legislature on economic, gender, geographic, or racial disproportionality in the rates of arrest, detention, trial, treatment, and disposition in the state's juvenile justice system. The report shall cover the preceding calendar year. The

annual report shall identify the causes of such disproportionality and shall specifically point out any economic, gender, geographic, or racial disproportionality resulting from implementation of chapter ..., Laws of 1992 (this act).

NEW SECTION. Sec. 404. Sections 114 through 118 of this act are each added to chapter 13.16 RCW.

NEW SECTION. Sec. 405. Part headings as used in this act do not constitute any part of the law.

NEW SECTION. Sec. 406. 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. 407. The purpose of this act is solely to provide authority for the counties and the department of social and health services to provide services within existing funds and current programs and facilities unless otherwise specifically funded by June 30, 1992, by reference to this bill and section number, in the supplemental omnibus appropriations act for the 1992. Nothing in this act shall be construed to require the addition of new facilities nor affect the department of social and health services' nor county authority for the uses of existing programs and funding.

NEW SECTION. Sec. 408. Sections 102, 104, 106, 110, 206, 207, 211, 213, 305, 306, 307, 308, 309, and 310 of this act shall take effect July 1, 1993.

The department of social and health services, the department of community development, and the office of the administrator for the courts, shall prepare a budget request for the 1993-95 biennium to implement sections 102, 104, 106, 110, 206, 207, 211, 213, 305, 306, 307, 308, 309, and 310 of this act. The budget request shall be included in the governor's expenditure plan for the 1993-95 biennium.

MOTION

Senator Nelson moved that the following amendment by Senators Nelson, Roach, Adam Smith, Talmadge and Newhouse be adopted:

Strike everything after the enacting clause and insert the following:

"PART I - JUVENILE JUSTICE"

Sec. 101. RCW 13.40.010 and 1977 ex.s. c 291 s 55 are each amended to read as follows:

(1) This chapter shall be known and cited as the Juvenile Justice Act of 1977.

(2) It is the intent of the legislature that a system capable of having primary responsibility for, being accountable for, and responding to the needs of youthful offenders, as defined by this chapter, be established. It is the further intent of the legislature that youth, in turn, be held accountable for their offenses and that both communities and the juvenile courts carry out their functions consistent with this intent. To effectuate these policies, ~~((it shall be the purpose))~~ the legislature declares the following to be equally important purposes of this chapter ~~((to))~~:

- (a) Protect the citizenry from criminal behavior;
- (b) Provide for determining whether accused juveniles have committed offenses as defined by this chapter;
- (c) Make the juvenile offender accountable for his or her criminal behavior;
- (d) Provide for punishment commensurate with the age, crime, and criminal history of the juvenile offender;
- (e) Provide due process for juveniles alleged to have committed an offense;
- (f) Provide necessary treatment, supervision, and custody for juvenile offenders;
- (g) Provide for the handling of juvenile offenders by communities whenever consistent with public safety;
- (h) Provide for restitution to victims of crime;
- (i) Develop effective standards and goals for the operation, funding, and evaluation of all components of the juvenile justice system and related services at the state and local levels; and
- (j) Provide for a clear policy to determine what types of offenders shall receive punishment, treatment, or both, and to determine the jurisdictional limitations of the courts, institutions, and community services.

Sec. 102. RCW 13.40.020 and 1990 1st ex.s. c 12 s 1 are each amended to read as follows:

For the purposes of this chapter:

(1) "Serious offender" means a person fifteen years of age or older who has committed an offense which if committed by an adult would be:

- (a) A class A felony, or an attempt to commit a class A felony;
- (b) Manslaughter in the first degree; or
- (c) Assault in the second degree, extortion in the first degree, child molestation in the second degree, kidnapping in the second degree, robbery in the second degree, residential burglary, or burglary in the second degree, where such offenses include the infliction of bodily harm upon another or where during the commission of or immediate withdrawal from such an offense the perpetrator is armed with a deadly weapon or firearm as defined in RCW 9A.04.110;

(2) "Community service" means compulsory service, without compensation, performed for the benefit of the community by the offender as punishment for committing an offense. Community service may be performed through public or private organizations or through work crews;

(3) "Community supervision" means an order of disposition by the court of an adjudicated youth not committed to the department. A community supervision order for a single offense may be for a period of up to two years for a sex offense as defined by RCW 9.94A.030 and up to one year for other offenses ~~((and))~~. Community supervision is an individualized program comprised of one or more of the following:

- (a) Community-based sanctions;
- (b) Community-based rehabilitation;
- (c) Monitoring and reporting requirements;
- (4) Community-based sanctions may include one or more of the following:

- (a) A fine, not to exceed one hundred dollars;
- (b) Community service not to exceed one hundred fifty hours of service;

~~((e))~~ (5) "Community-based rehabilitation" means one or more of the following: Attendance of information classes;

~~((d) Counseling; or~~

~~(e) Such other services to the extent funds are available for such services,))~~ counseling, substance abuse treatment programs, outpatient mental health programs, anger management classes, or other services; or attendance at school or other educational programs appropriate for the juvenile as determined by the school district. Placement in community-based rehabilitation programs is subject to available funds;

(6) "Monitoring and reporting requirements" means one or more of the following: Curfews; requirements to remain at home, school, work, or court-ordered treatment programs during specified hours; restrictions from leaving or entering specified geographical areas; requirements to report to the probation officer as directed and to remain under the probation officer's supervision; and other conditions((r)) or limitations as the court may require which may not include confinement;

~~((4))~~ (7) "Confinement" means ((physical custody by the department of social and health services in a facility operated by or pursuant to a contract with the state, or physical custody in a facility operated by or pursuant to a contract with any county)) incarceration in a detention facility following: Arrest pending a detention hearing under RCW 13.40.050; entry of an order of detention entered pursuant to RCW 13.40.050; commitment to a county detention facility; modification of a disposition for violation of the disposition; or modification of parole for violation of parole. The county may operate or contract with vendors to operate county detention facilities. The department may operate or contract to operate detention facilities for juveniles committed to the department. Confinement of less than thirty-one days imposed as part of a disposition or modification order may be served consecutively or intermittently, in the discretion of the court;

~~((5))~~ (8) "Court", when used without further qualification, means the juvenile court judge(s) or commissioner(s);

~~((6))~~ (9) "Criminal history" includes all criminal complaints against the respondent for which, prior to the commission of a current offense:

(a) The allegations were found correct by a court. If a respondent is convicted of two or more charges arising out of the same course of conduct, only the highest charge from among these shall count as an offense for the purposes of this chapter; or

(b) The criminal complaint was diverted by a prosecutor pursuant to the provisions of this chapter on agreement of the respondent and after an advisement to the respondent that the criminal complaint would be considered as part of the respondent's criminal history;

~~((7))~~ (10) "Department" means the department of social and health services;

~~((8))~~ (11) "Detention facility" means a facility for the physical confinement of a juvenile alleged to have committed an offense or an adjudicated offender subject to a disposition or modification order. Detention facilities may be secure, semisecure, or nonsecure, and may include group homes, foster homes, and home detention with electronic or staff monitoring. Detention foster homes and group homes may not be used for placement of juveniles who are ordered into rehabilitation placements pursuant to a community supervision disposition. "Secure detention" means lockup or staff-secure facilities. "Nonsecure detention" means residential placement in the community in a physically nonrestrictive environment under the supervision of and funded by the local government department of youth services or equivalent department. "Home detention" means placement of the juvenile in the custody of the juvenile's parent, guardian, or custodian in a physically nonrestrictive environment under the supervision of and funded by the local government department of youth services or equivalent department with electronic monitoring or department staff monitoring;

~~((12))~~ (12) "Diversion unit" means any probation counselor who enters into a diversion agreement with an alleged youthful offender, or any other person or entity except a law enforcement official or entity, with whom the juvenile court administrator has contracted to arrange and supervise such agreements pursuant to RCW ~~((13.04.040, as now or hereafter amended,))~~ 13.40.080, or any person or entity specially funded by the legislature to arrange and supervise diversion agreements in accordance with the requirements of this chapter;

~~((9))~~ (13) "Institution" means a juvenile facility established pursuant to chapters 72.05 and 72.16 through 72.20 RCW;

~~((10))~~ (14) "Juvenile," "youth," and "child" mean any individual who is under the chronological age of eighteen years and who has not been previously transferred to adult court;

~~((11))~~ (15) "Juvenile offender" means any juvenile who has been found by the juvenile court to have committed an offense, including a person eighteen years of age or older over whom jurisdiction has been extended under RCW 13.40.300;

~~((12))~~ (16) "Manifest injustice" means a disposition that would either impose an excessive penalty on the juvenile or would impose a serious, and clear danger to society in light of the purposes of this chapter;

~~((13))~~ (17) "Middle offender" means a person who has committed an offense and who is neither a minor or first offender nor a serious offender;

~~((14))~~ (18) "Minor or first offender" means a person sixteen years of age or younger whose current offense(s) and criminal history fall entirely within one of the following categories:

- (a) Four misdemeanors;
- (b) Two misdemeanors and one gross misdemeanor;
- (c) One misdemeanor and two gross misdemeanors;
- (d) Three gross misdemeanors;
- (e) One class C felony except manslaughter in the second degree and one misdemeanor or gross misdemeanor;
- (f) One class B felony except: Any felony which constitutes an attempt to commit a class A felony; manslaughter in the first degree; assault in the second degree; extortion in the first degree; indecent liberties; kidnapping in the second degree; robbery in the second degree; burglary in the second degree; residential burglary; vehicular homicide; or arson in the second degree.

For purposes of this definition, current violations shall be counted as misdemeanors;

~~((15))~~ (19) "Offense" means an act designated a violation or a crime if committed by an adult under the law of this state, under any ordinance of any city or county of this state, under any federal law, or under the law of another state if the act occurred in that state;

~~((16))~~ (20) "Respondent" means a juvenile who is alleged or proven to have committed an offense;

~~((17))~~ (21) "Restitution" means financial reimbursement by the offender to the victim, and shall be limited to easily ascertainable damages for injury to or loss of property, actual expenses incurred for medical treatment for physical injury to persons, lost wages resulting from physical injury, and costs of the victim's counseling reasonably related to the offense if the offense is a sex offense. Restitution shall not include reimbursement for damages for mental anguish, pain and suffering, or other intangible losses. Nothing in this chapter shall limit or replace civil remedies or defenses available to the victim or offender;

~~((18))~~ (22) "Secretary" means the secretary of the department of social and health services;

~~((19))~~ (23) "Services" mean services which provide alternatives to incarceration for those juveniles who have pleaded or been adjudicated guilty of an offense or have signed a diversion agreement pursuant to this chapter;

~~((20))~~ (24) "Sex offense" means an offense defined as a sex offense in RCW 9.94A.030;

~~((21))~~ (25) "Sexual motivation" means that one of the purposes for which the respondent committed the offense was for the purpose of his or her sexual gratification;

~~((22))~~ (26) "Foster care" means temporary physical care in a foster family home or group care facility as defined in RCW 74.15.020 and licensed by the department, or other legally authorized care;

~~((23))~~ (27) "Violation" means an act or omission, which if committed by an adult, must be proven beyond a reasonable doubt, and is punishable by sanctions which do not include incarceration.

Sec. 103. RCW 13.40.027 and 1989 c 407 s 2 are each amended to read as follows:

(1) It is the responsibility of the commission to: (a) (i) Evaluate the effectiveness of existing disposition standards and related statutes in implementing policies set forth in RCW 13.40.010 generally and (ii) specifically review the guidelines relating to the confinement of minor and first offenders as well as the use of diversion; (b) solicit the comments and suggestions of the juvenile justice community concerning disposition standards; and (c) make recommendations to the legislature regarding revisions or modifications of the disposition standards in accordance with RCW 13.40.030. The evaluations shall be submitted to the legislature by December 1, 1992, and on December 1 of each even-numbered year thereafter.

(2) It is the responsibility of the department to: (a) Provide the commission with available data concerning the implementation of the disposition standards and related statutes and their effect on the performance of the department's responsibilities relating to juvenile offenders; (b) at the request of the commission, provide technical and administrative assistance to the commission in the performance of its responsibilities; and (c) provide the commission and legislature with recommendations for modification of the disposition standards.

Sec. 104. RCW 13.40.0357 and 1989 c 407 s 7 are each amended to read as follows:

SCHEDULE A
DESCRIPTION AND OFFENSE CATEGORY

JUVENILE DISPOSITION OFFENSE CATEGORY	DESCRIPTION (RCW CITATION)	JUVENILE DISPOSITION CATEGORY FOR ATTEMPT, BAILJUMP, CONSPIRACY, OR SOLICITATION
Arson and Malicious Mischief		
A	Arson 1 (9A.48.020)	B+
B	Arson 2 (9A.48.030)	C
C	Reckless Burning 1 (9A.48.040)	D
D	Reckless Burning 2 (9A.48.050)	E
B	Malicious Mischief 1 (9A.48.070)	C
C	Malicious Mischief 2 (9A.48.080)	D
D	Malicious Mischief 3 (<\$50 is E class) (9A.48.090)	E
E	Tampering with Fire Alarm Apparatus (9.40.100)	E
A	Possession of Incendiary Device (9.40.120)	B+
Assault and Other Crimes Involving Physical Harm		
A	Assault 1 (9A.36.011)	B+
B+	Assault 2 (9A.36.021)	C+
C+	Assault 3 (9A.36.031)	D+
D+	Assault 4 (9A.36.041)	E
D+	Reckless Endangerment (9A.36.050)	E
C+	Promoting Suicide Attempt (9A.36.060)	D+
D+	Coercion (9A.36.070)	E
C+	Custodial Assault (9A.36.100)	D+
Burglary and Trespass		
B+	Burglary 1 (9A.52.020)	C+
B	Burglary 2 (9A.52.030)	C
D	Burglary Tools (Possession of) (9A.52.060)	E
D	Criminal Trespass 1 (9A.52.070)	E
E	Criminal Trespass 2 (9A.52.080)	E
D	Vehicle Prowling (9A.52.100)	E
Drugs		
E	Possession/Consumption of Alcohol	

	(66.44.270)	E
C	Illegally Obtaining Legend Drug (69.41.020)	D
C+	Sale, Delivery, Possession of Legend Drug with Intent to Sell (69.41.030)	D+
E	Possession of Legend Drug (69.41.030)	E
B+	Violation of Uniform Controlled Substances Act - Narcotic Sale (69.50.401(a)(1)(i))	B+
C	Violation of Uniform Controlled Substances Act - Nonnarcotic Sale (69.50.401(a)(1)(ii))	C
E	Possession of Marihuana <40 grams (69.50.401(e))	E
C	Fraudulently Obtaining Controlled Substance (69.50.403)	C
C+	Sale of Controlled Substance for Profit (69.50.410)	C+
E	((Glue Sniffing (9.47A.050))) <u>Unlawful Inhalation (9.47A.020)</u>	E
B	Violation of Uniform Controlled Substances Act - Narcotic Counterfeit Substances (69.50.401(b)(1)(i))	B
C	Violation of Uniform Controlled Substances Act - Nonnarcotic Counterfeit Substances (69.50.401(b)(1) (ii), (iii), (iv))	C
C	Violation of Uniform Controlled Substances Act - Possession of a Controlled Substance (69.50.401(d))	C
C	Violation of Uniform Controlled Substances Act - Possession of a Controlled Substance (69.50.401(c))	C
	Firearms and Weapons	
((C+	Committing Crime when Armed (9.41.025)	D+))
E	Carrying Loaded Pistol Without Permit (9.41.050)	E
E	Use of Firearms by Minor (<14) (9.41.240)	E
D+	Possession of Dangerous Weapon (9.41.250)	E
D	Intimidating Another Person by use of Weapon (9.41.270)	E
	Homicide	
A+	Murder 1 (9A.32.030)	A
A+	Murder 2 (9A.32.050)	B+
B+	Manslaughter 1 (9A.32.060)	C+

C+	Manslaughter 2 (9A.32.070)	D+
B+	Vehicular Homicide (46.61.520)	C+
	Kidnapping	
A	Kidnap 1 (9A.40.020)	B+
B+	Kidnap 2 (9A.40.030)	C+
C+	Unlawful Imprisonment (9A.40.040)	D+
(D)	Custodial Interference (9A.40.050)	E)
	Obstructing Governmental Operation	
E	Obstructing a Public Servant (9A.76.020)	E
E	Resisting Arrest (9A.76.040)	E
B	Introducing Contraband 1 (9A.76.140)	C
C	Introducing Contraband 2 (9A.76.150)	D
E	Introducing Contraband 3 (9A.76.160)	E
B+	Intimidating a Public Servant (9A.76.180)	C+
B+	Intimidating a Witness (9A.72.110)	C+
(E)	Criminal Contempt (9.23.010)	E)
	Public Disturbance	
C+	Riot with Weapon (9A.84.010)	D+
D+	Riot Without Weapon (9A.84.010)	E
E	Failure to Disperse (9A.84.020)	E
E	Disorderly Conduct (9A.84.030)	E
	Sex Crimes	
A	Rape 1 (9A.44.040)	B+
A-	Rape 2 (9A.44.050)	B+
C+	Rape 3 (9A.44.060)	D+
A-	Rape of a Child 1 (9A.44.073)	B+
B	Rape of a Child 2 (9A.44.076)	C+
B	Incest 1 (9A.64.020(1))	C
C	Incest 2 (9A.64.020(2))	D
D+	(Public Indecency)) <u>Indecent Exposure</u> (Victim <14) (9A.88.010)	E
E	(Public Indecency)) <u>Indecent Exposure</u> (Victim 14 or over) (9A.88.010)	E
B+	Promoting Prostitution 1 (9A.88.070)	C+
C+	Promoting Prostitution 2 (9A.88.080)	D+
E	O & A (Prostitution) (9A.88.030)	E
B+	Indecent Liberties (9A.44.100)	C+
B+	Child Molestation 1 (9A.44.083)	C+
C+	Child Molestation 2 (9A.44.086)	C

Theft, Robbery, Extortion, and Forgery

B	Theft 1 (9A.56.030)	C
C	Theft 2 (9A.56.040)	D
D	Theft 3 (9A.56.050)	E
B	Theft of Livestock (9A.56.080)	C
C	Forgery ((9A.56.020)) (9A.60.020)	D
A	Robbery 1 (9A.56.200)	B+
B+	Robbery 2 (9A.56.210)	C+
B+	Extortion 1 (9A.56.120)	C+
C+	Extortion 2 (9A.56.130)	D+
B	Possession of Stolen Property 1 (9A.56.150)	C
C	Possession of Stolen Property 2 (9A.56.160)	D
D	Possession of Stolen Property 3 (9A.56.170)	E
C	Taking Motor Vehicle Without Owner's Permission (9A.56.070)	D
Motor Vehicle Related Crimes		
E	Driving Without a License (46.20.021)	E
C	Hit and Run - Injury (46.52.020(4))	D
D	Hit and Run-Attended (46.52.020(5))	E
E	Hit and Run-Unattended (46.52.010)	E
C	Vehicular Assault (46.61.522)	D
C	Attempting to Elude Pursuing Police Vehicle (46.61.024)	D
E	Reckless Driving (46.61.500)	E
D	Driving While Under the Influence (46.61.515)	E
B+	Negligent Homicide by Motor Vehicle (46.61.520)	C+
D	Vehicle Prowling (9A.52.100)	E
C	Taking Motor Vehicle Without Owner's Permission (9A.56.070)	D
Other		
B	Bomb Threat (9.61.160)	C
C	Escape 1 ¹ (9A.76.110)	C
C	Escape 2 ¹ (9A.76.120)	C
D	Escape 3 (9A.76.130)	E
C	Failure to Appear in Court (10.19.130)	D
E	Tampering with Fire Alarm Apparatus (9.40.100)	E
E	Obscene, Harassing, Etc., Phone Calls (9.61.230)	E
A	Other Offense Equivalent to an Adult Class A Felony	B+
B	Other Offense Equivalent to an Adult Class B Felony	C
C	Other Offense Equivalent to an Adult Class C Felony	D
D	Other Offense Equivalent to an	

	Adult Gross Misdemeanor	E
E	Other Offense Equivalent to an Adult Misdemeanor	E
V	Violation of Order of Restitution, Community Supervision, or Confinement (13.40.200) ²	V

¹Escape 1 and 2 and Attempted Escape 1 and 2 are classed as C offenses and the standard range is established as follows:

- 1st escape or attempted escape during 12-month period - 4 weeks confinement
- 2nd escape or attempted escape during 12-month period - 8 weeks confinement
- 3rd and subsequent escape or attempted escape during 12-month period - 12 weeks confinement

²If the court finds that a respondent has violated terms of an order, it may impose a penalty of up to 30 days of confinement.

**SCHEDULE B
PRIOR OFFENSE INCREASE FACTOR**

For use with all CURRENT OFFENSES occurring on or after July 1, 1989.

TIME SPAN

OFFENSE CATEGORY	0-12 Months	13-24 Months	25 Months or More
A+	.9	.9	.9
A	.9	.8	.6
A-	.9	.8	.5
B+	.9	.7	.4
B	.9	.6	.3
C+	.6	.3	.2
C	.5	.2	.2
D+	.3	.2	.1
D	.2	.1	.1
E	.1	.1	.1

Prior history - Any offense in which a diversion agreement or counsel and release form was signed, or any offense which has been adjudicated by court to be correct prior to the commission of the current offense(s).

**SCHEDULE C
CURRENT OFFENSE POINTS**

For use with all CURRENT OFFENSES occurring on or after July 1, 1989.

AGE

OFFENSE CATEGORY	12 & Under	13	14	15	16	17
A+	STANDARD RANGE 180-224 WEEKS					
A	250	300	350	375	375	375
A-	150	150	150	200	200	200
B+	110	110	120	130	140	150
B	45	45	50	50	57	57
C+	44	44	49	49	55	55
C	40	40	45	45	50	50
D+	16	18	20	22	24	26

D	14	16	18	20	22	24
E	4	4	4	6	8	10

**JUVENILE SENTENCING STANDARDS
SCHEDULE D-1**

This schedule may only be used for minor/first offenders. After the determination is made that a youth is a minor/first offender, the court has the discretion to select sentencing option A, B, or C. A disposition order for a minor/first offender may not include an order of confinement.

MINOR/FIRST OFFENDER

**OPTION A
STANDARD RANGE**

Points	Community Supervision	Community Service Hours	Fine
1-9	((0-3)) <u>0-12</u> months	and/or 0-8	and/or 0-\$10
10-19	((0-3)) <u>0-12</u> months	and/or 0-8	and/or 0-\$10
20-29	((0-3)) <u>0-12</u> months	and/or 0-16	and/or 0-\$10
30-39	((0-3)) <u>0-12</u> months	and/or 8-24	and/or 0-\$25
40-49	((3-6)) <u>0-12</u> months	and/or 16-32	and/or 0-\$25
50-59	((3-6)) <u>0-12</u> months	and/or 24-40	and/or 0-\$25
60-69	((6-9)) <u>0-12</u> months	and/or 32-48	and/or 0-\$50
70-79	((6-9)) <u>0-12</u> months	and/or 40-55	and/or 0-\$50
80-89	((9-12)) <u>0-12</u> months	and/or 48-64	and/or 10-\$100
90-109	((9-12)) <u>0-12</u> months	and/or 56-72	and/or 10-\$100

OR

**OPTION B
STATUTORY OPTION**

0-12 Months Community Supervision
0-150 Hours Community Service
0-100 Fine

A term of community supervision with a maximum of 150 hours, \$100.00 fine, and 12 months supervision.

OR

**OPTION C
MANIFEST INJUSTICE**

When a term of community supervision would effectuate a manifest injustice, another disposition may be imposed. When a judge imposes a sentence of confinement exceeding 30 days, the court shall sentence the juvenile to a maximum term and the provisions of RCW ((13.40.030(5))) 13.40.030(2), as now or hereafter amended, shall be used to determine the range.

**JUVENILE SENTENCING STANDARDS
SCHEDULE D-2**

This schedule may only be used for middle offenders. After the determination is made that a youth is a middle offender, the court has the discretion to select sentencing option A, B, or C.

MIDDLE OFFENDER

OPTION A
STANDARD RANGE

Points	Community Supervision	Community Service Hours	Fine	Confinement Days Weeks
1-9	((0-3)) <u>0-12</u> months	and/or 0-8	and/or 0-\$10	and/or 0
10-19	((0-3)) <u>0-12</u> months	and/or 0-8	and/or 0-\$10	and/or 0
20-29	((0-3)) <u>0-12</u> months	and/or 0-16	and/or 0-\$10	and/or 0
30-39	((0-3)) <u>0-12</u> months	and/or 8-24	and/or 0-\$25	and/or ((2-4)) <u>0-10</u>
40-49	((3-6)) <u>0-12</u> months	and/or 16-32	and/or 0-\$25	and/or ((2-4)) <u>0-10</u>
50-59	((3-6)) <u>0-12</u> months	and/or 24-40	and/or 0-\$25	and/or ((5-10)) <u>0-10</u>
60-69	((6-9)) <u>0-12</u> months	and/or 32-48	and/or 0-\$50	and/or ((5-10)) <u>10-20</u>
70-79	((6-9)) <u>0-12</u> months	and/or 40-56	and/or 0-\$50	and/or 10-20
80-89	((9-12)) <u>0-12</u> months	and/or 48-64	and/or 0-\$100	and/or 10-20
90-109	((9-12)) <u>0-12</u> months	and/or 56-72	and/or 0-\$100	and/or ((15-30)) <u>20-30</u>
110-129				8-12
130-149				13-16
150-199				21-28
200-249				30-40
250-299				52-65
300-374				80-100
375+				103-129

Middle offenders with more than 110 points do not have to be committed. They may be assigned community supervision under option B.

All A+ offenses 180-224 weeks

OR

OPTION B
STATUTORY OPTION

0-12 Months Community Supervision

0-150 Hours Community Service

0-100 Fine

The court may impose a determinate disposition of community supervision and/or up to 30 days confinement; in which case, if confinement has been imposed, the court shall state either aggravating or mitigating factors as set forth in RCW 13.40.150, as now or hereafter amended.

OR

OPTION C
MANIFEST INJUSTICE

If the court determines that a disposition under A or B would effectuate a manifest injustice, the court shall sentence the juvenile to a maximum term and the provisions of RCW ~~((13.40.030(5)))~~ 13.40.030(2), as now or hereafter amended, shall be used to determine range.

**JUVENILE SENTENCING STANDARDS
SCHEDULE D-3**

This schedule may only be used for serious offenders. After the determination is made that a youth is a serious offender, the court has the discretion to select sentencing option A or B.

**SERIOUS OFFENDER
OPTION A
STANDARD RANGE**

Points	Institution Time
0-129	8-12 weeks
130-149	13-16 weeks
150-199	21-28 weeks
200-249	30-40 weeks
250-299	52-65 weeks
300-374	80-100 weeks
375+	103-129 weeks
All A+ Offenses	180-224 weeks

OR

**OPTION B
MANIFEST INJUSTICE**

A disposition outside the standard range shall be determined and shall be comprised of confinement or community supervision or a combination thereof. When a judge finds a manifest injustice and imposes a sentence of confinement exceeding 30 days, the court shall sentence the juvenile to a maximum term, and the provisions of RCW ((13.40.030(5))) 13.40.030(2), as now or hereafter amended, shall be used to determine the range.

Sec. 105. RCW 13.40.038 and 1986 c 288 s 7 are each amended to read as follows:

It is the policy of this state that all county juvenile detention facilities provide a humane, safe, and rehabilitative environment and that adjudicated youth remain in the community whenever possible, consistent with public safety and the provisions of chapter 13.40 RCW.

The counties shall develop and implement detention intake standards and risk assessment standards to determine whether detention is warranted and if so whether the juvenile should be placed in secure, nonsecure, or home detention to implement the goals of this section. Inability to pay for a less restrictive detention placement shall not be a basis for denying a respondent a less restrictive placement in the community. The detention and risk assessment standards shall be developed and implemented no later than December 31, 1992.

Sec. 106. RCW 13.40.050 and 1979 c 155 s 58 are each amended to read as follows:

(1) When a juvenile taken into custody is held in detention:

(a) An information, a community supervision modification or termination of diversion petition, or a parole modification petition shall be filed within seventy-two hours, Saturdays, Sundays, and holidays excluded, or the juvenile shall be released; and

(b) A detention hearing, a community supervision modification or termination of diversion petition, or a parole modification petition shall be held within seventy-two hours, Saturdays, Sundays, and holidays excluded, from the time of filing the information or petition, to determine whether continued detention is necessary under RCW 13.40.040.

(2) Notice of the detention hearing, stating the time, place, and purpose of the hearing, and stating the right to counsel, shall be given to the parent, guardian, or custodian if such person can be found and shall also be given to the juvenile if over twelve years of age.

(3) At the commencement of the detention hearing, the court shall advise the parties of their rights under this chapter and shall appoint counsel as specified in this chapter.

(4) The court shall, based upon the allegations in the information, determine whether the case is properly before it or whether the case should be treated as a diversion case under RCW 13.40.080. If the case is not properly before the court the juvenile shall be ordered released.

(5) Notwithstanding a determination that the case is properly before the court and that probable cause exists, a juvenile shall at the detention hearing be ordered released on the juvenile's personal recognizance pending further hearing unless the court finds detention is necessary under RCW 13.40.040 as now or hereafter amended.

(6) If detention is not necessary under RCW 13.40.040, as now or hereafter amended, the court shall impose the most appropriate of the following conditions or, if necessary, any combination of the following conditions:

- (a) Place the juvenile in the custody of a designated person agreeing to supervise such juvenile;
- (b) Place restrictions on the travel of the juvenile during the period of release;
- (c) Require the juvenile to report regularly to and remain under the supervision of the juvenile court;
- (d) Impose any condition other than detention deemed reasonably necessary to assure appearance as required;

or

(e) Require that the juvenile return to detention during specified hours.

(7) If the parent, guardian, or custodian of the juvenile in detention is available, the court shall consult with them prior to a determination to further detain or release the juvenile or treat the case as a diversion case under RCW 13.40.080.

Sec. 107. RCW 13.40.070 and 1989 c 407 s 9 are each amended to read as follows:

(1) Complaints referred to the juvenile court alleging the commission of an offense shall be referred directly to the prosecutor. The prosecutor, upon receipt of a complaint, shall screen the complaint to determine whether:

- (a) The alleged facts bring the case within the jurisdiction of the court; and
- (b) On a basis of available evidence there is probable cause to believe that the juvenile did commit the offense.

(2) If the identical alleged acts constitute an offense under both the law of this state and an ordinance of any city or county of this state, state law shall govern the prosecutor's screening and charging decision for both filed and diverted cases.

(3) If the requirements of subsections (1) (a) and (b) of this section are met, the prosecutor shall either file an information in juvenile court or divert the case, as set forth in subsections (5), (6), and (7) of this section. If the prosecutor finds that the requirements of subsection (1) (a) and (b) of this section are not met, the prosecutor shall maintain a record, for one year, of such decision and the reasons therefor. In lieu of filing an information or diverting an offense a prosecutor may file a motion to modify community supervision where such offense constitutes a violation of community supervision.

(4) An information shall be a plain, concise, and definite written statement of the essential facts constituting the offense charged. It shall be signed by the prosecuting attorney and conform to chapter 10.37 RCW.

(5) Where a case is legally sufficient, the prosecutor shall file an information with the juvenile court if:

(a) An alleged offender is accused of a class A felony, a class B felony, an attempt to commit a class B felony, ~~((assault in the third degree, rape in the third degree))~~ a class C felony listed in RCW 9.94A.440(2) as a crime against persons, or any other offense listed in RCW 13.40.020(1) (b) or (c); or

(b) An alleged offender is accused of a felony and has a criminal history of at least one class A or class B felony, or two class C felonies, or at least two gross misdemeanors, or at least two misdemeanors and one additional misdemeanor or gross misdemeanor, or at least one class C felony and one misdemeanor or gross misdemeanor; or

(c) An alleged offender has previously been committed to the department; or

(d) An alleged offender has been referred by a diversion unit for prosecution or desires prosecution instead of diversion; or

~~((d))~~ (e) An alleged offender has three or more diversions on the alleged offender's criminal history ~~((within eighteen months of the current alleged offense))~~.

(6) Where a case is legally sufficient the prosecutor shall divert the case if the alleged offense is a misdemeanor or gross misdemeanor or violation and the alleged offense(s) in combination with the alleged offender's criminal history do not exceed two offenses or violations and do not include any felonies: PROVIDED, That if the alleged offender is charged with a related offense that must or may be filed under subsections (5) and (7) of this section, a case under this subsection may also be filed.

(7) Where a case is legally sufficient and falls into neither subsection (5) nor (6) of this section, it may be filed or diverted. In deciding whether to file or divert an offense under this section the prosecutor shall be guided only by the length, seriousness, and recency of the alleged offender's criminal history and the circumstances surrounding the commission of the alleged offense.

(8) Whenever a juvenile is placed in custody or, where not placed in custody, referred to a diversionary interview, the parent or legal guardian of the juvenile shall be notified as soon as possible concerning the allegation made against the juvenile and the current status of the juvenile. Where a case involves victims of crimes against persons or victims whose property has not been recovered at the time a juvenile is referred to a diversionary unit, the victim shall be notified of the referral and informed how to contact the unit.

(9) The responsibilities of the prosecutor under subsections (1) through (8) of this section may be performed by a juvenile court probation counselor for any complaint referred to the court alleging the commission of an offense which would not be a felony if committed by an adult, if the prosecutor has given sufficient written notice to the juvenile court that the prosecutor will not review such complaints.

(10) The prosecutor, juvenile court probation counselor, or diversion unit may, in exercising their authority under this section or RCW 13.40.080, refer juveniles to mediation or victim offender reconciliation programs. Such mediation or victim offender reconciliation programs shall be voluntary for victims.

Sec. 108. RCW 13.40.080 and 1985 c 73 s 2 are each amended to read as follows:

(1) A diversion agreement shall be a contract between a juvenile accused of an offense and a diversionary unit whereby the juvenile agrees to fulfill certain conditions in lieu of prosecution. Such agreements may be entered into only after the prosecutor, or probation counselor pursuant to this chapter, has determined that probable cause exists to believe that a crime has been committed and that the juvenile committed it. Such agreements shall be entered into as expeditiously as possible.

(2) A diversion agreement shall be limited to:

(a) Community service not to exceed one hundred fifty hours, not to be performed during school hours if the juvenile is attending school;

(b) Restitution limited to the amount of actual loss incurred by the victim, and to an amount the juvenile has the means or potential means to pay;

(c) Attendance at up to ~~((two))~~ ten hours of counseling and/or up to ~~((ten))~~ twenty hours of educational or informational sessions at a community agency: PROVIDED, That the state shall not be liable for costs resulting from the diversionary unit exercising the option to permit diversion agreements to mandate attendance at up to ~~((two))~~ ten hours of counseling and/or up to ~~((ten))~~ twenty hours of educational or informational sessions; and

(d) A fine, not to exceed one hundred dollars. In determining the amount of the fine, the diversion unit shall consider only the juvenile's financial resources and whether the juvenile has the means to pay the fine. The diversion unit shall not consider the financial resources of the juvenile's parents, guardian, or custodian in determining the fine to be imposed.

(3) In assessing periods of community service to be performed and restitution to be paid by a juvenile who has entered into a diversion agreement, the court officer to whom this task is assigned shall consult with victims who have contacted the diversionary unit and, to the extent possible, involve members of the community. Such members of the community shall meet with the juvenile and advise the court officer as to the terms of the diversion agreement and shall supervise the juvenile in carrying out its terms.

(4) A diversion agreement may not exceed a period of six months ~~((for a misdemeanor or gross misdemeanor or one year for a felony))~~ and may include a period extending beyond the eighteenth birthday of the divertee. Any restitution assessed during its term may not exceed an amount which the juvenile could be reasonably expected to pay during this period. If additional time is necessary for the juvenile to complete restitution to the victim, the time period limitations of this subsection may be extended by an additional six months.

(5) The juvenile shall retain the right to be referred to the court at any time prior to the signing of the diversion agreement.

(6) Divertees and potential divertees shall be afforded due process in all contacts with a diversionary unit regardless of whether the juveniles are accepted for diversion or whether the diversion program is successfully completed. Such due process shall include, but not be limited to, the following:

(a) A written diversion agreement shall be executed stating all conditions in clearly understandable language;

(b) Violation of the terms of the agreement shall be the only grounds for termination;

(c) No divertee may be terminated from a diversion program without being given a court hearing, which hearing shall be preceded by:

(i) Written notice of alleged violations of the conditions of the diversion program; and

(ii) Disclosure of all evidence to be offered against the divertee;

(d) The hearing shall be conducted by the juvenile court and shall include:

(i) Opportunity to be heard in person and to present evidence;

(ii) The right to confront and cross-examine all adverse witnesses;

(iii) A written statement by the court as to the evidence relied on and the reasons for termination, should that be the decision; and

(iv) Demonstration by evidence that the divertee has substantially violated the terms of his or her diversion agreement.

(e) The prosecutor may file an information on the offense for which the divertee was diverted:

(i) In juvenile court if the divertee is under eighteen years of age; or

(ii) In superior court or the appropriate court of limited jurisdiction if the divertee is eighteen years of age or older.

(7) The diversion unit shall, subject to available funds, be responsible for providing interpreters when juveniles need interpreters to effectively communicate during diversion unit hearings or negotiations.

(8) The diversion unit shall be responsible for advising a divertee of his or her rights as provided in this chapter.

~~((8))~~ (9) The diversion unit may refer a juvenile to community-based counseling or treatment programs.

(10) The right to counsel shall inure prior to the initial interview for purposes of advising the juvenile as to whether he or she desires to participate in the diversion process or to appear in the juvenile court. The juvenile may be represented by counsel at any critical stage of the diversion process, including intake interviews and termination hearings. The juvenile shall be fully advised at the intake of his or her right to an attorney and of the relevant services an attorney can provide. For the purpose of this section, intake interviews mean all interviews regarding the diversion agreement process.

The juvenile shall be advised that a diversion agreement shall constitute a part of the juvenile's criminal history as defined by RCW 13.40.020~~((6))~~(9) as now or hereafter amended. A signed acknowledgment of such advisement shall be obtained from the juvenile, and the document shall be maintained by the diversionary unit together with the diversion agreement, and a copy of both documents shall be delivered to the prosecutor if requested by the prosecutor. The supreme court shall promulgate rules setting forth the content of such advisement in simple language.

~~((9))~~ (11) When a juvenile enters into a diversion agreement, the juvenile court may receive only the following information for dispositional purposes:

- (a) The fact that a charge or charges were made;
- (b) The fact that a diversion agreement was entered into;
- (c) The juvenile's obligations under such agreement;
- (d) Whether the alleged offender performed his or her obligations under such agreement; and
- (e) The facts of the alleged offense.

~~((10))~~ (12) A diversionary unit may refuse to enter into a diversion agreement with a juvenile. When a diversionary unit refuses to enter a diversion agreement with a juvenile, it shall immediately refer such juvenile to the court for action and shall forward to the court the criminal complaint and a detailed statement of its reasons for refusing to enter into a diversion agreement. The diversionary unit shall also immediately refer the case to the prosecuting attorney for action if such juvenile violates the terms of the diversion agreement.

~~((11))~~ (13) A diversionary unit may, in instances where it determines that the act or omission of an act for which a juvenile has been referred to it involved no victim, or where it determines that the juvenile referred to it has no prior criminal history and is alleged to have committed an illegal act involving no threat of or instance of actual physical harm and involving not more than fifty dollars in property loss or damage and that there is no loss outstanding to the person or firm suffering such damage or loss, counsel and release or release such a juvenile without entering into a diversion agreement~~((: PROVIDED, That))~~. A diversion unit's authority to counsel and release a juvenile under this subsection shall include the authority to refer the juvenile to community-based counseling or treatment programs. Any juvenile ~~((so handled))~~ released under this subsection shall be advised that the act or omission of any act for which he or she had been referred shall constitute a part of the juvenile's criminal history as defined by RCW 13.40.020~~((6))~~(9) as now or hereafter amended. A signed acknowledgment of such advisement shall be obtained from the juvenile, and the document shall be maintained by the unit, and a copy of the document shall be delivered to the prosecutor if requested by the prosecutor. The supreme court shall promulgate rules setting forth the content of such advisement in simple language~~((: PROVIDED FURTHER, That))~~. A juvenile determined to be eligible by a diversionary unit for ~~((such))~~ release as provided in this subsection shall retain the same right to counsel and right to have his or her case referred to the court for formal action as any other juvenile referred to the unit.

~~((12))~~ (14) A diversion unit may supervise the fulfillment of a diversion agreement entered into before the juvenile's eighteenth birthday and which includes a period extending beyond the divertee's eighteenth birthday.

~~((13))~~ (15) If a fine required by a diversion agreement cannot reasonably be paid due to a change of circumstance, the diversion agreement may be modified at the request of the divertee and with the concurrence of the diversion unit to convert an unpaid fine into community service. The modification of the diversion agreement shall be in writing and signed by the divertee and the diversion unit. The number of hours of community service in lieu of a monetary penalty shall be converted at the rate of the prevailing state minimum wage per hour.

~~((14))~~ (16) Fines imposed under this section shall be collected and paid into the county general fund in accordance with procedures established by the juvenile court administrator under RCW 13.04.040 and may be used only for juvenile services. In the expenditure of funds for juvenile services, there shall be a maintenance of effort whereby counties exhaust existing resources before using amounts collected under this section.

Sec. 109. RCW 13.40.150 and 1990 c 3 s 605 are each amended to read as follows:

(1) In disposition hearings all relevant and material evidence, including oral and written reports, may be received by the court and may be relied upon to the extent of its probative value, even though such evidence may not be admissible in a hearing on the information. The youth or the youth's counsel and the prosecuting attorney shall be afforded an opportunity to examine and controvert written reports so received and to cross-examine individuals making reports when such individuals are reasonably available, but sources of confidential information need not be disclosed. The prosecutor and counsel for the juvenile may submit recommendations for disposition.

(2) For purposes of disposition:

- (a) Violations which are current offenses count as misdemeanors;
- (b) Violations may not count as part of the offender's criminal history;
- (c) In no event may a disposition for a violation include confinement.

(3) Before entering a dispositional order as to a respondent found to have committed an offense, the court shall hold a disposition hearing, at which the court shall:

- (a) Consider the facts supporting the allegations of criminal conduct by the respondent;
- (b) Consider information and arguments offered by parties and their counsel;
- (c) Consider any predisposition reports;
- (d) Consult with the respondent's parent, guardian, or custodian on the appropriateness of dispositional options under consideration and afford the respondent and the respondent's parent, guardian, or custodian an opportunity to speak in the respondent's behalf;
- (e) Allow the victim or a representative of the victim and an investigative law enforcement officer to speak;
- (f) Determine the amount of restitution owing to the victim, if any;
- (g) Determine whether the respondent is a serious offender, a middle offender, or a minor or first offender;
- (h) Consider whether or not any of the following mitigating factors exist:
 - (i) The respondent's conduct neither caused nor threatened serious bodily injury or the respondent did not contemplate that his or her conduct would cause or threaten serious bodily injury;
 - (ii) The respondent acted under strong and immediate provocation;
 - (iii) The respondent was suffering from a mental or physical condition that significantly reduced his or her culpability for the offense though failing to establish a defense;
 - (iv) Prior to his or her detection, the respondent compensated or made a good faith attempt to compensate the victim for the injury or loss sustained; and
 - (v) There has been at least one year between the respondent's current offense and any prior criminal offense;
- (i) Consider whether or not any of the following aggravating factors exist:
 - (i) In the commission of the offense, or in flight therefrom, the respondent inflicted or attempted to inflict serious bodily injury to another;
 - (ii) The offense was committed in an especially heinous, cruel, or depraved manner;
 - (iii) The victim or victims were particularly vulnerable;
 - (iv) The respondent has a recent criminal history or has failed to comply with conditions of a recent dispositional order or diversion agreement;
 - (v) The current offense included a finding of sexual motivation pursuant to RCW 9.94A.127;
 - (vi) The respondent was the leader of a criminal enterprise involving several persons; and
 - (vii) There are other complaints which have resulted in diversion or a finding or plea of guilty but which are not included as criminal history.

(4) The following factors may not be considered in determining the punishment to be imposed:

- (a) The sex of the respondent;
 - (b) The race or color of the respondent or the respondent's family;
 - (c) The creed or religion of the respondent or the respondent's family;
 - (d) The economic or social class of the respondent or the respondent's family; and
 - (e) Factors indicating that the respondent may be or is a dependent child within the meaning of this chapter.
- (5) A court may not commit a juvenile to a state institution solely because of the lack of facilities, including treatment facilities, existing in the community.

NEW SECTION. Sec. 110.

(1) The counties are expressly authorized to implement and operate a youthful offender discipline program to provide an intensive educational and physical training and rehabilitative program for appropriate children.

(2) A child may be placed in a youth offender discipline program if he is at least fourteen years of age but less than eighteen years of age at the time of adjudication and has been committed to the department as:

- (a) A serious offender, as defined in RCW 13.40.020(1); or
- (b) A minor or first offender, as defined in RCW 13.40.020(14).

NEW SECTION. Sec. 111.

(1) Each county establishing a youth offender discipline program shall screen children sent to the program, so that only those children who have medical and psychological profiles conducive to successfully completing an intensive work, educational, and disciplinary program may be admitted to the program. A participating county shall adopt rules for screening such admissions.

(2) The program shall include educational assignments, work assignments, and physical training exercises. Children shall be required to participate in educational, vocational, and substance abuse programs.

NEW SECTION. Sec. 112. Each county establishing a youth offender discipline program shall:

(1) Provide an aftercare component for monitoring and assisting the release of program participants into the community;

(2) Adopt rules for the program and aftercare which provide for at least six months of participation in the program and aftercare for successful completion and which also provide disciplinary sanctions and restrictions on the privileges of the general population of children in the program; and

(3) Keep records and monitor criminal activity, educational progress, and employment placement of program participants after their release from the program. An outcome evaluation study shall be published no later eighteen months after the program becomes operational, which includes a comparison of criminal activity, educational progress, and employment placements of children completing the program with the criminal activity, educational progress, and employment records of children completing other types of programs.

NEW SECTION. Sec. 113. A participating county may also contract with private organizations for the operation of the youth offender discipline program and aftercare.

NEW SECTION. Sec. 114.

(1) If a child in the youth offender discipline program becomes unmanageable or medically or psychologically ineligible, the participating county shall remove the child from the program.

(2) A participating county shall either establish criteria for training contract staff or provide a special training program for county personnel selected for the youth offender discipline program, which shall include appropriate methods of dealing with children who have been placed in such a stringent program.

Sec. 115. RCW 2.56.030 and 1989 c 95 s 2 are each amended to read as follows:

The administrator for the courts shall, under the supervision and direction of the chief justice:

(1) Examine the administrative methods and systems employed in the offices of the judges, clerks, stenographers, and employees of the courts and make recommendations, through the chief justice, for the improvement of the same;

(2) Examine the state of the dockets of the courts and determine the need for assistance by any court;

(3) Make recommendations to the chief justice relating to the assignment of judges where courts are in need of assistance and carry out the direction of the chief justice as to the assignments of judges to counties and districts where the courts are in need of assistance;

(4) Collect and compile statistical and other data and make reports of the business transacted by the courts and transmit the same to the chief justice to the end that proper action may be taken in respect thereto;

(5) Prepare and submit budget estimates of state appropriations necessary for the maintenance and operation of the judicial system and make recommendations in respect thereto;

(6) Collect statistical and other data and make reports relating to the expenditure of public moneys, state and local, for the maintenance and operation of the judicial system and the offices connected therewith;

(7) Obtain reports from clerks of courts in accordance with law or rules adopted by the supreme court of this state on cases and other judicial business in which action has been delayed beyond periods of time specified by law or rules of court and make report thereof to supreme court of this state;

(8) Act as secretary of the judicial conference referred to in RCW 2.56.060;

(9) Formulate and submit to the judicial council of this state recommendations of policies for the improvement of the judicial system;

(10) Submit annually, as of February 1st, to the chief justice and the judicial council, a report of the activities of the administrator's office for the preceding calendar year;

(11) Administer programs and standards for the training and education of judicial personnel;

(12) Examine the need for new superior court and district judge positions under a weighted caseload analysis that takes into account the time required to hear all the cases in a particular court and the amount of time existing judges have available to hear cases in that court. The results of the weighted caseload analysis shall be reviewed by the board for judicial administration and the judicial council, both of which shall make recommendations to the legislature by January 1, 1989. It is the intent of the legislature that weighted caseload analysis become the basis for creating additional district court positions, and recommendations should address that objective;

(13) Provide staff to the judicial retirement account plan under chapter 2.14 RCW;

(14) Attend to such other matters as may be assigned by the supreme court of this state;

(15) Within available funds, develop a curriculum for a general understanding of child development, placement, and treatment resources, as well as specific legal skills and knowledge of relevant statutes including chapters 13.32A ~~((and))~~, 13.34, and 13.40 RCW, cases, court rules, interviewing skills, and special needs of the abused or neglected child. This curriculum shall be completed and made available to all juvenile court judges, court personnel, and service providers by July 1, 1988. The curriculum shall be updated yearly to reflect changes in statutes, court rules, or case law;

(16) Develop a curriculum for a general understanding of ~~((hate or bias))~~ crimes of malicious harassment, as well as specific legal skills and knowledge of RCW 9A.36.080, relevant cases, court rules, and the special needs of malicious harassment victims. This curriculum shall be completed and made available to all superior court and court of appeals judges and to all justices of the supreme court by July 1, 1989.

Sec. 116. RCW 4.24.190 and 1977 ex.s. c 145 s 1 are each amended to read as follows:

The parent or parents of any minor child under the age of eighteen years who is living with the parent or parents and who shall willfully or maliciously destroy property, real or personal or mixed, or who shall willfully and maliciously inflict personal injury on another person, shall be liable to the owner of such property or to the person injured in a civil action at law for damages in an amount not to exceed ~~((three))~~ five thousand dollars. This section shall in no way limit the amount of recovery against the parent or parents for their own common law negligence.

Sec. 117. RCW 9.41.010 and 1983 c 232 s 1 are each amended to read as follows:

(1) "Short firearm" or "pistol" as used in this chapter means any firearm with a barrel less than twelve inches in length.

(2) "Crime of violence" as used in this chapter means:

(a) Any of the following felonies, as now existing or hereafter amended: Any felony defined under any law as a class A felony or an attempt to commit a class A felony, criminal solicitation of or criminal conspiracy to commit a class A felony, manslaughter in the first degree, manslaughter in the second degree, indecent liberties if committed by forcible compulsion, rape in the second degree, kidnapping in the second degree, arson in the second degree, assault in the second degree, extortion in the first degree, burglary in the second degree, and robbery in the second degree;

(b) Any conviction or adjudication for a felony offense in effect at any time prior to July 1, 1976, which is comparable to a felony classified as a crime of violence in subsection (2)(a) of this section; and

(c) Any federal or out-of-state conviction or adjudication for an offense comparable to a felony classified as a crime of violence under subsection (2) (a) or (b) of this section.

(3) "Firearm" as used in this chapter means a weapon or device from which a projectile may be fired by an explosive such as gunpowder.

(4) "Commercial seller" as used in this chapter means a person who has a federal firearms license.

Sec. 118. RCW 9.41.040 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 or, as a juvenile, adjudicated 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 or adjudicated" 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 or disposition, post-trial or post-factfinding motions, and appeals. A person shall not be precluded from possession if the conviction or adjudication 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 adjudicated or the conviction or disposition 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 or adjudicated 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 owns or has in his possession or under his 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.

Sec. 119. RCW 13.04.011 and 1979 c 155 s 1 are each amended to read as follows:

For purposes of this title:

(1) Except as specifically provided in RCW 13.40.020 and chapter 13.24 RCW, as now or hereafter amended, "juvenile," "youth," and "child" mean any individual who is under the chronological age of eighteen years;

(2) "Juvenile offender" and "juvenile offense" have the meaning ascribed in RCW ~~((13.40.010 through 13.40.240))~~ 13.40.020;

(3) "Court" when used without further qualification means the juvenile court judge(s) or commissioner(s);

(4) "Parent" or "parents," except as used in chapter 13.34 RCW, as now or hereafter amended, means that parent or parents who have the right of legal custody of the child. "Parent" or "parents" as used in chapter 13.34 RCW, means the biological or adoptive parents of a child unless the legal rights of that person have been terminated by judicial proceedings;

(5) "Custodian" means that person who has the legal right to custody of the child.

NEW SECTION. Sec. 120. A new section is added to chapter 28A.600 RCW to read as follows:

School districts may participate in the exchange of information with law enforcement and juvenile court officials to the extent permitted by the family educational and privacy rights act of 1974, 20 U.S.C. Sec. 1232g. When directed by court order or pursuant to any lawfully issued subpoena, a school district shall make student records and information available to law enforcement officials, probation officers, court personnel, and others legally entitled to the information. Parents and students shall be notified by the school district of all such orders or subpoenas in advance of compliance with them.

"PART II - FAMILIES AT RISK"

NEW SECTION. Sec. 201. A new section is added to chapter 28A.225 RCW to read as follows:

Each school within a school district shall inform the students and the parents of the students enrolled in the school about the compulsory education requirements under this chapter. The school shall distribute the information at least annually.

Sec. 202. RCW 28A.225.020 and 1986 c 132 s 2 are each amended to read as follows:

If a juvenile required to attend school under the laws of the state of Washington fails to attend school without valid justification (~~((recurrently or for an extended period of time))~~), the juvenile's school(~~((, where appropriate,))~~) shall:

(1) Inform the juvenile's custodial parent, parents or guardian by a notice in writing (~~((in English and, if different, in the primary language of the custodial parent, parents or guardian and by other means reasonably necessary to achieve notice of the fact))~~) or by telephone that the juvenile has failed to attend school without valid justification (~~((recurrently or for an extended period of time))~~) after one unexcused absence within any month during the current school year;

(2) Schedule a conference or conferences with the custodial parent, parents or guardian and juvenile at a time and place reasonably convenient for all persons included for the purpose of analyzing the causes of the juvenile's absences after two unexcused absences within any month during the current school year. If a regularly scheduled parent-teacher conference day is to take place within thirty days of the second unexcused absence, then the school district may schedule this conference on that day; and

(3) Take steps to eliminate or reduce the juvenile's absences. These steps shall include, where appropriate, adjusting the juvenile's school program or school or course assignment, providing more individualized or remedial instruction, preparing the juvenile for employment with specific vocational courses or work experience, or both, and assisting the parent or student to obtain supplementary services that might eliminate or ameliorate the cause or causes for the absence from school.

Sec. 203. RCW 28A.225.030 and 1990 c 33 s 220 are each amended to read as follows:

If action taken by a school pursuant to RCW 28A.225.020 is not successful in substantially reducing a student's absences from school, any of the following actions may be taken after five or more unexcused absences during the current school year: (1) The attendance officer of the school district through its attorney may petition the juvenile court to assume jurisdiction under RCW 28A.200.010, 28A.200.020, and 28A.225.010 through 28A.225.150 for the purpose of alleging a violation of RCW 28A.225.010 by the parent; or (2) a petition alleging a violation of RCW 28A.225.010 by a child may be filed with the juvenile court by the parent of such child or by the attendance officer of the school district through its attorney at the request of the parent. If the court assumes jurisdiction in such an instance, the provisions of RCW 28A.200.010, 28A.200.020, and 28A.225.010 through 28A.225.150, except where otherwise stated, shall apply.

Sec. 204. RCW 28A.225.090 and 1990 c 33 s 226 are each amended to read as follows:

Any person violating any of the provisions of either RCW 28A.225.010 or 28A.225.080 shall be fined not more than twenty-five dollars for each day of unexcused absence from school. However, a child found to be in violation of

RCW 28A.225.010 shall be required to attend school and shall not be fined. If the child fails to comply with the court order to attend school, the court may order the child be punished by detention or may impose alternatives to detention such as community service hours or participation in dropout prevention programs or referral to a community truancy board, if available. Failure by a child to comply with an order issued under this section shall not be punishable by detention for a period greater than that permitted pursuant to a contempt proceeding against a child under chapter 13.32A RCW. It shall be a defense for a parent charged with violating RCW 28A.225.010 to show that he or she exercised reasonable diligence in attempting to cause a child in his or her custody to attend school or that the juvenile's school did not perform its duties as required in RCW 28A.225.020. Any fine imposed pursuant to this section may be suspended upon the condition that a parent charged with violating RCW 28A.225.010 shall participate with the school and the juvenile in a supervised plan for the juvenile's attendance at school or upon condition that the parent attend a conference or conferences scheduled by a school for the purpose of analyzing the causes of a child's absence.

Attendance officers shall make complaint for violation of the provisions of RCW 28A.225.010 through 28A.225.140 to a judge of the superior or district court.

Sec. 205. RCW 28A.225.150 and 1990 c 33 s 232 are each amended to read as follows:

The school district attendance officer shall report biannually to the educational service district superintendent, in the instance of petitions filed alleging a violation by a child under RCW 28A.225.030:

- (1) The number of petitions filed by a school district or by a parent;
- (2) The frequency of each action taken under RCW 28A.225.020 prior to the filing of such petition;
- (3) When deemed appropriate under RCW 28A.225.020, the frequency of delivery of supplemental services;

and

(4) Disposition of cases filed with the juvenile court, including the frequency of contempt orders issued to enforce a court's order under RCW 28A.225.090.

The educational service district superintendent shall compile such information and report annually to the superintendent of public instruction. The superintendent of public instruction shall compile such information and report to the committees of the house of representatives and the senate by ~~((January 1, 1988))~~ September 1 of each year.

Sec. 206. RCW 13.32A.130 and 1990 c 276 s 8 are each amended to read as follows:

A child admitted to a crisis residential center under this chapter who is not returned to the home of his or her parent or who is not placed in an alternative residential placement under an agreement between the parent and child, shall, except as provided for by RCW 13.32A.140 and 13.32A.160(2), reside in such placement under the rules and regulations established for the center for a period not to exceed ~~((seventy-two hours, excluding Saturdays, Sundays, and holidays,))~~ five consecutive days from the time of intake, except as otherwise provided by this chapter. Crisis residential center staff shall make a concerted effort to achieve a reconciliation of the family. If a reconciliation and voluntary return of the child has not been achieved within forty-eight hours~~((, excluding Saturdays, Sundays and holidays,))~~ from the time of intake, and if the person in charge of the center does not consider it likely that reconciliation will be achieved within the ~~((seventy-two hour))~~ five-day period, then the person in charge shall inform the parent and child of (1) the availability of counseling services; (2) the right to file a petition for an alternative residential placement, the right of a parent to file an at-risk youth petition, and the right of the parent and child to obtain assistance in filing the petition; and (3) the right to request a review of any alternative residential placement: PROVIDED, That at no time shall information regarding a parent's or child's rights be withheld if requested: PROVIDED FURTHER, That the department shall develop and distribute to all law enforcement agencies and to each crisis residential center administrator a written statement delineating such services and rights. Every officer taking a child into custody shall provide the child and his or her parent(s) or responsible adult with whom the child is placed with a copy of such statement. In addition, the administrator of the facility or his or her designee shall provide every resident and parent with a copy of such statement.

Sec. 207. RCW 13.32A.140 and 1990 c 276 s 9 are each amended to read as follows:

The department shall file a petition to approve an alternative residential placement on behalf of a child under any of the following sets of circumstances:

(1) The child has been admitted to a crisis residential center or has been placed with a responsible person other than his or her parent, and:

(a) The parent has been notified that the child was so admitted or placed;

(b) ~~((Seventy-two hours, including Saturdays, Sundays, and holidays,))~~ Five consecutive days have passed since such notification;

(c) No agreement between the parent and the child as to where the child shall live has been reached;

(d) No petition requesting approval of an alternative residential placement has been filed by either the child or parent or legal custodian;

(e) The parent has not filed an at-risk youth petition; and

(f) The child has no suitable place to live other than the home of his or her parent.

(2) The child has been admitted to a crisis residential center and:

(a) (~~Seventy-two hours, including Saturdays, Sundays, and holidays.~~) Five consecutive days have passed since such placement;

(b) The staff, after searching with due diligence, have been unable to contact the parent of such child; and

(c) The child has no suitable place to live other than the home of his or her parent.

(3) An agreement between parent and child made pursuant to RCW 13.32A.090(2)(e) or pursuant to RCW 13.32A.120(1) is no longer acceptable to parent or child, and:

(a) The party to whom the arrangement is no longer acceptable has so notified the department;

(b) (~~Seventy-two hours, including Saturdays, Sundays, and holidays.~~) Five consecutive days have passed since such notification;

(c) No new agreement between parent and child as to where the child shall live has been reached;

(d) No petition requesting approval of an alternative residential placement has been filed by either the child or the parent;

(e) The parent has not filed an at-risk youth petition; and

(f) The child has no suitable place to live other than the home of his or her parent.

Under the circumstances of subsections (1), (2), or (3) of this section, the child shall remain in a licensed child care facility, including but not limited to a crisis residential center, or in any other suitable residence to be determined by the department until an alternative residential placement petition filed by the department on behalf of the child is reviewed by the juvenile court and is resolved by such court. The department may authorize emergency medical or dental care for a child placed under this section. The state, when the department files a petition for alternative residential placement under this section, shall be represented as provided for in RCW 13.04.093.

Sec. 208. RCW 13.32A.150 and 1990 c 276 s 10 are each amended to read as follows:

(1) Except as otherwise provided in this section the juvenile court shall not accept the filing of an alternative residential placement petition by the child or the parents or the filing of an at-risk youth petition by the parent, unless verification is provided that a family assessment has been completed by the department. The family assessment shall be aimed at family reconciliation and avoidance of the out-of-home placement of the child. If the department is unable to complete an assessment within two working days following a request for assessment the child or the parents may proceed under subsection (2) of this section or the parent may proceed under subsection (3) of this section.

(2) A child or a child's parent may file with the juvenile court a petition to approve an alternative residential placement for the child outside the parent's home. The department shall, when requested, assist either a parent or child in the filing of the petition. The petition shall only ask that the placement of a child outside the home of his or her parent be approved. The filing of a petition to approve such placement is not dependent upon the court's having obtained any prior jurisdiction over the child or his or her parent, and confers upon the court a special jurisdiction to approve or disapprove an alternative residential placement.

(3) A child's parent may file with the juvenile court a petition in the interest of a child alleged to be an at-risk youth. The department shall, when requested, assist the parent in filing the petition. The petition shall be filed in the county where the petitioning parent resides. The petition shall set forth the name, age, and residence of the child and the names and residence of the child's parents and shall allege that:

(a) The child is an at-risk youth as defined in this chapter;

(b) The petitioning parent has the right to legal custody of the child;

(c) Court intervention and supervision are necessary to assist the parent to maintain the care, custody, and control of the child; and

(d) Alternatives to court intervention have been attempted or there is good cause why such alternatives have not been attempted.

The petition shall set forth facts that support the allegations in this subsection and shall generally request relief available under this chapter. The petition need not specify any proposed disposition following adjudication of the petition. The filing of an at-risk youth petition is not dependent upon the court's having obtained any prior jurisdiction over the child or his or her parent and confers upon the court the special jurisdiction to assist the parent in maintaining parental authority and responsibility for the child. An at-risk youth petition may not be filed if the court has approved an alternative residential placement petition regarding the child or if the child is the subject of a proceeding under chapter 13.34 RCW. A petition may be accepted for filing only if alternatives to court intervention have been attempted (~~or if there is good cause why they were not attempted~~). Juvenile court personnel may screen all at-risk youth petitions and may refuse to allow the filing of any petition that lacks merit, fails to comply with the requirements of this section, or fails to allege sufficient facts in support of allegations in the petition.

NEW SECTION. Sec. 209. To the extent possible within existing funds, the department of social and health services shall transfer children who are inappropriately housed in crisis residential centers to residential and treatment services designed to meet their specific, unique needs by June 30, 1993.

NEW SECTION. Sec. 210. A new section is added to chapter 13.32A RCW to read as follows:

The department of social and health services shall not administratively split-code staff responsible for family reconciliation services between separate and distinct functions, except in remote rural offices where to do otherwise proves impractical.

NEW SECTION. Sec. 211. A new section is added to chapter 13.32A RCW to read as follows:

All placements into crisis residential centers shall be approved by and coordinated through the family reconciliation services supervisor. The department of social and health services shall establish uniform procedures for the use of crisis residential centers, which shall be adhered to by all family reconciliation services supervisors. The department shall ensure procedures established under this section will facilitate and complement law enforcement officer's existing responsibility to pick up and transport children to crisis residential centers and other places authorized by law under this chapter.

Sec. 212. RCW 74.13.032 and 1979 c 155 s 78 are each amended to read as follows:

(1) The department (~~shall establish, by contracts with private vendors,~~) may operate or contract to operate not less than eight regional crisis residential centers, which shall be structured group care facilities licensed under rules adopted by the department. Each regional center shall have ~~(an average of at least four adult staff members and in no event less than)~~ three adult staff members to every ~~(eight)~~ nine children. The staff shall be trained so that they may effectively counsel juveniles admitted to the centers, provide treatment, supervision, and structure to the juveniles, and carry out the responsibilities outlined in RCW 13.32A.090.

(2) The department shall, in addition to the regional facilities established under subsection (1) of this section, establish not less than thirty additional crisis residential centers pursuant to contract with licensed private group care or specialized foster home facilities. The staff at the facilities shall be trained so that they may effectively counsel juveniles admitted to the centers, provide treatment, supervision, and structure to the juveniles, and carry out the responsibilities stated in RCW 13.32A.090. The responsibilities stated in RCW 13.32A.090 may, in any of the centers, be carried out by the department.

Crisis residential facilities shall be operated as semi-secure facilities.

Sec. 213. RCW 74.13.033 and 1979 c 155 s 79 are each amended to read as follows:

(1) If a resident of a center becomes by his or her behavior disruptive to the facility's program, such resident may be immediately removed to a separate area within the facility and counseled on an individual basis until such time as the child regains his or her composure. The department may set rules and regulations establishing additional procedures for dealing with severely disruptive children on the premises, which procedures are consistent with the federal juvenile justice and delinquency prevention act of 1974 and regulations and clarifying instructions promulgated thereunder. Nothing in this section shall prohibit a center from referring any child who, as the result of a mental or emotional disorder, or intoxication by alcohol or other drugs, is suicidal, seriously assaultive or seriously destructive toward others, or otherwise similarly evidences an immediate need for emergency medical evaluation and possible care, ~~((to a community mental health center))~~ for evaluation pursuant to chapter 71.34 RCW ((72.23.070)) or to a mental health professional pursuant to chapter 71.05 RCW whenever such action is deemed appropriate and consistent with law.

(2) When the juvenile resides in this facility, all services deemed necessary to the juvenile's reentry to normal family life shall be made available to the juvenile as required by chapter 13.32A RCW. In providing these services, the facility shall:

(a) Interview the juvenile as soon as possible;

(b) Contact the juvenile's parents and arrange for a counseling interview with the juvenile and his or her parents as soon as possible;

(c) Conduct counseling interviews with the juvenile and his or her parents, to the end that resolution of the child/parent conflict is attained and the child is returned home as soon as possible; and

(d) Provide additional crisis counseling as needed, to the end that placement of the child in the crisis residential center will be required for the shortest time possible, but not to exceed ~~((seventy-two hours))~~ five consecutive days.

(3) A juvenile taking unauthorized leave from this residence may be apprehended and returned to it by law enforcement officers or other persons designated as having this authority as provided in RCW 13.32A.050. If returned to the facility after having taken unauthorized leave for a period of more than twenty-four hours a juvenile may be supervised by such a facility for a period, pursuant to this chapter, which, unless where otherwise provided, may not exceed ~~((seventy-two hours))~~ five consecutive days on the premises. Costs of housing juveniles admitted to crisis residential centers shall be assumed by the department for a period not to exceed ~~((seventy-two hours))~~ five consecutive days.

Sec. 214. RCW 74.13.034 and 1991 c 364 s 5 are each amended to read as follows:

(1) A child taken into custody and taken to a crisis residential center established pursuant to RCW 74.13.032(2) may, if the center is unable to provide appropriate treatment, supervision, and structure to the child, be taken at department expense to another crisis residential center or the nearest regional crisis residential center. Placement in both centers shall not exceed ~~((seventy-two hours))~~ five consecutive days from the point of intake as provided in RCW 13.32A.130.

(2) A child taken into custody and taken to a crisis residential center established by this chapter may be placed physically by the department or the department's designee and, at departmental expense and approval, in a secure juvenile detention facility operated by the county in which the center is located for a maximum of forty-eight hours, including Saturdays, Sundays, and holidays, if the child has taken unauthorized leave from the center and the person in charge of the center determines that the center cannot provide supervision and structure adequate to ensure that the child will not again take unauthorized leave. Juveniles placed in such a facility pursuant to this section may not, to the extent possible, come in contact with alleged or convicted juvenile or adult offenders.

(3) Any child placed in secure detention pursuant to this section shall, during the period of confinement, be provided with appropriate treatment by the department or the department's designee, which shall include the services defined in RCW 74.13.033(2). If the child placed in secure detention is not returned home or if an alternative living arrangement agreeable to the parent and the child is not made within twenty-four hours after the child's admission, the child shall be taken at the department's expense to a crisis residential center. Placement in the crisis residential center or centers plus placement in juvenile detention shall not exceed ~~((seventy-two hours))~~ five consecutive days from the point of intake as provided in RCW 13.32A.130.

(4) Juvenile detention facilities used pursuant to this section shall first be certified by the department to ensure that juveniles placed in the facility pursuant to this section are provided with living conditions suitable to the well-being of the child. Where space is available, juvenile courts, when certified by the department to do so, shall provide secure placement for juveniles pursuant to this section, at department expense.

(5) It is the intent of the legislature that by July 1, 1982, crisis residential centers, supplemented by community mental health programs and mental health professionals, will be able to respond appropriately to children admitted to centers under this chapter and will be able to respond to the needs of such children with appropriate treatment, supervision, and structure.

"PART III - INVOLUNTARY COMMITMENT AND TREATMENT"

Sec. 301. RCW 74.04.055 and 1991 c 126 s 2 are each amended to read as follows:

In furtherance of the policy of this state to cooperate with the federal government in the programs included in this title the secretary shall issue such rules and regulations as may become necessary to entitle this state to participate in federal grants-in-aid, goods, commodities and services unless the same be expressly prohibited by this title. The secretary shall ensure that the department's services and programs are designed and implemented to maximize the allocation of federal funds to the state.

Any section or provision of this title which may be susceptible to more than one construction shall be interpreted in favor of the construction most likely to satisfy federal laws entitling this state to receive federal matching or other funds for the various programs of public assistance. If any part of this chapter is found to be in conflict with federal requirements which are a prescribed condition to the receipts of federal funds to the state, the conflicting part of this chapter is hereby inoperative solely to the extent of the conflict with respect to the agencies directly affected, and such finding or determination shall not affect the operation of the remainder of this chapter.

Sec. 302. RCW 71.34.010 and 1985 c 354 s 1 are each amended to read as follows:

It is the purpose of this ~~((legislation))~~ chapter to ensure that minors in need of mental health care and treatment receive an appropriate continuum of culturally relevant care and treatment, ((and to enable treatment decisions to be made in response to clinical needs and in accordance with sound professional judgment while also recognizing parents' rights to participate in treatment decisions for their minor children, and to protect minors against needless hospitalization and deprivations of liberty)) from prevention and early intervention to involuntary treatment. To facilitate the continuum of care and treatment to minors in out-of-home placements, all divisions of the department that provide mental health services to minors shall jointly plan and deliver those services.

It is also the purpose of this chapter to protect the rights of minors against needless hospitalization and deprivations of liberty and to enable treatment decisions to be made in response to clinical needs in accordance with sound professional judgment. The mental health care and treatment providers shall encourage the use of voluntary services and, whenever clinically appropriate, the providers shall offer less restrictive alternatives to inpatient treatment. Additionally, all mental health care and treatment providers shall ensure that minors' parents are given an opportunity

to participate in the treatment decisions for their minor children. The mental health care and treatment providers shall, to the extent possible, offer services that involve minors' parents or family.

NEW SECTION. Sec. 303. A new section is added to chapter 71.34 RCW to read as follows:

For the purpose of encouraging the expansion of existing evaluation and treatment facilities and the creation of new facilities, the department shall endeavor to redirect federal Title XIX funds which are expended on out-of-state placements to fund placements within the state.

NEW SECTION. Sec. 304. A new section is added to chapter 71.34 RCW to read as follows:

The department shall ensure that the provisions of this chapter are applied by the counties in a consistent and uniform manner. The department shall also ensure that, to the extent possible within available funds, the county-designated mental health professionals are specifically trained in adolescent mental health issues, the mental health civil commitment laws, and the criteria for civil commitment.

NEW SECTION. Sec. 305. A new section is added to chapter 71.34 RCW to read as follows:

Whenever a county-designated mental health professional makes a determination under RCW 71.34.050 that a minor, thirteen years or older, does not meet the criteria for an involuntary detention at an evaluation and treatment facility, the county-designated mental health professional shall:

- (1) Provide written notice to the minor's parent of the parent's right to file petitions and obtain services available under chapter 13.32A RCW;
- (2) Provide a written evaluation to the minor's parent detailing the county-designated mental health professional's reasons for not detaining the minor at an evaluation and treatment facility. The evaluation shall include the specific facts investigated, the credibility of the person or persons providing the information, and the criteria for an involuntary detention; and
- (3) Refer the minor and the parents to other available services.

NEW SECTION. Sec. 306. A new section is added to chapter 70.96A RCW to read as follows:

The department shall ensure that the provisions of this chapter are applied by the counties in a consistent and uniform manner. The department shall also ensure that, to the extent possible within available funds, the county-designated chemical dependency specialists are specifically trained in adolescent chemical dependency issues, the chemical dependency commitment laws, and the criteria for commitment.

NEW SECTION. Sec. 307. A new section is added to chapter 70.96A RCW to read as follows:

Whenever a county-designated chemical dependency specialist makes a determination under RCW 70.96A.140 that a minor does not meet the criteria for a commitment to a chemical dependency program, the county-designated chemical dependency specialist shall:

- (1) Provide written notice to the minor's parent of the parent's right to file petitions and obtain services available under chapter 13.32A RCW;
- (2) Provide a written evaluation to the minor's parent detailing the county-designated chemical dependency specialist's reasons for not committing the minor in a chemical dependency program. The evaluation shall include the specific facts investigated, the credibility of the person or persons providing the information, and the criteria for a commitment to a chemical dependency treatment program; and
- (3) Refer the minor and the parents to other available services.

"PART IV - MISCELLANEOUS"

Sec. 401. 1991 c 234 s 1 (uncodified) is amended to read as follows:

A joint select committee on juvenile issues (~~task force~~) is created to review the operation of the 1977 Juvenile Justice Act, the Family Reconciliation Act, the 1990 "at-risk" youth legislation, and to study related issues. The (~~task force~~) joint select committee is charged with issuing a report and making recommendations to the legislature by December 15, (~~(1991)~~) 1992.

The (~~task force~~) joint select committee shall consist of the following members:

(1) (~~Three~~) Two co-chairs, one from the state senate appointed by the president of the senate(~~(s))~~ and one from the state house of representatives appointed by the speaker of the house of representatives(~~(s) and one appointed by the governor from among the members of the task force named in subsection (3) of this section~~).

(2) Eight legislators in addition to the two legislative cochairs selected under subsection (1) of this section, two each from the majority and minority caucuses of the senate and two each from the majority and minority caucuses of the house of representatives.

(3) (~~The governor shall appoint the following members of the task force~~) Advisory committees shall be composed of the following:

- (a) (~~Three~~) Two superior court judges;
- (b) (~~Two~~) One prosecuting attorney(~~(s))~~;

- (c) ~~((Two))~~ One juvenile public defender~~((s));~~
 (d) The secretary of social and health services or the secretary's designee;
 (e) ~~((Two))~~ One juvenile court administrator~~((s));~~
 (f) One police chief or county sheriff;
 (g) ~~((One child psychologist;~~
 (h) ~~One child psychiatrist;~~
~~((i))~~ Two directors of ~~((a))~~ youth service organizations;
~~((j))~~ (h) One person from the Washington council on crime and delinquency;
~~((k))~~ (i) One person from a parents' organization;
~~((l))~~ ~~One person from a crisis residential center;~~
~~((m))~~ (j) One juvenile court caseworker;
~~((n))~~ ~~One representative of the executive branch;~~
~~((o))~~ (k) Two members of the mental health treatment community; ~~((and~~
~~((p))~~ (l) One member from the substance abuse treatment community;
(m) One member from the education system;
(n) One member from local government; and
(o) One member representing the employees of state institutions.

~~((The department of social and health services shall fund the task force in an amount sufficient to meet its mission. The task force shall be staffed, to the extent possible, by staff available from the membership of the task force.~~

~~The governor shall ensure that the racial diversity of the task force membership appointed by the governor reflects the racial diversity of juveniles served under the Family Reconciliation Act, the 1977 Juvenile Justice Act, and the 1990 "at risk" youth legislation.))~~

The joint select committee shall develop a statutory community-based planning, allocation, and service system for children and families, including at-risk youth, runaways, and families in conflict, and submit it to the appropriate legislative committees no later than December 1, 1992. The joint select committee shall: (i) Identify which state agencies, programs, and services should be included in the system; (ii) identify the various youth populations to be served by the system; and (iii) determine how to coordinate this system with existing community-based planning and coordination requirements, including, but not limited to, chapter 326, Laws of 1991, and chapter 13.06 RCW.

Sec. 402. 1991 c 234 s 2 (uncodified) is amended to read as follows:

The department of social and health services, in cooperation with the commission on African American affairs, shall contract for an independent study of racial disproportionality in the juvenile justice system. The study shall identify key decision points in the juvenile justice system where race and/or ethnicity-based disproportionality exists in the treatment and incarceration of juvenile offenders. The study shall identify the causes of disproportionality, and propose new policies and procedures to address disproportionality.

~~((The department shall submit the study's preliminary findings and recommendations to the juvenile justice task force established under section 1 of this act by September 13, 1991.))~~ The final report shall be submitted to the appropriate committees of the legislature by December ~~((1, 1991))~~ 15, 1992.

The juvenile justice task force shall utilize the information on disproportionality in developing its report and recommendations to the legislature required under section ~~((4))~~ 401 of this act. ~~((If by June 30, 1991, the omnibus operating budget appropriations act for the 1991-93 biennium does not provide specific funding for this section, referencing this section by bill number and section, this section is null and void.))~~

NEW SECTION. Sec. 403. A new section is added to chapter 13.40 RCW to read as follows:

The department shall within existing funds collect such data as may be necessary to monitor any disparity in processing or disposing of cases involving juvenile offenders due to economic, gender, geographic, or racial factors that may result from implementation of chapter ..., Laws of 1992 (this act). Beginning December 1, 1993, the department shall report annually to the legislature on economic, gender, geographic, or racial disproportionality in the rates of arrest, detention, trial, treatment, and disposition in the state's juvenile justice system. The report shall cover the preceding calendar year. The annual report shall identify the causes of such disproportionality and shall specifically point out any economic, gender, geographic, or racial disproportionality resulting from implementation of chapter ..., Laws of 1992 (this act).

NEW SECTION. Sec. 404. Sections 110 through 114 of this act are each added to chapter 13.16 RCW.

NEW SECTION. Sec. 405. Part headings as used in this act do not constitute any part of the law.

NEW SECTION. Sec. 406. 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. 407. The purpose of this act is solely to provide authority for the counties and the department of social and health services to provide services within existing funds and current programs and facilities

unless otherwise specifically funded by June 30, 1992, by reference to this bill and section number, in the supplemental omnibus appropriations act for the 1992. Nothing in this act shall be construed to require the addition of new facilities nor affect the department of social and health services' nor county authority for the uses of existing programs and funding.

NEW SECTION. Sec. 408. Sections 102, 104, 106, 206, 207, 212, 214, and 304 through 307 of this act shall take effect July 1, 1993.

POINT OF INQUIRY

Senator Rasmussen: "Senator Nelson, on page one, it says, 'This chapter shall be known and cited as the Juvenile Justice Act of 1977.' Would you object to an amendment to change that to the Juvenile Justice Act of 1992?"

Senator Nelson: "Senator Rasmussen, this is the carry-over of the original Juvenile Justice Act and I guess I wouldn't want to change the date until this task force has totally completed the job that we have given it from Senate Bill No. 6167 during the 1991 session."

Senator Rasmussen: "The reason I asked that question is that the Juvenile Justice Act of 1977, in the public's mind, has a very bad connotation and I would urge you to accept the amendment that I am going to offer to make it the Juvenile Justice Act of 1992."

Senator Nelson: "Well, Senator Rasmussen, I believe that in the next session of the Legislature when we have the completed efforts of this task force, that will be the time to celebrate with a new date that will totally overhaul everything that we need to do. This is strictly, in this session, a very minimal effort of converting parts of the Juvenile Justice Act, but we are not totally revamping it to the extent that you and I might like it."

Senator Rasmussen: "Thank you."

POINT OF INQUIRY

Senator Thorsness: "Senator Nelson, most of the complaints that I get are from parents who say that the rights were swung too far toward the child and you sort of have touched on that, but could you address that a bit more directly if this will help in bringing that balance back?"

Senator Nelson: "Yes, Senator Thorsness, in my opinion, we start down the proper road of bringing parents back into the condition where there are runaways or offenders. And we start that by the changes that are made here in the Juvenile Disposition Standards, as well as the involvement of the courts--the court personnel and the people who are going to evaluate young people and properly report back to the parents and the school officials as to the problems with young people. You are right, in the 1977 Act, we did flow to a position, at that time, called Juvenile Rights and it went too far and we left parents out. This bill brings them back in and I hope it will start us in the right direction for a total overhaul in 1993."

POINT OF INQUIRY

Senator Talmadge: "Senator Nelson, is the intent of this amendment that legislative staff will staff the Joint Select Legislative Committee?"

Senator Nelson: "Yes."

Senator Talmadge: "Thank you."

Further debate ensued.

POINT OF INQUIRY

'Senator Stratton: "Senator Nelson, I have just quickly read through here--and all the duties of this committee. I do not see any reference whatsoever to any intervention at all of gang activity. Is that something that can be added later if this committee so decides or--it seems to me that that might be an oversight if it isn't in here?"

Senator Nelson: "Senator Stratton, there are some intervention programs, but not totally in the context of, I think, what you would like. You will see intervention with respect to the portions of the involuntary treatment provisions that you note in the three hundred series of the measure, but there is an ongoing effort on the part of this task force to address intervention during the next interim time between now and the 1993 session. It is a big item that we just frankly didn't come to grips with in total during this first phase of the task force."

POINT OF INQUIRY

Senator Snyder: "On the issue of down-sizing, Senator Nelson, is there anything in this measure that mandates the department to study or to come up with down-sizing mandates?"

Senator Nelson: "No, there isn't, Senator Snyder. That has been removed from the original task force report and it is not in this amendment."

Further debate ensued.

MOTION

On motion of Senator Murray, Senator Vognild was excused.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Nelson, Roach, Adam Smith, Talmadge and Newhouse to Engrossed Substitute House Bill No. 2466.

The motion by Senator Nelson carried and the striking amendment was adopted.

MOTIONS

On motion of Senator Nelson, the following title amendment was adopted:

On page 1, line 2 of the title, after "force;" strike the remainder of the title and insert "amending RCW 13.40.010, 13.40.020, 13.40.027, 13.40.0357, 13.40.038, 13.40.050, 13.40.070, 13.40.080, 13.40.150, 2.56.030, 4.24.190, 9.41.010, 9.41.040, 13.04.011, 28A.225.020, 28A.225.030, 28A.225.090, 28A.225.150, 13.32A.130, 13.32A.140, 13.32A.150, 74.13.032, 74.13.033, 74.13.034, 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 13.16 RCW; adding a new section to chapter 28A.600 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; adding a new section to chapter 13.40 RCW; creating new sections; prescribing penalties; and providing an effective date."

On motion of Senator Nelson, the rules were suspended, Engrossed Substitute House Bill No. 2466, 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. 2466, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2466, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 5; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, 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, Roach, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sumner, Sutherland, Talmadge, Thorsness, von Reichbauer, West, Wojahn - 43.

Voting nay: Senators Bailey, Niemi, Rinehart, Saling, Williams - 5.

Excused: Senator Vognild - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2466, 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 fourth order of business.

MESSAGE FROM THE HOUSE

March 11, 1992

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to the following bills, and passed said bills as amended by the Senate:

SUBSTITUTE HOUSE BILL NO. 2498,

SUBSTITUTE HOUSE BILL NO. 2784,

SUBSTITUTE HOUSE BILL NO. 2967.

ALAN THOMPSON, Chief Clerk

MESSAGE FROM THE HOUSE

March 11, 1992

MR. PRESIDENT:

The Speaker has signed:

ENGROSSED SENATE BILL NO. 5675,

ENGROSSED SUBSTITUTE SENATE BILL NO. 5727, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MESSAGE FROM THE HOUSE

March 11, 1992

MR. PRESIDENT:

The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 1258,

HOUSE BILL NO. 2290,

SUBSTITUTE HOUSE BILL NO. 2319,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2337,

SUBSTITUTE HOUSE BILL NO. 2344,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2389,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2459,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2518,
SUBSTITUTE HOUSE BILL NO. 2551,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2610,
HOUSE BILL NO. 2681,
HOUSE BILL NO. 2811,
SUBSTITUTE HOUSE BILL NO. 2857,
HOUSE BILL NO. 2944,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2985, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MESSAGE FROM THE HOUSE

March 11, 1992

MR. PRESIDENT:

The House insists on its position regarding the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 2501 and again asks the Senate to recede therefrom, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

Senator Nelson moved that the rules be suspended and Substitute House Bill No. 2501 be returned to second reading and read the second time.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Nelson that the rules be suspended and Substitute House Bill No. 2501 be returned to second reading.

The motion by Senator Nelson carried and Substitute House Bill No. 2501 was returned to second reading.

Substitute House Bill No. 2501 was read the second time.

MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Nelson moved to reconsider the vote by which the Committee on Law and Justice striking amendment to Substitute House Bill No. 2501 was adopted March 5, 1992.

The President declared the question before the Senate to be the motion by Senator Nelson to reconsider the vote by which the Committee on Law and Justice striking amendment was adopted March 5, 1992.

The motion by Senator Nelson carried and the Senate will reconsider the vote by which the Committee on Law and Justice striking amendment to Substitute House Bill No. 2501 was adopted.

MOTION

On motion of Senator Nelson, the Committee on Law and Justice striking amendment to Substitute House Bill No. 2501 was not adopted, on reconsideration.

MOTION

Senator Nelson moved that the following amendment by Senators Nelson and Adam Smith be 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))~~ the aggregate value ~~((is ten thousand dollars or less))~~ of personal property is within the jurisdictional limit set forth in RCW 3.66.020. 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) ~~((4))~~ 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)(1) When property is forfeited, the seizing agency shall keep a record indicating the identity of the prior owner, if known, a description of the property, the disposition of the property, the value of the property at the time of seizure, and the amount of proceeds realized from disposition of the property.

(2) Each seizing agency shall retain records of forfeited property for at least seven years.

(3) Each seizing agency shall file a report including a copy of the records of forfeited property with the state treasurer each calendar quarter.

(4) The quarterly report need not include a record of forfeited property that is still being held for use as evidence during the investigation or prosecution of a case or during the appeal from a conviction.

(h)(1) By January 31st of each year, each seizing agency shall remit to the state treasurer an amount equal to ten percent of the net proceeds of any property forfeited during the preceding calendar year. Money remitted shall be deposited in the drug enforcement and education account under RCW 69.50.520.

(2) The net proceeds of forfeited property is the value of the forfeitable interest in the property after deducting the cost of satisfying any bona fide security interest to which the property is subject at the time of seizure; and in the case of sold property, after deducting the cost of sale, including reasonable fees or commissions paid to independent selling agents, and the cost of any valid landlord's claim for damages under subsection (n) of this section.

(3) The value of sold forfeited property is the sale price. The value of retained forfeited property is the fair market value of the property at the time of seizure, determined when possible by reference to an applicable commonly used index, such as the index used by the department of licensing for valuation of motor vehicles. A seizing agency may use, but need not use, an independent qualified appraiser to determine the value of retained property. If an appraiser is

used, the value of the property appraised is net of the cost of the appraisal. The value of destroyed property and retained firearms or illegal property is zero.

(i) Forfeited property and net proceeds not required to be paid to the state treasurer shall be retained by the seizing law enforcement agency exclusively for the expansion and improvement of controlled substances related law enforcement activity. Money retained under this section may not be used to supplant pre-existing funding sources.

(j) 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))~~ (k) 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))~~ (l) 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))~~ (m) 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.

(n) 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 within thirty days after the search;

(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. The seizing law enforcement agency must notify the landlord of the status of the claim by the end of the thirty-day period. Nothing in this section requires the claim to be paid by the end of the sixty-day or thirty-day period.

(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.

(o) The landlord's claim for damages under subsection (n) 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 any bona fide security interest in the tenant's property and costs related to sale of the tenant's property as provided by subsection (h)(2) of this section.

(p) Subsections (n) and (o) 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 (n) 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.

NEW SECTION. Sec. 2. 1992 c ... (2SSB 5318) s 5 is hereby repealed.

POINT OF INQUIRY

Senator Talmadge: "Mr. President, could we get a better idea of what the actual flaw was that we are correcting? We've been doing this an awful lot lately and I just want to raise the concern. We use the Mardesich method to deal with some of these issues and some of the questions have been in dispute, but it might be nice if the makers of the motion, either to concur or not to concur to do these kinds of things, gave us a little better explanation than what we have heard today, particularly since this did not appear to be on anybody's list of any sort a short time ago--just a short explanation of what the flaw is that we are correcting?"

Senator Nelson: "The flaw and I am hoping Senator Smith can help me since it was his striking amendment in this and he may be able to address it better, but apparently it is the ranking of how to take the forfeited possessions and now take care of the costs of law enforcement or local government when they now can take the possessions and sell them to retrieve costs and then what the process becomes in eventually allowing the landlord to make claims with local government to obtain some reimbursement, not all, but some reimbursement for any damage. I would yield to Senator Smith if he would like to get the precise section, if he has it, on where the change is. This is intended to be what was part of our discussion with the House members that, apparently, the drafters have helped discover in the way of an error."

Further debate ensued.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Nelson and Adam Smith to Substitute House Bill No. 2501.

The motion of by Senator Nelson carried and the striking amendment was adopted.

MOTIONS

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 "reenacting and amending RCW 69.50.505; and repealing 1992 c ... (2SSB 5318) s 5."

On motion of Senator Nelson, the rules were suspended, Substitute House Bill No. 2501, as amended by the Senate under suspension of the rules, 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 under suspension of the rules.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2501, as amended by the Senate under suspension of the rules, 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. 2501, as amended by the Senate under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE HOUSE BILL NO. 1258,
HOUSE BILL NO. 2290,
SUBSTITUTE HOUSE BILL NO. 2319,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2337,
SUBSTITUTE HOUSE BILL NO. 2344,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2389,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2459,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2518,
SUBSTITUTE HOUSE BILL NO. 2551,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2610,
HOUSE BILL NO. 2681,
HOUSE BILL NO. 2811,
SUBSTITUTE HOUSE BILL NO. 2857,
HOUSE BILL NO. 2944,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2985.

MESSAGE FROM THE HOUSE

March 11, 1992

MR. PRESIDENT:

The House insists on its position regarding the House amendment(s) to SUBSTITUTE SENATE BILL NO. 6494 and once again asks the Senate to concur therein, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Newhouse, the Senate concurred in the House amendments to Substitute Senate Bill No. 6494.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6494, as amended by the House.

Debate ensued.

MOTION

On motion of Senator Snyder, further consideration of Substitute Senate Bill No. 6494, as amended by the House, was deferred.

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

SECOND READING

SENATE BILL NO. 6180, by Senators Bailey, Erwin, Oke, Barr, Nelson and Skratek

Protecting education programs.

MOTIONS

On motion of Senator Bailey, Substitute Senate Bill No. 6180 was substituted for Senate Bill No. 6180 and the substitute bill was placed on second reading and read the second time.

Senator Bailey moved that the following amendment by Senators Bailey, Rinehart and Gaspard 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 peer influence.

(2) The legislature finds that:

(a) Prevention and intervention services at the elementary school level can offer early identification, encouragement, 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) The provision of 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.

(c) The legislature finds that services should be provided to the extent possible by public or private human service agencies.

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) "Child intervention specialist" or "community-based public or private human service provider" means a person who provides early intervention and prevention services and includes but is not limited to services provided by licensed mental health professionals, child psychiatrists, health care providers, social service caseworkers or social workers, school counselors, school psychologists, school nurses, and school social workers.

(2) "Early grades," "elementary grades," and "elementary level" mean kindergarten through grade six and may include preschool age children served by the school district.

(3) "Elementary grades prevention and intervention program" means a district-wide program or plan of early detection, prevention, and intervention of learning, emotional, environmental, social, or physical problems of elementary students, that addresses student and family needs; the appropriate use and roles of child intervention specialists, including training and necessary supervision; interprofessional cooperation; and interagency, public and private, collaboration and coordination of the planning, delivery, and evaluation of programs and services.

(4) "Early intervention services" means services that are provided to address social and emotional factors that can affect student performance and behavior and that are provided when problems just begin to emerge.

(5) "Prevention services" means services that are provided to address social and emotional factors that can affect student performance and behavior and that are provided to students before problems occur.

(6) "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 district's enrollment in grades kindergarten through six. Fair start funds shall not be used to replace funding for existing activities. However, any district currently providing elementary students with prevention and intervention services 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 existing level of prevention and intervention services.

(3) Two or more school districts may submit a joint application for the purpose of establishing or enhancing a cooperative prevention and intervention program for elementary grades students. An educational service district may submit an application on behalf of one or more school districts for the purpose of establishing or enhancing an elementary grades prevention and intervention program.

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 and 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 the provision of prevention and intervention services to students outside school buildings;

(d) Use of grant funds for prevention and intervention-related in-service purposes, including, as necessary and appropriate, multicultural in-service 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 the 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) School districts and educational service districts accepting fair start funds shall enter into written interagency agreements with community-based public or private human service providers to assure delivery of appropriate services to students.

NEW SECTION. Sec. 5.

(1) Districts shall use fair start funds to provide prevention and intervention services to students with priority given to students based on need. Districts shall establish the criteria determining need and include this information in the report required under section 8 of this act.

(2) Funds from the fair start program regarding health care shall be used only for services and information relating to nutrition and poor health.

(3) In developing their elementary grades prevention and intervention programs, districts shall, as appropriate, take into consideration the multicultural background and needs of students and, as necessary, provide appropriate multicultural materials.

(4) Nothing under sections 2 through 9 of this act precludes a district from incorporating a primary intervention program model or a family support worker model as part of the district's fair start program.

NEW SECTION. Sec. 6.

(1) 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.

(2) The superintendent of public instruction and the department of social and health services jointly shall conduct a longitudinal evaluation of the fair start program. The first report shall be submitted to the legislature and governor not later than December 1, 1993.

NEW SECTION. Sec. 7.

(1) The superintendent of public instruction shall adopt rules as necessary under chapter 34.05 RCW to implement sections 3 through 8 of this act. The rules shall permit school districts to provide prevention and intervention services through the local educational service district. The rules shall provide for appropriate coordination between the superintendent and the department of social and health services regarding the primary intervention program and the fair start program.

(2) The secretary of social and health services shall adopt rules as necessary under chapter 34.05 RCW to provide for appropriate coordination between the secretary and the superintendent regarding the fair start program and the primary intervention program.

NEW SECTION. Sec. 8.

(1) School districts and educational service districts shall submit biennially to the superintendent a report on their fair start programs. The first report shall include the criteria established by districts to provide prevention and intervention services to students on a priority basis based on need.

(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 1, 1993. The first report shall include information on districts' criteria establishing students' needs to receive prevention and intervention services on a priority basis. Subsequent reports shall be submitted not later than December 1st in even-numbered years.

(3) The superintendent of public instruction shall report to the legislature and the governor by January 15, 1993, the number of written interagency agreements or contracts entered into between schools and educational service districts and public or private community-based human service providers to provide prevention and early intervention services to students.

NEW SECTION. Sec. 9. Upon request, the superintendent shall provide information to districts regarding how other districts have used fair start funds locally or how other districts have established formal agreements for coordinated case management under section 4 of this act.

NEW SECTION. Sec. 10. Sections 2 through 9 of this act are each added to chapter 28A.600 RCW.

NEW SECTION. Sec. 11. 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 Anderson moved that the following amendments to the striking amendment by Senators Bailey, Rinehart and Gaspard be considered simultaneously and be adopted:

On page 4, line 10, after "school" strike "and educational service districts,"

On page 6, line 3, after "act." strike "The rules shall permit school districts to provide prevention and intervention services through the local educational service district."

On page 6, line 13, after "districts" strike "and educational service districts"

On page 6, line 28, after "schools" strike "and educational service districts"

Debate ensued.

POINT OF INQUIRY

Senator Patterson: "Senator Anderson, are you aware of any ESDs that currently provide this service on their own without contracting it to a local community provider? Are you aware of any of the ESDs that do this now?"

Senator Anderson: "There are some, as I understand it, that do hire a portion of a person to do those services, but it is because the policy has never been that they must first look to community providers as in this bill."

Senator Patterson: "Well, then, to follow on it, your amendment would eliminate those ESDs that now do carry out this program?"

Senator Anderson: "Senator Patterson, those ESDs would still be getting their money to do this. The choice would be, then, to hire a community provider to do the services, rather than to have employees within the ESDs provide the service."

Senator Patterson: "Based on that answer, I am going to vote against the amendment to the amendment."

Further debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator Anderson on page 4, line 10, page 6, lines 3, 13 and 28, to the striking amendment by Senators Bailey, Rinehart and Gaspard to Substitute Senate Bill No. 6180.

The motion by Senator Anderson failed and the amendments to the striking amendment were not adopted on a rising vote.

MOTION

Senator Anderson moved that the following amendment to the striking amendment by Senators Bailey, Rinehart and Gaspard be adopted:

On page 4, line 21, strike "To the greatest extent possible, the" and insert "The"
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 Senator Anderson on page 4, line 21, to the striking amendment by Senators Bailey, Rinehart and Gaspard to Substitute Senate Bill No. 6180.

ROLL CALL

The Secretary called the roll and the amendment to the striking 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, Moore, Newhouse, Niemi, Oke, Rasmussen, Roach, Sellar, L. Smith, Sumner, Talmadge, Thorsness, West, Wojahn - 23.

Voting nay: Senators Bailey, Barr, Bauer, Bluechel, Conner, Gaspard, Hansen, Jesernig, Kreidler, Madsen, McMullen, Murray, Nelson, Owen, Patterson, Pelz, Rinehart, Saling, Skratek, A. Smith, Snyder, Stratton, Sutherland, Vognild, von Reichbauer, Williams - 26.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Bailey, Rinehart and Gaspard to Substitute Senate Bill No. 6180.

The motion by Senator Bailey carried and the striking amendment was adopted.

MOTIONS

On motion of Senator Bailey, the following title amendment was adopted:

On page 1, line 1 of the title, after "programs;" 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, Engrossed Substitute Senate Bill No. 6180 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF ORDER

Senator Craswell: "Thank you, Mr. President, a point of order. I would like to request, since Initiative 120 was passed, whether or not this vote will require a two-thirds vote. The ruling on the same bill or the fair start language of the bill earlier when we had language in it to restrict the funds as to what they could be spent for, the ruling was that it would require a two-thirds majority. That language has been changed, but it still restricts what the funds can be used for and the intent of the new language was to do the same thing, so it would seem that we would still require a two-thirds majority vote."

REPLY BY THE PRESIDENT

President Pritchard: "Senator Craswell, would you care to point out what part of the bill that that--"

Senator Craswell: "Mr. President, it is on page five. It is line eight--the language compares to the language in the old bill on page six, line one."

RULING BY THE PRESIDENT

President Pritchard: "Senator Craswell, after consultation with the attorneys here, we have come to the conclusion that this bill can become law with twenty-five votes and the point of order is not well taken."

Further debate ensued.

POINT OF INQUIRY

Senator Talmadge: "Senator Bailey, is there anything in this legislation that authorizes or encourages school districts to apply for or receive federal Title XIX funds to help finance Fair Start or other health activities?"

Senator Bailey: "No, Senator, nothing in this legislation does that, nor is it my intent that this legislation be seen as encouraging or authorizing school districts to apply for or receive federal Title XIX funds for mental health or other health activities."

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6180.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6180 and the bill passed the Senate by the following vote: Yeas, 37; Nays, 12; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Barr, Bauer, Bluechel, Conner, Erwin, Gaspard, Hansen, Jesernig, Kreidler, Madsen, Matson, McMullen, Metcalf, Moore, Murray, Nelson, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Saling, Sellar, Skratek, A. Smith, Snyder, Stratton, Sumner, Sutherland, Talmadge, Vognild, von Reichbauer, Williams, Wojahn - 37.

Voting nay: Senators Amondson, Anderson, Cantu, Craswell, Hayner, McCaslin, McDonald, Newhouse, Roach, L. Smith, Thorsness, West - 12.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6180, having received the 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. 6285, by Senators McDonald and Niemi (by request of Governor Gardner)

Making higher education tuition and fee waivers permissive.

The bill was read the second time.

MOTION

Senator McDonald moved that the following amendment by Senators McDonald and Saling be adopted:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 28B.10.016 and 1991 c 238 s 113 are each amended to read as follows:

For the purposes of this title:

(1) "State universities" means the University of Washington and Washington State University.

(2) "Regional universities" means Western Washington University at Bellingham, Central Washington University at Ellensburg, and Eastern Washington University at Cheney.

(3) "State college" means The Evergreen State College in Thurston county.

(4) "Institutions of higher education" or "postsecondary institutions" means the state universities, the regional universities, The Evergreen State College, the community colleges, and the technical colleges.

(5) "Governing board" means the board of regents or the board of trustees of the institutions of higher education.

Sec. 2. RCW 28B.10.265 and 1985 c 390 s 1 are each amended to read as follows:

Subject to the limitations of section 33 of this act, the governing boards of the state universities, the regional universities, The Evergreen State College, and the community colleges may waive all or a portion of the tuition, operating, and services and activities fees for children of any person who was a Washington domiciliary and who within the past eleven years has been determined by the federal government to be a prisoner of war or missing in action in Southeast Asia, including Korea, or who shall become so hereafter ((shall be admitted to and attend any public institution of higher education within the state without the necessity of paying any tuition and service and activities' fees for any and all courses offered at any time including summer term whether attending on a part time or full time basis; PROVIDED, That such child shall)), if the children meet such other educational qualifications as such institution of higher education shall deem reasonable and necessary under the circumstances. ((Affected institutions shall in their preparation of future budgets include therein costs resultant from such tuition loss for reimbursement thereof from appropriations of state funds.)) Applicants for free or reduced tuition shall provide institutional administrative personnel with documentation of their rights under this section.

Before June 30, 1995, no individual waiver program under this section may be reduced by more than twice the percentage reduction required in operating fee foregone revenue from tuition waivers in the biennial state appropriations act.

Sec. 3. RCW 28B.15.014 and 1989 c 306 s 3 and 1989 c 290 s 3 are each reenacted and amended to read as follows:

Subject to the limitations of section 33 of this act, the governing boards of the state universities, the regional universities, The Evergreen State College, and the community colleges may exempt the following nonresidents ((shall be exempted)) from paying all or a portion of the nonresident tuition ((and)) fees differential:

(1) Any person who resides in the state of Washington and who holds a graduate service appointment designated as such by a public institution of higher education or is employed for an academic department in support of the instructional or research programs involving not less than twenty hours per week during the term such person shall hold such appointment.

(2) Any faculty member, classified staff member or administratively exempt employee holding not less than a half time appointment at an institution who resides in the state of Washington, and the dependent children and spouse of such persons.

(3) Active-duty military personnel stationed in the state of Washington and the spouses and dependents of such military personnel.

(4) Any immigrant refugee and the spouse and dependent children of such refugee, if the refugee (a) is on parole status, or (b) has received an immigrant visa, or (c) has applied for United States citizenship.

(5) Domestic exchange students participating in the program created under RCW 28B.15.725.

(6) Any dependent of a member of the United States congress representing the state of Washington.

Before June 30, 1995, no individual waiver program under this section may be reduced by more than twice the percentage reduction required in operating fee foregone revenue from tuition waivers in the biennial state appropriations act.

Sec. 4. RCW 28B.15.067 and 1990 1st ex.s. c 9 s 413 are each amended to read as follows:

(1) Tuition fees shall be established and adjusted annually under the provisions of this chapter beginning with the 1987-88 academic year. Such fees shall be identical, subject to other provisions of this chapter, for students enrolled at either state university, for students enrolled at the regional universities and The Evergreen State College and for students enrolled at any community college. Tuition fees shall reflect the undergraduate and graduate educational costs

of the state universities, the regional universities and the community colleges, respectively, in the amounts prescribed in this chapter. ~~((The change from the biennial tuition fee adjustment to an annual tuition fee adjustment shall not reduce the amount of revenue to the state general fund.))~~

(2) The tuition fees established under this ~~((section))~~ chapter shall not apply to high school students enrolling in community colleges under RCW 28A.600.300 through 28A.600.395.

Sec. 5. RCW 28B.15.070 and 1989 c 245 s 3 are each amended to read as follows:

(1) The higher education coordinating board, in consultation with the house of representatives and senate committees responsible for higher education ~~((shall develop, in cooperation with the higher education coordinating board)),~~ the respective fiscal committees of the house of representatives and senate, the office of financial management, and the state institutions of higher education, shall develop by December of every fourth year beginning in 1989, definitions, criteria, and procedures for determining the undergraduate and graduate educational costs for the state universities, regional universities, and community colleges upon which tuition fees will be based. ~~((In the event that no action is taken or disagreement exists between the committees as of that date, the recommendations of the board shall be deemed to be approved.))~~

(2) Every four years, the state institutions of higher education in cooperation with the higher education coordinating board shall perform an educational cost study pursuant to subsection (1) of this section. The study shall be conducted based on every fourth academic year beginning with 1989-90. Institutions shall complete the studies within one year of the end of the study year and report the results to the higher education coordinating board for consolidation, review, and distribution.

(3) In order to conduct the study required by subsection (2) of this section, the higher education coordinating board, in cooperation with the institutions of higher education, shall develop a methodology that requires the collection of comparable educational cost data, which utilizes a faculty activity analysis or similar instrument.

Sec. 6. RCW 28B.15.100 and 1985 c 390 s 18 and 1985 c 370 s 67 are each reenacted and amended to read as follows:

(1) The ~~((board of regents or board of trustees at each of the state's regional and state))~~ governing boards of the state universities, the regional universities ~~((and at)),~~ The Evergreen State College, and the community colleges shall charge to and collect from each of the students registering at the particular institution for any quarter or semester such tuition fees and services and activities fees, and other fees as such board shall in its discretion determine~~((,)).~~ The total of all ~~((such))~~ fees ~~((, the tuition fee, and services and activities fee, to))~~ shall be rounded~~((out))~~ to the nearest whole dollar amount: PROVIDED, That such tuition fees for other than the summer ~~((session quarters or semesters))~~ term shall be in the amounts for the respective institutions as otherwise set forth in this chapter~~((, as now or hereafter amended; PROVIDED FURTHER, That the fees charged by boards of trustees of community college districts shall be in the amounts for the respective institutions as otherwise set forth in this chapter, as now or hereafter amended)).~~

(2) Part time students shall be charged tuition and services and activities fees proportionate to full time student rates established for residents and nonresidents: PROVIDED, That students registered for fewer than two credit hours shall be charged tuition and services and activities fees at the rate established for two credit hours: PROVIDED FURTHER, That, subject to the limitations of section 33 of this act, residents of Idaho or Oregon who are enrolled in community college district number twenty for six or fewer credits during any quarter or semester may be ~~((allowed to enroll at resident tuition and fee rates))~~ exempted from payment of all or a portion of the nonresident tuition fees differential upon a declaration by the higher education coordinating board that it finds Washington residents from ~~((such))~~ the community college district are afforded substantially equivalent treatment by such other states.

(3) Full-time students registered for more than eighteen credit hours shall be charged an additional operating fee for each credit hour in excess of eighteen hours at the applicable established per credit hour tuition fee rate ~~((applicable to))~~ for part-time students ~~((in the respective institutional tuition and fee rate categories set forth in this chapter))~~: PROVIDED, That, subject to the limitations of section 33 of this act, the governing boards ~~((of regents))~~ of the ~~((University of Washington and Washington State University))~~ state universities and the community colleges may exempt all or a portion of the additional charge, for students who are registered exclusively in first professional programs in medicine, dental medicine, veterinary medicine ~~((and)),~~ or law ~~((- PROVIDED FURTHER, That the state board for community college education may exempt students who are registered exclusively)),~~ or who are registered exclusively in required courses in vocational preparatory programs ~~((from the additional charge)).~~

(4) Before June 30, 1995, no individual waiver program under this section may be reduced by more than twice the percentage reduction required in operating fee foregone revenue from tuition waivers in the biennial state appropriations act.

Sec. 7. RCW 28B.15.202 and 1985 c 390 s 19 are each amended to read as follows:

Tuition fees and maximum services and activities fees at the University of Washington and at Washington State University for other than the summer ~~((quarters or semesters))~~ term shall be as follows:

(1) For full time resident undergraduate students and all other full time resident students not in graduate study programs or enrolled in programs leading to the degrees of doctor of medicine, doctor of dental surgery, and doctor of veterinary medicine, the total tuition fees shall be ~~((one-third))~~ thirty-three percent of the per student undergraduate educational costs at the state universities computed as provided in RCW 28B.15.067 and 28B.15.070: PROVIDED, That the building fees for each academic year shall be one hundred and twenty dollars.

(2) For full time resident graduate and law students not enrolled in programs leading to the degrees of doctor of medicine, doctor of dental surgery, and doctor of veterinary medicine, the total tuition fees shall be twenty-three percent of the per student graduate educational costs at the state universities computed as provided in RCW 28B.15.067 and 28B.15.070: PROVIDED, That the building fees for each academic year shall be one hundred and twenty dollars.

(3) For full time resident students enrolled in programs leading to the degrees of doctor of medicine, doctor of dental surgery, and doctor of veterinary medicine, the total tuition fees shall be one hundred sixty-seven percent of such fees charged in subsection (2) ~~((above))~~ of this section: PROVIDED, That the building fees for each academic year shall be three hundred and forty-two dollars.

(4) For full time nonresident undergraduate students and such other full time nonresident students not in graduate study programs or enrolled in programs leading to the degrees of doctor of medicine, doctor of dental surgery, or doctor of veterinary medicine, the total tuition fees shall be one hundred percent of the per student undergraduate educational costs at the state universities computed as provided in RCW 28B.15.067 and 28B.15.070: PROVIDED, That the building fees for each academic year shall be three hundred and fifty-four dollars.

(5) For full time nonresident graduate and law students not enrolled in programs leading to the degrees of doctor of medicine, doctor of dental surgery, and doctor of veterinary medicine, the total tuition fees shall be ~~((four thousand and seventy four dollars, and thereafter such fees shall be))~~ sixty percent of the per student graduate educational costs at the state universities computed as provided in RCW 28B.15.067 and 28B.15.070: PROVIDED, That the building fees for each academic year shall be three hundred and fifty-four dollars.

(6) For full time nonresident students enrolled in programs leading to the degrees of doctor of medicine, doctor of dental surgery, and doctor of veterinary medicine, the total tuition fees shall be one hundred sixty-seven percent of such fees charged in subsection (5) ~~((above))~~ of this section: PROVIDED, That the building fees for each academic year shall be five hundred and fifty-five dollars.

(7) The governing boards of ~~((regents of each of))~~ the state universities shall charge to and collect ~~((equally))~~ from each ~~((of the students registering at the particular institution and included in subsections (1) through (6) hereof))~~ student, a services and activities fee ~~((which for each year of the 1981-83 biennium shall not exceed one hundred and thirty eight dollars. In subsequent biennia)).~~ The governing board ~~((of regents))~~ may increase the existing fee annually, consistent with budgeting procedures set forth in RCW 28B.15.045, by a percentage not to exceed the annual percentage increase in ~~((tuition fees authorized in subsection (1) above))~~ resident undergraduate tuition fees: PROVIDED, That such percentage increase shall not apply to that portion of the services and activities fee previously committed to the repayment of bonded debt. The services and activities fee committee provided for in RCW 28B.15.045 may initiate a request to the governing board for a fee increase.

Sec. 8. RCW 28B.15.225 and 1981 c 20 s 1 are each amended to read as follows:

Subject to the limitations of section 33 of this act, the governing board ((of regents)) of the University of Washington may exempt the following students from the payment of all or a portion of the nonresident ((portion of the legally established student)) tuition ((and)) fees((,-any)) differential: Students admitted to the university's school of medicine pursuant to ((any)) contracts with the states of Alaska, Montana, or Idaho, or agencies thereof, providing for a program of regionalized medical education conducted by ((said)) the school of medicine((,)); or ((any)) students admitted to the university's school of dentistry pursuant to ((any)) contracts with the states of Utah, Idaho, or any other western state which does not have a school of dentistry, or agencies thereof, providing for a program of regionalized dental education conducted by ((said)) the school of dentistry((,- which contracts provide that)). The proportional cost of ~~((such))~~ the program ((and)), in excess of resident student tuition and fees, will be reimbursed to the university by or on behalf of ~~((said))~~ participating states or agencies ~~((thereof))~~. Subject to the limitations of section 33 of this act, the governing board of Washington State University may exempt from payment all or a portion of the nonresident tuition fee differential for any student admitted to the University of Washington's school of medicine and attending Washington State University as a participant in the Washington, Alaska, Montana, or Idaho program in this section. Washington State University may reduce the professional student tuition for students enrolled in this program by the amount the student pays the University of Washington as a registration fee.

Before June 30, 1995, no individual waiver program under this section may be reduced by more than twice the percentage reduction required in operating fee foregone revenue from tuition waivers in the biennial state appropriations act.

Sec. 9. RCW 28B.15.380 and 1990 c 154 s 1 are each amended to read as follows:

~~((In addition to any other exemptions as may be provided by law,))~~ Subject to the limitations of section 33 of this act, the governing boards ~~((of regents at))~~ of the state universities, the regional universities, and The Evergreen State College may exempt the following ~~((classes of persons))~~ students from the payment of all or a portion of tuition fees ~~((or))~~ and services and activities fees ~~((except for individual instruction fees))~~:

(1) All veterans as defined in RCW 41.04.005: PROVIDED, That such persons are no longer entitled to federal vocational or educational benefits conferred by virtue of their military service: AND PROVIDED FURTHER, That if any such veterans have not resided in this state for one year prior to registration ~~((said))~~, the board may exempt ~~((them))~~ the student from paying up to ~~((one-half))~~ fifty percent of the ~~((tuition payable by other nonresident students: AND, PROVIDED FURTHER, That))~~ nonresident tuition fees differential. Such exemptions ~~((shall))~~ may be provided only to those persons otherwise covered who were enrolled in universities on or before October 1, 1977.

(2) Children of any law enforcement officer or fire fighter who lost his or her life or became totally disabled in the line of duty while employed by any public law enforcement agency or full time or volunteer fire department in this state: PROVIDED, That such persons may receive the exemption only if they begin their course of study at a ~~((state))~~ state-supported college or university within ten years of their graduation from high school.

Before June 30, 1995, no individual waiver program under this section may be reduced by more than twice the percentage reduction required in operating fee foregone revenue from tuition waivers in the biennial state appropriations act.

Sec. 10. RCW 28B.15.402 and 1989 c 245 s 1 are each amended to read as follows:

Tuition fees and maximum services and activities fees at the regional universities and The Evergreen State College for other than the summer ~~((quarters or semesters))~~ term shall be as follows:

(1) For full time resident undergraduate students and all other full time resident students not in graduate study programs, the total tuition fees shall be ~~((one-fourth))~~ twenty-five percent of the per student undergraduate educational costs at the regional universities computed as provided in RCW 28B.15.067 and 28B.15.070: PROVIDED, That the building fees for each academic year shall be seventy-six dollars and fifty cents.

(2) For full time resident graduate students, the total tuition fees shall be twenty-three percent of the per student graduate educational costs at the regional universities computed as provided in RCW 28B.15.067 and 28B.15.070: PROVIDED, That the building fees for each academic year shall be seventy-six dollars and fifty cents.

(3) For full time nonresident undergraduate students and all other full time nonresident students not in graduate study programs, the total tuition fees shall be one hundred percent of the per student undergraduate educational costs at the regional universities computed as provided in RCW 28B.15.067 and 28B.15.070: PROVIDED, That the building fees for each academic year shall be two hundred and ninety-five dollars and fifty cents.

(4) For full time nonresident graduate students, the total ~~((of))~~ tuition fees shall be seventy-five percent of the per student graduate educational costs at the regional universities computed as provided in RCW 28B.15.067 and 28B.15.070: PROVIDED, That the building fees for each academic year shall be two hundred and ninety-five dollars and fifty cents.

(5) The governing boards ~~((of trustees))~~ of each of the regional universities and The Evergreen State College shall charge to and collect ~~((equally))~~ from each ~~((of the students registering at the particular institution and included in subsections (1) through (4) hereof))~~ student, a services and activities fee ~~((which for each year of the 1981-83 biennium shall not exceed one hundred eighty four dollars and fifty cents. In subsequent biennia)).~~ The governing board ~~((of trustees))~~ may increase the existing fee annually, consistent with budgeting procedures set forth in RCW 28B.15.045, by a percentage not to exceed the annual percentage increase in resident undergraduate tuition fees ~~((authorized in subsection (1) above))~~: PROVIDED, That such percentage increase shall not apply to that portion of the services and activities fee previously committed to the repayment of bonded debt. The services and activities fee committee provided for in RCW 28B.15.045 may initiate a request to the governing board for a fee increase.

~~((6) Notwithstanding the provisions of RCW 28B.15.067, for the 1989-91 biennium the undergraduate and graduate cost relationship developed by the 1987 cost study for Central Washington University shall be used to establish tuition fees for the regional universities and The Evergreen State College.))~~

Sec. 11. RCW 28B.15.502 and 1991 c 353 s 2 are each amended to read as follows:

Tuition fees and maximum services and activities fees at each community college for other than ~~((at))~~ the summer ~~((quarters))~~ term shall be set by the state board for community and technical colleges as follows:

(1) For full time resident students, the total tuition fees shall be twenty-three percent of the per student educational costs at the community colleges computed as provided in RCW 28B.15.067 and 28B.15.070: PROVIDED, That the building fees for each academic year shall be one hundred and twenty-seven dollars and fifty cents.

(2) For full time nonresident students, the total tuition fees shall be one hundred percent of the per student educational costs at the community colleges computed as provided in RCW 28B.15.067 and 28B.15.070: PROVIDED, That the building fees for each academic year shall be four hundred and three dollars and fifty cents.

(3) The governing boards (~~(of trustees)~~) of each of the state community colleges shall charge to and collect (~~(equally)~~) from each (~~(of the)~~) student (~~(s) registering at the particular institution and included in subsections (1) and (2) hereof)~~) a services and activities fee (~~(which for each year of the 1981-83 biennium shall not exceed sixty four dollars and fifty cents. In subsequent biennia the)~~). Each governing board (~~(of trustees)~~) may increase the existing fee annually, consistent with budgeting procedures set forth in RCW 28B.15.045, by a percentage not to exceed the annual percentage increase in resident student tuition fees (~~(authorized in subsection (1) above)~~): PROVIDED, That such percentage increase shall not apply to that portion of the services and activities fee previously committed to the repayment of bonded debt. The services and activities fee committee provided for in RCW 28B.15.045 may initiate a request to the governing board for a fee increase.

(4) Tuition and services and activities fees consistent with (~~(the above schedule will)~~) subsection (3) of this section shall be (~~(fixed)~~) set by the state board for community and technical colleges for summer school students unless the community college charges fees in accordance with RCW 28B.15.515.

(~~The~~) Subject to the limitations of section 33 of this act, each governing board (~~(of trustees shall)~~) may charge such fees for ungraded courses, noncredit courses, community services courses, and self-supporting (~~(short)~~) courses as it, in its discretion, may determine, (~~(not inconsistent)~~) consistent with the rules and regulations of the state board for community (~~(college education)~~) and technical colleges.

Before June 30, 1995, no individual waiver program under this section may be reduced by more than twice the percentage reduction required in operating fee foregone revenue from tuition waivers in the biennial state appropriations act.

Sec. 12. RCW 28B.15.520 and 1990 c 154 s 2 are each amended to read as follows:

(~~Notwithstanding any other provision of this chapter or chapter 28B.50 RCW as now or hereafter amended~~) Subject to the limitations of section 33 of this act, the governing boards of the community colleges may:

(1) (~~(Boards of trustees of the various community colleges shall)~~) Waive all or a portion of tuition fees and services and activities fees for:

(a) Students nineteen years of age or older who are eligible for resident tuition and fee rates as defined in RCW 28B.15.012 through 28B.15.015 and who enroll in a course of study or program which will enable them to finish their high school education and obtain a high school diploma or certificate; and

(~~(2) The various community college boards may waive the tuition and services and activities fees for~~) (b) Children of any law enforcement officer or fire fighter who lost his or her life or became totally disabled in the line of duty while employed by any public law enforcement agency or full time or volunteer fire department in this state: PROVIDED, That such persons may receive the (~~(exemption)~~) waiver only if they begin their course of study at a community college within ten years of their graduation from high school;

(~~(3) Boards of trustees of the various community colleges may~~) (2) Waive (~~(residency requirements for)~~) all or a portion of the nonresident tuition fees differential for:

(a) Nonresident students enrolled in (~~(that)~~) a community college (~~(in a)~~) course of study or program which will enable them to finish their high school education and obtain a high school diploma or certificate. The waiver shall be in effect only for those courses which lead to a high school diploma or certificate; and

(~~(4) Boards of trustees of the various community colleges may waive the nonresident portion of tuition and fees for~~) (b) Up to forty percent of the students enrolled in the regional education program for deaf students, subject to federal funding of such program.

(3) Before June 30, 1995, no individual waiver program under this section may be reduced by more than twice the percentage reduction required in operating fee foregone revenue from tuition waivers in the biennial state appropriations act.

Sec. 13. RCW 28B.15.522 and 1985 c 390 s 27 are each amended to read as follows:

(1) The governing boards (~~(of trustees)~~) of the community colleges (~~(districts)~~) may waive all or a portion of the tuition and services and activities fees for persons under subsection (2) of this section pursuant to the following conditions:

(a) Such persons shall register for and be enrolled in courses on a space available basis and new course sections shall not be created as a result of the registration;

(b) Enrollment information on persons registered pursuant to this section shall be maintained separately from other enrollment information and shall not be included in official enrollment reports, nor shall such persons be considered in any enrollment statistics which would affect budgetary determinations; and

(c) Persons who enroll under this section shall have the same access to support services as do all other students and shall be subject to all course prerequisite requirements.

(2) A person is eligible for the waiver under subsection (1) of this section if the person:

(a) Meets the requirements for a resident student under RCW 28B.15.011 through 28B.15.015;

- (b) Is twenty-one years of age or older;
- (c) At the time of initial enrollment under subsection (1) of this section, has not attended an institution of higher education for the previous six months;
- (d) Is not receiving or is not entitled to receive unemployment compensation of any nature under Title 50 RCW; and
- (e) Has an income at or below the need standard established under chapter 74.04 RCW by the department of social and health services.

(3) The state board for community and technical colleges ~~((education))~~ shall adopt rules to carry out this section.

(4) Before June 30, 1995, no individual waiver program under this section may be reduced by more than twice the percentage reduction required in operating fee foregone revenue from tuition waivers in the biennial state appropriations act.

Sec. 14. RCW 28B.15.527 and 1989 c 245 s 5 are each amended to read as follows:

Subject to the limitations of section 33 of this act, the governing boards ((of trustees)) of the community colleges may waive all or a portion of the nonresident ((portion of)) tuition fees differential for undergraduate students of foreign nations as follows:

(1) Priority in the awarding of waivers shall be given to students on academic exchanges and students participating in special programs recognized through formal agreements between states, cities, or institutions;

(2) The waiver programs under this section shall promote reciprocal placements and waivers in foreign nations for Washington residents. The number of foreign students granted ~~((resident tuition))~~ waivers through this program shall not exceed the number of that institution's own students enrolled in approved study programs abroad during the same period;

(3) No reciprocal placements shall be required for up to thirty students participating in the Georgetown University scholarship program funded by the United States agency for international development;

(4) Participation shall be limited to one hundred full-time foreign students each year.

(5) Before June 30, 1995, no individual waiver program under this section may be reduced by more than twice the percentage reduction required in operating fee foregone revenue from tuition waivers in the biennial state appropriations act.

Sec. 15. RCW 28B.15.535 and 1985 c 390 s 28 are each amended to read as follows:

(1) The governing boards ((of regents)) of the state universities ((and the boards of trustees of)), the regional universities, The Evergreen State College, and the community colleges may waive all or a portion of the tuition and services and activities fees for full-time employees of their respective institutions of higher education enrolled in said institutions' courses on a space available basis pursuant to the following conditions:

(a) Employees shall register for and be enrolled in courses on a space available basis, and no new course sections shall be created as a direct result of such registration;

(b) Enrollment information on employees registered on a space available basis shall be maintained separately from other enrollment information and shall not be included in official enrollment reports, nor shall persons enrolled pursuant to the provisions of this section be considered in any enrollment statistics which would affect budgetary determinations;

(c) Employees registering on a space available basis shall be charged a registration fee of not less than five dollars.

(2) The governing boards of the respective colleges and universities may waive all or a portion of tuition and services and activities fees for full-time intercollegiate center for nursing education, cooperative extension service, and agricultural research employees of Washington State University for such employees stationed off the Pullman, Whitman county campus: PROVIDED, That such waiver complies with the conditions spelled out in subsection (1) (a), (b), and (c) ((above)) of this section.

(3) The governing boards ((of regents)) of the state universities, ((the boards of trustees of)) the regional universities, and The Evergreen State College((,)) and the state board for community and technical colleges ~~((education with respect to community colleges,))~~ shall adopt guidelines for the implementation of institutional employee waivers granted pursuant to this section.

Sec. 16. RCW 28B.15.540 and 1985 c 390 s 29 are each amended to read as follows:

((Notwithstanding any other provision of this chapter or the laws of this state and)) Consistent with the regulations and procedures established by the governing boards ((of trustees of the state colleges, the boards of regents)) of the state universities, the regional universities, and The Evergreen State College and the state board for community and technical colleges, ~~((education))~~ each institution may for Washington residents who are sixty years of age or older:

(1) Waive, in whole or in part, the tuition and services and activities fees for students who qualify under this section and who are enrolled for credit, and

(2) Waive, in whole or in part, the tuition and services and activities fees for students who qualify under this section, but charge a nominal fee not to exceed five dollars per quarter, or semester, as the case may be, for such students who are enrolled on an audit basis: PROVIDED, That residents enrolling with fee exemptions under this section shall register for not more than two quarter or semester courses at one time on a space available basis, and no new course sections shall be created as a direct result of such registration: PROVIDED FURTHER, That such waivers shall not be available to students who plan to use the course credits gained thereby for increasing credentials or salary schedule increases: PROVIDED FURTHER, That enrollment information concerning fee exemptions awarded under this section shall be maintained separately from other enrollment information but shall not be included in official enrollment reports: PROVIDED, That persons who enroll pursuant to provisions of this section shall not be considered for any purpose in determining student-teacher ratio, nor for any purpose relating to enrollment totals, nor any other statistic which would affect budgetary determinations. Persons enrolling under the provisions of this section shall have, in equal with all other students, access to course counseling services and shall be subject to all course prerequisite requirements.

Sec. 17. RCW 28B.15.543 and 1990 c 33 s 558 are each amended to read as follows:

Subject to the limitations of section 33 of this act, the governing boards ((of regents and trustees)) of the state universities, the regional universities, ((state universities.)) The Evergreen State College, and the community colleges shall waive tuition and service and activities fees for recipients of the Washington scholars award under RCW 28A.600.100 through 28A.600.150 who received their awards before June 30, 1992. The governing boards may waive all or a portion of tuition and services and activities fees for those recipients of the Washington scholars award who received their awards after June 30, 1992. The waivers shall be used only for undergraduate studies. To qualify for the waiver, recipients shall enter the college or university within three years of high school graduation and maintain a minimum grade point average at the college or university equivalent to 3.30. Students shall be eligible for waivers for a maximum of twelve quarters or eight semesters and may transfer among ((state)) state-supported institutions of higher education during that period and continue to have the tuition and services and activities fees waived by the ((state)) state-supported institution of higher education that the student attends. Should the student's cumulative grade point average fall below 3.30 during the first three quarters or two semesters, that student may petition the higher education coordinating board which shall have the authority to establish a probationary period until such time as the student's grade point average meets required standards.

Before June 30, 1995, no individual waiver program under this section may be reduced by more than twice the percentage reduction required in operating fee foregone revenue from tuition waivers in the biennial state appropriations act.

Sec. 18. RCW 28B.15.545 and 1987 c 231 s 1 are each amended to read as follows:

Subject to the limitations of section 33 of this act, the governing boards ((of regents and trustees)) of the state universities, the regional universities, The Evergreen State College, and the community colleges shall waive tuition and services and activities fees ((for a maximum of six quarters or four semesters)) for those recipients of the Washington award for vocational excellence established under RCW 28C.04.520 through 28C.04.540 who received their awards before June 30, 1992. The governing boards may waive all or a portion of tuition and services and activities fees for those recipients of the Washington award for vocational excellence who received their awards after June 30, 1992. Each recipient shall not receive a waiver for more than six quarters or four semesters. To qualify for the waiver, recipients shall enter the college or university within three years of receiving the award. A minimum grade point average at the college or university equivalent to 3.00 ((in the first year)), or an above-average rating at a technical college, shall be required in the first year to qualify for the second-year waiver. The tuition waiver shall be granted for undergraduate studies only.

Before June 30, 1995, no individual waiver program under this section may be reduced by more than twice the percentage reduction required in operating fee foregone revenue from tuition waivers in the biennial state appropriations act.

Sec. 19. RCW 28B.15.556 and 1986 c 232 s 2 are each amended to read as follows:

Subject to the limitations of section 33 of this act, the governing boards ((of regents)) of the state universities ((and the boards of trustees of)), the regional universities, and The Evergreen State College may waive all or a portion of the tuition, ((operating,)) and services and activities fees for undergraduate or graduate students of foreign nations subject to the following limitations:

(1) No more than the equivalent of one hundred waivers may be awarded to undergraduate or graduate students of foreign nations at each of the two state universities;

(2) No more than the equivalent of twenty waivers may be awarded to undergraduate or graduate students of foreign nations at each of the regional universities and The Evergreen State College;

(3) Priority in the awarding of waivers shall be given to students on academic exchanges or academic special programs sponsored by recognized international educational organizations; and

(4) An undergraduate or graduate student of a foreign nation receiving a waiver under this section is not eligible for any other waiver.

The waiver programs under this section, to the greatest extent possible, shall promote reciprocal placements and waivers in foreign nations for Washington residents. The number of waivers awarded by each institution shall not exceed the number of that institution's own students enrolled in approved study programs abroad during the same period.

(5) Before June 30, 1995, no individual waiver program under this section may be reduced by more than twice the percentage reduction required in operating fee foregone revenue from tuition waivers in the biennial state appropriations act.

Sec. 20. RCW 28B.15.558 and 1990 c 88 s 1 are each amended to read as follows:

(1) The governing boards of the state (~~((institutions of higher education as defined in RCW 28B.10.016))~~) universities, the regional universities, The Evergreen State College, and the community colleges may waive all or a portion of the tuition and services and activities fees for state employees as defined under subsection (2) of this section pursuant to the following conditions:

(a) Such state employees shall register for and be enrolled in courses on a space available basis and no new course sections shall be created as a result of the registration;

(b) Enrollment information on state employees registered pursuant to this section shall be maintained separately from other enrollment information and shall not be included in official enrollment reports, nor shall such state employees be considered in any enrollment statistics which would affect budgetary determinations; and

(c) State employees registering on a space available basis shall be charged a registration fee of not less than five dollars.

(2) For the purposes of this section, "state employees" means permanent full-time employees in classified service under chapters 28B.16 and 41.06 RCW.

Sec. 21. RCW 28B.15.615 and 1984 c 105 s 1 are each amended to read as follows:

Subject to the limitations of section 33 of this act, the governing boards (~~((of regents))~~) of the state universities and (~~((the boards of trustees of))~~) the regional universities (~~((are authorized to))~~) may exempt the following students from paying all or a portion of the resident operating fee (~~((any person who is enrolled in such institution and who holds))~~); Students granted a graduate service appointment, designated as such by (~~((that))~~) the institution, involving not less than twenty hours of work per week. The exemption shall be for the term of the (~~((person shall hold the))~~) appointment. ((Until one year after June 7, 1984, the stipend paid to persons holding the graduate service appointments paid from state funds shall be reduced in an amount equal to the resident operating fee so waived, and the institution shall pay to the general fund from moneys appropriated an amount equivalent to the amount of waived operating fee revenue so as to ensure that the general fund is not negatively impacted. The 1985-87 and subsequent biennial appropriations to the institutions shall be based on the level of reduced stipend resulting from this section.)) The stipend paid to persons holding graduate student appointments from nonstate funds shall be reduced and the institution reimbursed from such funds in an amount equal to the resident operating fee which funds shall be transmitted to the general fund.

Before June 30, 1995, no individual waiver program under this section may be reduced by more than twice the percentage reduction required in operating fee foregone revenue from tuition waivers in the biennial state appropriations act.

Sec. 22. RCW 28B.15.620 and 1989 c 306 s 4 are each amended to read as follows:

((Notwithstanding any other provision of law.)) Subject to the limitations of section 33 of this act, the governing boards of the state universities, the regional universities, The Evergreen State College, and the community colleges may exempt veterans of the Vietnam conflict who have served in the southeast Asia theater of operations (~~((attending institutions of higher learning shall be exempted))~~) from the payment of any increase in tuition and fees otherwise applicable to any other resident or nonresident student (~~((at any institution of higher education, and))~~). In such cases, the veteran shall not be required to pay more than the total amount of tuition and fees paid by veterans of the Vietnam conflict on October 1, 1977: PROVIDED, That for the purposes of this exemption, "veterans of the Vietnam conflict" shall be those persons who have been on active federal service as a member of the armed military or naval forces of the United States between a period commencing August 5, 1964, and ending on May 7, 1975, and who qualify as a resident student under RCW 28B.15.012, and who (~~((have))~~) enrolled in state institutions of higher education on or before May 7, 1990. This section shall expire June 30, 1995.

Before June 30, 1995, no individual waiver program under this section may be reduced by more than twice the percentage reduction required in operating fee foregone revenue from tuition waivers in the biennial state appropriations act.

Sec. 23. RCW 28B.15.628 and 1991 c 228 s 14 are each amended to read as follows:

Subject to the limitations of section 33 of this act, the governing boards of the state universities, the regional universities, The Evergreen State College, and the community colleges may exempt veterans of the Persian Gulf combat

zone (~~shall be exempted~~) from increases in tuition and fees (~~at any public institution of higher education~~) that occur during and after their period of service (~~and~~). In such cases, the veteran shall not be required to pay more than the total amount of tuition and fees established for the 1990-91 academic year, if the veteran could have qualified as a Washington resident student under RCW 28B.15.012(2), had he or she been enrolled as a student on August 1, 1990, and if the veteran's adjusted gross family income as most recently reported to the internal revenue service does not exceed Washington state's median family income as established by the federal bureau of the census. For the purposes of this section, "a veteran of the Persian Gulf combat zone" means a person who during any portion of calendar year 1991, served in active federal service as a member of the armed military or naval forces of the United States in a combat zone as designated by the president of the United States by executive order.

Before June 30, 1995, no individual waiver program under this section may be reduced by more than twice the percentage reduction required in operating fee foregone revenue from tuition waivers in the biennial state appropriations act.

Sec. 24. RCW 28B.15.725 and 1989 c 290 s 2 are each amended to read as follows:

Subject to the limitations of section 33 of this act, the governing boards (~~of regents~~) of the state universities (~~and the boards of trustees of~~), the regional universities, and The Evergreen State College may enter into undergraduate upper division student exchange agreements with comparable public four-year institutions of higher education of other states and agree to (~~charge~~) exempt participating undergraduate upper division students (~~resident tuition rates~~) from payment of all or a portion of the nonresident tuition fees differential subject to the following restrictions:

(1) In any given academic year, the number of (~~undergraduate upper division nonresident exchange~~) students receiving (~~nonresident tuition waivers~~) a waiver at a state institution (~~;~~) shall not exceed the number of that institution's (~~undergraduate upper division~~) students receiving nonresident tuition waivers at participating out-of-state institutions. Waiver imbalances that may occur in one year shall be off-set in the year immediately following.

(2) Undergraduate upper division student participation in an exchange program authorized by this section is limited to one (~~calendar~~) academic year.

Before June 30, 1995, no individual waiver program under this section may be reduced by more than twice the percentage reduction required in operating fee foregone revenue from tuition waivers in the biennial state appropriations act.

Sec. 25. RCW 28B.15.730 and 1985 c 370 s 69 are each amended to read as follows:

~~((1) The state board for community college education and the boards of trustees for community college districts thirteen, fourteen, sixteen, nineteen, and twenty, for Lower Columbia, Clark, Yakima Valley, Columbia Basin, and Walla Walla community colleges, respectively, and the board of trustees for The Evergreen State College, for any program it offers in Vancouver, shall waive the payment of nonresident tuition and fees by residents of Oregon, upon completion of an agreement between the higher education coordinating board and appropriate officials and agencies in Oregon granting similar waivers for residents of Cowlitz, Clark, Wahkiakum, Skamania, and Klickitat counties, Washington, who qualify for junior or senior standing to attend Portland State University at the undergraduate level.~~

~~((2)) Subject to the limitations of section 33 of this act, the state board for community and technical colleges~~ (~~education~~) and the governing boards of (~~trustees of the state's~~) the state universities, the regional universities, the community colleges, and The Evergreen State College (~~and the regional universities and the boards of regents of the University of Washington and Washington State University shall~~) may waive all or a portion of the (~~payment of~~) nonresident tuition (~~and~~) fees (~~by~~) differential for residents of Oregon, upon completion of and to the extent permitted by an agreement between the higher education coordinating board and appropriate officials and agencies in Oregon granting similar waivers for residents of the state of Washington.

Before June 30, 1995, no individual waiver program under this section may be reduced by more than twice the percentage reduction required in operating fee foregone revenue from tuition waivers in the biennial state appropriations act.

Sec. 26. RCW 28B.15.740 and 1989 c 340 s 2 are each amended to read as follows:

~~((1)) Subject to the limitations of section 33 of this act, the~~ (~~boards of trustees or regents of each of the state's regional universities, The Evergreen State College, or state universities, and the various community colleges, consistent with regulations and procedures established by the state board for community college education,~~) governing boards of the state universities, the regional universities, The Evergreen State College, and the community colleges may waive (~~in whole or in part,~~) all or a portion of tuition and (~~services and activities~~) fees subject to the (~~limitations set forth in subsections (2) and (3).~~

~~((2))~~ following restrictions:

(1) Except as provided in subsection (~~((3))~~) (2) of this section, the total dollar amount of tuition and fee waivers awarded by (~~any state university, regional university, or state college,~~) the governing boards shall not exceed four percent, (~~and~~) except for the community colleges considered as a whole, such amount shall not exceed three percent

of an amount determined by estimating the total collections from tuition and services and activities fees had no such waivers been made, and deducting the portion of that total amount (~~which~~) that is attributable to the difference between resident and nonresident fees: PROVIDED, That at least three-fourths of the dollars waived shall be for needy students who are eligible for resident tuition and fee rates pursuant to RCW 28B.15.012 through 28B.15.015: PROVIDED FURTHER, That the remainder of the dollars waived, not to exceed one-fourth of the total, may be applied to other students at the discretion of the governing boards (~~of trustees or regents~~), except on the basis of participation in intercollegiate athletic programs: PROVIDED FURTHER, That the waivers for undergraduate and graduate students of foreign nations under RCW 28B.15.556 are not subject to the limitation under this section.

~~((3))~~ (2) In addition to the tuition and fee waivers provided in subsection ~~((2))~~ (1) of this section and subject to the provisions of RCW 28B.15.455 and 28B.15.460, a total dollar amount of tuition and fee waivers awarded by any state university, regional university, or state college under this chapter, not to exceed one percent, as calculated in subsection ~~((2))~~ (1) of this section, may be used for the purpose of achieving or maintaining gender equity in intercollegiate athletic programs. At any institution that has an underrepresented gender class in intercollegiate athletics, any such waivers shall be awarded:

(a) First, to members of the underrepresented gender class who participate in intercollegiate athletics, where such waivers result in saved or displaced money that can be used for athletic programs for the underrepresented gender class. Such saved or displaced money shall be used for programs for the underrepresented gender class; and

(b) Second, (i) to nonmembers of the underrepresented gender class who participate in intercollegiate athletics, where such waivers result in saved or displaced money that can be used for athletic programs for members of the underrepresented gender class. Such saved or displaced money shall be used for programs for the underrepresented gender class; or (ii) to members of the underrepresented gender class who participate in intercollegiate athletics, where such waivers do not result in any saved or displaced money that can be used for athletic programs for members of the underrepresented gender class.

(3) Before June 30, 1995, no individual waiver program under this section may be reduced by more than twice the percentage reduction required in operating fee foregone revenue from tuition waivers in the biennial state appropriations act.

Sec. 27. RCW 28B.15.750 and 1985 c 370 s 73 are each amended to read as follows:

~~((The state board for community college education and the boards of trustees of the state's community colleges, The Evergreen State College, and the regional universities and boards of regents of the University of Washington and Washington State University shall))~~ Subject to the limitations of section 33 of this act, the governing boards of the state universities, the regional universities, and The Evergreen State College and the state board for community and technical colleges may waive all or a portion of the ((payment of)) nonresident tuition ((and)) fees ((by)) differential for residents of Idaho, upon completion of and to the extent permitted by an agreement between the higher education coordinating board and appropriate officials and agencies in Idaho granting similar waivers for residents of the state of Washington.

Before June 30, 1995, no individual waiver program under this section may be reduced by more than twice the percentage reduction required in operating fee foregone revenue from tuition waivers in the biennial state appropriations act.

Sec. 28. RCW 28B.15.756 and 1987 c 446 s 2 are each amended to read as follows:

Subject to the limitations of section 33 of this act, the governing boards of ((trustees of The Evergreen State College and the regional universities,)) the state universities, the regional universities, and The Evergreen State College and the state board for community and technical colleges ((education, and the boards of regents of the University of Washington and Washington State University shall)) may waive all or a portion of the ((payment of)) nonresident tuition ((and)) fees ((by)) differential for residents of the Canadian province of British Columbia, upon completion of and to the extent permitted by an agreement between the higher education coordinating board and appropriate officials and agencies in the Canadian province of British Columbia providing for enrollment opportunities for residents of the state of Washington without payment of tuition or fees in excess of those charged to residents of British Columbia.

Before June 30, 1995, no individual waiver program under this section may be reduced by more than twice the percentage reduction required in operating fee foregone revenue from tuition waivers in the biennial state appropriations act.

Sec. 29. RCW 28B.50.259 and 1991 c 315 s 17 are each amended to read as follows:

(1) The state board for community and technical colleges (~~(education)~~) shall administer a program designed to provide higher education opportunities to dislocated forest products workers and their unemployed spouses who are enrolled in a community or technical college for ten or more credit hours per quarter. In administering the program, the college board shall have the following powers and duties:

(a) With the assistance of an advisory committee, design a procedure for selecting dislocated forest products workers to participate in the program;

- (b) Allocate funding to community and technical colleges attended by participants;
 - (c) Monitor the program and report on participants' progress and outcomes; and
 - (d) Report to the legislature by December 1, 1993, on the status of the program.
- (2) Unemployed spouses of eligible dislocated forest products workers may participate in the program, but tuition and fees may be waived under the program only for the worker or the spouse and not both.
- (3) Subject to the limitations of section 33 of this act, the governing boards (~~(of trustees)~~) of the community and technical colleges (~~(shall)~~) may waive all or a portion of tuition and fees for program participants, for a maximum of six quarters within a two-year period.

(4) During any biennium, the number of full-time equivalent students to be served in this program shall be determined by the applicable omnibus appropriations act, and shall be in addition to the community college enrollment level funded by the applicable omnibus appropriations act.

(5) Before June 30, 1995, no individual waiver program under this section may be reduced by more than twice the percentage reduction required in operating fee foregone revenue from tuition waivers in the biennial state appropriations act.

Sec. 30. RCW 28B.70.050 and 1969 ex.s. c 223 s 28B.70.050 are each amended to read as follows:

When said compact becomes operative the governing board of each institution of higher (~~(learning)~~) education in this state, to the extent necessary to conform with the terms of the contractual agreement(~~(, may)~~), subject to the limitations of section 33 of this act, may exempt from payment (~~(of)~~) all or a portion of the nonresident tuition fees (~~(established by law for nonresident students)~~) differential, any student admitted to such institution under the terms of a contractual agreement entered into with the commission in accord with the provisions of Article VIII(a) of the compact.

Before June 30, 1995, no individual waiver program under this section may be reduced by more than twice the percentage reduction required in operating fee foregone revenue from tuition waivers in the biennial state appropriations act.

Sec. 31. RCW 28B.80.580 and 1991 c 315 s 20 are each amended to read as follows:

(1) The board shall contract with institutions of higher education to provide upper division classes to serve additional placebound students in 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; and which are not served by an existing state-funded upper division degree program. The number of full-time equivalent students served in this manner shall be determined by the applicable omnibus appropriations act. The board may direct that all the full-time equivalent enrollments be served in one of the eligible timber impact areas if it should determine that this would be the most viable manner of establishing the program and using available resources. The institutions shall utilize telecommunication technology, if available, to carry out the purposes of this section. Subject to the limitations of section 33 of this act, the institutions providing the service (~~(shall)~~) may waive all or a portion of the tuition, service(~~(s)~~) and activities fees for dislocated forest products workers or their unemployed spouses enrolled as one of the full-time equivalent students allocated to the college under this section.

(2) Unemployed spouses of eligible dislocated forest products workers may participate in the program, but tuition and fees may be waived under the program only for the worker or the spouse and not both.

(3) Subject to the limitations of section 33 of this act, for any eligible participant, all or a portion of tuition (~~(shall)~~) may be waived for a maximum of four semesters or six quarters within a two-year time period (~~(and)~~). The participant must be enrolled for a minimum of ten credits per semester or quarter.

Before June 30, 1995, no individual waiver program under this section may be reduced by more than twice the percentage reduction required in operating fee foregone revenue from tuition waivers in the biennial state appropriations act.

NEW SECTION. Sec. 32. A new section is added to chapter 28B.15 RCW to read as follows:

Unless the context clearly requires otherwise, as used in this chapter "nonresident tuition fees differential" means the difference between resident tuition fees and nonresident tuition fees.

NEW SECTION. Sec. 33. A new section is added to chapter 28B.15 RCW to read as follows:

(1) Except for revenue waived under programs listed in subsection (3) of this section, and unless otherwise expressly provided in the omnibus state appropriations act, the total amount of operating fee revenue waived, exempted, or reduced by a state university, a regional university, The Evergreen State College, or the community colleges as a whole, shall not exceed the percentage of total net authorized operating fees revenue set forth below. As used in this section, "net authorized operating fees revenue" means the estimated gross operating fees revenue as estimated under RCW 82.33.020, before granting any waivers, minus obligations under RCW 28B.15.820. This limitation applies to all tuition waiver programs established before or after the effective date of this section.

(a) University of Washington	21 percent
(b) Washington State University	20 percent
(c) Eastern Washington University	11 percent
(d) Central Washington University	8 percent
(e) Western Washington University	10 percent
(f) The Evergreen State College	6 percent
(g) Community colleges as a whole	35 percent

(2) The limitations in subsection (1) of this section apply to waivers, exemptions, or reductions in operating fees contained in the following:

- (a) RCW 28B.10.265;
- (b) RCW 28B.15.014;
- (c) RCW 28B.15.100;
- (d) RCW 28B.15.225;
- (e) RCW 28B.15.380;
- (f) Ungraded courses under RCW 28B.15.502(4);
- (g) RCW 28B.15.520;
- (h) RCW 28B.15.526;
- (i) RCW 28B.15.527;
- (j) RCW 28B.15.543;
- (k) RCW 28B.15.545;
- (l) RCW 28B.15.555;
- (m) RCW 28B.15.556;
- (n) RCW 28B.15.615;
- (o) RCW 28B.15.620;
- (p) RCW 28B.15.628;
- (q) RCW 28B.15.725;
- (r) RCW 28B.15.730;
- (s) RCW 28B.15.740;
- (t) RCW 28B.15.750;
- (u) RCW 28B.15.756;
- (v) RCW 28B.50.259;
- (w) RCW 28B.70.050; and
- (x) RCW 28B.80.580.

(3) The limitations in subsection (1) of this section do not apply to waivers, exemptions, or reductions in services and activities fees contained in the following:

- (a) RCW 28B.15.522;
- (b) RCW 28B.15.535;
- (c) RCW 28B.15.540; and
- (d) RCW 28B.15.558.

Sec. 34. RCW 82.33.020 and 1990 c 229 s 2 are each amended to read as follows:

(1) Four times each year the supervisor shall prepare, subject to the approval of the economic and revenue forecast council under RCW 82.33.010:

- (a) An official state economic and revenue forecast;
- (b) An unofficial state economic and revenue forecast based on optimistic economic and revenue projections;

and

- (c) An unofficial state economic and revenue forecast based on pessimistic economic and revenue projections.

(2) The supervisor shall submit forecasts prepared under this section, along with any unofficial forecasts provided under RCW 82.33.010, to the governor and the members of the committees on ways and means and the chairs of the committees on transportation of the senate and house of representatives and the chair of the legislative transportation committee, including one copy to the staff of each of the committees, on or before November 20th, February 20th in the even-numbered years, March 20th in the odd-numbered years, June 20th, and September 20th. All forecasts shall include both estimated receipts and estimated revenues in conformance with generally accepted accounting principles as provided by RCW 43.88.037.

(3) All agencies of state government shall provide to the supervisor immediate access to all information relating to economic and revenue forecasts. Revenue collection information shall be available to the supervisor the first business day following the conclusion of each collection period.

(4) The economic and revenue forecast supervisor and staff shall co-locate and share information, data, and files with the tax research section of the department of revenue but shall not duplicate the duties and functions of one another.

(5) As part of its forecasts under subsection (1) of this section, the supervisor shall provide estimated revenue from tuition fees as defined in RCW 28B.15.020.

NEW SECTION. Sec. 35. This act shall take effect July 1, 1992.

NEW SECTION. Sec. 36. A new section is added to chapter 28B.15 RCW to read as follows:

An account is established in the state treasury for each public four-year institution of higher education and the community colleges as a whole, known as the "(institution's or community college's name) operating fees account." The account shall consist of all operating fees, as defined in this chapter, collected by the institution, except that two and one-half percent of moneys received as operating fees shall be deposited into the institution long-term loan fund under RCW 28B.15.820. Beginning July 1, 1992, all operating fees revenue shall be transferred to the state treasurer, consistent with RCW 28B.15.031, to be credited to the appropriate higher education operating fees account.

Debate ensued.

POINT OF INQUIRY

Senator Madsen: "Senator Saling, I apologize, I guess I didn't quite understand your explanation in the numbers here. So, if I might be specific, under mandatory programs, it says 'active duty military, spouses, dependents residency exemption, five point seven million dollars.' Now, if we pass this bill, what is the impact on the military, the spouses and the dependent exemption--not exemption--they pay state tuition, not out-of-state tuition. What is the impact on these people?"

Senator Saling: "The impact of this amendment on that particular issue would depend on the college or university that the individual military person attends. For instance, if the person were to attend--say the University of Washington--the University of Washington is given the leeway of eliminating from thirteen to twenty-six percent of that particular program. So, the University of Washington could cut back, anywhere from thirteen to twenty-six percent of the dollars that you see in the right hand column here. If there were people who wanted to go the University of Washington, under this tuition waiver program, that exceeded the limit they put on it, they would not be admitted under that program, because it would then become a permissive program and they would not have to attend that.

"On the other hand, if it is a community college, the community college is treated as a system. The Community College Board will be charged with the responsibility of determining which community colleges will be allowed to go to the twenty-seven percent figure for community colleges of eliminating any particular program. It is a system; it does not have to be twenty-seven percent in every community college. It will be treated as a system."

Senator Madsen: "Thank you."

Further debate ensued.

Senator McDonald demanded a roll call and the demand was sustained.

Further debate ensued.

The President declared the question before the Senate to be the roll call on the adoption of the striking amendment by Senators McDonald and Saling to Senate Bill No. 6285.

ROLL CALL

The Secretary called the roll and the amendment was adopted 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, Saling, Sellar, L. Smith, Stratton, Sumner, Thorsness, von Reichbauer, West - 25.

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

MOTIONS

On motion of Senator McDonald, the following title amendment was adopted:

On page 1, line 1 of the title, after "waivers;" strike the remainder of the title and insert "amending RCW 28B.10.016, 28B.10.265, 28B.15.067, 28B.15.070, 28B.15.202, 28B.15.225, 28B.15.380, 28B.15.402, 28B.15.502, 28B.15.520, 28B.15.522, 28B.15.527, 28B.15.535, 28B.15.540, 28B.15.543, 28B.15.545, 28B.15.556, 28B.15.558, 28B.15.615, 28B.15.620, 28B.15.628, 28B.15.725, 28B.15.730, 28B.15.740, 28B.15.750, 28B.15.756, 28B.50.259, 28B.70.050, 28B.80.580, and 82.33.020; reenacting and amending RCW 28B.15.014 and 28B.15.100; adding a new section to chapter 28B.15 RCW; and providing an effective date."

On motion of Senator McDonald, the rules were suspended, Engrossed Senate Bill No. 6285 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 Vognild: "Senator Saling, I am very much concerned about the parenting program. If I understand this correctly, the parenting program is now involved in the tuition waiver?"

Senator Saling: "Excuse me, what program were you referring to?"

Senator Vognild: "The parenting program."

Senator Saling: "The parenting--the parent education?"

Senator Vognild: "Yes."

Senator Saling: "It is now a permissive program."

Senator Vognild: "It would be a permissive program and therefore subject to the waiver if the college had to do that to balance its budget?"

Senator Saling: "It is now a permissive program. It is under the permissive category. The colleges do not have to honor it if they don't want to."

Senator Vognild: "Well, that is what I meant. I think that creates the same problem for me that such a major program in this day and age--with the problem we are having with young people and the problem we are having with young parents who need guidance and they very likely can get shut out of the program under this bill and I think that is my concern."

Senator Saling: "If this bill does not pass, I would suspect that the parent education program in many community colleges will disappear."

Senator Vognild: "That's possible, Senator, but in Everett, I don't think it would. It is too strong a support."

Further debate ensued.

POINT OF INQUIRY

Senator Patterson: "Senator McDonald, I have a concern with the process on all this legislation dealing with tuition, fees, increases, that were proposed by the House, proposed by the

Governor--all attacking students' ability to get an education. I want to know as to what kind of agreement do we have with the House of Representatives on this particular bill?"

Senator McDonald: "Senator, as you know, we came in at a ten percent reduction. The Governor has proposed twenty. The House has proposed fifteen and we have agreed in the Conference Committee on a thirteen percent reduction. If we don't do this, as your know, Senator Patterson, the very programs that some people are talking about--permissive ones like parent education--those are the ones that will be hit the hardest. Therefore, it is extremely important that we pass this bill, as you know. Otherwise, we will be hitting those programs the hardest."

Senator Patterson: "Senator McDonald, are you suggesting that the House of Representatives would cut those programs in their negotiations with you and your group?"

Senator McDonald: "Absolutely. In the Conference Committee, that was the agreement that we came to."

Senator Patterson: "So, it would be even worse if we were to turn this down and turn it back to the Conference Committee and the House of Representatives in making decisions on whether or not there would be an increase in tuition which there is not, which is appreciated by a lot of students?"

Senator McDonald: "That is correct."

Senator Patterson: "But, this waiver program, they would strike out most of the programs that we have been arguing here on the floor if they had their way?"

Senator McDonald: "That is correct. I mean it would be much higher."

Senator Patterson: "Thank you."

Further debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator McDonald, having had four sons and they all went through college and I can't remember if they ever got a waiver. I don't know what Patty Murray, or Senator Murray had in the line of waivers, but our children didn't have any. Are there a lot of people going under these waivers that have the ability to pay that are getting a waiver solely because of their job occupation?"

Senator McDonald: "Well, let me give you one example. One of the mandatory programs is Southeast Asian Veterans. I happen to be one and if I go back to the University of Washington, I receive a nineteen seventy-seven tuition rate. That is a very good thing. I suspect that I could probably pay that more than the people that would be down here under the need-based waivers that are really going to be reduced if we don't pass this bill."

Senator Rasmussen: "Could I ask you another question? If I am an employee or a professor of any one of the institutions, do my children get to go on a waiver?"

Senator McDonald: "That is exactly right."

Senator Rasmussen: "Even though my salary might be much better than that poor man out on the street like my kids trying to go and pay their way?"

Senator McDonald: "Exactly."

Senator Rasmussen: "And there will possibly be more room for those students that can't get in because of all the waivers we have?"

Senator McDonald: "That is correct, Senator Rasmussen."

Senator Rasmussen: "And further, they would probably use discretion in seeing that the most needy got the waivers that were available?"

Senator McDonald: "In the conversations with the universities, that is exactly what they would be doing."

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. 6285.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6285 and the bill passed the Senate by the following vote: Yeas, 26; Nays, 23; 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, Saling, Sellar, L. Smith, Stratton, Sumner, Thorsness, von Reichbauer, West - 26.

Voting nay: Senators Bauer, Conner, Gaspard, Hansen, Jesernig, Kreidler, Madsen, McMullen, Moore, Murray, Niemi, Owen, Pelz, Rinehart, Roach, Skratek, A. Smith, Snyder, Sutherland, Talmadge, Vognild, Williams, Wojahn - 23.

ENGROSSED SENATE BILL NO. 6285, having received the 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 fourth order of business.

There being no objection, the Senate resumed consideration of the Message from the House on Substitute Senate Bill No. 6494, deferred earlier today after the Senate concurred in the House amendments.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6494, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6494, as amended by the House, 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, 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, Wojahn - 47.

Absent: Senators McMullen, Williams - 2.

SUBSTITUTE SENATE BILL NO. 6494, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

STATEMENT FOR THE JOURNAL

TO: MARY WILEY

FROM: SENATOR PATTY MURRAY
1st Legislative District

It has come to my attention that there was a mistake on one of my votes during the 1992 legislative session and I wanted to clarify it. On March 11, 1992, I voted 'yea' on approving the Conference Committee Report for Engrossed Substitute House Bill No. 2274. The vote was recorded as a 'nay.'

I recall discussing my positive vote with Senator Madsen and Senator McMullen. After the vote was taken, I was thanked for supporting the measure by Jerry Sheehan, a proponent of the legislation. Moreover, I supported this measure throughout the legislative process, signed it out of the Commerce and Labor Committee and voted 'yea' on final passage of the bill on March 6, 1992.

REPORT OF CONFERENCE COMMITTEE

ESHB 2274

March 10, 1992

Includes "NEW ITEM": YES

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

MR. PRESIDENT:

MR. SPEAKER:

We of your Conference Committee, to whom was referred ENGROSSED SUBSTITUTE HOUSE BILL NO. 2274, Employee privacy, have had the same under consideration and we recommend:

That the Senate Committee on Commerce and Labor amendment(s) adopted March 6, 1992, not be adopted, and that the following Conference Committee amendments 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, including qualifications or requirements implemented by the employer to screen for respiratory diseases in occupations where the individual will be exposed to smoke and noxious fumes; 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.

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 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.", and that the bill do pass as recommended by the Conference Committee.

Signed by Senators Amondson, Vognild; Representatives Heavey, Appelwick.

MOTION

Senator Amondson moved that the Report of the Conference Committee on Engrossed Substitute House Bill No. 2274 be adopted.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Amondson that the Report of the Conference Committee on Engrossed Substitute House Bill No. 2274 be adopted.

The motion by Senator Amondson carried and the Report of the Conference Committee was adopted.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2274, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 28; Nays, 20; Absent, 1; Excused, 0.

Voting yea: Senators Amondson, Bailey, Bauer, Conner, Gaspard, Hansen, Hayner, Jesernig, Madsen, Matson, McDonald, McMullen, Moore, Nelson, Newhouse, Niemi, Pelz, Rinehart, Roach, Sellar, Skratek, A. Smith, Snyder, Sutherland, Vognild, von Reichbauer, Williams, Wojahn - 28.

Voting nay: Senators Anderson, Barr, Bluechel, Cantu, Craswell, Kreidler, McCaslin, Metcalf, Murray, Oke, Owen, Patterson, Rasmussen, Saling, L. Smith, Stratton, Sumner, Talmadge, Thorsness, West - 20.

Absent: Senator Erwin - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2274, as recommended by the Conference Committee, having received the 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 sixth order of business.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 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.

The bill was read the second time.

MOTION

On motion of Senator von Reichbauer, the rules were suspended, Substitute House Bill No. 2479 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. 2479.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2479 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, Wojah - 49.

SUBSTITUTE HOUSE BILL NO. 2479, having received the 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 Committee on Rules was relieved of further consideration of Senate Bill No. 6004.

On motion of Senator Newhouse, the rules were suspended, Senate Bill No. 6004 was returned to second reading and placed on the second reading calendar.

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

REPORT OF CONFERENCE COMMITTEE

ESHB 2553

March 10, 1992

Includes "NEW ITEM": YES

Adopting the 1992 supplemental transportation budget.

MR. PRESIDENT:

MR. SPEAKER:

We of your Conference Committee, to whom was referred ENGROSSED SUBSTITUTE HOUSE BILL NO. 2553, Supplemental transportation budget, have had the same under consideration and we recommend:

The Senate Floor amendment by Senators Patterson and Vognild adopted March 7, 1992, be adopted with the following change:

On page 24, line 26 of the striking amendment by Senators Patterson and Vognild, after "completion of" strike "an auto passenger vessel or vessels-jumbo class" and insert "auto or passenger vessels or jumbo-class vessels", and that the bill do pass as recommended by the Conference Committee.

Signed by Senators Patterson, Vognild, Nelson; Representatives R. Fisher, R. Meyers, Betrozoff.

MOTION

Senator Patterson moved that the Report of the Conference Committee on Engrossed Substitute House Bill No. 2553 be adopted.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Patterson that the Report of the Conference Committee on Engrossed Substitute House Bill No. 2553 be adopted.

The motion by Senator Patterson carried and the Report of the Conference Committee was adopted.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2553, as recommended by the Conference Committee, 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, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, Matson, McDonald, McMullen, Metcalf, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Roach, Saling, Sellar, Skratek, L. Smith, Snyder, Stratton, Sumner, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 44.

Voting nay: Senators McCaslin, Rinehart, A. Smith, Sutherland, Talmadge - 5.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2553, as recommended by the Conference Committee, having received the 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 5:47 p.m., on motion of Senator Newhouse, the Senate recessed until 7:00 p.m.

The Senate was called to order at 7:00 p.m. by President Pritchard.

MOTION

At 7:00 p.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 8:15 p.m. by President Pritchard.

MESSAGE FROM THE HOUSE

March 10, 1992

MR. PRESIDENT:

The House has adopted HOUSE CONCURRENT RESOLUTION NO. 4441, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

MESSAGE FROM THE HOUSE

March 10, 1992

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to ENGROSSED HOUSE BILL NO. 2812 and asks the Senate to recede therefrom.

ALAN THOMPSON, Chief Clerk

MOTION

Senator Newhouse moved that the Senate do recede from its amendments to Engrossed House Bill No. 2812.

MOTION

On motion of Senator Newhouse, and there being no objection, the motion that the Senate do recede from the House amendments to Engrossed House Bill No. 2812 was withdrawn.

MOTION

Senator West moved that the Senate insist on its position and once again asks the House to concur therein.

MOTION

Senator Bauer moved that the Senate do recede from its amendments to Engrossed House Bill No. 2812.

Debate ensued.

Senator Bauer demanded a roll call and the demand was sustained.

MOTIONS

On motion of Senator Murray, Senator Adam Smith was excused.

On motion of Senator Anderson, Senator Matson was excused.

The President declared the question before the Senate to be the positive motion by Senator Bauer that the Senate do recede from the Senate amendments to Engrossed House Bill No. 2812.

ROLL CALL

The Secretary called the roll and the motion by Senator Bauer to recede from the Senate amendments failed by the following vote: Yeas, 22; Nays, 25; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Conner, Gaspard, Hansen, Jesernig, Kreidler, Madsen, McMullen, Moore, Murray, Nelson, Owen, Rasmussen, Rinehart, Skratek, L. Smith, Snyder, Sutherland, Talmadge, Vognild, Williams, Wojahn - 22.

Voting nay: Senators Amondson, Anderson, Bailey, Barr, Bluechel, Cantu, Craswell, Erwin, Hayner, McCaslin, McDonald, Metcalf, Newhouse, Niemi, Oke, Patterson, Pelz, Roach, Saling, Sellar, Stratton, Sumner, Thorsness, von Reichbauer, West - 25.

Excused: Senators Matson, A. Smith - 2.

The Senate insists on its position regarding the Senate amendments to Engrossed House Bill No. 2812 and once again asks the House to concur therein.

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

INTRODUCTION AND FIRST READING OF HOUSE BILL

HCR 4441 by Representative Ebersole

Exempting certain legislation from the cutoff dates.

MOTION

On motion of Senator Newhouse, the rules were suspended, House Concurrent Resolution No. 4441 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

HCR 4441 by Representative Ebersole

Exempting certain legislation from the cutoff dates.

The concurrent resolution was read the second time.

MOTION

Senator Sutherland moved that the following amendment be adopted:

On page 1, after line 4 insert "(2) Senate Bill No. 6122;" and renumber accordingly.

Debate ensued.

Senator Sutherland 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 Sutherland on page 1, after line 4, to House Concurrent Resolution No. 4441.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 23; Nays, 24; Absent, 0; Excused, 2.

Voting yea: Senators Bauer, Conner, Gaspard, Hansen, Jesernig, Kreidler, Madsen, McMullen, Moore, Murray, Niemi, Owen, Pelz, Rasmussen, Rinehart, Skratek, Snyder, Stratton, Sutherland, Talmadge, Vognild, 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, Thorsness, von Reichbauer, West - 24.

Excused: Senators Matson, A. Smith - 2.

PARLIAMENTARY INQUIRY

Senator Metcalf: "A point of parliamentary inquiry, Mr. President. Would a motion be in order to strike a bill--Resolution No. 4441?"

REPLY BY THE PRESIDENT

President Pritchard: "If you have an amendment. You could offer an amendment to strike it."

MOTION

On motion of Senator Newhouse, the rules were suspended, House Concurrent Resolution No. 4441 was advanced to third reading, the second reading considered the third and the concurrent resolution was adopted.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2947, by House Committee on Appropriations (originally sponsored by Representatives Locke, Ferguson, Belcher, Miller, Peery, Hine, Fraser, Dellwo, Winsley, Paris, Edmondson, D. Sommers, Bowman, Basich, Van Luven, Jones, Forner, Neher, Scott, Haugen, Rayburn, Ludwig, Sheldon, O'Brien and Anderson)

Authorizing early retirement for certain employees of PERS and TRS.

The bill was read the second time.

MOTION

Senator Barr moved that the following amendment be adopted:

On page 2, after line 20, insert the following:

NEW SECTION. Sec. 5. In addition to members who are eligible to retire under RCW 41.32.765, any member of the teachers' retirement system plan II who meets the following criteria may retire on written notification to the member's employer and written application to the director no later than June 15, 1992, setting forth that the member will be retired no later than August 31, 1992:

(1) The member is employed by an employer on the effective date of this act and is not a substitute teacher; and

(2) The member has: (a) Attained the age of sixty years and (b) completed five service credit years of service.

NEW SECTION. Sec. 6. Section 5 of this act is added to chapter 41.32 RCW, but because of its temporary nature, shall not be codified.

POINT OF ORDER

Senator McDonald: "Mr. President, a point of order. I would like to raise scope and object of this amendment. While this is an act relating to early retirement, it is an act that deals with only the Plan I Retirement System. Senator Barr's amendment would expand this to the Plan II Retirement System, which would be a very substantial expansion of this bill and it seems to me it is outside the scope and object."

MOTION

On motion of Senator Barr, and there being no objection, the amendment on page 2, after line 20, to Engrossed Substitute House Bill No. 2947 was withdrawn.

MOTION

On motion of Senator McDonald, the rules were suspended, Engrossed Substitute House Bill No. 2947 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, as I look at the Actuary's Report, it would indicate that potential people--nine thousand and six thousand--nine thousand in PERS and six thousand, teachers--with the 1982 utilization rate of twenty percent and thirty percent, expectant number, a thousand eight hundred in each category would take the early retirement. The Actuary, while he can't make a political decision, he can only give us the figures and we make the decision--and he indicates that it will require increased rates, both for PERS and TRS from those presently working to sustain the early retirement of the approximately thirty-six hundred that will take it.

"Then further back, George Northcroft of the Retirement Board indicates that half of his employees--senior employees--would retire. They would not be able to handle the job without hiring those people back. The previous early retirement, as you recall, cost us fourteen million dollars, and we were told it would save us so much money. The Actuary also indicates we are digging a two hundred and fifty million dollar hole for ourselves in increased costs in the pension. Can you tell me how we can save money on this? I'm not against employees retiring early, but there is another phase to it that I would like you to explain while you are doing all the explaining to me. This goes into effect in April. They have to make the decision by August and how they can get the information out to all the employees and make this very important decision in that short time--decide whether it is better for them to retire and pay the increased medical costs. All of these things have me curiously concerned with this bill. Can you explain them? First, where can we save all of this money? Short-term we save it and long-term, it will cost us a lot more. Yes?"

Senator McDonald: "Senator Rasmussen, as you know, this is not a portion of our budget as we passed it out--or an assumption--that we passed out of the Senate. It is a part of the agreement. You raised some very good points. I can't counter them except to say that the short-term savings in the system will come from the reduction in the staff-mix factor--the younger staff that will come on and the less expensive staff that will come on to replace the older ones in the teaching system--the kindergarten through twelfth grade system. There is no doubt that you will pay additional costs in the pension system. You can't avoid that, because people will be retiring five years early at probably a lower salary, but still they will have five years of additional retirement benefits, but if we continue to have them off--if we have a smaller work force, and we continue that smaller work force, then there can be substantial savings. I think it is certainly

important that the next Governor and the new administration make sure that we carry on this policy, so that we do make those savings."

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. 2947.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2947 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 7; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Bailey, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, McCaslin, McDonald, McMullen, Murray, Nelson, Niemi, Oke, Owen, Pelz, Rinehart, Roach, Saling, Sellar, Skratek, L. Smith, Snyder, Stratton, Sumner, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 40.

Voting nay: Senators Anderson, Barr, Metcalf, Moore, Newhouse, Patterson, Rasmussen - 7.

Excused: Senators Matson, A. Smith - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2947, having received the 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. 2983, by House Committee on Appropriations (originally sponsored by Representatives Locke, H. Sommers and D. Sommers)

Providing job training or work experience for public assistance recipients.

The bill was read the second time.

MOTION

On motion of Senator McDonald, the rules were suspended, Substitute House Bill No. 2983 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. 2983.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2983 and the bill passed the Senate by the following vote: Yeas, 46; 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, Skratek, L. Smith, Snyder, Stratton, Sumner, Sutherland, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 46.

Voting nay: Senator Talmadge - 1.

Excused: Senators Matson, A. Smith - 2.

SUBSTITUTE HOUSE BILL NO. 2983, having received the 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 SENATE BILL NO. 6004, by Senator Hayner

Reviewing Indian gaming compacts.

The bill was read the second time.

MOTIONS

Senator Hayner moved that the following amendment be adopted:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 43.06.010 and 1991 c 257 s 22 are each amended to read as follows:

In addition to those prescribed by the Constitution, the governor may exercise the powers and perform the duties prescribed in this and the following sections:

- (1) The governor shall supervise the conduct of all executive and ministerial offices;
- (2) The governor shall see that all offices are filled, and the duties thereof performed, or in default thereof, apply such remedy as the law allows; and if the remedy is imperfect, acquaint the legislature therewith at its next session;
- (3) The governor shall make the appointments and supply the vacancies mentioned in this title;
- (4) The governor is the sole official organ of communication between the government of this state and the government of any other state or territory, or of the United States;
- (5) Whenever any suit or legal proceeding is pending against this state, or which may affect the title of this state to any property, or which may result in any claim against the state, the governor may direct the attorney general to appear on behalf of the state, and report the same to the governor, or to any grand jury designated by the governor, or to the legislature when next in session;
- (6) The governor may require the attorney general or any prosecuting attorney to inquire into the affairs or management of any corporation existing under the laws of this state, or doing business in this state, and report the same to the governor, or to any grand jury designated by the governor, or to the legislature when next in session;
- (7) The governor may require the attorney general to aid any prosecuting attorney in the discharge of his duties;
- (8) The governor may offer rewards, not exceeding one thousand dollars in each case, payable out of the state treasury, for information leading to the apprehension of any person convicted of a felony who has escaped from a state correctional institution or for information leading to the arrest of any person who has committed or is charged with the commission of a felony;
- (9) The governor shall perform such duties respecting fugitives from justice as are prescribed by law;
- (10) The governor shall issue and transmit election proclamations as prescribed by law;
- (11) The governor may require any officer or board to make, upon demand, special reports to the governor, in writing;
- (12) The governor may, after finding that a public disorder, disaster, energy emergency, or riot exists within this state or any part thereof which affects life, health, property, or the public peace, proclaim a state of emergency in the area affected, and the powers granted the governor during a state of emergency shall be effective only within the area described in the proclamation;
- (13) The governor shall, when appropriate, submit to the select joint committee created by RCW 43.131.120, lists of state agencies, as defined by RCW 43.131.030, which agencies might appropriately be scheduled for termination by a bill proposed by the select joint committee;
- (14) The governor may, after finding that there exists within this state an imminent danger of infestation of plant pests as defined in RCW 17.24.007 or plant diseases which seriously endangers the agricultural or horticultural industries of the state of Washington, or which seriously threatens life, health, or economic well-being, order emergency measures to prevent or abate the infestation or disease situation, which measures, after thorough evaluation of all other alternatives, may include the aerial application of pesticides;
- (15) On all compacts forwarded to the governor pursuant to section 2(6) of this act, the governor is authorized and empowered to execute on behalf of the state compacts with federally recognized Indian tribes in the state of

Washington pursuant to the federal Indian Gaming Regulatory Act, 25 U.S.C. Sec. 2701 et seq., for conducting class III gaming, as defined in the Act, on Indian lands.

NEW SECTION. Sec. 2. A new section is added to chapter 9.46 RCW to read as follows:

(1) The negotiation process for compacts with federally recognized Indian tribes for conducting class III gaming, as defined in the Indian Gaming Regulatory Act, 25 U.S.C. Sec. 2701 et seq., on federal Indian lands is governed by this section.

(2) The gambling commission through the director or the director's designee shall negotiate compacts for class III gaming on behalf of the state with federally recognized Indian tribes in the state of Washington.

(3) When a tentative agreement with an Indian tribe on a proposed compact is reached, the director shall immediately transmit a copy of the proposed compact to all voting and ex officio members of the gambling commission and to the standing committees designated pursuant to subsection (5) of this section.

(4) Notwithstanding RCW 9.46.040, the four ex officio members of the gambling commission shall be deemed voting members of the gambling commission for the sole purpose of voting on proposed compacts submitted under this section.

(5) Within thirty days after receiving a proposed compact from the director, one standing committee from each house of the legislature shall hold a public hearing on the proposed compact and forward its respective comments to the gambling commission. The president of the senate shall designate the senate standing committee that is to carry out the duties of this section, and the speaker of the house of representatives shall designate the house standing committee that is to carry out the duties of this section. The designated committees shall continue to perform under this section until the president of the senate or the speaker of the house of representatives, as the case may be, designates a different standing committee.

(6) The gambling commission may hold public hearings on the proposed compact any time after receiving a copy of the compact from the director. Within forty-five days after receiving the proposed compact from the director, the gambling commission, including the four ex officio members, shall vote on whether to return the proposed compact to the director with instructions for further negotiation or to forward the proposed compact to the governor for review and final execution.

(7) Notwithstanding provisions in this section to the contrary, if the director forwards a proposed compact to the gambling commission and the designated standing committees within ten days before the beginning of a regular session of the legislature, or during a regular or special session of the legislature, the thirty-day time limit set forth in subsection (5) of this section and the forty-five day limit set forth in subsection (6) of this section are each forty-five days and sixty days, respectively.

(8) Funding for the negotiation process under this section must come from the gambling revolving fund.

(9) In addition to the powers granted under this chapter, the commission, consistent with the terms of any compact, is authorized and empowered to enforce the provisions of any compact between a federally recognized Indian tribe and the state of Washington.

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.

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.

Senator Metcalf moved that the following amendment to the striking amendment by Senator Hayner be adopted:

On page 4, line 25, after "execution." insert "The proposed compact may not be forwarded to the governor for review and final execution except on the approval of at least three of the voting members and at least three of the ex officio members of the gambling commission."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Metcalf on page 4, line 25, to the striking amendment by Senator Hayner to Engrossed Senate Bill No. 6004.

The motion by Senator Metcalf failed and the amendment to the striking amendment was not adopted.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Hayner to Engrossed Senate Bill No. 6004.

The motion by Senator Hayner carried and the striking amendment to Engrossed Senate Bill No. 6004 was adopted.

MOTIONS

On motion of Senator Hayner, the following title amendment was adopted:

On page 1, line 2 of the title, after "1988;" strike the remainder of the title and insert "amending RCW 43.06.010; and adding a new section to chapter 9.46 RCW; and declaring an emergency."

On motion of Senator Hayner, Reengrossed Senate Bill No. 6004 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

PARLIAMENTARY INQUIRY

Senator McDonald: "A point of parliamentary inquiry, Mr. President. Is this a sixty percent required to pass this bill, since it is a bill dealing with gambling?"

RULING BY THE PRESIDENT

President Pritchard: "The Chair does not feel that it needs sixty percent, because we do not feel this bill expands gambling."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Reengrossed Senate Bill No. 6004.

ROLL CALL

The Secretary called the roll on the final passage of Reengrossed Senate Bill No. 6004 and the bill passed the Senate by the following vote: Yeas, 33; Nays, 14; Absent, 0; Excused, 2.

Voting yea: Senators Amondson, Barr, Bauer, Bluechel, Conner, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, McCaslin, McMullen, Moore, Murray, Newhouse, Niemi, Owen, Patterson, Pelz, Rinehart, Sellar, Skratek, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Vognild, von Reichbauer, West, Wojahn - 33.

Voting nay: Senators Anderson, Bailey, Cantu, Craswell, McDonald, Metcalf, Nelson, Oke, Rasmussen, Roach, Saling, Sumner, Thorsness, Williams - 14.

Excused: Senators Matson, A. Smith - 2.

REENGROSSED SENATE BILL NO. 6004, having received the 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. 6483 and the pending motion by Senator West to reconsider the vote by which the bill failed to pass the Senate, deferred earlier today.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator West that the Senate reconsider the vote by which Substitute Senate Bill No. 6483 failed to pass the Senate.

The motion by Senator West carried and the Senate will reconsider the vote by which Substitute Senate Bill No. 6483 failed to pass the Senate.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6483, on reconsideration.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6483, on reconsideration, and the bill passed the Senate by the following vote: Yeas, 28; Nays, 19; Absent, 0; Excused, 2.

Voting yea: Senators Anderson, Bailey, Barr, Bluechel, Cantu, Craswell, Erwin, Hayner, Madsen, McCaslin, McDonald, McMullen, Moore, Murray, Nelson, Newhouse, Niemi, Oke, Patterson, Pelz, Roach, Sellar, Skratek, L. Smith, Sumner, Talmadge, West, Wojahn - 28.

Voting nay: Senators Amondson, Bauer, Conner, Gaspard, Hansen, Jesernig, Kreidler, Metcalf, Owen, Rasmussen, Rinehart, Saling, Snyder, Stratton, Sutherland, Thorsness, Vognild, von Reichbauer, Williams - 19.

Excused: Senators Matson, A. Smith - 2.

SUBSTITUTE SENATE BILL NO. 6483, 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

SENATE BILL NO. 6286, by Senators McDonald and Niemi (by request of Governor Gardner)

Adjusting pension contribution rates.

MOTIONS

On motion of Senator McDonald, Substitute Senate Bill No. 6286 was substituted for Senate Bill No. 6286 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. 6286 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, this heading out of Fortune Magazine--you've heard of that--and it says, 'The great pension robbery.' It goes on to say, 'The pilfering of the golden nest eggs is alarmingly widespread. In the past two years more than a third of the states have cut or delayed contributions to their pension funds, seized money outright from pension accounts, or begun to debate similar measures.' That's what we are doing now--debating. I'm sure you read the article; I laid it on your desk a couple days ago.

"It says, 'Years from now, if the projections for investment returns turn out to have been too optimistic and the plans no longer have enough money to pay the benefits, the politicians who instigated the changes will no longer be in office.' I don't know if that is a prediction or not, but it says that the politicians will no longer be in office. More, 'Taxpayers could well be stuck writing the monthly pension checks for legions of retired civil servants. But it is difficult for employee advocates to fight these changes because'--and this isn't in the magazine article--they are threatened with losing their salary increases of three percent if this doesn't go through. I am talking about locally here. Somebody has indicated to the state employees that that miserly three percent that we

are going to give them will be taken away if this bill doesn't pass. I don't think this bill is going to pass.

"Then they go on to say, 'Do public officials have a right to use pension fund assets for budget balancing and other government purposes? The answer is clear no.' I don't know how you are going to argue against that. We don't have that right to pilfer the pension funds. Senator Saling has been working extremely hard to get Senate Bill No. 6180 passed that would give a gradual increase to those pensioners and we haven't been able to get that passed. Now, we are going to take this forty million out to balance the budget. This article says, 'no, we shouldn't do it,' so I hope you can answer the questions to that. Well, the first question is, the politicians that may vote for this bill today won't be in office tomorrow; that's not a threat, that's a for sure."

Senator McDonald: "Senator Rasmussen, I think you will be in office tomorrow. That was a long question and I don't have a long answer. I can tell you that what we did three years ago to put ourselves on the path to a hundred percent funding of this by the Year 2024 was a good thing and we are on that path. In fact, we are ahead of projections right now. One, because we have done better, I guess, in our investments. Two, this is a mixed blessing; because the amount that we are paying was in excess of what we thought we would be paying and finally, I guess, they are hiring younger people. Those things all combined to make it such that we can lower this pension contribution rate and still be on track as we have been to the Year 2024. I think if we don't do this, it will be done automatically by the actuary in not the too distant future. I think it is a good thing and I think we can do this and it is certainly in keeping with the actuarial soundness."

Further 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 Senate Bill No. 6286.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6286 and the bill failed to pass the Senate by the following vote: Yeas, 18; Nays, 28; Absent, 0; Excused, 3.

Voting yea: Senators Anderson, Bailey, Barr, Bluechel, Cantu, Craswell, Erwin, Hayner, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Oke, Sellar, L. Smith, Thorsness, West - 18.

Voting nay: Senators Amondson, Bauer, Conner, Gaspard, Hansen, Jesernig, Kreidler, Madsen, McMullen, Murray, Niemi, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Skratek, Snyder, Stratton, Sumner, Sutherland, Talmadge, Vognild, von Reichbauer, Williams, Wojahn - 28.

Excused: Senators Matson, Moore, A. Smith - 3.

SUBSTITUTE SENATE BILL NO. 6286, having failed to receive the constitutional majority, was declared lost.

MOTION FOR RECONSIDERATION

Senator Patterson: "Having voted on the prevailing side, I move to reconsider the vote by which Substitute Senate Bill No. 6286 failed to pass--on the next working day."

POINT OF ORDER

Senator Snyder: "Mr. President, within the last ten days, we need to immediately reconsider the bill."

REPLY BY THE PRESIDENT

President Pritchard: "The motion to reconsider must be made the same day, Senator Patterson."

Senator Patterson: "Was my motion to consider immediately?"

President Pritchard: "You can either do it today or sometime."

Senator Patterson: "Some time today--before midnight."

President Pritchard: "Senator Patterson moves to reconsider the vote by which Substitute Senate Bill No. 6286 failed."

MOTION

At 9:53 p.m., Senator Newhouse moved that the Senate adjourn until 9:00 a.m. tomorrow. Thursday, March 12, 1992.

REPLY BY THE PRESIDENT

President Pritchard: "Senator Newhouse moves to adjourn till 9:00 a.m. tomorrow. Hearing no objection, we are adjourned. Well, all right, speak up. They objected. All right. Senator Snyder calls for a division on the motion to adjourn. State your point of order."

POINT OF ORDER

Senator Newhouse: "A point of order. The motion to adjourn carried. The gavel went down. We are adjourned."

RULING BY THE PRESIDENT

President Pritchard: "Senator, no, the President ruled that I was looking at Senator Snyder as I banged. As he yelled, why we--that's the custom that this President has ruled and will continue to use when I see a person hollering, because I hit the gavel pretty fast on these things. All those in favor of adjournment."

PARLIAMENTARY INQUIRY

Senator Snyder: "A point of inquiry, Mr. President, the notice of reconsideration was given. If we were to adjourn, would the motion be valid--to reconsider be valid tomorrow?"

REPLY BY THE PRESIDENT

President Pritchard: "The rule only states that the motion must be made on the same day, so that was made so it would be pending tomorrow."

Senator Snyder: "We need further clarification."

President Pritchard: "State your--"

Senator Snyder: "If we were to adjourn right now, would Substitute Senate Bill No. 6286 be dead or would the motion to reconsider be in order tomorrow?"

President Pritchard: "It would be pending and it would be in order tomorrow. All right, Senator Saling--"

MOTION FOR IMMEDIATE RECONSIDERATION

Senator Saling: "Mr. President, I move that we immediately reconsider Substitute Senate Bill No. 6286."

REPLY BY THE PRESIDENT

President Pritchard: "Senator Saling, we are in the middle of this vote on adjournment and I was allowing Senator Snyder to make a parliamentary inquiry, but the vote right now is--they have objected to the gavel and have asked for a division, I assume. All those in favor of adjourning will rise. I counted twenty-three. Those opposed will rise. Twenty-three ayes, twenty-three nays, the President votes with the motion to adjourn. We are adjourned."

At 9:56 a.m., on motion of Senator Newhouse, the Senate adjourned until 9:00 a.m., Thursday, March 12, 1992.

JOEL PRITCHARD, President of the Senate.

GORDON A. GOLOB, Secretary of the Senate.

SIXTIETH DAY

MORNING SESSION

Senate Chamber, Olympia, Thursday, March 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 Matson, Moore, Niemi and Roach. On motion of Senator Anderson, Senator Roach was excused. On motion of Senator Murray, Senator Moore was excused.

The Sergeant at Arms Color Guard, consisting of Pages Julie Ardmore and Ryan Booth, presented the Colors. Reverend David McMartin, pastor of the Evangelical Free Church 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.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENT
MOTION

On motion of Senator Saling, Gubernatorial Appointment No. 9251, Phil Hayes, as a member of the Board of Trustees for Clover Park Technical College District No. 29, was confirmed.

APPOINTMENT OF PHIL HAYES

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 2; 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, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sumner, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 45.

Absent: Senators Matson, Niemi - 2.

Excused: Senators Moore, Roach - 2.

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

MESSAGE FROM THE GOVERNOR

March 11, 1992

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to advise you that on March 11, 1992, Governor Gardner approved the following Senate Bills entitled:

Substitute Senate Bill No. 6186

Relating to providing service credit for periods of unpaid leave of absence as an elected official of a Washington education association.

Senate Bill No. 6457

Relating to the state convention and trade center.

Sincerely,
Kaleen Cottingham, Legal Counsel to the Governor

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

MESSAGE FROM THE HOUSE

March 11, 1992

MR. PRESIDENT:

The House has adopted the Report of the Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 2274 and has passed the bill as recommended by the Conference Committee.

ALAN THOMPSON, Chief Clerk

MESSAGE FROM THE HOUSE

March 11, 1992

MR. PRESIDENT:

The House has adopted the Report of the Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 2553 and has passed the bill as recommended by the Conference Committee.

ALAN THOMPSON, Chief Clerk

MESSAGE FROM THE HOUSE

March 11, 1992

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to the following bills, and passed said bills as amended by the Senate:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2466,
SUBSTITUTE HOUSE BILL NO. 2501,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2640,
SUBSTITUTE HOUSE BILL NO. 2676,
SUBSTITUTE HOUSE BILL NO. 2937.

ALAN THOMPSON, Chief Clerk

MESSAGE FROM THE HOUSE

March 11, 1992

MR. PRESIDENT:

The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 1736,
SUBSTITUTE HOUSE BILL NO. 2370,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2876
SUBSTITUTE HOUSE BILL NO. 2887
SUBSTITUTE HOUSE BILL NO. 2993, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MESSAGE FROM THE HOUSE

March 11, 1992

MR. PRESIDENT:

The House has passed:

SIXTIETH DAY, MARCH 12, 1992

1649

SUBSTITUTE SENATE BILL NO. 6460,
SUBSTITUTE SENATE BILL NO. 6461, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MESSAGE FROM THE HOUSE

March 11, 1992

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to ENGROSSED HOUSE BILL NO. 1185 and passed the bill as amended by the Senate.

ALAN THOMPSON, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 6494.

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 6460,
SUBSTITUTE SENATE BILL NO. 6461.

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE HOUSE BILL NO. 1736,
SUBSTITUTE HOUSE BILL NO. 2370,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2876
SUBSTITUTE HOUSE BILL NO. 2887
SUBSTITUTE HOUSE BILL NO. 2993.

REPORT OF CONFERENCE COMMITTEE

HB 2259

March 10, 1992

Includes "NEW ITEM": YES

Simplifying the designation of pension funds.

MR. PRESIDENT:

MR. SPEAKER:

We of your Conference Committee, to whom was referred HOUSE BILL NO. 2259, Pension fund designations, have had the same under consideration and we recommend that:

The Senate floor amendment adopted March 6, 1992, be adopted, and the bill be further amended as follows:

On page 30, after line 15, insert the following:

Sec. 19. RCW 41.32.555 and 1991 c 365 s 34 are each amended to read as follows:

Persons who were under an annual half-time contract with an employer anytime during the period of September 1, 1986, through August 31, 1987, shall be eligible for benefits provided by RCW 41.32.550, as amended by chapter 365, Laws of 1991, effective beginning the month following when they left service due to their disability if during that period they were medically determined to be permanently disabled for the performance of their duty.

A member who qualifies for benefits under this section who has not begun receiving benefits prior to the effective date of this act shall be permitted to select a survivor option pursuant to RCW 41.32.530."

Renumber the remaining sections consecutively.

On page 1, line 6 of the title, after "41.32.345," insert "41.32.555," and that the bill do pass as recommended by the Conference Committee.

Signed by Senators Saling, Hayner, Bauer; Representatives Hine, Spanel, McLean.

MOTION

Senator Newhouse moved that the Report of the Conference Committee on House Bill No. 2259 be adopted.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Newhouse that the Report of the Conference Committee on House Bill No. 2259 be adopted.

The motion by Senator Newhouse carried and the Report of the Conference Committee was adopted.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2259, as recommended by the Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2259, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yeas: 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, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sumner, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 47.

Excused: Senators Moore, Roach - 2.

HOUSE BILL NO. 2259, as recommended by the Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

REPORT OF CONFERENCE COMMITTEE

ESHB 2025

March 11, 1992

Includes "NEW ITEM": YES

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

MR. PRESIDENT:

MR. SPEAKER:

We of your Conference Committee, to whom was referred ENGROSSED SUBSTITUTE HOUSE BILL NO. 2025, Employee payroll deductions, have had the same under consideration and we recommend that:

The Senate Committee on Governmental Operations amendment(s) adopted March 3, 1992, not be adopted; and that the following Conference Committee striking amendment(s) be 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. An agency may, in its own discretion, establish a minimum participation requirement of fewer than twenty-five employees.

(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 (a) the bank, savings bank, or savings and loan association is authorized to do business in this state; and (b) twenty-five or more employees of a single agency, or fewer, if a lesser number is established by such agency, or a total of one hundred or more state employees of several agencies have authorized a deduction for payment to the same bank, savings bank, or savings and loan association.

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 (1) the bank, savings bank, credit union, or savings and loan association is authorized to do business in this state; and (2) twenty-five or more employees of a single local political subdivision, or fewer, if a lesser number is established by such local political subdivision, authorize such a deduction for payment to the same bank, savings bank, credit union, or savings and loan association.

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.", and that the bill do pass as recommended by the Conference Committee.

Signed by Senators Amondson, McMullen; Representatives Anderson, Spanel, Brumsickle.

MOTION

On motion of Senator Amondson, the Report of the Conference Committee on Engrossed Substitute House Bill No. 2025 was adopted.

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 recommended by the Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2025, as recommended by the Conference Committee, 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, 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 - 47.

Excused: Senators Moore, Roach - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2025, as recommended by the Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 11, 1992

MR. PRESIDENT:

The House has adopted the Report of the Conference Committee on SENATE BILL NO. 6155 and has passed the bill as recommended by the Conference Committee, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

REPORT OF CONFERENCE COMMITTEE

SB 6155

March 9, 1992

Includes "NEW ITEM": YES

Clarify milk marketing order regulations.

Mr. SPEAKER:

Mr. PRESIDENT:

We of your Conference Committee, to whom was referred SENATE BILL NO. 6155, Clarifying milk marketing order regulations, have had the same under consideration and we recommend that:

All of the House amendments adopted March 5, 1992, be adopted with the following changes:

On page 2, line 18 of the amendments, after "the" strike "quota" and insert "facility"

On page 2, line 20 of the amendments, after "sales" strike "on an annual basis" and insert "in any year"

On page 2, beginning on line 22 of the amendments, after "during" strike all material through "plan," on line 23 and insert "any of the previous five years," and that the bill do pass as recommended by the Conference Committee.

Signed by Senators Barr, Bailey, Hansen; Representatives Rayburn, Kremen, Nealey.

MOTION

Senator Newhouse moved that the Report of the Conference Committee on Senate Bill No. 6155 be adopted.

Debate ensued.

POINT OF INQUIRY

Senator Talmadge: "Senator Bailey, as you know, there have been some concerns expressed about setting forth a system of, basically, price supports for milk done at the state level. Does the Conference Committee Report, to the pooling process, generally result in price supports then for milk in the market place in the state of Washington?"

Senator Bailey: "No, it does not, Senator Talmadge. It brings into the pooling system the producer/distributors in the state of Washington and it does not set price supports in the state. We do not have that authority. It is just a pooling of the milk producers through an agreement of a vote of all the producers in the state of Washington."

Senator Talmadge: "Then, when they pool, they would use their pool capacity for market purposes and what other purposes?"

Senator Bailey: "They would use the pooling purposes for both marketing purposes and to make sure that we had adequate amounts of dairy products for the people of the state of Washington."

The President declared the question before the Senate to be the motion by Senator Newhouse that the Report of the Conference Committee on Senate Bill No. 6155 be adopted.

The motion by Senator Newhouse carried and the Report of the Conference Committee was adopted.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6155, as recommended by the Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6155, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 38; Nays, 8; Absent, 1; Excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bluechel, Cantu, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, McCaslin, McDonald, McMullen, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rinehart, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sumner, Sutherland, Talmadge, Thorsness, Vognild, von Reichbauer, West - 38.

Voting nay: Senators Amondson, Anderson, Conner, Madsen, Metcalf, Rasmussen, Williams, Wojahn - 8.

Absent: Senator Matson - 1.

Excused: Senators Moore, Roach - 2.

SENATE BILL NO. 6155, as recommended by the Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 11, 1992

MR. PRESIDENT:

The House has adopted the Report of the Conference Committee on ENGROSSED SENATE BILL NO. 6128 and has passed the bill as recommended by the Conference Committee, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

REPORT OF CONFERENCE COMMITTEE

ESB 6128

March 9, 1992

Includes "NEW ITEM": YES

Regarding erosion of shoreline uplands used for residential purposes.

Mr. SPEAKER:

Mr. PRESIDENT:

We of your Conference Committee, to whom was referred ENGROSSED SENATE BILL NO. 6128, Regarding erosion of shoreline uplands used for residential purposes, have had the same under consideration and we recommend that:

The House Environmental Affairs Committee striking amendment be adopted with the following change:

On page 7, line 20 of the striking amendment, after "(6)" strike all material through "protection." on line 23 of the striking amendment and insert "Each master program shall contain standards governing the protection of single family residences and appurtenant structures against damage or loss due to shoreline erosion. The standards shall govern the issuance of substantial development permits for shoreline protection, including structural methods such as construction of bulkheads, and non-structural methods of protection. The standards shall provide for methods which achieve effective and timely protection against loss or damage to single family residences and appurtenant structures due to shoreline erosion.", and that the bill do pass as recommended by the Conference Committee.

Signed by Senators Metcalf, Owen, Craswell; Representatives Rust, Horn, Valle.

MOTION

Senator Metcalf moved that the Report of the Conference Committee on Engrossed Senate Bill No. 6128 be adopted.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Metcalf that the Report of the Conference Committee on Engrossed Senate Bill No. 6128 be adopted.

The motion by Senator Metcalf carried and the Report of the Conference Committee was adopted.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6128, as recommended by the Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6128, as recommended by the Conference Committee, 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, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sumner, Sutherland, Talmadge, Thorsness, Vognil, von Reichbauer, West, Williams, Wojahn - 47.

Excused: Senators Moore, Roach - 2.

ENGROSSED SENATE BILL NO. 6128, as recommended by the Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 11, 1992

MR. PRESIDENT:

The House has adopted the Report of the Conference Committee on ENGROSSED SENATE BILL NO. 6407 and has passed the bill as recommended by the Conference Committee, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

REPORT OF CONFERENCE COMMITTEE

ESB 6407

March 10, 1992

Includes "NEW ITEM": NO

Providing for awards in construction contract actions.

Mr. SPEAKER:

Mr. PRESIDENT:

We of your Conference Committee, to whom was referred ENGROSSED SENATE BILL NO. 6407, Providing for awards in construction contract actions, have had the same under consideration and we recommend that:

All previous amendments not be adopted and that the following Conference Committee amendments be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 39.04 RCW to read as follows:

(1) The provisions of RCW 4.84.250 through 4.84.280 shall apply to an action arising out of a public works contract in which the state or a municipality, or other public body that contracts for public works, is a party, except that: (a) The maximum amount of the pleading shall be two hundred fifty thousand dollars; and (b) in applying RCW 4.84.280, the time period for serving offers of settlement on the adverse party shall be the period not less than thirty days and not more than one hundred twenty days after completion of the service and filing of the summons and complaint.

(2) The rights provided for under this section may not be waived by the parties to a public works contract that is entered into on or after the effective date of this act, and a provision in such a contract that provides for waiver of these rights is void as against public policy. However, this subsection shall not be construed as prohibiting the parties from mutually agreeing to a clause in a public works contract that requires submission of a dispute arising under the contract to arbitration.

On page 1, line 1 of the title, after "contracts;" strike the remainder of the title and insert "and adding a new section to chapter 39.04 RCW.", and that the bill do pass as recommended by the Conference Committee.

Signed by Senators Anderson, Bluechel, McMullen; Representatives Heavey, G. Cole, Lisk.

MOTION

Senator Newhouse moved that the Report of the Conference Committee on Engrossed Senate Bill No. 6407 be adopted.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Newhouse that the Report of the Conference Committee on Engrossed Senate Bill No. 6407 be adopted.

The motion by Senator Newhouse carried and the Report of the Conference Committee was adopted.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6407, as recommended by the Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6407, as recommended by the Conference Committee, 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, Jesemig, 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 - 47.

Absent: Senator Hayner - 1.

Excused: Senator Moore -1.

ENGROSSED SENATE BILL NO. 6407, as recommended by the Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

REPORT OF CONFERENCE COMMITTEE

HB 2932

March 11, 1992

Includes "NEW ITEM": YES

Revising the Washington technology center.

MR. PRESIDENT:

MR. SPEAKER:

We of your Conference Committee, to whom was referred HOUSE BILL NO. 2932, Washington technology center, have had the same under consideration and we recommend that:

The Senate Committee on Commerce and Labor striking amendment(s) adopted March 5, 1992, not be adopted, and that the following Conference Committee striking amendment(s) be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that the development and commercialization of new technology is a vital part of economic development.

The legislature also finds that it is in the interests of the state of Washington to provide a mechanism to transfer and apply research and technology developed at the institutions of higher education to the private sector in order to create new products and technologies which provide job opportunities in advanced technology for the citizens of this state.

It is the intent of the legislature that the University of Washington, the Washington State University, and the department of trade and economic development work cooperatively with the private sector in the development and implementation of a world class technology transfer program.

NEW SECTION. Sec. 2. Unless the context clearly requires otherwise, the definitions in this section apply throughout RCW 28B.20.285 and sections 3 through 8 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. 3. 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. 4.

(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; the executive director of the Spokane Intercollegiate Research and Technology Institute or his or her designated representative; the provost of the University of Washington or his or her designated representative; the provost of the Washington State University or his or her designated representative; and the director of the state department of trade and economic development or his or her designated representative. 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, the provost of the Washington State University, 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, and the research universities. The governor shall stagger the terms of the first group of appointees to ensure the long term continuity of the board.

(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) Submitting annually to the department of trade and economic development an updated strategic plan and a statement of performance measured against the mission, roles, and contractual obligations of the technology center.

NEW SECTION. Sec. 5. 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. 6. The department of trade and economic development shall contract with the University of Washington for the expenditure of state-appropriated funds for the operation of the Washington technology center. The department of trade and economic development shall provide guidance to the technology center regarding expenditure of state-appropriated funds and the development of the center's strategic plan. 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. The department shall be responsible to the legislature for the contractual performance of the center.

NEW SECTION. Sec. 7. 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. 8. Sections 1, 2, and 4 through 7 of this act are each added to chapter 28B.20 RCW.

On page 1, line 1 of the title, after "center;" strike the remainder of the title and insert "amending RCW 28B.20.285; and adding new sections to chapter 28B.20 RCW.", and that the bill do pass as recommended by the Conference Committee.

Signed by Senators Bluechel, Gaspard, Sellar; Representatives Cantwell, Jacobsen, Fomer.

MOTION

Senator Bluechel moved that the Report of the Conference Committee on House Bill No. 2932 be adopted.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Bluechel that the Report of the Conference Committee on House Bill No. 2932 be adopted.

The motion by Senator Bluechel carried and the Report of the Conference Committee was adopted.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2932, as recommended by the Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2932, as recommended by the Conference Committee, 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.

HOUSE BILL NO. 2932, as recommended by the Conference Committee, having received the 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 Rasmussen: "A point of personal privilege, Mr. President. In the middle of last night, I had a dream and it was about the internal revenue, not about legislation here. It came to me in the middle of the night that I had not filed my political campaign fund which earned some thirty dollars interest and it is due by the fifteenth of March. Maybe, some of the rest of the people on the floor had bad dreams, too, about it. My accountant, of course, passed away last year and I kind of slipped up, but the fifteenth is awful close.

"I was reading the form that I received from Myrna and it says, 'Record keeping for this form, fourteen hours and thirty-five minutes; learning about the law or the form, six hours and twenty-three minutes; preparing the form, fifteen hours and seventeen minutes; copying and assembling and sending the form to the IRS, two hours and twenty-five minutes.' That would take us past the fifteenth of March if you got your form today. It is just indicative of what they can do to you on forms. Thank you for the personal privilege, Mr. President, and I hope that I may have reminded some of the others that have slipped up. There is a postscript to that. I was a month late and incurred a dollar penalty and I have had five letters about it from IRS and I send them my checks and they send them back and we are not through yet and I wouldn't want to go through that again. I am going to try and get this in by the fifteenth. Thank you, Mr. President."

REPORT OF CONFERENCE COMMITTEE

Modifying provisions for the assessment and collection of taxes.

MR. PRESIDENT:

MR. SPEAKER:

We of your Conference Committee, to whom was referred ENGROSSED HOUSE BILL NO. 2680, Tax assessment/collection, have had the same under consideration and we recommend that:

The amended Senate Committee on Ways and Means amendment(s) adopted March 5, 1992, not be adopted and that the following Conference Committee striking amendment(s) 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.

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.

Sec. 9. RCW 82.03.130 and 1989 c 378 s 4 are each amended to read as follows:

The board shall have jurisdiction to decide the following types of appeals:

(1) Appeals taken pursuant to RCW 82.03.190.

(2) Appeals from a county board of equalization pursuant to RCW 84.08.130.

(3) Appeals by an assessor or landowner from an order of the director of revenue made pursuant to RCW 84.08.010 and 84.08.060, if filed with the board of tax appeals within thirty days after the mailing of the order, the right to such an appeal being hereby established.

(4) Appeals by an assessor or owner of an intercounty public utility or private car company from determinations by the director of revenue of equalized assessed valuation of property and the apportionment thereof to a county made pursuant to chapter 84.12 RCW and 84.16 RCW, if filed with the board of tax appeals within thirty days after mailing of the determination, the right to such appeal being hereby established.

(5) Appeals by an assessor, landowner, or owner of an intercounty public utility or private car company from a determination of any county indicated ratio for such county compiled by the department of revenue pursuant to RCW 84.48.075: PROVIDED, That

(a) Said appeal be filed after review of the ratio under RCW 84.48.075(3) and not later than fifteen days after the mailing of the certification; and

(b) The hearing before the board shall be expeditiously held in accordance with rules prescribed by the board and shall take precedence over all matters of the same character.

(6) Appeals from the decisions of sale price of second class shorelands on navigable lakes by the department of natural resources pursuant to RCW 79.94.210.

(7) Appeals from urban redevelopment property tax apportionment district proposals established by governmental ordinances pursuant to RCW 39.88.060.

(8) Appeals from interest rates as determined by the department of revenue for use in valuing farmland under current use assessment pursuant to RCW 84.34.065.

(9) Appeals from revisions to stumpage value tables used to determine value by the department of revenue pursuant to RCW 84.33.091.

(10) Appeals from denial of tax exemption application by the department of revenue pursuant to RCW 84.36.850.

(11) Appeals pursuant to RCW 84.40.038(2).

Sec. 10. RCW 84.08.130 and 1989 c 378 s 7 are each amended to read as follows:

Any taxpayer or taxing unit feeling aggrieved by the action of any county board of equalization may appeal to the board of tax appeals by filing with the county auditor a notice of appeal in duplicate within thirty days after the mailing of the decision of such board of equalization, which notice shall specify the actions complained of, and said auditor shall forthwith transmit one of said notices to the board of tax appeals; and in like manner any county assessor may appeal to the board of tax appeals from any action of any county board of equalization. There shall be no fee charged for the filing of an appeal. The petitioner shall provide a copy of the notice of appeal to all named parties within the time period provided in the rules of practice and procedure of the board of tax appeals. Appeals which are not filed as provided in this section shall be continued or dismissed. The board of tax appeals shall require the board appealed from to file a true and correct copy of its decision in such action and all evidence taken in connection therewith, and may receive further evidence, and shall make such order as in its judgment is just and proper. An appeal of an action by a county board of equalization shall be deemed to have been filed within the thirty-day period if it is postmarked on or before the thirtieth day after the mailing of the decision of the board of equalization.

Sec. 11. RCW 84.40.038 and 1988 c 222 s 19 are each amended to read as follows:

(1) The owner or person responsible for payment of taxes on any property may petition the county board of equalization for a change in the assessed valuation placed upon such property by the county assessor. Such petition must be made on forms prescribed or approved by the department of revenue and any petition not conforming to those requirements or not properly completed shall not be considered by the board. The petition must be filed with the board on or before July 1st of the year of the assessment or within thirty days after the date an assessment or value change notice has been mailed, whichever is later.

(2) The owner or person responsible for payment of taxes on any property may request that the appeal be heard by the state board of tax appeals without a hearing by the county board of equalization when the assessor, the owner or person responsible for payment of taxes on the property, and a majority of the county board of equalization agree that a direct appeal to the state board of tax appeals is appropriate. The state board of tax appeals may reject the appeal, in which case the county board of equalization shall consider the appeal under RCW 84.48.010. Notice of such a rejection, together with the reason therefor, shall be provided to the affected parties and the county board of equalization within thirty days of receipt of the direct appeal by the state board.

Sec. 12. RCW 84.48.065 and 1989 c 378 s 14 are each amended to read as follows:

(1) The county assessor or treasurer may cancel or correct assessments on the assessment or tax rolls which are erroneous due to manifest errors in description, double assessments, clerical errors in extending the rolls, and such manifest errors in the listing of the property which do not involve a revaluation of property, such as the assessment of property exempted by law from taxation or the failure to deduct the exemption allowed by law to the head of a family. When the county assessor cancels or corrects an assessment, the assessor shall send a notice to the taxpayer in accordance with RCW 84.40.045, advising the taxpayer that the action ((of the county assessor is not final and shall be considered by the county board of equalization, and that such notice shall constitute legal notice of such fact)) has been taken and notifying the taxpayer of the right to appeal the cancellation or correction to the county board of equalization, in accordance with RCW 84.40.038. When the county assessor or treasurer cancels or corrects an assessment, a record of such action shall be prepared ((and filed with the county board of equalization)), setting forth therein the facts relating to the error. The record shall also set forth by legal description all property belonging exclusively to the state, any county, or any municipal corporation whose property is exempt from taxation, upon which there remains, according to the tax roll, any unpaid taxes. No manifest error cancellation or correction shall be made for any period more than three years preceding the year in which the error is discovered.

((The county board of equalization shall consider only such matters as appear in the record filed with it by the county assessor or treasurer and shall correct only such matters as are set forth in the record, but it shall have no power to change or alter the assessment of any person, or change the aggregate value of the taxable property of the county, except insofar as it is necessary to correct the errors mentioned in this section. If the county board of equalization finds that the action of the assessor was not correct, it shall issue a supplementary roll including such corrections as are

~~necessary, and the assessment and levy shall have the same force and effect as if made in the first instance, and the county treasurer shall proceed to collect the taxes due on the supplementary roll. The board shall make findings of the facts upon which it bases its decision on all matters submitted to it, and when so made the assessment and levy shall have the same force as if made in the first instance, and the county treasurer shall proceed to collect the taxes due on the rolls as modified.~~

~~The county board of equalization shall convene on a day fixed by the board for the purpose of considering such matters as appear in the record filed by the county assessor or treasurer.))~~

~~(2) An assessor shall make corrections that involve a revaluation of property to the assessment roll when:~~

~~(a) The assessor and taxpayer have signed an agreement as to the true and fair value of the taxpayer's property setting forth in the agreement the valuation information upon which the agreement is based; and~~

~~(b) The following conditions are met:~~

~~(i) The assessment roll has previously been certified in accordance with RCW 84.40.320;~~

~~(ii) The taxpayer has timely filed a petition with the county board of equalization pursuant to RCW 84.40.038 for the current assessment year;~~

~~(iii) The county board of equalization has not yet held a hearing on the merits of the taxpayer's petition.~~

~~(3) The assessor shall issue a supplementary roll or rolls including such cancellations and corrections, and the assessment and levy shall have the same force and effect as if made in the first instance, and the county treasurer shall proceed to collect the taxes due on the rolls as modified.~~

~~Sec. 13. RCW 84.36.385 and 1988 c 222 s 10 are each amended to read as follows:~~

~~(1) A claim for exemption under RCW 84.36.381 as now or hereafter amended, shall be made and filed at any time during the year for exemption from taxes payable the following year and thereafter and solely upon forms as prescribed and furnished by the department of revenue. However, an exemption from tax under RCW 84.36.381 shall continue for no more than four years unless a renewal application is filed as provided in subsection (3) of this section. The county assessor may also require, by written notice, a renewal application following an amendment of the income requirements set forth in RCW 84.36.381. Renewal applications shall be on forms prescribed and furnished by the department of revenue.~~

~~(2) A person granted an exemption under RCW 84.36.381 shall inform the county assessor of any change in status affecting the person's entitlement to the exemption on forms prescribed and furnished by the department of revenue.~~

~~(3) Each person exempt from taxes under RCW 84.36.381 in 1993 and thereafter, shall file with the county assessor a renewal application not later than December 31 of the year the assessor notifies such person of the requirement to file the renewal application.~~

~~(4) Beginning in 1992 and in each of the three succeeding years, the county assessor shall notify approximately one-fourth of those persons exempt from taxes under RCW 84.36.381 in the current year who have not filed a renewal application within the previous four years, of the requirement to file a renewal application.~~

~~(5) If the assessor finds that the applicant does not meet the qualifications as set forth in RCW 84.36.381, as now or hereafter amended, the claim or exemption shall be denied but such denial shall be subject to appeal under the provisions of RCW 84.48.010(5). If the applicant had received exemption in prior years based on erroneous information, the taxes shall be collected subject to penalties as provided in RCW 84.40.130 for a period of not to exceed three years.~~

~~(6) The department and each local assessor is hereby directed to publicize the qualifications and manner of making claims under RCW 84.36.381 through 84.36.389, through communications media, including such paid advertisements or notices as it deems appropriate. Notice of the qualifications, method of making applications, the penalties for not reporting a change in status, and availability of further information shall be included on or with property tax statements and revaluation notices for all residential property including mobile homes, except rental properties.~~

~~Sec. 14. RCW 84.36.387 and 1980 c 185 s 6 are each amended to read as follows:~~

~~(1) All claims for exemption shall be made and signed by the person entitled to the exemption, by his or her attorney in fact or in the event the residence of such person is under mortgage or purchase contract requiring accumulation of reserves out of which the holder of the mortgage or contract is required to pay real estate taxes, by such holder or by the owner, either before two witnesses or the county assessor or his deputy in the county where the real property is located: PROVIDED, That if a claim for exemption is made by a person living in a cooperative housing association, corporation, or partnership, such claim shall be made and signed by the person entitled to the exemption and by the authorized agent of such cooperative.~~

~~(2) If the taxpayer is unable to submit his own claim, the claim shall be submitted by a duly authorized agent or by a guardian or other person charged with the care of the person or property of such taxpayer.~~

~~(3) All claims for exemption and renewal applications shall be accompanied by such documented verification of income as shall be prescribed by rule adopted by the department of revenue.~~

~~(4) Any person signing a false claim with the intent to defraud or evade the payment of any tax shall be guilty of the offense of perjury.~~

~~((4)) (5) The tax liability of a cooperative housing association, corporation, or partnership shall be reduced by the amount of tax exemption to which a claimant residing therein is entitled and such cooperative shall reduce any amount owed by the claimant to the cooperative by such exact amount of tax exemption or, if no amount be owed, the cooperative shall make payment to the claimant of such exact amount of exemption.~~

~~((5))~~ (6) A remainderman or other person who would have otherwise paid the tax on real property that is the subject of an exemption granted under RCW 84.36.381 for an estate for life shall reduce the amount which would have been payable by the life tenant to the remainderman or other person to the extent of the exemption. If no amount is owed or separately stated as an obligation between these persons, the remainderman or other person shall make payment to the life tenant in the exact amount of the exemption.

NEW SECTION. Sec. 15. 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. 16. This act shall take effect July 1, 1992, except sections 7 and 8 of this act which shall take effect January 1, 1993, and sections 9 through 12 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 June 1, 1992.

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, 82.29A.050, 82.04.300, 82.32.030, 82.03.130, 84.08.130, 84.40.038, 84.48.065, 84.36.385, and 84.36.387; repealing RCW 82.32.040; providing effective dates; and declaring an emergency.", and that the bill do pass as recommended by the Conference Committee.

Signed by Senators Craswell, Cantu; Representatives Wang, J. Kohl, Carlson.

MOTION

On motion of Senator Newhouse, the twenty-four hour rule was suspended to consider the Report of the Conference Committee on Engrossed House Bill No. 2680.

MOTION

Senator Newhouse moved that the Report of the Conference Committee on Engrossed House Bill No. 2680 be adopted, under suspension of the twenty-four rule.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Newhouse that the Report of the Conference Committee on Engrossed House Bill No. 2680, under suspension of the twenty-four hour rule, be adopted.

The motion by Senator Newhouse carried and the Report of the Conference Committee, under suspension of the twenty-four hour rule, was adopted.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 2680, as recommended by the Conference Committee under suspension of the twenty-four hour rule.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2680, as recommended by the Conference Committee under suspension of the twenty-four hour rule, 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, 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: Senator Talmadge - 1.

Excused: Senator Moore - 1.

ENGROSSED HOUSE BILL NO. 2680, as recommended by the Conference Committee under suspension of the twenty-four hour rule, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 11, 1992

MR. PRESIDENT:

The Speaker ruled the Senate amendment(s) to HOUSE BILL NO. 2398 beyond the scope and object of the bill. The House insists on its position and asks the Senate to recede therefrom, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

Senator Newhouse moved that the Senate do recede from its amendments to House Bill No. 2398.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Newhouse that the Senate do recede from its amendments to House Bill No. 2398.

The motion by Senator Newhouse carried and the Senate receded from its amendments to House Bill No. 2398.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2398, without the Senate amendments.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2398, without the Senate amendments, 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, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, Skratck, A. Smith, L. Smith, Snyder, Stratton, Sumner, Sutherland, Talmadge, Vognild, von Reichbauer, West, Williams, Wojahn - 46.

Voting nay: Senator Thorsness - 1.

Absent: Senator Matson - 1.

Excused: Senator Moore - 1.

HOUSE BILL NO. 2398, without the Senate amendments, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 11, 1992

MR. PRESIDENT:

The House has passed ENGROSSED SENATE BILL NO. 6441 with the following amendments:

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))~~ given 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 subsection "received" means actual receipt of notice by personal service, or registered or certified mail, or three days after mailing by registered or certified 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 given to you or three 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 given to 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 given to 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)~~) improvement 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:

The legislature finds that acts of coercion or attempted coercion, including threats to withhold future contracts, made 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 claim of lien under this chapter are matters vitally affecting the public interest for the purpose of applying the consumer protection act, chapter 19.86 RCW. These acts of coercion are not reasonable in relation to the development and preservation of business. These acts of coercion shall constitute an unfair or deceptive act or practice in trade or commerce for the purpose of applying the consumer protection act, 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 ~~(to)~~, 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~~) name

of person indebted to claimant:

~~((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. PRINCIPAL AMOUNT FOR WHICH THE LIEN IS CLAIMED IS:.....

8. 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 and 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; or
- (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.

(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, lender, or lien claimant who believes 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~~((r))~~ and 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.

Sec. 14. RCW 60.04.902 and 1991 c 281 s 32 are each amended to read as follows:

This act shall take effect ~~((April))~~ June 1, 1992. Lien claims based on an improvement commenced by a potential lien claimant on or after ~~((April))~~ June 1, 1992, shall be governed by the provisions of this act.

NEW SECTION. Sec. 15. 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 June 1, 1992, except section 14 of this act which shall take effect immediately.

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, 60.04.221, and 60.04.902; adding a new section to chapter 60.04 RCW; providing an effective date; and declaring an emergency.", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

Senator Newhouse moved that the Senate do concur in the House amendments to Engrossed Senate Bill No. 6441.

Debate ensued.

POINT OF INQUIRY

Senator Metcalf: "Senator McMullen, I apologize, I didn't have a chance to look at it. Has this anything to do with the prompt pay issue?"

Senator McMullen: "No, Senator, that is a separate issue altogether."

Senator Metcalf: "Thank you very much."

The President declared the question before the Senate to be the motion by Senator Newhouse that the Senate do concur in the House amendments to Engrossed Senate Bill No. 6441.

The motion by Senator Newhouse carried and the Senate concurred in the House amendments to Engrossed Senate Bill No. 6441.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6441, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6441, as amended by the House, 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.

ENGROSSED SENATE BILL NO. 6441, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 11, 1992

MR. PRESIDENT:

The House has passed ENGROSSED SENATE BILL NO. 6408 with the following amendments:

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) The legislative authority of any county or city shall identify in the adopted budget the capital projects funded in whole or in part from the proceeds of the tax authorized in this section, and shall indicate that such tax is intended to be in addition to other funds that may be reasonably available for such capital projects.

(2) ~~The ((governing body))~~ legislative authority 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))~~ April 30, 1992, revenues generated from the tax imposed under this subsection in counties over five thousand population and cities over five thousand population 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 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))~~ April 30, 1992, 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))~~ April 30, 1992, by such counties or cities to a ~~((capital))~~ project may continue to be used for that purpose until the project is completed.

~~((2))~~ (3) In lieu of imposing the tax authorized in RCW 82.14.030(2), the ~~((governing body))~~ legislative authority 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))~~ (4) 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))~~ (5) 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))~~ (6) 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; parks; recreational facilities; law enforcement facilities; fire protection facilities; trails; libraries; administrative and/or judicial facilities; river and/or waterway flood control projects by those jurisdictions that, prior to the effective date of this act, have expended funds derived from the tax authorized by this section for such purposes; and, until December 31, 1995, housing projects for those jurisdictions that, prior to the effective date of this act, have expended or committed to expend funds derived from the tax authorized by this section or the tax authorized by RCW 82.46.035 for such purposes:

Sec. 2. RCW 82.46.030 and 1990 1st ex.s. c 17 s 37 are each amended to read as follows:

(1) The county treasurer shall place one percent of the proceeds of the taxes imposed under ~~((RCW 82.46.010))~~ this chapter in the county current expense fund to defray costs of collection.

(2) The remaining proceeds from the county tax under RCW 82.46.010(1) shall be placed in a county capital improvements fund. The remaining proceeds from city or town taxes under RCW 82.46.010(1) shall be distributed to the respective cities and towns monthly and placed by the city treasurer in a municipal capital improvements fund.

(3) This section does not limit the existing authority of any city, town, or county to impose special assessments on property specially benefitted thereby in the manner prescribed by law.

Sec. 3. RCW 82.46.035 and 1990 1st ex.s. c 17 s 38 are each amended to read as follows:

(1) The legislative authority of any county or city shall identify in the adopted budget the capital projects funded in whole or in part from the proceeds of the tax authorized in this section, and shall indicate that such tax is intended to be in addition to other funds that may be reasonably available for such capital projects.

(2) The ~~((governing body))~~ legislative authority 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) Revenues generated from the tax imposed under subsection ~~((4))~~ (2) 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 comprehensive plan. However, revenues (a) pledged by such counties and cities to debt retirement prior to March 1, 1992, may continue to be used for that purpose until the original debt for which the revenues were pledged is retired, or (b) committed prior to March 1, 1992, by such counties or cities to a project may continue to be used for that purpose until the project is completed.

~~((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.

NEW SECTION. Sec. 4. All expenditures of revenues collected under RCW 82.46.010 made prior to the effective date of this act are deemed to be in compliance with RCW 82.46.010.

On page 1, line 1 of the title, after "projects;" strike the remainder of the title and insert "amending RCW 82.46.010, 82.46.030, and 82.46.035; and creating a new section.", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

Senator Bluechel moved that the Senate do concur in the House amendments to Engrossed Senate Bill No. 6408.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Bluechel that the Senate do concur in the House amendments to Engrossed Senate Bill No. 6408.

The motion by Senator Bluechel carried and the Senate concurred in the House amendments to Engrossed Senate Bill No. 6408.

POINT OF INQUIRY

Senator Talmadge: "Senator Bluechel, I believe a concern that a number of people had in voting against this bill earlier was that under the Growth Management Act, a number of counties were authorized to participate in the real estate excise tax. The question, I think, was whether or not those counties that decided to opt out of the Growth Management Act would then be entitled to retain monies that had been generated previously under the real estate excise tax. Under the House amendments, do those counties that opted out still have the opportunity to retain all the tax monies that they were entitled to collect, because they were subject to the Growth Management Act?"

Senator Bluechel: "Senator Talmadge, let me read four lines of the bill which specifically addresses that. It says, 'For counties and cities that are required to choose their plan under RCW 36.70A.040 and that prior to July 1, 1991, have not imposed a tax authorized by Subsection 2 of this section, which is the real estate tax. 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.' I think that is the pertinent section there."

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6408, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6408, as amended by the House, 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, Hansen, Hayner, Jesernig, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Sellar, A. Smith, L. Smith, Sumner, Thorsness, Vognild, von Reichbauer, West, Williams - 39.

Voting nay: Senators Gaspard, Kreidler, Niemi, Skratek, Snyder, Stratton, Sutherland, Talmadge, Wojahn - 9.
Excused: Senator Moore - 1.

ENGROSSED SENATE BILL NO. 6408, as amended by the House, having received the 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 von Reichbauer: "A point of personal privilege. I would like to acknowledge Senator Talmadge, as the new Senator from Vashon Island. He also joins me in saluting our friends from Vashon Island."

MESSAGE FROM THE HOUSE

March 11, 1992

MR. PRESIDENT:

The House has passed ENGROSSED SENATE BILL NO. 6319 with the following amendments:

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. 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 develop a system of more integrated service delivery, including incentives to discourage the inappropriate placement of persons with developmental disabilities, head injury, and substance abuse, at state mental hospitals and encourage their care in community settings. By December 1, 1992, the department shall submit an implementation strategy, including budget proposals, to the appropriate committees of the legislature for this system.

Under the system, state, local, or community agencies may be given financial or other incentives to develop appropriate crisis intervention and community care arrangements.

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. 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. 4. 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. 5. 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. 6. 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. Insofar as the original intent of serving persons in the community is maintained, the secretary is authorized to approve exceptions on a case-by-case basis to the requirement to provide evaluation and treatment services within the boundaries of each regional support network. Such exceptions are limited to contracts with neighboring or contiguous regions. 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. 7. 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. 8. Section 5 of this act shall take effect July 1, 1995.

NEW SECTION. Sec. 9. Sections 1 and 2 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 page 1, line 1 of the title, after "disabilities;" strike the remainder of the title and insert "amending RCW 72.23.025; reenacting and amending RCW 71.24.035, 71.24.045, and 71.24.300; adding a new section to chapter 72.23 RCW; creating a new section; repealing RCW 72.06.010, 72.06.050, 72.06.060, and 72.06.070; providing an effective date; and declaring an emergency.", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

Senator Newhouse moved that the Senate do concur in the House amendments to Engrossed Senate Bill No. 6319.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Newhouse that the Senate do concur in the House amendments to Engrossed Senate Bill No. 6319.

The motion by Senator Newhouse carried and the Senate concurred in the House amendments to Engrossed Senate Bill No. 6319.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6319, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6319, as amended by the House, and the bill passed the Senate by the following vote: Ycas, 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, 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: Senator McCaslin - 1.

Excused: Senator Moore - 1.

ENGROSSED SENATE BILL NO. 6319, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 11, 1992

MR. PRESIDENT:

The Speaker ruled the Senate amendment(s) to HOUSE BILL NO. 2514 beyond the scope an object of the bill. The House refuses to concur in said amendment(s) and asks the Senate to recede therefrom, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

Senator Newhouse moved that the Senate do recede from its amendments to House Bill No. 2514.

POINT OF ORDER

Senator Rasmussen: "Mr. President, a point or order. As I recall, Mr. President, the President ruled that the amendment adopted by the Senate, forty-six to nothing, was within the scope and object of the bill."

REPLY BY THE PRESIDENT

President Pritchard: "That's true, Senator."

Senator Rasmussen: "This, then, is a direct slap in the face to the President that the Speaker ruled it out of scope."

President Pritchard: "I never try to interpret the motives of the Speaker. He makes his rulings; I make mine."

Senator Rasmussen: "Well, as I recall, the amendment that we adopted said that a person who was a senior citizen and had a spouse that died recently could count his losses along with his gains when it came to the senior citizen exemption."

President Pritchard: "Well, it is a little difficult for me to remember exactly the details."

Senator Rasmussen: "What I wanted to bring attention to the President was, I was informed that anything that had Senator Rasmussen's name on it would be killed by the Speaker, Mr. Joe King, and by Mr. Ebersole, my seatmate, because I had apparently insulted a House member in saying that he should not brag about being a homosexual. I just wanted to bring that to the President's attention, so that you would not be offended by a slap on the face that was directed at me."

President Pritchard: "I'll share it with you."

Senator Rasmussen: "I was directly informed. However, to get to the point of the question, I think we should resist this motion to recede and send it back to them and ask the Speaker to review the facts of the case rather than have a personal vendetta. Is that possible?"

President Pritchard: "I understand your argument, but it is just arguments on his motion."

Senator Rasmussen: "Well, speaking directly to the motion, then, I would think we should resist and send the bill back to the House and ask them to review."

President Pritchard: "All right."

REMARKS BY SENATOR NEWHOUSE

Senator Newhouse: "I would remind the members that under the rules--joint rules--that we operate under that when the Speaker has ruled something out of order and they do not concur and send it back, if we persist on sending it back one more time, we lose the basic bill, so we don't have much alternative in this situation, Senator Rasmussen."

Senator Rasmussen: "Thank you, Senator Newhouse. I understand. However, if we lost the basic bill, we would only be talking about one person that has lost a spouse and that is not me. I lost my spouse. I just don't like that kind of tactics to go on between the houses and not on the basis of what is in the legislation. I would ask the body to send it back to them and lose the bill and we will try again when the Speaker isn't here next session."

Further debate ensued.

The President declared the question before the Senate to be the motion by Senator Newhouse that the Senate do recede from its amendments to House Bill No. 2514.

The motion by Senator Newhouse carried and the Senate receded from its amendments to House Bill No. 2514.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2514, without the Senate amendments.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2514, without the Senate amendments, 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, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, McCaslin, McDonald, McMullen, Metcalf, 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, Williams, Wojahn - 45.

Voting nay: Senator Rasmussen - 1.

Absent: Senators Matson, West - 2.

Excused: Senator Moore - 1.

HOUSE BILL NO. 2514, without the Senate amendments, having received the 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 10:32 a.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 12:01 p.m. by Vice President Pro Tempore Bluechel.

MOTION

At 12:01 p.m., on motion of Senator Newhouse, the Senate recessed until 1:15 p.m.

The Senate was called to order at 1:17 p.m. by President Pritchard.

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. 9252, Janet Kovatch, as a member of the Board of Trustees for Clover Park Technical College District No. 29, was confirmed.

MOTIONS

On motion of Senator Anderson, Senators Erwin, McCaslin, Roach and Sumner were excused.

On motion of Senator Murray, Senators Madsen, Niemi, Owen, Pelz, Vognild and Wojahn were excused.

APPOINTMENT OF JANET KOVATCH

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 38; Nays, 0; Absent, 0; Excused, 11.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Matson, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Oke, Patterson, Rasmussen, Rinehart, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sutherland, Talmadge, Thorsness, von Reichbauer, West, Williams - 38.

Excused: Senators Erwin, Madsen, McCaslin, Moore, Niemi, Owen, Pelz, Roach, Sumner, Vognild, Wojahn - 11.

REPORT OF CONFERENCE COMMITTEE

SHB 2720

March 11, 1992

Includes "NEW ITEM": YES

Studying longshore and harbor worker's insurance needs.

MR. PRESIDENT:

MR. SPEAKER:

We of your Conference Committee, to whom was referred SUBSTITUTE HOUSE BILL NO. 2720, Longshore and harbor workers, have had the same under consideration and we recommend that:

The Senate Commerce and Labor Committee amendment(s) adopted March 6, 1992, not be adopted, and the following Conference Committee amendment(s) 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 healthy 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.

NEW SECTION. Sec. 2. A new section is added to chapter 48.22 RCW to read as follows:

(1) 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 which is authorized to participate in the plan and to make payments in support of the plan in accordance with this section. Any underwriting losses incurred by the plan shall be shared by plan participants in accordance with the following ratios: The state industrial insurance fund, fifty percent; authorized insurers writing United States longshoreman's and harbor workers' compensation insurance, forty-eight percent; and authorized insurers writing excess workers' compensation insurance or reinsurance, two percent.

(2) The Washington state industrial insurance fund shall obtain or provide coverage for the plan created under subsection (1) of this section on an excess of loss basis that would cover plan losses exceeding the net earned and retained premiums written including investment income of the plan as negotiated between the state fund and the plan. If such coverage is not provided by July 1, 1992, or if the commissioner determines that the premium to be charged for such coverage would result in unaffordable rates for coverage provided by the plan, the industrial insurance fund shall be relieved of responsibility for obtaining or providing excess of loss coverage. In considering whether excess of loss coverage premiums would result in unaffordable rates for workers' compensation coverage provided by the plan, the commissioner shall compare the resulting plan rates to those provided under any similar pool or plan of other states in existence prior to July 1, 1992.

(3) An applicant for plan insurance, a person insured under the plan, or an insurer, 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. In adopting rules under this section, the commissioner shall require that the plan use generally accepted actuarial principles for rate making.

NEW SECTION. Sec. 3. 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 2 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. 4. A new section is added to chapter 48.22 RCW to read as follows:

The committee appointed pursuant to section 3 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 harbor 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 2 of this act; whether there are methods that will satisfy the intent of chapter ..., Laws of 1992 (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. 5. A new section is added to chapter 48.15 RCW to read as follows:

An unauthorized insurer shall not solicit or provide federally required longshore and harbor workers' insurance on subjects located, resident, or to be performed within the state.

NEW SECTION. Sec. 6. This act shall expire on July 1, 1993.

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.

On page 1, line 2 of the title, after "insurance;" strike the remainder of the title and insert "adding new sections to chapter 48.22 RCW; adding a new section to chapter 48.15 RCW; creating a new section; providing an expiration date; and declaring an emergency.", and that the bill do pass as recommended by the Conference Committee.

Signed by Senators McMullen, Sellar; Representatives R. Meyers, Dellwo, Broback.

MOTION

On motion of Senator Newhouse, the Report of the Conference Committee on Substitute House Bill No. 2720 was adopted.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2720, as recommended by the Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2720, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 42; Nays, 3; Absent, 0; Excused, 4.

Voting yea: Senators Amondson, Bailey, Barr, Bauer, Bluechel, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, 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 - 42.

Voting nay: Senators Anderson, Cantu, Matson - 3.

Excused: Senators Madsen, McCaslin, Moore, Owen - 4.

SUBSTITUTE HOUSE BILL NO. 2720, as recommended by the Conference Committee, having received the 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 Hansen, the following resolution was adopted:

SENATE RESOLUTION 1992-8736

By Senators Hansen, Saling and Jesernig

WHEREAS, Bob Weissenfels, a native of eastern Washington, was a member of the U.S. bobsled team in the Thirteenth Olympic Winter Games, in Albertville, France; and

WHEREAS, Mr. Weissenfels' hard work and sacrifice paid off in success among the world's greatest athletes, with an 11th-place finish in the four-man bobsled competition; and

WHEREAS, Washington State citizens are proud to have seen one of their own compete in the 1992 Olympics; and

WHEREAS, Mr. Weissenfels, a graduate of Hanford High School, has proven that he is also a winner outside the athletic venue through his academic success at the U.S. Naval Academy and acceptance to the Navy Flight School at Pensacola, Florida; and

WHEREAS, The people of Washington have found in Bob Weissenfels a model of personal strength, integrity, and perseverance;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate joins the people of Beverly, and the entire state of Washington, in wishing him the best in his imminent marriage, work at the Navy Flight School, and in all of his future endeavors; and

BE IT FURTHER RESOLVED, That the Secretary of Senate immediately transmit copies of this resolution to Mr. Weissenfels' family.

MOTION

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

SENATE RESOLUTION 1992-8738

By Senators Metcalf, McMullen and Rasmussen

WHEREAS, The state of Washington is blessed with a relatively uncorrupted marine environment which is unique in the United States and the world; and

WHEREAS, The preservation of this rare marine environment is a major goal of public policy at all levels of government in the state of Washington; and

WHEREAS, Despite the best efforts of our citizens and our governments, events occur occasionally which disrupt marine ecology and inflict damage upon this unique environment, and which require remediation efforts and immediate utilization of cleanup materials; and

WHEREAS, Washington State companies have successfully developed a number of non-toxic environmentally sound products which significantly enhance marine cleanup and remediation efforts, and these companies have led the way in promoting these new and innovative environmental technologies;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate strongly urges the Department of Ecology to give top priority to the utilization of environmentally sound non-toxic marine cleanup materials manufactured in the state of Washington, and calls for all contractors and subcontractors to give similar priority to Washington State products; and

BE IT FURTHER RESOLVED, That copies of this resolution be transmitted by the Secretary of the Senate to the Office of the Director, Washington Department of Ecology.

MOTION

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

SENATE RESOLUTION 1992-8723

By Senators Conner and von Reichbauer

WHEREAS, Current law requires escrow agents registered in Washington to provide satisfactory proof of financial responsibility, including proof of a fidelity bond and an errors and omissions policy or security deposit; and

WHEREAS, Fidelity bond coverage only provides coverage to an escrow agent for the fraudulent or dishonest acts committed by an employee or officer of the escrow agent; and

WHEREAS, Pursuant to statutory authority, the Department of Licensing has waived the fidelity bond requirement because of the inability of escrow agents to locate this coverage in the marketplace; and

WHEREAS, The waiver of the fidelity bond and the bond's failure to provide protection against customer losses have raised concerns about the adequacy of the financial responsibility requirements for escrow agents;

NOW, THEREFORE, BE IT RESOLVED, That the Senate standing committee on Financial Institutions and Insurance shall conduct a review of the current financial responsibility requirements for escrow agents. This review shall include:

(1) The identification and quantification of the nature and extent of losses to Washington consumers resulting from the practices within the escrow industry,

(2) A review of the effectiveness of current financial responsibility requirements,

(3) A review of the availability and affordability of fidelity bonds written for the escrow industry, and

(4) Consideration of the potential coverage, availability, and affordability of other methods of financial responsibility, including surety bonds, to provide coverage for losses to escrow customers; and

BE IT FURTHER RESOLVED, That the standing committee on Financial Institutions and Insurance shall consult with representatives from the following interests in conducting its review: The escrow industry, the fidelity bond industry, the surety bond industry, the real estate industry, the insurance commissioner's office, and escrow customers; and

BE IT FURTHER RESOLVED, That the standing committee on Financial Institutions and Insurance shall report its findings and any recommendations for legislation to the President of the Senate by December 15, 1992.

MOTION

On motion of Senator von Reichbauer, the following resolution was adopted:

SENATE RESOLUTION 1992-8750

By Senators von Reichbauer, Rasmussen, Conner, Bailey, Thorsness, Barr, Metcalf, Roach, Nelson, Erwin and Stratton

WHEREAS, The United States House of Representatives Committee on Ethics recently completed a report on the numerous bad checks written over the last thirty-nine months by members of that House; and

WHEREAS, The committee report, which is still being held from the public pending a vote of the full House of Representatives, discloses the names of only the twenty-four worst cases of financial abuse - those who wrote between eighty-one and nine hundred and ninety-six bad checks during the period investigated; and

WHEREAS, The full House of Representatives may vote against making public the names of these congressional members, who are entrusted with immense power over our national policies on the regulation of savings and loans, securities brokers, and banks yet cannot or will not balance their own checkbooks; and

WHEREAS, Even if the full House of Representatives votes in favor of disclosing the names in the committee report, such a vote will not make public the names of the remaining members, many of whom wrote at least forty-five bad checks during the period investigated; and

WHEREAS, The public deserves to know the names of their United States Representatives who manifest an inability or unwillingness to show fiscal responsibility;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the state of Washington hereby makes known its disapproval of the actions of the United States Representatives whom the Committee on Ethics has found to have written an inordinate number of bad checks during the period under investigation and requests that the full House of Representatives require the disclosure of not only the names of the members identified in the committee report but also the names of all of the members who have been found to have written bad checks during the investigation period, so that the public can decide for itself the extent of the abuses and the seriousness of these violations of the public trust; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate immediately transmit copies of this resolution to each of the state of Washington's congressional delegation.

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

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8430, by Senators Hayner, Nelson, Anderson and Sellar

Advocating the creation of a task force to study issues on gambling.

The concurrent resolution was read the second time.

MOTION

On motion of Senator Hayner, the rules were suspended, Senate Concurrent Resolution No. 8430 was advanced to third reading, the second reading considered the third and the concurrent resolution was placed on final passage.

POINT OF INQUIRY

Senator Talmadge: "Senator Hayner, I'm supportive of the resolution. I think it is a good idea, but I raise this concern. If the question under the federal legislation is good faith negotiations and all that, might it not make good sense to include a representative from the tribes on this group in order to avoid any appearance that we are dealing with Indian gambling without them being in the room?"

Senator Hayner: "I would have no problem with that."

MOTION

On motion of Senator Talmadge, the rules were suspended, Senate Concurrent Resolution No. 8430 was returned to second reading and read the second time.

MOTION

On motion of Senator Talmadge, the following amendments were considered simultaneously and were adopted:

On page 2, line 14, strike "thirteen" and insert "fourteen"

On page 2, line 16, after "Senate;" insert "a representative from an Indian tribe;"

MOTION

On motion of Senator Talmadge, the rules were suspended, Engrossed Senate Concurrent Resolution No. 8430 was advanced to third reading, the second reading considered the third and the concurrent resolution was placed on final passage.

Engrossed Senate Concurrent Resolution No. 8430 was adopted by voice vote.

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

MESSAGE FROM THE HOUSE

March 12, 1992

MR. PRESIDENT:

The House has adopted the Report of the Conference Committee on SUBSTITUTE SENATE BILL NO. 6428 and has passed the bill as recommended by the Conference Committee, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

REPORT OF CONFERENCE COMMITTEE

SSB 6428

March 11, 1992

Includes "NEW ITEM": YES

Improving the responsiveness of services for at-risk children and families.

MR. SPEAKER:

MR. PRESIDENT:

We of your Conference Committee, to whom was referred SUBSTITUTE SENATE BILL NO. 6428, Relating to at-risk families, have had the same under consideration and we recommend that the following Conference Committee striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that a primary goal of public involvement in the lives of children has been to strengthen the family unit.

However, the legislature recognizes that traditional two-parent families with one parent routinely at home are now in the minority. In addition, extended family and natural community supports have eroded drastically. The legislature recognizes that public policy assumptions must be altered to account for this new social reality. Public effort must be redirected to expand, support, strengthen, and help refashion family and community associations to care for children.

The legislature finds that a broad variety of services for children and families has been independently designed over the years and that the coordination and cost-effectiveness of these services will be enhanced through the adoption of a common approach to their delivery. The legislature further finds that the most successful programs for reaching and working with at-risk families and children treat individuals' problems in the context of the family, offer a broad spectrum of services, are flexible in the use of program resources, and use staff who are trained in crossing traditional program categories in order to broker services necessary to fully meet a family's needs.

The legislature further finds that eligibility criteria, expenditure restrictions, and reporting requirements of state and federal categorical programs often create barriers toward the effective use of resources for addressing the multiple problems of at-risk families and children.

The purposes of this chapter are (1) to modify public policy and programs to empower communities to support and respond to the needs of individual families and children and (2) to improve the responsiveness of services for children and families at risk by facilitating greater coordination and flexibility in the use of funds by state and local service agencies.

NEW SECTION. Sec. 2. A new section is added to chapter 74.14A RCW to read as follows:

To update, specify, and expand the policy stated in RCW 74.14A.020, the following is declared:

It is the policy of the state of Washington to promote:

- (1) Family-oriented services and supports that:
 - (a) Respond to the changing nature of families; and
 - (b) Respond to what individuals and families say they need, and meet those needs in a way that maintains their dignity and respects their choices;
- (2) Culturally relevant services and supports that:
 - (a) Explicitly recognize the culture and beliefs of each family and use these as resources on behalf of the family;
 - (b) Provide equal access to culturally unique communities in planning and programs, and day-to-day work, and actively address instances where clearly disproportionate needs exist; and
 - (c) Enhance every culture's ability to achieve self-sufficiency and contribute in a productive way to the larger community;
- (3) Coordinated services that:
 - (a) Develop strategies and skills for collaborative planning, problem solving, and service delivery;
 - (b) Encourage coordination and innovation by providing both formal and informal ways for people to communicate and collaborate in planning and programs;
 - (c) Allow clients, vendors, community people, and other agencies to creatively provide the most effective, responsive, and flexible services; and
 - (d) Commit to an open exchange of skills and information; and expect people throughout the system to treat each other with respect, dignity, and understanding;
- (4) Locally planned services and supports that:
 - (a) Operate on the belief that each community has special characteristics, needs, and strengths;
 - (b) Include a cross-section of local community partners from the public and private sectors, in the planning and delivery of services and supports; and
 - (c) Support these partners in addressing the needs of their communities through both short-range and long-range planning and in establishing priorities within state and federal standards;
- (5) Community-based prevention that encourages and supports state residents to create positive conditions in their communities to promote the well-being of families and reduce crises and the need for future services;
- (6) Outcome-based services and supports that:
 - (a) Include a fair and realistic system for measuring both short-range and long-range progress and determining whether efforts make a difference;
 - (b) Use outcomes and indicators that reflect the goals that communities establish for themselves and their children;
 - (c) Work towards these goals and outcomes at all staff levels and in every agency; and

- (d) Provide a mechanism for informing the development of program policies;
- (7) Customer service that:
 - (a) Provides a climate that empowers staff to deliver quality programs and services;
 - (b) Is provided by courteous, sensitive, and competent professionals; and
 - (c) Upholds the dignity and respect of individuals and families by providing appropriate staff recognition, information, training, skills, and support;
- (8) Creativity that:
 - (a) Increases the flexibility of funding and programs to promote innovation in planning, development, and provision of quality services; and
 - (b) Simplifies and reduces or eliminates rules that are barriers to coordination and quality services.

NEW SECTION. Sec. 3. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Comprehensive plan" means a two-year plan that examines available resources and unmet needs for a county or multicounty area, barriers that limit the effective use of resources, and a plan to address these issues that is broadly supported.

(2) "Participating state agencies" means the office of the superintendent of public instruction, the department of social and health services, the department of health, the employment security department, the department of community development, and such other departments as may be specifically designated by the governor.

(3) "Family policy council" or "council" means the superintendent of public instruction, the secretary of social and health services, the secretary of health, the commissioner of the employment security department, and the director of the department of community development or their designees, one legislator from each caucus of the senate and house of representatives, and one representative of the governor.

(4) "Outcome based" means defined and measurable outcomes and indicators that make it possible for communities to evaluate progress in meeting their goals and whether systems are fulfilling their responsibilities.

(5) "Matching funds" means an amount no less than twenty-five percent of the amount budgeted for a consortium's project. Up to half of the consortium's matching funds may be in-kind goods and services. Funding sources allowable for match include appropriate federal or local levy funds, private charitable funding, and other charitable giving. Basic education funds shall not be used as a match.

(6) "Consortium" means a diverse group of individuals that includes at least representatives of local service providers, service recipients, local government administering or funding children or family service programs, participating state agencies, school districts, existing children's commissions, ethnic and racial minority populations, and other interested persons organized for the purpose of designing and providing collaborative and coordinated services under this chapter. Consortia shall represent a county, multicounty, or municipal service area. In addition, consortia may represent Indian tribes applying either individually or collectively.

NEW SECTION. Sec. 4. To the extent that any power or duty of the council created according to this act may duplicate efforts of existing councils, commissions, advisory committees, or other entities, the governor is authorized to take necessary actions to eliminate such duplication. This shall include authority to consolidate similar councils or activities in a manner consistent with the goals of this act.

NEW SECTION. Sec. 5. (1) The family policy council shall annually solicit from consortia proposals to facilitate greater flexibility, coordination, and responsiveness of services at the community level. The council shall consider such proposals only if:

- (a) A comprehensive plan has been prepared by the consortium; and
 - (b) The consortium has identified and agreed to contribute matching funds as specified in section 3 of this act;
- and

(c) An interagency agreement has been prepared by the family policy council and the participating local service and support agencies that governs the use of funds, specifies the relationship of the project to the principles listed in section 2 of this act, and identifies specific outcomes and indicators; and

(d) Funds are to be used to provide support or services needed to implement a family's or child's case plan that are not otherwise adequately available through existing categorical services or community programs;

(e) The consortium has provided written agreements that identify a lead agency that will assume fiscal and programmatic responsibility for the project, and identify participants in a consortium council with broad participation and that shall have responsibility for ensuring effective coordination of resources; and

(f) The consortium has designed into its comprehensive plan standards for accountability. Accountability standards include, but are not limited to, the public hearing process eliciting public comment about the appropriateness of the proposed comprehensive plan. The consortium must submit reports to the family policy council outlining the public response regarding the appropriateness and effectiveness of the comprehensive plan.

(2) The family policy council may submit a prioritized list of projects recommended for funding in the governor's budget document.

(3) The participating state agencies shall identify funds to implement the proposed projects from budget requests or existing appropriations for services to children and their families.

Sec. 6. RCW 28A.300.040 and 1991 c 116 s 2 are each amended to read as follows:

In addition to any other powers and duties as provided by law, the powers and duties of the superintendent of public instruction shall be:

(1) To have supervision over all matters pertaining to the public schools of the state.
 (2) To report to the governor and the legislature such information and data as may be required for the management and improvement of the schools.

(3) To prepare and have printed such forms, registers, courses of study, rules and regulations for the government of the common schools, questions prepared for the examination of persons as provided for in RCW 28A.305.130(9), and such other material and books as may be necessary for the discharge of the duties of teachers and officials charged with the administration of the laws relating to the common schools, and to distribute the same to educational service district superintendents.

(4) To travel, without neglecting his or her other official duties as superintendent of public instruction, for the purpose of attending educational meetings or conventions, of visiting schools, of consulting educational service district superintendents or other school officials.

(5) To prepare and from time to time to revise a manual of the Washington state common school code, copies of which shall be provided in such numbers as determined by the superintendent of public instruction at no cost to those public agencies within the common school system and which shall be sold at approximate actual cost of publication and distribution per volume to all other public and nonpublic agencies or individuals, said manual to contain Titles 28A and 28C RCW, rules and regulations related to the common schools, and such other matter as the state superintendent or the state board of education shall determine. Proceeds of the sale of such code shall be transmitted to the public printer who shall credit the state superintendent's account within the state printing plant revolving fund by a like amount.

(6) To act as ex officio member and the chief executive officer of the state board of education.

(7) To file all papers, reports and public documents transmitted to the superintendent by the school officials of the several counties or districts of the state, each year separately. Copies of all papers filed in the superintendent's office, and the superintendent's official acts, may, or upon request, shall be certified by the superintendent and attested by the superintendent's official seal, and when so certified shall be evidence of the papers or acts so certified to.

(8) To require annually, on or before the 15th day of August, of the president, manager, or principal of every educational institution in this state, a report as required by the superintendent of public instruction; and it is the duty of every president, manager or principal, to complete and return such forms within such time as the superintendent of public instruction shall direct.

(9) To keep in the superintendent's office a record of all teachers receiving certificates to teach in the common schools of this state.

(10) To issue certificates as provided by law.

(11) To keep in the superintendent's office at the capital of the state, all books and papers pertaining to the business of the superintendent's office, and to keep and preserve in the superintendent's office a complete record of statistics, as well as a record of the meetings of the state board of education.

(12) With the assistance of the office of the attorney general, to decide all points of law which may be submitted to the superintendent in writing by any educational service district superintendent, or that may be submitted to the superintendent by any other person, upon appeal from the decision of any educational service district superintendent; and the superintendent shall publish his or her rulings and decisions from time to time for the information of school officials and teachers; and the superintendent's decision shall be final unless set aside by a court of competent jurisdiction.

(13) To administer oaths and affirmations in the discharge of the superintendent's official duties.

(14) To deliver to his or her successor, at the expiration of the superintendent's term of office, all records, books, maps, documents and papers of whatever kind belonging to the superintendent's office or which may have been received by the superintendent's for the use of the superintendent's office.

(15) To administer family services and programs to promote the state's policy as provided in section 2 of this act.

(16) To perform such other duties as may be required by law.

Sec. 7. RCW 43.63A.065 and 1990 1st ex.s. c 17 s 70 are each amended to read as follows:

The department shall have the following functions and responsibilities:

(1) Cooperate with and provide technical and financial assistance to the local governments and to the local agencies serving the communities of the state for the purpose of aiding and encouraging orderly, productive, and coordinated development of the state, and, unless stipulated otherwise, give priority to local communities with the greatest relative need and the fewest resources.

(2) Administer state and federal grants and programs which are assigned to the department by the governor or the legislature.

(3) Administer community services programs through private, nonprofit organizations and units of general purpose local government; these programs are directed to the poor and infirm and include community-based efforts to foster self-sufficiency and self-reliance, energy assistance programs, head start, and weatherization.

(4) Study issues affecting the structure, operation, and financing of local government as well as those state activities which involve relations with local government and report the results and recommendations to the governor, legislature, local government, and citizens of the state.

(5) Assist the governor in coordinating the activities of state agencies which have an impact on local governments and communities.

(6) Provide technical assistance to the governor and the legislature on community development policies for the state.

(7) Assist in the production, development, rehabilitation, and operation of owner-occupied or rental housing for low and moderate income persons, and qualify as a participating state agency for all programs of the Department of Housing and Urban Development or its successor.

(8) Support and coordinate local efforts to promote volunteer activities throughout the state.

(9) Participate with other states or subdivisions thereof in interstate programs and assist cities, counties, municipal corporations, governmental conferences or councils, and regional planning commissions to participate with other states or their subdivisions.

(10) Hold public hearings and meetings to carry out the purposes of this chapter.

(11) Provide a comprehensive state-level focus for state fire protection services, funding, and policy.

(12) Administer a program to identify, evaluate, and protect properties which reflect outstanding elements of the state's cultural heritage.

(13) Coordinate a comprehensive state program for mitigating, preparing for, responding to, and recovering from emergencies and disasters.

(14) Administer family services and programs to promote the state's policy as provided in section 2 of this act. Sec. 8: RCW 43.70.020 and 1989 1st ex.s. c 9 s 103 are each amended to read as follows:

(1) There is hereby created a department of state government to be known as the department of health. The department shall be vested with all powers and duties transferred to it by this act and such other powers and duties as may be authorized by law. The main administrative office of the department shall be located in the city of Olympia. The secretary may establish administrative facilities in other locations, if deemed necessary for the efficient operation of the department, and if consistent with the principles set forth in subsection (2) of this section.

(2) The department of health shall be organized consistent with the goals of providing state government with a focus in health and serving the people of this state. The legislature recognizes that the secretary needs sufficient organizational flexibility to carry out the department's various duties. To the extent practical, the secretary shall consider the following organizational principles:

(a) Clear lines of authority which avoid functional duplication within and between subelements of the department;

(b) A clear and simplified organizational design promoting accessibility, responsiveness, and accountability to the legislature, the consumer, and the general public;

(c) Maximum span of control without jeopardizing adequate supervision;

(d) A substate or regional organizational structure for the department's health service delivery programs and activities that encourages joint working agreements with local health departments and that is consistent between programs;

(e) Decentralized authority and responsibility, with clear accountability;

(f) A single point of access for persons receiving like services from the department which would limit the number of referrals between divisions.

(3) The department shall provide leadership and coordination in identifying and resolving threats to the public health by:

(a) Working with local health departments and local governments to strengthen the state and local governmental partnership in providing public protection;

(b) Developing intervention strategies;

(c) Providing expert advice to the executive and legislative branches of state government;

(d) Providing active and fair enforcement of rules;

(e) Working with other federal, state, and local agencies and facilitating their involvement in planning and implementing health preservation measures;

(f) Providing information to the public; and

(g) Carrying out such other related actions as may be appropriate to this purpose.

(4) In accordance with the administrative procedure act, chapter 34.05 RCW, the department shall ensure an opportunity for consultation, review, and comment by the department's clients before the adoption of standards, guidelines, and rules.

(5) Consistent with the principles set forth in subsection (2) of this section, the secretary may create such administrative divisions, offices, bureaus, and programs within the department as the secretary deems necessary. The secretary shall have complete charge of and supervisory powers over the department, except where the secretary's authority is specifically limited by law.

(6) The secretary shall appoint such personnel as are necessary to carry out the duties of the department in accordance with chapter 41.06 RCW.

(7) The secretary shall appoint the state health officer and such deputy secretaries, assistant secretaries, and other administrative positions as deemed necessary consistent with the principles set forth in subsection (2) of this section. All persons who administer the necessary divisions, offices, bureaus, and programs, and five additional employees shall be exempt from the provisions of chapter 41.06 RCW. The officers and employees appointed under this subsection shall

be paid salaries to be fixed by the governor in accordance with the procedure established by law for the fixing of salaries for officers exempt from the state civil service law.

(8) The secretary shall administer family services and programs to promote the state's policy as provided in section 2 of this act.

NEW SECTION. Sec. 9. A new section is added to chapter 43.20A RCW to read as follows:

The secretary shall administer family services and programs to promote the state's policy as provided in section 2 of this act.

NEW SECTION. Sec. 10. A new section is added to chapter 50.08 RCW to read as follows:

The commissioner shall administer family services and programs to promote the state's policy as provided in section 2 of this act.

NEW SECTION. Sec. 11. By June 30, 1995, the family policy council shall report to the appropriate committees of the legislature on the expenditures made, outcomes attained, and other pertinent aspects of its experience in the implementation of section 5 of this act.

NEW SECTION. Sec. 12. The juvenile issues task force reauthorized under chapter --, Laws of 1992 (either Engrossed Substitute House Bill No. 2466 or Second Substitute Senate Bill No. 6041), or the entity given the duties of the task force created in chapter 234, Laws of 1991, shall conduct a study to determine whether a network of consortia on children, youth, and families may be authorized to receive a transfer of authority to administer: (1) The program funds from council agencies including at least: (a) The prevention and early intervention programs that the department of social and health services contracted for with private agencies on January 1, 1992; (b) consolidated juvenile services within the department of social and health services; (c) all residential and foster care services within the department of social and health services; (d) drug and alcohol prevention under chapter 28A.170 RCW; (e) the Fair Start program from the superintendent of public instruction; (f) school psychological and social counseling services from the superintendent of public instruction; (g) school health and nutrition services from the superintendent of public instruction; (h) the early childhood education and assistance program in the department of community development; and (i) the first steps program and for other department of health funded health education and health promotion programs where the primary target population is children; (2) a requirement that consortia prepare two-year plans that respond at a minimum to needs assessments, interagency service plans, and the goals of local school districts, public health departments, juvenile courts, and children's protective services; and (3) ways in which consortia can improve access to assistance that will strengthen the healthy family unit or community organizations, including at a minimum ways to reduce abuse of alcohol and illegal substances by children and their parents, and interpersonal violence and intentional injury to children. The study should recommend specific financial incentives to encourage the transfer of authority as outlined under this section. The juvenile issues task force shall also assess existing resources and institutes on children and family services and recommend whether an institute on children and family services affiliated with a college or university be established, or, if existing, modified or expanded.

NEW SECTION. Sec. 13. A new section is added to chapter 74.14A RCW to read as follows:

The implementation of council, consortia, and institute, shall be included in all federal and state plans affecting the state's children, youth, and families, including at least those required by this chapter and applicable federal law. These plans shall be consistent with the intent and requirements of this chapter.

NEW SECTION. Sec. 14. 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 capability 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. 15. 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. The coordinating council shall report to the appropriate committees of the legislature on the implementation of this chapter by January 15, 1993.

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.

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. 16. State agencies providing or paying for early intervention services shall enter into formal interagency agreements with each other and where appropriate, with school districts, counties, and other providers,

to define their relationships and financial and service responsibilities. Local agencies or entities, including local school districts, counties, and service providers receiving public money for providing or paying for early intervention services shall enter into formal interagency agreements with each other that define their relationships and financial responsibilities to provide services within each county. In establishing priorities, school districts, counties, and other service providers shall give due regard to the needs of children birth to three years of age and shall ensure that they continue to participate in providing services and collaborate with each other. The interagency agreements shall include procedures for resolving disputes, provisions for establishing maintenance requirements, and all additional components necessary to ensure collaboration and coordination.

NEW SECTION. Sec. 17. 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. 18. Sections 14 through 17 of this act shall constitute a new chapter in Title 70 RCW.

NEW SECTION. Sec. 19. Sections 1 and 3 through 5 of this act shall constitute a new chapter in Title 70 RCW.

NEW SECTION. Sec. 20. 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. 21. Sections 1 through 13 of this act shall take effect July 1, 1992.

On page 1, line 1 of the title, after "families;" strike the remainder of the title and insert "amending RCW 28A.300.040, 43.63A.065, and 43.70.020; adding new sections to chapter 74.14A RCW; adding a new section to chapter 43.20A RCW; adding a new section to chapter 50.08 RCW; adding new chapters to Title 70 RCW; creating new sections; and providing an effective date.", and that the bill do pass as recommended by the Conference Committee.

Signed by Senators Linda Smith, Roach; Representatives Leonard, Riley, Winsley.

MOTION

Senator Newhouse moved that the Report of the Conference Committee on Substitute Senate Bill No. 6428 be adopted.

POINT OF ORDER

Senator Talmadge: "Thank you, Mr. President, a point of order. I believe the Report of the Conference Committee on Substitute Senate Bill No. 6428 expands the scope and object of Substitute Senate Bill No. 6428. The bill as it originally passed the Senate was a bill that dealt with the issue of organization of children's services and contained in it the family policy initiative sections that the Governor had requested and sections relating to an institute for children's services in higher education.

"The Conference Committee Report now only has the family policy initiatives sections in it. It does have some sections relating to birth to six services for developmentally disabled and also a section relating to the juvenile issues task force and a series of study objectives for the juvenile issues task force, which the Legislature by its actions yesterday, eliminated. I believe the Conference Committee Report with the two additional sections expands the scope and object--and the President, I believe, so ruled with the respect to 6428 when it was first before the Senate and had five House Bills attached to it."

Further debate ensued.

POINT OF INQUIRY

Senator Newhouse: "Senator Talmadge, are you referring to Sections fourteen through eighteen, so I can understand?"

Senator Talmadge: "I'm referring to Sections twelve through seventeen of the bill."

Senator Newhouse: "Eighteen, also, the codifying one."

MOTION

On motion of Senator Newhouse, further consideration of the Conference Committee Report on Substitute Senate Bill No. 6428 was deferred.

President Pro Tempore Craswell assumed the Chair.

At 1:53 p.m., there being no objection, the President Pro Tempore declared the Senate to be at ease.

The Senate was called to order at 2:27 p.m. by President Pritchard.

There being no objection, the Senate resumed consideration of the Report of the Conference Committee on Substitute Senate Bill No. 6428, 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 Senate Bill No. 6428 is a measure which creates a means to coordinate and review programs and policies for children, youth and families and directs certain agencies to follow a stated policy designed to promote family-oriented services and supports.

"The Conference Committee amendment would, in addition, create a mechanism to provide coordination of early intervention services for children and directs a study related to the authority of the children, youth and family consortia as defined in the bill.

"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 Report of the Conference Committee on Substitute Senate Bill No. 6428 was ruled in order.

The President declared the question before the Senate to be the motion by Senator Newhouse to adopt the Report of the Conference Committee on Substitute Senate Bill No. 6428.

The motion by Senator Newhouse carried and the Report of the Conference Committee was adopted.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6428, as recommended by the Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6428, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 2; Excused, 4.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Cantu, Conner, Craswell, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, 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 - 43.

Absent: Senators Bluechel, Matson - 2.

Excused: Senators Erwin, McCaslin, Moore, Owen - 4.

SUBSTITUTE SENATE BILL NO. 6428, as recommended by the Conference Committee, having received the 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 sixth order of business.

SECOND READING

REENGROSSED SUBSTITUTE HOUSE BILL NO. 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.

The bill was read the second time.

MOTIONS

Senator Hayner 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 36.18.020 and 1989 c 342 s 1 are each amended to read as follows:

Clerks of superior courts shall collect the following fees for their official services:

(1) The party filing the first or initial paper in any civil action, including an action for restitution, or change of name, shall pay, at the time said paper is filed, a fee of ~~((seventy-eight))~~ one hundred ten dollars except in proceedings filed under RCW 26.50.030 or 49.60.227 where the petitioner shall pay a filing fee of twenty dollars, or an unlawful detainer action under chapter 59.18 or 59.20 RCW where the plaintiff shall pay a filing fee of thirty dollars. If the defendant serves or files an answer to an unlawful detainer complaint under chapter 59.18 or 59.20 RCW, the plaintiff shall pay, prior to proceeding with the unlawful detainer action, an additional ~~((forty-eight))~~ eighty dollars which shall be considered part of the filing fee. The thirty dollar filing fee under this subsection for an unlawful detainer action shall not include an order to show cause or any other order or judgment except a default order or default judgment in an unlawful detainer action.

(2) Any party, except a defendant in a criminal case, filing the first or initial paper on an appeal from a court of limited jurisdiction or any party on any civil appeal, shall pay, when said paper is filed, a fee of ~~((seventy-eight))~~ one hundred ten dollars.

(3) The party filing a transcript or abstract of judgment or verdict from a United States court held in this state, or from the superior court of another county or from a district court in the county of issuance, shall pay at the time of filing, a fee of fifteen dollars.

(4) For the filing of a tax warrant by the department of revenue of the state of Washington, a fee of five dollars shall be paid.

(5) For the filing of a petition for modification of a decree of dissolution, a fee of twenty dollars shall be paid.

(6) The party filing a demand for jury of six in a civil action, shall pay, at the time of filing, a fee of ~~((twenty-five))~~ fifty dollars; if the demand is for a jury of twelve the fee shall be ~~((fifty))~~ one hundred dollars. If, after the party files a demand for a jury of six and pays the required fee, any other party to the action requests a jury of twelve, an additional ~~((twenty-five))~~ fifty-dollar fee will be required of the party demanding the increased number of jurors.

(7) For filing any paper, not related to or a part of any proceeding, civil or criminal, or any probate matter, required or permitted to be filed in the clerk's office for which no other charge is provided by law, or for filing a petition, written agreement, or memorandum as provided in RCW 11.96.170, the clerk shall collect two dollars.

(8) For preparing, transcribing or certifying any instrument on file or of record in the clerk's office, with or without seal, for the first page or portion thereof, a fee of two dollars, and for each additional page or portion thereof, a fee of one dollar. For authenticating or exemplifying any instrument, a fee of one dollar for each additional seal affixed.

(9) For executing a certificate, with or without a seal, a fee of two dollars shall be charged.

(10) For each garnishee defendant named in an affidavit for garnishment and for each writ of attachment, a fee of five dollars shall be charged.

(11) For approving a bond, including justification thereon, in other than civil actions and probate proceedings, a fee of two dollars shall be charged.

(12) In probate proceedings, the party instituting such proceedings, shall pay at the time of filing the first paper therein, a fee of ~~((seventy-eight))~~ one hundred ten dollars: PROVIDED, HOWEVER, A fee of two dollars shall be charged for filing a will only, when no probate of the will is contemplated. Except as provided for in subsection (13) of this section a fee of two dollars shall be charged for filing a petition, written agreement, or memorandum as provided in RCW 11.96.170.

(13) For filing any petition to contest a will admitted to probate or a petition to admit a will which has been rejected, or a petition objecting to a written agreement or memorandum as provided in RCW 11.96.170, there shall be paid a fee of ~~((seventy-eight))~~ one hundred ten dollars.

(14) For the issuance of each certificate of qualification and each certified copy of letters of administration, letters testamentary or letters of guardianship there shall be a fee of two dollars.

(15) For the preparation of a passport application there shall be a fee of four dollars.

(16) For searching records for which a written report is issued there shall be a fee of eight dollars per hour.

(17) Upon conviction or plea of guilty, upon failure to prosecute an appeal from a court of limited jurisdiction as provided by law, or upon affirmance of a conviction by a court of limited jurisdiction, a defendant in a criminal case shall be liable for a fee of ~~((seventy))~~ one hundred ten dollars.

(18) With the exception of demands for jury hereafter made and garnishments hereafter issued, civil actions and probate proceedings filed prior to midnight, July 1, 1972, shall be completed and governed by the fee schedule in effect as of January 1, 1972: PROVIDED, That no fee shall be assessed if an order of dismissal on the clerk's record be filed as provided by rule of the supreme court.

(19) No fee shall be collected when a petition for relinquishment of parental rights is filed pursuant to RCW 26.33.080 or for forms and instructional brochures provided under RCW 26.50.030.

Sec. 2. RCW 36.18.025 and 1985 c 389 s 9 are each amended to read as follows:

~~((Thirty-two))~~ Forty-six percent of the money received from filing fees paid pursuant to RCW 36.18.020 ~~((as now or hereafter amended.))~~ shall be transmitted by the county treasurer each month to the state treasurer for deposit in the public safety and education account established under RCW 43.08.250.

Sec. 3. RCW 43.08.250 and 1991 sp.s. c 16 s 919 and 1991 sp.s. c 13 s 25 are each reenacted and amended to read as follows:

The money received by the state treasurer from fees, fines, forfeitures, penalties, reimbursements or assessments by any court organized under Title 3 or 35 RCW, or chapter 2.08 RCW, shall be deposited in the public safety and education account which is hereby created in the state treasury. The legislature shall appropriate the funds in the account to promote traffic safety education, highway safety, criminal justice training, crime victims' compensation, judicial education, the judicial information system, civil representation of indigent persons, winter recreation parking, and state game programs. During the fiscal biennium ending June 30, 1993, the legislature may appropriate moneys from the public safety and education account for the purposes of local jail population data collection under RCW 10.98.130, the department of corrections' county partnership program under RCW 72.09.300, the treatment alternatives to street crimes program, the criminal litigation unit of the attorney general's office, and contracts with county officials to provide support enforcement services.

NEW SECTION. Sec. 4. A new section is added to chapter 43.08 RCW to read as follows:

(1) Any money appropriated from the public safety and education account pursuant to RCW 43.08.250 for civil representation of indigent persons shall be used solely for the purpose of contracting with qualified legal aid programs for legal representation of indigent persons in matters relating to: (a) Domestic relations and family law matters, (b) public assistance, health care, and entitlement programs, (c) public housing and utilities, and (d) unemployment compensation. For purposes of this section, a "qualified legal aid program" means a not-for-profit corporation incorporated and operating exclusively in Washington which has received basic field funding for the provision of civil legal services to indigents under Public Law 101-515.

(2) Funds distributed to qualified legal aid programs under this section shall be distributed on a basis proportionate to the number of individuals with incomes below the official federal poverty income guidelines who reside within the counties in the geographic service areas of such programs. The department of community development shall use the same formula for determining this distribution as is used by the legal services corporation in allocating funds for basic field services in the state of Washington:

(3)(a) Funds distributed to qualified legal aid programs under this section may not be used directly or indirectly for lobbying or in class action suits. Further, these funds are subject to all limitations and conditions imposed on use of funds made available to legal aid programs under the legal services corporation act of 1974 (P.L. 93-355; P.L. 95-222) as currently in effect or hereafter amended.

(b)(i) For purposes of this section, "lobbying" means any personal service, advertisement, telegram, telephone communication, letter, printed or written matter, or other device directly or indirectly intended to influence any member of congress or any other federal, state, or local nonjudicial official, whether elected or appointed:

(A) In connection with any act, bill, resolution, or similar legislation by the congress of the United States or by any state or local legislative body, or any administrative rule, standard, rate, or other enactment by any federal, state, or local administrative agency;

(B) In connection with any referendum, initiative, constitutional amendment, or any similar procedure of the congress, any state legislature, any local council, or any similar governing body acting in a legislative capacity; or

(C) In connection with inclusion of any provision in a legislative measure appropriating funds to, or defining or limiting the functions or authority of, the recipient of funds pursuant to this act.

(ii) "Lobbying" does not include the response of an employee of a legal aid program to a written request from a governmental agency, an elected or appointed official, or committee on a specific matter. This exception does not authorize communication with anyone other than the requesting party, or agent or employee of such agency, official, or committee.

NEW SECTION. Sec. 5. A new section is added to chapter 36.18 RCW to read as follows:

The court may waive the filing fees provided for under RCW 36.18.020 (1) and (2) upon affidavit by a party that the party is unable to pay the fee due to financial hardship.

Sec. 6. RCW 27.24.070 and 1985 c 389 s 2 are each amended to read as follows:

In each county pursuant to this chapter, the county treasurer shall deposit in the county or regional law library fund a sum equal to ~~((seven))~~ twelve dollars for every new probate or civil filing fee, including appeals, collected by the clerk of the superior court and ~~((three))~~ six dollars for every fee collected for the commencement of a civil action in district court for the support of the law library in that county or the regional law library to which the county belongs: PROVIDED, That upon a showing of need the ~~((seven))~~ twelve dollar contribution may be increased up to ~~((nine))~~ fifteen dollars upon the request of the law library board of trustees and with the approval of the county legislative body or bodies.

NEW SECTION. Sec. 7. If by June 30, 1992, the supplemental omnibus operating appropriations act does not provide a specific appropriation for section 4 of this act of at least one million six hundred thousand dollars, referencing this act by bill number, this act is null and void.

Senator Snyder moved that the following amendment by Senators Snyder and Sellar to the Committee on Ways and Means amendment be adopted:

On page 4, beginning on line 13 of the amendment, strike all of section 2

Re-number the 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 Senators Snyder and Sellar on page 4, beginning on line 13, to the Committee on Ways and Means striking amendment to Reengrossed Substitute House Bill No. 1378.

ROLL CALL

The Secretary called the roll and the amendment to the committee amendment was not adopted by the following vote: Yeas, 22; Nays, 24; Absent, 1; Excused, 22.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Conner, Erwin, Gaspard, Hansen, Jesernig, Madsen, Metcalf, Nelson, Patterson, Rasmussen, Roach, Saling, Sellar, Snyder, Stratton, Sumner, Sutherland, Vognild - 22.

Voting nay: Senators Amondson, Bluechel, Cantu, Craswell, Hayner, Kreidler, McDonald, McMullen, Moore, Murray, Newhouse, Niemi, Oke, Pelz, Rinehart, Skratek, A. Smith, L. Smith, Talmadge, Thorsness, von Reichbauer, West, Williams, Wojahn - 24.

Absent: Senator Matson - 1.

Excused: Senators McCaslin, Owen, - 2.

MOTION

Senator Nelson moved that the following amendments by Senators Nelson and Rasmussen to the Committee on Ways and Means striking amendment be considered simultaneously and be adopted:

On page 5, line 1, after "system," strike "civil representation" and insert "criminal defense"

On page 5, line 14, after "RCW 43.08.250 for" strike all material through "committee." on page 6, line 30 and insert "criminal defense of indigent persons shall be distributed by the department of community development to the counties for assistance in providing criminal defense services in "high-impact" cases. High-impact cases include death penalty cases, complex fraud cases, sex offender cases involving multiple victims, drug cases involving extraordinary expense, and such other criminal cases as the department shall determine.

The department of community development shall distribute such funds in consultation with representatives of counties, public defenders, prosecuting attorneys, and the Washington state bar association."

Debate ensued.

Senator Nelson 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 Senators Nelson and Rasmussen on page 5, lines 1 and 14, to the Committee on Ways and Means striking amendment to Reengrossed Substitute House Bill No. 1378.

ROLL CALL

The Secretary called the roll and the amendments to the committee amendment were not adopted by the following vote: Yeas, 21; Nays, 27; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Conner, Craswell, Erwin, Madsen, Matson, Metcalf, Nelson, Oke, Owen, Patterson, Rasmussen, Roach, Saling, Sellar, Stratton, Sumner, Thorsness, von Reichbauer - 21.

Voting nay: Senators Amondson, Bauer, Bluechel, Cantu, Gaspard, Hansen, Hayner, Jesernig, Kreidler, McDonald, McMullen, Moore, Murray, Newhouse, Niemi, Pelz, Rinehart, Skratek, A. Smith, L. Smith, Snyder, Sutherland, Talmadge, Vognild, West, Williams, Wojahn - 27.

Excused: Senators McCaslin, - 1.

MOTION

On motion of Senator McDonald, the following amendment to the Committee on Ways and Means striking amendment was adopted:

On page 7, beginning on line 19 of the Ways and Means committee amendment, strike all material down to and including line 23, and insert the following:

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 April 1, 1992.

The President declared the question before the Senate to be the adoption of the Committee on Ways and Means striking amendment, as amended, to Reengrossed Substitute House Bill No. 1378.

The Committee on Ways and Means striking amendment, as amended, to Reengrossed Substitute House Bill No. 1378 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 "fees;" strike the remainder of the title and insert "amending RCW 36.18.020, 36.18.025, and 27.24.070; reenacting and amending RCW 43.08.250; adding a new section to chapter 43.08 RCW; adding a new section to chapter 36.18 RCW; and creating a new section."

On page 8 beginning on line 7 of the Ways and Means committee title amendment, strike "and creating a new section" and insert "providing an effective date; and declaring an emergency"

On motion of Senator McDonald, the rules were suspended, Reengrossed Substitute House Bill No. 1378, 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 Reengrossed Substitute House Bill No. 1378, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Reengrossed Substitute House Bill No. 1378, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 26; Nays, 22; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Bauer, Bluechel, Craswell, Gaspard, Hayner, Kreidler, Matson, McDonald, McMullen, Moore, Murray, Newhouse, Niemi, Oke, Pelz, Rinehart, Skratek, A. Smith, L. Smith, Talmadge, Vognild, von Reichbauer, West, Williams, Wojahn - 26.

Voting nay: Senators Anderson, Bailey, Barr, Cantu, Conner, Erwin, Hansen, Jesernig, Madsen, Metcalf, Nelson, Owen, Patterson, Rasmussen, Roach, Saling, Sellar, Snyder, Stratton, Sumner, Sutherland, Thorsness - 22.

Excused: Senators McCaslin, - 1.

REENGROSSED SUBSTITUTE HOUSE BILL NO. 1378, 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 fourth order of business.

REPORT OF CONFERENCE COMMITTEE

ESHB 2552

March 12, 1992

Includes "NEW ITEM": YES

Adopting the supplemental capital budget.

MR. PRESIDENT:

MR. SPEAKER:

We of your Conference Committee, to whom was referred ENGROSSED SUBSTITUTE HOUSE BILL NO. 2552, Supplemental capital budget, have had the same under consideration and we recommend that:

The Senate Committee on Ways and Means striking amendment(s) adopted March 7, 1992, be not adopted, and that the following Conference Committee striking amendment(s) be adopted:
Strike everything after the enacting clause and insert the following:

**PART 1
GENERAL GOVERNMENT**

NEW SECTION. Sec. 1. A new section is added to chapter 14, Laws of 1991 sp.s. to read as follows:
FOR THE OFFICE OF THE SECRETARY OF STATE

- (1) Central Washington Archives: To design a regional archives facility at Central Washington University in Ellensburg (93-2-001)

The appropriation in this subsection is subject to the following conditions and limitations: No moneys may be spent until preplanning documents have been reviewed and approved by the office of financial management under section 33 of this act.

Appropriation:	
St Bldg Constr Acct	\$ 360,000
Prior Biennia (Expenditures)	\$ 17,500
Future Biennia (Projected Costs)	\$ 3,909,500

TOTAL	\$ 4,287,000

Sec. 2. 1991 sp.s. c 14 s 6 (uncodified) is amended to read as follows:
FOR THE OFFICE OF FINANCIAL MANAGEMENT

- (1) Local jail facilities (88-2-001)

Reappropriation:	
St Bldg Constr Acct	\$ 308,000
Prior Biennia (Expenditures)	\$ 2,692,000
Future Biennia (Projected Costs)	\$ 0

TOTAL	\$ 3,000,000

- (2) For environmental cleanup related to underground storage tanks (92-5-003)

The appropriation in this subsection is subject to the following conditions and limitations:

(a) The moneys provided in this subsection shall be allocated to the agencies and institutions of the state for removal, replacement, and environmental cleanup projects related to underground storage tanks.

(b) No moneys appropriated in this subsection or in any subsection specifically referencing this subsection may be expended unless the office of financial management, in consultation with the department of general administration, has reviewed and approved the cost estimates for the project. Projects to replace underground storage tanks shall conform with guidelines to minimize the risk of environmental contamination and reduce unnecessary duplication of tanks. The guidelines shall be adopted by the department of general administration and shall provide for consideration of environmental risks associated with tank installations, interagency agreements for sharing fueling facilities, and the feasibility of alternative fueling systems.

Appropriation:	
St Bldg Constr Acct	\$ (3,729,000) 4,755,000

CEP & RI Acct	\$	390,000
For Dev Acct	\$	37,000
Res Mgmt Cost Acct	\$	118,000

Subtotal Appropriation	\$	((4,274,000))
		5,300,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	((4,274,000))
		5,300,000

(3) For asbestos removal or abatement projects

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The moneys provided in this subsection shall be allocated to agencies and institutions of the state for asbestos removal or abatement projects.

~~((e))~~ (b) Moneys may be allocated for an asbestos removal or abatement project only to the extent that the project is necessary to eliminate or reduce a hazard to human health and the project is completed in compliance with asbestos project standards adopted by the department of general administration. The department of general administration shall adopt standards to restrict the amount of asbestos removal to the minimum amount necessary.

~~((d))~~ (c) Subsections (3)(b) ~~(and (e))~~ of this section do not apply to moneys reappropriated in this act for projects for which, before the effective date of this act, the design has been completed, bids have been requested, or a contract has been entered into.

Reappropriation:

St Bldg Constr Acct	\$	4,919,000
CEP & RI Acct	\$	25,000

Subtotal Reappropriation	\$	4,944,000

Appropriation:

St Bldg Constr Acct	\$	9,588,000
CEP & RI Acct	\$	540,000

Subtotal Appropriation	\$	10,128,000

Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	14,448,000
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(4) Higher education: Branch campuses site acquisition and development (90-5-002)

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The appropriations in this subsection are provided solely for the acquisition of land and/or construction of facilities for branch campuses recommended by the higher education coordinating board, and shall be allocated to appropriate public institutions of higher education upon approval of the board.

(b) Allocations from the appropriation in this subsection for land acquisition in the Spokane area shall be subject to the provisions of chapter 205, Laws of 1991 (House Bill No. 2198) and approval by the higher education coordinating board.

(c) No facility may be constructed on the Spokane riverfront property, other than the Spokane Intercollegiate Research and Technology Institute (SIRTI) building, until a master plan for facilities that incorporates the SIRTI building and provides for maximum joint use of facilities, is completed by the joint center board and approved by the higher education coordinating board.

~~((e))~~ (d) Any allocations made from the appropriation in this subsection for construction projects costing more than \$4,000,000 shall not be expended on design documents or construction until project preplanning documents have been reviewed and approved by the office of financial management under section 59 ~~(of this act)~~, chapter 14, Laws of 1991 sp.s.

Reappropriation:		
St Bldg Constr Acct	\$	31,301,667
Appropriation:		
St Bldg Constr Acct	\$	31,000,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	109,000,000

TOTAL	\$	171,301,667

- (5) Capital plan improvements: To develop state-wide capital cost standards, planning guidelines and policies, and internal rent strategies

The appropriation in this subsection is subject to the following conditions and limitations: The office of financial management shall establish state-wide guidelines to minimize funding of state agency staffing and overhead costs from capital budget appropriations. The guidelines shall provide for uniform agency reporting of staffing and overhead costs charged to capital funds and accounts, including engineering and architectural services provided through the department of general administration. The office of financial management shall report to the fiscal committees of the legislature by January 1, 1993, on the guidelines established pursuant to this subsection.

Appropriation:		
St Bldg Constr Acct	\$	282,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	282,000

Sec. 3. 1991 sp.s. c 14 s 7 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

- (1) Life and safety projects: To improve life and safety deficiencies and correct code violations on the capitol campus (88-1-006)

Reappropriation:		
Cap Bldg Constr Acct	\$	23,000
Prior Biennia (Expenditures)	\$	90,000
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	113,000

- (2) Minor works: To complete minor works and other projects, including inadequate building systems (88-2-008), Northern State facility repairs (90-1-012), boiler plant structural repairs (90-1-016), building exterior repairs (90-2-006), mechanical system repairs (90-2-009), and building interior repairs (90-2-010)

Reappropriation:		
St Bldg Constr Acct	\$	2,621,000
Prior Biennia (Expenditures)	\$	6,178,000
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	8,799,000

- (3) Capitol Campus minor works: To complete minor works and other projects on the Capitol Campus, including boiler plant structural repairs (88-1-003), sidewalk and street repairs (90-2-005), building exterior repairs (90-2-006), and Capitol Lake shoreline repairs (90-3-013)

Reappropriation:		
Cap Bldg Constr Acct	\$	1,278,000
Prior Biennia (Expenditures)	\$	1,587,000
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	2,865,000

- (4) Burien criminal justice training center: To complete renovations to the Burien criminal justice training center (90-3-025)

Reappropriation:		
St Bldg Constr Acct	\$	5,000,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0

	TOTAL	\$	5,000,000
(5)	Natural Resources Building: To complete construction of the Natural Resources Building (90-5-003)		
	Reappropriation:		
	East Cap Constr Acct	\$	45,400,000
	Prior Biennia (Expenditures)	\$	27,600,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	73,000,000
(6)	Remodel of the John A. Cherberg Building (88-2-040)		
	The reappropriation in this subsection is subject to the following conditions and limitations: The project shall include review and development of program requirements for current and future facilities needs, including furnishings and equipment, for the Washington State Senate whose offices are currently located in the Institutions, Legislative, and John A. Cherberg Buildings. The project shall also include review and redesign, as necessary, of the proposed John A. Cherberg Building remodel, including construction and the acquisition of all furnishings and equipment required.		
	Reappropriation:		
	St Bldg Constr Acct	\$	3,000,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	3,000,000
(7)	Northern State Multi-Service Center: To complete the design for and to construct a sixteen-bed evaluation and treatment facility at the Northern State Multi-Service Center to provide care for the mentally ill consistent with chapter 71.24 RCW (90-5-027)		
	The reappropriation in this subsection is subject to the following conditions and limitations:		
	(a) No moneys from this reappropriation may be expended for construction until the department secures a lease with a county or a group of counties for use of the facility. The lease shall provide for payment to the department for all operations and management costs associated with the facility and a space rental charge. In establishing the space rental charge, the department shall consider fair market rent or lease rates charged for comparable facilities used by regional support networks.		
	(b) No moneys from this reappropriation may be expended for ((furnishings or)) equipment with a useful life expectancy of less than twenty years.		
	Reappropriation:		
	St Bldg Constr Acct	\$	1,700,000
	Prior Biennia (Expenditures)	\$	50,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	1,750,000
(8)	Olympia Archives Storage Building: To complete design and construction of the archives storage building at Olympia Airdustrial Park (90-4-024)		
	Reappropriation:		
	St Bldg Constr Acct	\$	1,800,000
	Appropriation:		
	St Bldg Constr Acct	\$	671,000
	Prior Biennia (Expenditures)	\$	215,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	2,686,000
(9)	Small and emergency repairs: For unexpected small and emergency repairs on the Capitol Campus, and at other general administration facilities throughout the state (92-1-001) (92-2-002)		
	Appropriation:		
	Cap Bldg Constr Acct	\$	645,000
	St Bldg Constr Acct	\$	261,000
	Subtotal Appropriation	\$	906,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	2,571,000

		TOTAL	\$	3,477,000
(10)	Underground storage tanks: To remove and replace underground storage tanks on the Capitol Campus and at the Northern State multi-service center (92-1-005)			
	The appropriation in this subsection may be expended only after compliance with section 6(2) ((of this act)) , chapter 14, Laws of 1991 sp.s.			
	Appropriation:			
	St Bldg Constr Acct	\$		140,000
	Prior Biennia (Expenditures)	\$		0
	Future Biennia (Projected Costs)	\$		1,371,000
	TOTAL	\$		1,511,000
(11)	Highway-Licenses Building: To complete the design for and to renovate the Highway-Licenses Building on the Capitol Campus (88-5-011) (92-2-003)			
	The new appropriation in this subsection is subject to the following conditions and limitations:			
	(a) No moneys may be spent for construction until the department of general administration develops a space rental charge to be assessed to agencies occupying the building being renovated with this appropriation. The space rental charge shall be sufficient to fully reimburse the annual debt service costs of the new appropriation in this subsection, and shall be assessed until the department has developed and implemented space rental charges for facilities owned by the department on a state-wide basis.			
	(b) No moneys may be spent until preplanning documents have been reviewed and approved by the office of financial management under section 59 ((of this act)) , chapter 14, Laws of 1991 sp.s.			
	(c) \$133,000 is provided solely to plan for and manage the temporary relocation and housing of tenants of the building renovated with this appropriation.			
	Reappropriation:			
	Cap Purch & Dev Acct	\$		150,000
	Appropriation:			
	St Bldg Constr Acct	\$		22,438,000
	Prior Biennia (Expenditures)	\$		350,000
	Future Biennia (Projected Costs)	\$		0
	TOTAL	\$		22,938,000
(12)	General Administration Building: To preplan renovation of the General Administration Building (92-2-005)			
	<u>The appropriation in this subsection shall not be expended for design documents until the project redesign documents have been reviewed and approved by the office of financial management under section 33 of this act.</u>			
	Appropriation:			
	Cap Bldg Constr Acct	\$		1,200,000
	Prior Biennia (Expenditures)	\$		0
	Future Biennia (Projected Costs)	\$		22,101,000
	TOTAL	\$		23,301,000
(13)	Minor works preplanning: To develop preplans and studies of minor works projects on the Capitol Campus (92-2-026)			
	Appropriation:			
	Cap Bldg Constr Acct	\$		750,000
	Prior Biennia (Expenditures)	\$		0
	Future Biennia (Projected Costs)	\$		0
	TOTAL	\$		750,000
(14)	Capitol Lake: To develop a dredging plan and dredge Capitol Lake, to repair lake dam gates, and to repair shoreline areas damaged by erosion (92-2-015) (92-3-019)			
	\$200,000 of the appropriation in this subsection is provided solely to develop a management plan and to implement projects to reduce sedimentation and other pollution in the Deschutes river watershed. Eligible projects shall include, but are not limited to, stream corridor conservation, bank stabilization, agricultural soil conservation, silvicultural soil conservation, and sedimentation and pollution monitoring. When implementing this subsection, the department shall coordinate with the departments of natural resources, ecology, fisheries, wildlife, and transportation, and with affected local governments and Indian tribes.			
	Appropriation:			

	St Bldg Constr Acct	\$	3,125,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	3,125,000
(15)	Minor works: For minor works, repair, and improvement projects on the Capitol Campus and at other facilities owned by the department, including campus high voltage loop improvements, plaza garage elevator repairs, Capitol Campus control system improvements, Governor's Mansion structural repairs, utilities and grounds improvements, interior and exterior building repairs, ((and)) building mechanical and electrical system improvements, <u>employment security building elevator renovations, and heating, ventilation, and electrical repairs to the Legislative Building (92-2-008) (92-2-009) (92-2-013) (92-2-014) (92-2-016) (92-2-017) (92-2-018) (92-2-020) (92-2-024) (94-2-014)</u>		
	Appropriation:		
	Cap Bldg Constr Acct	\$	((7,889,000)) 4,467,000
	St Bldg Constr Acct	\$	((2,595,000)) 6,567,000
	Subtotal Appropriation	\$	((10,484,000)) 11,034,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	13,188,000
	TOTAL	\$	((23,672,000)) 24,222,000
(16)	Northern State facility repairs: To repair the boiler and steam distribution system, trim trees, and repair roofing at the Northern State multi-service center (92-2-021)		
	Appropriation:		
	CEP & RI Acct	\$	280,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	1,278,000
	TOTAL	\$	1,558,000
(17)	State facilities planning: To develop designs and plans to accommodate agency housing needs in Thurston county (92-5-100) (92-5-101) (92-5-108) (92-5-102)		
	Of the appropriation in this subsection:		
	(a) \$750,000 is provided ((solely)) to develop master plans for satellite campuses to be located in the cities of Lacey and Tumwater, and a facility plan, <u>developed in consultation with the city of Olympia, which includes mixed use in the downtown Olympia area. The plans shall provide for the siting of consumer services within walking distance of the major areas of concentration of state employees;</u>		
	(b) \$300,000 is provided ((solely)) to develop a facility implementation strategy for Thurston county. The implementation strategy shall include, but not be limited to, identification of agency space requirements and opportunities for co-location with other agencies, and an organizational process for developing specific project proposals and establishing implementation timelines;		
	(c) \$250,000 is provided ((solely)) to develop a master plan for light industrial facility needs in Thurston county; and		
	(d) \$200,000 is provided ((solely)) for a geotechnical and hydrological survey of the Capitol Campus.		
	The ((master)) plans and implementation strategy developed under this subsection shall incorporate transportation management and housing density principles designed to reduce commuter congestion and reliance on single-occupancy automobiles.		
	Appropriation:		
	St Bldg Constr Acct	\$	1,500,000
	Prior Biennia (Expenditures)	\$	500,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	2,000,000
(18)	Thurston county landbank: <u>To purchase((, option, or otherwise control)) in fee simple, or acquire purchase options on, real property adjacent to, or in close proximity to, the department of ecology headquarters building</u>		

in the city of Lacey or the department of labor and industries headquarters building in the city of Tumwater for future state facilities (92-5-000)

Appropriation:

St Bldg Constr Acct	\$	8,000,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	8,000,000

- (19) Heritage Park: To acquire property and begin planning for a park between the Capitol Campus and Budd Inlet (92-5-105)

The appropriation in this subsection may not be spent to acquire the property parcel located in Olympia south of Seventh Avenue and approximately two and seven-tenths acres in size if such property parcel is sold to a party other than the state after January 1, 1991, and the state's acquisition price is substantially greater than the acquisition price paid by the other party.

The department shall report to the fiscal committees of the house of representatives and the senate by December 15, 1991, on the status of property acquisitions and plans for the park. The report shall also describe the status of any projects being developed by local governments or other state agencies that affect the design or development of the park. Any expenditure made under this appropriation shall conform to the capital campus master plan.

Appropriation:

St Bldg Constr Acct	\$	6,700,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	13,800,000
TOTAL	\$	20,500,000

- (20) Condition assessment: To develop a prototype condition assessment methodology, assess the condition of facilities owned by the department of general administration, and prepare a facility maintenance strategy that emphasizes preventative maintenance (92-2-007)

The appropriations in this subsection may not be spent until a detailed scope of work consistent with the recommendations of the capital forum has been reviewed and approved by the office of financial management.

Appropriation:

Cap Bldg Constr Acct	\$	591,000
St Bldg Constr Acct	\$	500,000
Subtotal Appropriation	\$	1,091,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	1,091,000

- (21) Ventilation system repair: John L. O'Brien Building
 To replace existing heating, ventilation, and air conditioning system

Appropriation:

St Bldg Constr Acct	\$	650,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	650,000

- (22) Office Building #2 air handling system: To upgrade the air supply system by rebuilding the existing system, changing the emergency diesel exhaust system and investigating energy savings to reduce operating and maintenance costs (93-2-025)

Appropriation:

St Bldg Constr Acct	\$	1,000,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	1,000,000

(23) Puyallup land acquisition: To reimburse the city of Puyallup for storm drainage improvements to land purchased by the state for a Pierce College extension (88-3-031)

Appropriation:

<u>St Bldg Constr Acct</u>	\$	<u>221,000</u>
<u>Prior Biennia (Expenditures)</u>	\$	<u>0</u>
<u>Future Biennia (Projected Costs)</u>	\$	<u>0</u>
<u>TOTAL</u>	\$	<u>221,000</u>

(24) Library for the Blind and Physically Handicapped: To acquire and begin renovating, or to acquire a purchase option on, space for the Washington library for the blind and physically handicapped (92-5-001)

The appropriation in this subsection is subject to the following conditions and limitations:

(a) The facility acquired with this appropriation shall be operated, managed, and maintained by the Seattle public library; and

(b) The office of financial management, in consultation with the department of general administration, the Washington state library, and the Seattle public library, shall: (i) Study the benefits and costs associated with Seattle public library ownership compared to state ownership of the library facility; and (ii) develop contractual conditions for any potential transfer of ownership of the library facility to the Seattle public library. Based on the results of the study in this subsection, and after notifying the appropriate fiscal committees of the legislature, the office of financial management may authorize the transfer of ownership of the library facility from the department of general administration to the Seattle public library.

Appropriation:

<u>St Bldg Constr Acct</u>	\$	<u>1,900,000</u>
<u>Prior Biennia (Expenditures)</u>	\$	<u>0</u>
<u>Future Biennia (Projected Costs)</u>	\$	<u>1,400,000</u>
<u>TOTAL</u>	\$	<u>3,300,000</u>

(25) Co-location and consolidation of state facilities: To identify the current locations of major concentrations of state facilities in the state and to determine where state facilities can be co-located and consolidated (92-5-004)

The appropriation in this subsection is subject to the following conditions and limitations:

(a) The department shall prepare policy recommendations and cost estimates for opportunities to co-locate and consolidate state facilities, including a comparison of the benefits and costs of purchasing or leasing such facilities and an analysis of private sector impacts; and

(b) The appropriation shall not be spent until a detailed scope of work has been reviewed and approved by the office of financial management.

Appropriation:

<u>St Bldg Constr Acct</u>	\$	<u>225,000</u>
<u>Prior Biennia (Expenditures)</u>	\$	<u>0</u>
<u>Future Biennia (Projected Costs)</u>	\$	<u>0</u>
<u>TOTAL</u>	\$	<u>225,000</u>

(26) Land acquisition: To purchase in fee simple, or acquire purchase options on, real property for a data center and office building for the department of information services

The appropriation in this subsection is subject to the following conditions and limitations: The real property acquisition under this subsection shall be in conformance with the capitol campus master plan, as recommended by the capitol campus design advisory committee and approved by the state capitol committee.

Appropriation:

<u>Data Processing Bldg Constr Acct</u>	\$	<u>2,100,000</u>
<u>Prior Biennia (Expenditures)</u>	\$	<u>0</u>
<u>Future Biennia (Projected Costs)</u>	\$	<u>0</u>
<u>TOTAL</u>	\$	<u>2,100,000</u>

**NEW SECTION. Sec. 4. A new section is added to chapter 14, Laws of 1991 sp.s. to read as follows:
FOR THE DEPARTMENT OF INFORMATION SERVICES**

(1) Data center and office building: To plan for and design a new data center and office building (93-2-001)
The appropriation in this subsection shall not be expended for building design until:

(a) The site has been recommended by the capitol campus design advisory committee and approved by the state capitol committee; and

(b) The project predesign documents have been reviewed and approved by the office of financial management under section 33 of this act. During the review and approval of predesign and design documents for this project, the office of financial management shall ensure that the sizing and design of the data center minimizes construction costs, provides for flexible facility use, and is consistent with the state's long-term requirements for centralized mainframe-based computing.

Appropriation:

Data Processing Bldg Constr Acct	\$	1,184,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	58,400,000
TOTAL	\$	59,584,000

**PART 2
HUMAN SERVICES**

Sec. 5. 1991 sp.s. c 14 s 10 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

For the purposes of this section, "capital cost" means land acquisition and project design and construction. All projects funded in this section, except those under subsection (5) of this section, shall comply with section 54 (~~of this act~~), chapter 14, Laws of 1991 sp.s.

(1) Development loan fund (88-2-002)

The appropriation in this subsection shall be used for loans in timber-dependent communities as defined in Engrossed Substitute House Bill No. 1341.

Appropriation:

WA St Dev Loan Acct	\$	2,000,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	2,000,000

(2) Grays Harbor dredging (88-3-006)

The appropriation in this subsection is subject to the following conditions and limitations:

(a) The appropriation is provided solely for the state's share of costs for Grays Harbor dredging, dike construction, bridge relocation, and related expenses.

(b) Expenditure of moneys from this appropriation is contingent on the authorization of \$40,000,000 and an initial appropriation of at least \$13,000,000 from the United States army corps of engineers and the authorization of at least \$10,000,000 from the local government for the project. Up to \$3,500,000 of the local government contribution for the first year on the project may be composed of property, easements, rent adjustments, and other expenditures specifically for the purposes of this appropriation if approved by the army corps of engineers. State funds shall be disbursed at a rate not to exceed one dollar for every four dollars of federal funds expended by the army corps of engineers and one dollar from other nonstate sources.

(c) Expenditure of moneys from this appropriation is contingent on a cost-sharing arrangement and the execution of a local cooperation agreement between the Port of Grays Harbor and the army corps of engineers pursuant to Public Law 99-662, the federal water resources development act of 1986, whereby the corps of engineers will construct the project as authorized by that federal act.

(d) The Port of Grays Harbor shall make the best possible effort to acquire additional project funding from nonstate public grants and/or other governmental sources other than those in (b) of this subsection. Any money, up to \$10,000,000 provided from such sources other than those in (b) of this subsection, shall be used to reimburse or replace state building construction account money. In the event the project cost is reduced, any resulting reduction or reimbursement of nonfederal costs realized by the Port of Grays Harbor shall be shared proportionally with the state.

Reappropriation:

St Bldg Constr Acct	\$	6,840,318
Prior Biennia (Expenditures)	\$	3,159,682
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	10,000,000

(3) Housing capital programs: To construct, acquire, and rehabilitate low-income housing (88-5-015)

The appropriation in this subsection is subject to the following conditions and limitations:

(a) \$8,000,000 is provided solely for the affordable housing program. The department may not approve a request for assistance under this subsection for projects located in cities and counties that do not have an affordable housing needs assessment approved by the department. The department shall by rule establish the content of the affordable housing needs assessment and criteria for the approval of the affordable housing needs assessment.

(b) \$8,000,000 is provided solely for the low-income weatherization program under chapter 70.164 RCW.

(c) \$34,000,000 is provided solely for the housing assistance program. Effective July 1, 1992, the department may not approve loan or grant requests for projects under this subsection that are inconsistent with the city's or county's and state's comprehensive housing affordability strategy, as required under Title I, section 105, of the National Affordable Housing Act of 1990.

(d) The Washington housing trust fund appropriation is provided solely for the department to contract with the University of Washington college of architecture for: (i) A study of regulatory impediments to affordable housing; (ii) a study on various innovative design techniques that can be used to increase housing density; (iii) a recommendation to the legislature for a new building code and associated regulations that will substantially reduce the cost of housing. No indirect costs of the contracting agent may be paid from this appropriation.

Reappropriation:

St Bldg Constr Acct \$ 10,000,000

Appropriation:

St Bldg Constr Acct \$ 50,000,000

Washington Housing Trust Fund \$ 150,000

Subtotal Appropriation \$ 50,149,500

Prior Biennia (Expenditures) \$ 8,000,000

Future Biennia (Projected Costs) \$ 100,000,000

TOTAL \$ 168,149,500

(4) Columbia county courthouse (89-4-004)

The appropriations in this subsection are provided solely to repair and restore the Columbia county courthouse and shall be matched by at least \$100,000 in private donations and local funds from Columbia county.

Reappropriation:

St Bldg Constr Acct \$ 600,000

Appropriation:

St Bldg Constr Acct \$ 60,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 660,000

(5) Public works trust fund (90-2-001)

The appropriation in this subsection is subject to the following conditions and limitations:

(a) \$7,000,000 of the appropriation ((in this subsection)) is provided solely for the purposes of chapter 314, Laws of 1991, (Engrossed Substitute House Bill No. 1341, timber-dependent communities); and

(b) \$150,000 of the appropriation is provided solely for the department to conduct a study of local government public works needs. The department shall coordinate this study with the complementary needs assessments on water quality and drinking water being conducted by the departments of health and ecology. The department shall report the findings of the study to the house of representatives capital facilities and financing committee and senate ways and means committee by January 1, 1993.

Reappropriation:

Public Works Assist \$ 85,734,000

Appropriation:

Public Works Assist \$ ((88,491,000))

88,641,000

Prior Biennia (Expenditures) \$ 54,534,447

Future Biennia (Projected Costs) \$ 231,877,000

TOTAL \$ ((460,636,447))

460,786,447

(6) Seventh Street Hoquiam Theatre (90-2-008)

Reappropriation:

St Bldg Constr Acct	\$	250,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	250,000

(7) Tall ships tourist attraction: To design and construct a tall ship tourist attraction

The reappropriation in this subsection is subject to the following conditions and limitations:

(a) The reappropriation is provided solely to contract with the Grays Harbor Historical Seaport Authority to design and construct a tall ship tourist attraction.

(b) The reappropriation shall be matched by at least \$513,105 from nonstate sources provided solely for capital costs of the project. The match may include cash and in-kind contributions, but may not include cash or in-kind contributions used to match other state moneys provided to the Grays Harbor Historical Seaport Authority.

(c) The department shall ensure that the state's interest is protected by requiring that if the tall ship tourist attraction is sold or its use is changed, the Grays Harbor Historical Seaport Authority shall return to the state of Washington an amount equal to the state's total contribution to the project.

Reappropriation:

St Bldg Constr Acct	\$	513,105
Prior Biennia (Expenditures)	\$	486,895
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	1,000,000

(8) Port of Klickitat dredge spoils: For site preparation and transport and deposit of Columbia river dredge spoils (90-2-013)

The reappropriation in this subsection is subject to the following conditions and limitations:

(a) The port of Klickitat shall sign an agreement to repay the reappropriation plus simple interest at three percent in eight annual installments beginning July 1, 1993; and

(b) Expenditure of money from this reappropriation is contingent on at least \$300,000 from port district funds being provided for the project.

Reappropriation:

St Bldg Constr Acct	\$	250,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	250,000

(9) Historic community theaters (90-5-014)

The reappropriation in this subsection is provided solely for grants to preserve historic community theatres. No portion of the reappropriation in this subsection may be spent unless an equal amount from nonstate sources is provided for the same purposes. No more than \$50,000 of the reappropriation shall be expended for renovation of the Admiral Theatre in west Seattle.

Reappropriation:

St Bldg Constr Acct	\$	250,000
Prior Biennia (Expenditures)	\$	250,000
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	500,000

(10) Emergency management building minor works (92-2-009)

Appropriation:

St Bldg Constr Acct	\$	180,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0

TOTAL \$ 180,000

- (11) Columbia river dredging: For completing a study on the feasibility of deepening the navigation channel from Astoria to Vancouver (92-5-006)

Expenditure of this appropriation is contingent on \$1,200,000 from the federal government and \$600,000 from the state of Oregon being appropriated for the same purpose.

Appropriation:

St Bldg Constr Acct \$ 600,000
 Prior Biennia (Expenditures) \$ 0
 Future Biennia (Projected Costs) \$ 0

TOTAL \$ 600,000

- (12) Building for the arts: For grants to local performing arts and art museum organizations for facility improvements or additions (92-5-100)

The appropriation in this subsection is subject to the following conditions and limitations:

(a) Grants are limited to the following projects:

	Estimated Total Capital Cost	State Grant	State Portion
Seattle Children's Theatre	\$ 8,000,000	\$ 1,200,000	15%
Admiral Theatre (Bremerton)	\$ 4,261,000	\$ 639,000	15%
Spokane Symphony	\$ 1,500,000	\$ 225,000	15%
Pacific Northwest Ballet	\$ 7,500,000	\$ 1,125,000	15%
Seattle Symphony	\$ 54,000,000	\$ 8,100,000	15%
Seattle Repertory Theatre	\$ 4,000,000	\$ 600,000	15%
Intiman Theatre	\$ 800,000	\$ 120,000	15%
Broadway Theatre District (Tacoma)	(\$ 8,400,000)	\$ 1,260,000)	15%
	<u>\$ 11,800,000</u>	<u>\$ 1,770,000</u>	
Allied Arts of Yakima	\$ 500,000	\$ 75,000	15%
Spokane Art School	\$ 454,000	\$ 68,000	15%
Seattle Art Museum	<u>\$ 4,862,500</u>	<u>\$ 729,000</u>	15%
Total	\$(94,277,500)	\$ 14,141,000)	
	<u>97,677,500</u>	<u>\$ 14,651,000</u>	

(b) The state grant may provide no more than fifteen percent of the estimated total capital cost or actual total capital cost of the project, whichever is less. The remaining portions of project capital costs shall be a match from nonstate sources. The match may include cash and land value.

(c) State funding shall be distributed to projects in the order in which matching requirements have been met.

Appropriation:

St Bldg Constr Acct \$ ~~(10,738,000)~~
11,248,900
 Prior Biennia (Expenditures) \$ 0
 Future Biennia (Projected Costs) \$ 3,402,100

TOTAL \$ ~~((14,141,000))~~
14,651,000

- (13) Columbia Gorge interpretive center: For construction of a facility in Stevenson with exhibits, classrooms, and a research library (92-5-101)

The appropriation in this subsection shall be matched by at least \$5,000,000 from nonstate sources provided for capital costs of the project. The match may include cash, land value, and other in-kind contributions.

Appropriation:

St Bldg Constr Acct \$ 5,000,000

Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	5,000,000

- (14) Seattle Center redevelopment: For upgrading the Coliseum (including engineering and other studies to determine renovation alternatives for the Coliseum), the International Fountain mall, Memorial Stadium, the Center House, the Pacific Arts Center, the Opera House, and central plant; converting the northwest rooms to a conference and exhibit facility; adding parking; renovating and developing open space areas; making improvements to mechanical, electrical, and other high-priority building systems; and making general improvements to the site, including but not limited to signs, fountains, portable stages, and fencing. The appropriation in this subsection shall be matched by moneys from nonstate sources sufficient to pay at least seventy-five percent of the total capital costs of these projects.

Appropriation:

St Bldg Constr Acct	\$	8,500,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	8,500,000

- (15) Spokane Food Bank: For construction of a freezer/cooler

Appropriation:

St Bldg Constr Acct	\$	125,000
Prior Biennia (Expenditures)	\$	150,000
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	275,000

- (16) Carolyn Downs Family Medical Center: To construct a new medical facility on the Odessa Brown Children's Clinic campus. The appropriation in this subsection shall be matched by at least \$2,050,000 provided from nonstate sources for capital costs of this project.

Appropriation:

St Bldg Constr Acct	\$	500,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	500,000

- (17) Nordic Heritage Museum: For building acquisition and improvements (90-2-007)

The reappropriation in this section is contingent on the expenditure for the same purpose of at least two dollars from nonstate sources for each dollar spent from this reappropriation.

Reappropriation:

St Bldg Constr Acct	\$	200,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	200,000

- (18) Thorp Grist Mill: Restoration (90-5-010)

The reappropriation in this section is contingent on the expenditure for the same purpose of at least two dollars from nonstate sources for each dollar spent from this reappropriation.

Reappropriation:

St Bldg Constr Acct	\$	10,000
Prior Biennia (Expenditures)	\$	20,000
Future Biennia (Projected Costs)	\$	0

TOTAL \$ 30,000

(19) Bremerton naval heritage redevelopment project

The reappropriation in this section is subject to the following conditions and limitations:

(a) This reappropriation is provided solely for capital improvements to the naval destroyer U.S.S. Turner Joy, in conjunction with the Bremerton naval heritage redevelopment project.

(b) No portion of this reappropriation may be expended unless an equal amount from nonstate and nonfederal sources is expended for the same purpose.

(c) Prior to the expenditure of this reappropriation, the recipient of the grant shall prepare and submit to the director of community development, for the director's approval, a financial plan that identifies the revenue sources for the completion of the project and for the long-term operation of the project.

Reappropriation:

St Bldg Constr Acct \$ 190,000

Prior Biennia (Expenditures) \$ 66,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 256,000

(20) Marine science center construction

The reappropriation in this section is subject to the following conditions and limitations:

(a) This reappropriation is provided solely for a grant to the city of Poulsbo for construction of a marine science center to be operated by educational service district no. 114.

(b) Expenditure of this reappropriation is contingent on site acquisition and at least \$300,000 of construction costs contributed from nonstate sources.

Reappropriation:

St Bldg Constr Acct \$ 498,000

Prior Biennia (Expenditures) \$ 2,500

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 500,000

(21) A Contemporary Theater (90-1-006)

The reappropriation in this section is subject to the following conditions and limitations:

(a) This reappropriation is provided solely for the construction of a new theater in Seattle.

(b) No portion of this reappropriation may be expended unless at least \$9,000,000 from nonstate sources, including the value of land, is provided for the same purpose.

Reappropriation:

St Bldg Constr Acct \$ 1,000,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,000,000

(22) Liberty Theater: To restore and rehabilitate Liberty Theater in Walla Walla

The reappropriation in this section is subject to the following conditions and limitations:

(a) Expenditure of moneys from this reappropriation is contingent on the expenditure for the same purpose of at least one dollar from nonstate sources, including in-kind contributions, for each four dollars spent from this reappropriation.

(b) The reappropriation is provided solely for a grant to a nonprofit corporation for rehabilitation and restoration of the historic Liberty Theater building in Walla Walla.

(c) The owner of the building shall grant to the state an historic preservation easement prior to the expenditure of any funds from this reappropriation.

(d) The nonprofit corporation shall submit to the director of community development, for the director's approval, a financial plan for the long-term operation of the building.

Reappropriation:

St Bldg Constr Acct \$ 200,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

- (A) The partnerships will receive not more than a total of \$2,250,000 under the agreement;
- (B) All rights, clear title, and interest in the market property will be relinquished by the partnerships and conveyed to the authority; and
- (C) All pending litigation and related disputes will be dismissed with prejudice or otherwise finally resolved;
- (ii) ~~((The city has amended the authority's charter to preclude any future sales of interests in authority properties in the district that could result in loss of authority management responsibilities;~~
- (iii)) The authority has executed and recorded a conservation easement, which has been approved by the department, providing protection for the character-defining features of the district. The term of the easement shall extend until the year 2012 or until the bonds sold to provide for this appropriation are retired, whichever is later. The easement shall inure to the benefit of the state.

(b) No portion of the appropriation in this subsection may be expended until:

(i) The authority has executed an agreement with the department on behalf of the state to preclude any future sales of interest in the authority properties in the district that could result in loss of authority management responsibilities, except for reasonable encumbrances necessary for market-related purposes such as (A) repair, renovation, rehabilitation, or improvement of Pike Place Market historical district properties; (B) furthering a public market purpose as defined in the authority charter, the Pike Place Market historical district ordinance, the Pike Place Market urban renewal plan, or other applicable Seattle or state law; (C) fulfilling a requirement of federal, state, or city law; or (D) such other market-related purpose, as approved by the mayor. Such agreement shall expire when the authority's charter is amended as provided in (b)(ii) of this subsection; or

(ii) The city amends the authority's charter to preclude any future sales of the interests in authority properties in the district that could result in loss of authority management responsibilities, except for reasonable encumbrances necessary for market-related purposes such as (A) repair, renovation, rehabilitation, or improvement of Pike Place Market historical district properties; (B) furthering a public market purpose as defined in the authority charter, the Pike Place Market historical district ordinance, the Pike Place Market urban renewal plan, or other applicable Seattle or state law; (C) fulfilling a requirement of federal, state, or city law; or (D) such other market-related purpose, as approved by the mayor. However, should the authority's council or its constituency fail to recommend such amendments to the mayor by June 1, 1992, or if the council and its constituency recommend different amendments, the mayor shall, in his sole discretion, promulgate charter amendments as he deems necessary to fulfill the requirements of this subsection (27)(b)(ii).

(c) The appropriation in this subsection shall be matched by at least \$750,000 provided from nonstate sources for the same purpose as this appropriation.

Appropriation:

St Bldg Constr Acct	\$	1,500,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	1,500,000
(28) Keyport Naval Undersea Museum: To complete an auditorium in the museum		
Appropriation:		
St Bldg Constr Acct	\$	300,000
Prior Biennia (Expenditures)	\$	500,000
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	800,000
(29) Marcus Whitman Statue: To provide a duplicate casting of the official statue of Marcus Whitman and to erect this statue in Walla Walla county		
Appropriation:		
St Bldg Constr Acct	\$	53,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	53,000
(30) Mystic Lake flood assistance: For mitigation of development-induced flooding of the lake		
Appropriation:		
St Bldg Constr Acct	\$	53,000

Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	53,000

(31) Maritime Museum: For exhibit, architecture, and facility planning for a maritime museum on the Seattle waterfront

Appropriation:

St Bldg Constr Acct	\$	200,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	200,000

(32) Tacoma educational enrichment center

The appropriation in this subsection shall be matched by a contribution of at least \$2,200,000 provided from the Tacoma school district or other local government entity for capital costs of this project. The appropriation in this subsection is provided to the Tacoma school district for a facility to be operated under contract by the metropolitan park district of Tacoma. No funds may be expended until a facility plan has been jointly approved by the Tacoma school district and the metropolitan park district.

Appropriation:

St Bldg Constr Acct	\$	2,200,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	2,200,000

(33) Meeker Mansion: For acquisition of property adjacent to the Ezra Meeker mansion in Puyallup

The appropriation in this subsection is subject to the following conditions and limitations:

(a) The appropriation shall be matched by at least \$((200,000)) 100,000 provided from the Ezra Meeker Historical Society for land acquisition and development.

(b) ~~((None of the appropriation may be spent until the Ezra Meeker Historical Society demonstrates to the satisfaction of the department that it will be able to raise \$200,000 through pledges and contributions.~~

(c)) The department shall consult with the Washington State Historical Society before expending any portion of this appropriation.

Appropriation:

St Bldg Constr Acct	\$	200,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	200,000

(34) Almira and Coulee-Hartline school districts: To make improvements to the Coulee-Hartline facility needed for a cooperative high school program with the Almira school district

The appropriation in this subsection is subject to the following conditions and limitations:

(a) No moneys may be expended until the boards of directors of the two school districts have provided to the department written confirmation that the moneys will be used solely to upgrade the Hartline facility for the purpose of implementing a cooperative high school district under chapter 28A.340 RCW;

(b) The appropriation shall be matched by at least \$100,000 provided by the Almira and Coulee-Hartline school districts for capital costs of the project.

Appropriation:

St Bldg Constr Acct	\$	240,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	240,000

- (35) **Yakima criminal justice facility:** For a grant to the city of Yakima for the construction of a new criminal justice facility

The appropriation in this subsection is subject to the following conditions and limitations:

(a) Before receiving the grant, the city shall demonstrate to the satisfaction of the department an ability to complete the construction of the facility and fund its operation.

(b) The grant may not exceed sixty-six percent of the total project capital costs as determined by the department. The remaining portion of project capital costs shall be a match provided from nonstate sources.

Appropriation:

St Bldg Constr Acct	\$	3,000,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	3,000,000

- (36) **Bonney Lake Park:** For a grant to the city of Bonney Lake for the acquisition and development of such facilities as it deems necessary for a park at Bonney Lake

The appropriation in this subsection shall be matched by at least \$35,000 from nonstate sources provided for the same purpose.

Appropriation:

St Bldg Constr Acct	\$	35,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	35,000

- (37) **Snohomish county drainage district number 6:** To purchase drainage district number 6 and construct a cross-levée on it, in order to decrease damaging flooding of adjacent lands and to reestablish wetlands

The appropriation in this subsection shall be matched by at least \$585,000 provided from nonstate sources for capital costs of this project.

Appropriation:

St Bldg Constr Acct	\$	350,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	350,000

- (38) **Tears of Joy Theatre:** For construction of an international puppetry center in Vancouver

The appropriation in this subsection shall be matched by at least \$1,950,000 from nonstate sources provided for capital costs of the project. The match may include cash, land value, and other in-kind contributions.

Appropriation:

St Bldg Constr Acct	\$	1,950,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	1,950,000

- (39) **Flood control structures:** Repair of damage from November 1990 floods

The appropriation in this subsection is provided solely for the local share of matching funds required for federal assistance to repair flood control structures damaged in the November 1990 floods. Local government jurisdictions in the following counties may receive up to 36.5% of the required local match, or the amount listed below, whichever is less:

Chelan county	\$48,707
Clallam county	7,954
Grays Harbor county	2,755
Island county	656
Jefferson county	4,647
King county	209,337

Kitsap county	9,737
Kittitas county	30,914
Lewis county	14,802
Mason county	1,732
Pacific county	3,528
Pierce county	65,671
San Juan county	492
Skagit county	416,903
Snohomish county	188,005
Whatcom county	229,160

TOTAL	1,235,000
Appropriation:	
St Bldg Constr Acct	\$ 1,235,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 0
TOTAL	\$ 1,235,000

(40) Fire Training Center: For emergency repairs (93-2-001)

Appropriation:	
St Bldg Constr Acct	\$ 50,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 0
TOTAL	\$ 50,000

(41) Columbia River Renaissance: For a grant to the city of Vancouver to provide public access, park, and trails along the Columbia river

The appropriation in this subsection shall be matched by an equal amount of money from nonstate sources for the same purpose.

Appropriation:	
St Bldg Constr Acct	\$ 1,800,000
Prior Biennia (Expenditures)	\$ 100,000
Future Biennia (Projected Costs)	\$ 0
TOTAL	\$ 1,900,000

(42) Pacific Science Center: For building renovation and repairs and for acquisition and renovation of exhibits

Each dollar expended from the appropriation in this subsection shall be matched by at least three dollars from nonstate sources expended for the same purpose.

Appropriation:	
St Bldg Constr Acct	\$ 1,061,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 0
TOTAL	\$ 1,061,000

(43) Tri-Cities Trade, Recreation and Agriculture Center

The appropriation in this subsection may be used only for capital development of an arena multi-purpose facility and adjacent recreation space in the city of Pasco. This appropriation shall be matched by at least one million eight hundred thousand dollars provided from nonstate sources.

Appropriation:	
St Bldg Constr Acct	\$ 1,800,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 0
TOTAL	\$ 1,800,000

(44) Whatcom Museum: For building and exhibit acquisition, repair, and renovation

Expenditures from the appropriation in this subsection shall not exceed fifteen percent of the total estimated capital costs of the project. The remaining portions of the project costs shall be a match from nonstate sources. The match may include cash and land value received after January 1, 1990.

Appropriation:

<u>St Bldg Constr Acct</u>	\$	<u>300,000</u>
<u>Prior Biennia (Expenditures)</u>	\$	<u>0</u>
<u>Future Biennia (Projected Costs)</u>	\$	<u>0</u>
<u>TOTAL</u>	\$	<u>300,000</u>

- (45) Martin Luther King Jr. Memorial: For development of a public park around the memorial in Seattle. Development includes but is not limited to street curbs, sidewalks, lighting, a parking lot, and landscaping. Each dollar expended from the appropriation in this subsection shall be matched by at least one dollar from other sources expended for the same purpose.

Appropriation:

<u>St Bldg Constr Acct</u>	\$	<u>100,000</u>
<u>Prior Biennia (Expenditures)</u>	\$	<u>0</u>
<u>Future Biennia (Projected Costs)</u>	\$	<u>0</u>
<u>TOTAL</u>	\$	<u>100,000</u>

- (46) Challenger Learning Center -- Museum of Flight

The appropriation in this subsection is subject to the following conditions and limitations:

(a) The appropriation is provided solely for support of science education at the Challenger learning center at the museum of flight; and

(b) Each dollar expended from the appropriation in this subsection shall be matched by at least one dollar from nonstate sources for the same purpose.

Appropriation:

<u>St Bldg Constr Acct</u>	\$	<u>800,000</u>
<u>Prior Biennia (Expenditures)</u>	\$	<u>0</u>
<u>Future Biennia (Projected Costs)</u>	\$	<u>0</u>
<u>TOTAL</u>	\$	<u>800,000</u>

- (47) Science Hall, Washington State Constitutional Convention site in Walla Walla

The appropriation in this subsection is provided solely for a grant to the Downtown Walla Walla Foundation for facade restoration and preservation of Science Hall, the site of the 1878 constitutional convention. The appropriation in this subsection shall be matched by an equal amount of nonstate moneys.

Appropriation:

<u>St Bldg Constr Acct</u>	\$	<u>75,000</u>
<u>Prior Biennia (Expenditures)</u>	\$	<u>0</u>
<u>Future Biennia (Projected Costs)</u>	\$	<u>0</u>
<u>TOTAL</u>	\$	<u>75,000</u>

NEW SECTION. Sec. 6. A new section is added to chapter 14, Laws of 1991 sp.s. to read as follows:

(1) The department of community development shall issue grants to counties from moneys transferred to the department from the department of ecology under section 12(11) of this act to implement a property owner wetland notification program based on existing or upgraded wetland maps. Counties shall be eligible for these grant funds if they agree to provide notice by mail, either prior to the adoption of regulations adopted pursuant to RCW 36.70A.060 or prior to the final adoption of regulations under RCW 36.70A.120, to property owners that can reasonably be determined by the maps to be affected by the wetland regulations. Adequate notification shall be provided to other interested persons affected by these regulations. Grants shall be issued so as to maximize county participation and notification.

(2) The department of community development shall develop, in consultation with county assessors and the department of revenue, recommended guidelines for valuing property affected by development regulations protecting critical areas. The department shall convene a task force including, but not limited to, assessors, property owners, technical experts, and local government officials to develop these guidelines and to provide recommendations for better coordination of land-use information and property tax administration. County assessors are encouraged to use the guidelines in the next property revaluation. \$25,000 of the moneys transferred to the department of community

development from the department of ecology under section 12(11) of this act may be used for the purpose of this subsection (2).

**NEW SECTION. Sec. 7. A new section is added to chapter 14, Laws of 1991 sp.s. to read as follows:
FOR THE DEPARTMENT OF LABOR AND INDUSTRIES**

- (1) Child care center: For planning and design of a child care facility for state employees (93-5-005)
The appropriation in this subsection is subject to the following conditions and limitations:
(a) The appropriation shall not be expended until the site has been recommended by the capitol campus design advisory committee and approved by the state capitol committee; and
(b) The operations of the child care facility shall be managed by the state employees who will utilize the facility.

Appropriation:

St Bldg Constr Acct	\$	70,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	830,000
TOTAL	\$	900,000

**Sec. 8. 1991 sp.s. c 14 s 13 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

- (1) Rainier: Renovate Evergreen Center (79-1-017)
Reappropriation:
- | | | |
|--|-----------|------------------|
| St Bldg Constr Acct | \$ | 200,000 |
| DSHS Constr Acct | \$ | 119,477 |
| Subtotal Reappropriation | \$ | 319,477 |
| Prior Biennia (Expenditures) | \$ | 4,230,523 |
| Future Biennia (Projected Costs) | \$ | 0 |
| TOTAL | \$ | 4,550,000 |

- (2) Referendum 37: For handicapped facilities construction pursuant to chapter 43.99C RCW (79-3-001)
\$9,529 of the appropriation may be used by Yakima county for improvements at the Community Center for the Deaf to permit increased service level to handicapped clients. This amount may be expended only if the final application for the project is submitted to the department by December 31, 1991, and approved by March 31, 1992.

Reappropriation:

((Handic Fac Constr Acct	\$	253,531))
St Bldg Constr Acct	\$	88,556
Prior Biennia (Expenditures)	\$	33,371
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	((286,902))
		121,927

- (3) Child study center: Construct high school on the grounds of Western State Hospital (88-1-318)
Reappropriation:
- | | | |
|--|-----------|----------------|
| St Bldg Constr Acct | \$ | 130,000 |
| Prior Biennia (Expenditures) | \$ | 0 |
| Future Biennia (Projected Costs) | \$ | 0 |
| TOTAL | \$ | 130,000 |

- (4) Western State Hospital: Sanitary sewer (88-2-400)
Reappropriation:
- | | | |
|--|-----------|------------------|
| St Bldg Constr Acct | \$ | 200,000 |
| Prior Biennia (Expenditures) | \$ | 2,109,238 |
| Future Biennia (Projected Costs) | \$ | 0 |
| TOTAL | \$ | 2,309,238 |

- (5) Echo Glen: Renovate eleven living units at Echo Glen Children's Center (90-1-210)
Reappropriation:

SIXTIETH DAY, MARCH 12, 1992

1725

	St Bldg Constr Acct	\$	2,600,000
	Prior Biennia (Expenditures)	\$	364,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	2,964,000
(6)	Emergency capital repairs (90-1-007)		
	Reappropriation:		
	CEP & RI Acct	\$	25,000
	Prior Biennia (Expenditures)	\$	444,578
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	469,578
(7)	Western State Hospital: Ward renovations, phase 4 (90-1-312)		
	Reappropriation:		
	St Bldg Constr Acct	\$	6,000,000
	Prior Biennia (Expenditures)	\$	192,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	6,192,000
(8)	Eastern State Hospital: Ward renovations, phase 2 (90-1-339)		
	Reappropriation:		
	St Bldg Constr Acct	\$	(2,000,000)
			467,784
	Prior Biennia (Expenditures)	\$	2,510,400
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	((4,510,400))
			2,978,184
(9)	Minor capital renewal: Utilities and facilities (90-2-001), roads and grounds (90-2-002), roofs (90-2-003), fire and safety (90-1-004), and hazardous substances (90-1-005)		
	Reappropriation:		
	CEP & RI Acct	\$	850,000
	St Bldg Constr Acct	\$	450,000
	Subtotal Reappropriation	\$	1,300,000
	Prior Biennia (Expenditures)	\$	2,633,393
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	4,733,725
(10)	Small repairs and improvements (90-2-008)		
	Reappropriation:		
	CEP & RI Acct	\$	50,000
	Prior Biennia (Expenditures)	\$	140,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	190,000
(11)	Minor projects: Bureau of alcohol (90-2-010)		
	Reappropriation:		
	CEP & RI Acct	\$	350,000
	Prior Biennia (Expenditures)	\$	92,400
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	442,400
(12)	Minor projects: Juvenile rehabilitation division (90-2-020)		
	Reappropriation:		
	CEP & RI Acct	\$	200,000
	St Bldg Constr Acct	\$	25,000
	Subtotal Reappropriation	\$	225,000
	Prior Biennia (Expenditures)	\$	285,781

	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	510,781
(13)	Minor projects: Mental health division (90-2-030) and (90-2-032)		
	Reappropriation:		
	St Bldg Constr Acct	\$	200,000
	CEP & RI Acct	\$	65,000
	Subtotal Appropriation	\$	265,000
	Prior Biennia (Expenditures)	\$	460,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	725,000
(14)	Snohomish county: Mental health evaluation and treatment facility (90-2-033)		
	The reappropriation in this subsection is subject to the following conditions and limitations:		
	(a) The reappropriation is provided solely for a mental health evaluation and treatment facility in Snohomish county.		
	(b) No moneys from the reappropriation may be expended until the department enters into an agreement with Snohomish county or a group of counties for the facility. The payments under the agreement shall be either at least equal to the facility component of the state average rate-per-patient day paid by the department to community mental health providers for comparable services, or at least equal to the amount of this reappropriation amortized over fifteen years.		
	(c) No moneys from the reappropriation may be expended before adoption of a plan to provide mental health services through a regional support network as required by chapter 205, Laws of 1989.		
	(d) Other counties or regions that adopt plans for mental health services as required by chapter 205, Laws of 1989, shall be eligible for application to the state for future evaluation and treatment facility moneys under the same conditions as are provided in subsections (a) and (b) of this subsection, as long as no applicant receives appropriated moneys from state sources exceeding one million dollars.		
	Reappropriation:		
	St Bldg Constr Acct	\$	800,000
	Prior Biennia (Expenditures)	\$	200,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	1,000,000
(15)	Minor projects: Developmental disabilities division (90-2-040)		
	Reappropriation:		
	St Bldg Constr Acct	\$	250,000
	Prior Biennia (Expenditures)	\$	484,222
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	734,222
(16)	Minor capital renewal, mental health (90-2-060)		
	Reappropriation:		
	St Bldg Constr Acct	\$	500,000
	Prior Biennia (Expenditures)	\$	500,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	1,000,000
(17)	Child care facilities (90-2-300)		
	Reappropriation:		
	St Bldg Constr Acct	\$	350,000
	Prior Biennia (Expenditures)	\$	250,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	600,000
(18)	Eastern State: Electrical distribution system (90-2-345)		
	Reappropriation:		
	St Bldg Constr Acct	\$	600,000

SIXTIETH DAY, MARCH 12, 1992

1727

	Prior Biennia (Expenditures)	\$	771,600
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	<u>1,371,600</u>
(19)	Lakeland Village: Steam plant replacement (90-2-425)		
	Reappropriation:		
	St Bldg Constr Acct	\$	3,000,000
	Prior Biennia (Expenditures)	\$	1,063,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	<u>4,063,000</u>
(20)	Preplanning (90-4-009)		
	The new appropriation in this subsection is provided solely for preplanning activities for the Administration Building at Lakeland Village, the security housing and treatment unit at Green Hill, and the vocational educational and administration buildings at Maple Lane.		
	Reappropriation:		
	CEP & RI Acct	\$	50,000
	Appropriation:		
	CEP & RI Acct	\$	273,300
	Prior Biennia (Expenditures)	\$	141,400
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	<u>464,700</u>
(21)	Maple Lane: To add twenty-four new level 2 security beds (90-5-001)		
	Reappropriation:		
	St Bldg Constr Acct	\$	1,100,000
	Prior Biennia (Expenditures)	\$	156,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	<u>1,256,000</u>
(22)	Echo Glen: (Perimeter fence) Security improvements (90-5-002)		
	Reappropriation:		
	St Bldg Constr Acct	\$	<u>((850,000))</u>
	Prior Biennia (Expenditures)	\$	500,000
	Future Biennia (Projected Costs)	\$	106,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	<u>((956,000))</u>
			<u>606,000</u>
(23)	Fircrest: Food bank facility (90-5-011)		
	Reappropriation:		
	St Bldg Constr Acct	\$	700,000
	Prior Biennia (Expenditures)	\$	88,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	<u>788,000</u>
(24)	Minor capital renewal fire safety (92-1-004), utilities and facilities (92-2-001), roads and grounds (92-2-002), and roofs (92-2-003)		
	Appropriation:		
	CEP & RI Acct	\$	3,284,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	7,136,000
	TOTAL	\$	<u>10,420,000</u>
(25)	Environmental: For minor works projects, including asbestos abatement, PCBs and other hazardous substances, and for planning functions pertaining to environmental/capital proposals (92-1-005)		
	Appropriation:		
	CEP & RI Acct	\$	359,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	664,000

	TOTAL	\$	1,023,000
(26)	Emergency and unanticipated projects: For emergency and unanticipated repairs to equipment, facilities, and infrastructures at state institutions (92-1-007)		
	Appropriation:		
	CEP & RI Acct	\$	250,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	538,100
	TOTAL	\$	788,100
(27)	Underground storage tanks: To test, replace, and/or remove underground storage tanks state-wide (92-1-060)		
	Appropriation:		
	CEP & RI Acct	\$	145,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	618,000
	TOTAL	\$	673,000
(28)	Western State Hospital: To complete phase 5 of 7 phases, including ward renovations, hospital administration and support spaces, and patient treatment areas (92-1-314)		
	The appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 59 (of this act), <u>chapter 14, Laws of 1991 sp.s.</u>		
	Appropriation:		
	St Bldg Constr Acct	\$	13,669,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	13,669,000
(29)	Eastern State Hospital: To complete phase 3 of 5 phases, including ward treatment areas, hospital support space, and necessary utilities (92-1-340)		
	The appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 59 (of this act), <u>chapter 14, Laws of 1991 sp.s.</u>		
	Appropriation:		
	St Bldg Constr Acct	\$	7,578,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	7,578,000
(30)	Small works: For miscellaneous projects under \$25,000 each at the various institutions (92-2-008)		
	Appropriation:		
	CEP & RI Acct	\$	192,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	430,500
	TOTAL	\$	622,500
(31)	Minor projects, alcohol and substance abuse division: For miscellaneous minor repairs, safety, and electrical repairs at Northern State Hospital (92-2-010)		
	Appropriation:		
	CEP & RI Acct	\$	300,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	300,000
(32)	Minor projects, juvenile rehabilitation division: For the upgrade of the water supply, sewer treatment, and security (92-2-020)		
	Appropriation:		
	CEP & RI Acct	\$	957,500
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	1,849,731

	TOTAL	\$	2,807,231
(33)	Minor projects, mental health division: For minor projects including storm sewer, electrical system, air conditioning, food distribution system, loading dock cover, and new parking lots at Western State Hospital; administration renovation, window security screens, outdoor recreation restrooms at Eastern State Hospital; cemetery fence and kitchen improvements at the Portal facility (92-2-030)		
	Appropriation:		
	CEP & RI Acct	\$	1,317,200
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	2,656,600
	TOTAL	\$	3,973,800
(34)	Minor projects, developmental disabilities division: For minor projects, including the "Y" Building renovation at Fircrest; replacement of living unit floors at Lakeland Village, a state-wide facilities and land use plan; renovation of bathroom and kitchen floors at Rainier School; and added support space and playground expansion at Yakima Valley School (92-2-040)		
	Appropriation:		
	CEP & RI Acct	\$	912,400
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	1,472,000
	TOTAL	\$	2,384,400
(35)	Maple Lane: To add sixty-four new level 1 security beds (92-2-225)		
	The appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 59 (of this act), chapter 14, Laws of 1991 sp.s.		
	Appropriation:		
	St Bldg Constr Acct	\$	6,715,800
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	6,715,800
(36)	Maple Lane: To add forty-seven new level 2 security beds (92-2-230)		
	The appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 59 (of this act), chapter 14, Laws of 1991 sp.s.		
	Appropriation:		
	St Bldg Constr Acct	\$	3,107,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	3,107,000
(37)	Child study: For construction of a new education (center (high school)) facility (primary and secondary) at the child study and treatment center (92-2-319)		
	Appropriation:		
	St Bldg Constr Acct	\$	((2,642,300))
			4,442,300
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	((2,642,300))
			4,442,300
(38)	Maintenance management: For completion of the maintenance management system at Medical Lake and Olympia (92-3-050)		
	Appropriation:		
	CEP & RI Acct	\$	292,800
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	473,500
	TOTAL	\$	766,300
(39)	Resource conservation: For energy and water conservation projects (92-4-006)		
	Appropriation:		

CEP & RI Acct	\$	561,100
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	442,600
TOTAL	\$	1,003,700

(40) Child care facilities for state employees, including higher education employees (92-4-050)

The appropriation in this subsection is subject to the following conditions and limitations: The department shall report to the appropriate committees of the legislature by January 1, 1993, on grant guidelines which encourage proposals that provide for management oversight of a child care facility by the state employees who will utilize the facility. Nothing in this subsection shall be construed to imply, or commit the state to, any liability for the acts or omissions of the state employees who provide management oversight at the facilities.

Appropriation:

St Bldg Constr Acct	\$	2,500,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	2,500,000

(41) Washington Institute for Mental Illness Research at Western State Hospital

Appropriation:

CEP & RI Acct	\$	700,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	700,000

NEW SECTION. Sec. 9. A new section is added to chapter 14, Laws of 1991 sp.s. to read as follows:

The provision of social and health services by a private nonprofit corporation operating in any county containing a population greater than forty thousand and less than seventy thousand people for an extended period of time constitutes consideration by the private nonprofit corporation acquiring property or property interests owned by a county, which property or property interests were acquired in whole or in part from money appropriated and authorized by chapter 43.83D RCW, if the property will be used for the provision of the social and health services.

NEW SECTION. Sec. 10. A new section is added to chapter 14, Laws of 1991 sp.s. to read as follows:

FOR THE DEPARTMENT OF VETERANS' AFFAIRS

(1) Alzheimer unit: Design and remodel one wing of the Washington soldier's home for proper care and supervision of Alzheimer patients (93-2-001)

Appropriation:

St Bldg Constr Acct	\$	126,445
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	126,445

(2) Korean War memorial: To build and erect a Korean War memorial on the capitol campus

Expenditure of the appropriation in this subsection is contingent on a match of at least \$200,000 from nonstate sources for the same purpose.

Appropriation:

St Bldg Constr Acct	\$	50,000
Prior Biennia (Expenditures)	\$	25,000
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	75,000

Sec. 11. 1991 sp.s. c 14 s 16 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

The appropriations in this section are subject to the following condition and limitation: The department shall, to the extent possible, employ inmate labor in the construction of projects where such employment use will save money.

(1) Washington State Reformatory: Continuation of cellblock renovations, and expansion of the industries and production areas and the gym (83-3-048)

The new appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 59 ((of this act)), chapter 14, Laws of 1991 sp.s.

	Reappropriation:		
	St Bldg Constr Acct	\$	1,800,000
	Appropriation:		
	St Bldg Constr Acct	\$	9,687,000
	Prior Biennia (Expenditures)	\$	19,513,213
	Future Biennia (Projected Costs)	\$	9,281,500
	TOTAL	\$	40,281,713
(2)	Washington State Penitentiary: For improving security facilities and utilities (83-3-052)		
	The new appropriation in this subsection is provided solely to renovate perimeter walls and towers.		
	Reappropriation:		
	St Bldg Constr Acct	\$	1,300,000
	Appropriation:		
	St Bldg Constr Acct	\$	1,609,000
	Prior Biennia (Expenditures)	\$	11,536,721
	Future Biennia (Projected Costs)	\$	4,274,000
	TOTAL	\$	18,719,721
(3)	McNeil Island Corrections Center: For replacement of water mains; installation of new telephone switch gear; purchase of an underwater power cable for emergency use; replacement of overhead power lines and poles; and projects related to regulation of the landfill (86-1-002)		
	Reappropriation:		
	St Bldg Constr Acct	\$	4,800,000
	Appropriation:		
	St Bldg Constr Acct	\$	3,230,500
	Prior Biennia (Expenditures)	\$	2,084,319
	Future Biennia (Projected Costs)	\$	4,780,000
	TOTAL	\$	14,894,819
(4)	McNeil Island Corrections Center: For repairs of roads and sea walls (86-1-004)		
	Reappropriation:		
	St Bldg Constr Acct	\$	700,000
	Appropriation:		
	St Bldg Constr Acct	\$	1,922,500
	Prior Biennia (Expenditures)	\$	5,400,879
	Future Biennia (Projected Costs)	\$	3,737,000
	TOTAL	\$	11,760,379
(5)	McNeil Island Corrections Center: For repair of island homes, replacement of the emergency generator, and fire and safety improvements to institutional buildings (86-1-008)		
	Reappropriation:		
	St Bldg Constr Acct	\$	2,100,000
	Appropriation:		
	St Bldg Constr Acct	\$	2,040,000
	Prior Biennia (Expenditures)	\$	6,084,008
	Future Biennia (Projected Costs)	\$	3,805,000
	TOTAL	\$	14,029,008
(6)	State-wide wastewater system improvements: For improvements to the laboratory at the wastewater facilities at the Monroe Reformatory; for upgrades of the sewage pumping system at Twin rivers Correctional Center; and for renovation of sewer lines at several facilities (88-1-017)		
	Reappropriation:		
	St Bldg Constr Acct	\$	450,000
	Appropriation:		
	St Bldg Constr Acct	\$	2,298,000
	Prior Biennia (Expenditures)	\$	863,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	3,611,000
(7)	State-wide water system improvements: To construct a new 120,000-gallon reservoir at Twin rivers Correctional Center; to upgrade storage tanks at the Washington Correctional Center at Shelton and the Larch Correctional Center; to drill a new well at Clearwater/Olympic Correctional Center; to increase reservoir capacity at Cedar		

Creek Correctional Center; and to upgrade water treatment and storage at the Washington State Reformatory Honor Farm (88-1-018)

Reappropriation:

St Bldg Constr Acct \$ 900,000

Appropriation:

St Bldg Constr Acct \$ 1,731,000
 Prior Biennia (Expenditures) \$ 461,000
 Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,092,000

- (8) McNeil Island Corrections Center: Continue major renovation and expansion of the McNeil Island Correction Center (88-2-003)

The new appropriation in this subsection shall be not expended until project preplanning documents have been reviewed and approved by the office of financial management under section 59 ((of this act)), chapter 14, Laws of 1991 sp.s.

Reappropriation:

St Bldg Constr Acct \$ 27,000,000

Appropriation:

St Bldg Constr Acct \$ 37,126,000
 Prior Biennia (Expenditures) \$ 5,012,222
 Future Biennia (Projected Costs) \$ 12,708,000

TOTAL \$ 81,846,222

- (9) Work and training release relocation and expansion: To relocate and expand the work release facility currently located at Western State Hospital

No portion of this appropriation may be expended to purchase land until the department conducts a life-cycle cost analysis for the operating and capital costs of a facility to be located on the land and reports the results of the analysis to the fiscal committees of the legislature.

Reappropriation:

St Bldg Constr Acct \$ 4,000,000

Prior Biennia (Expenditures) \$ 415,400
 Future Biennia (Projected Costs) \$ 0

TOTAL \$ 4,415,400

- (10) Washington Corrections Center for Women: For major renovation of existing facilities, including construction of thirty-bed special needs unit and addition of one hundred beds (88-2-006)

The new appropriation in this subsection shall be not expended until project preplanning documents have been reviewed and approved by the office of financial management under section 59 ((of this act)), chapter 14, Laws of 1991 sp.s.

Reappropriation:

St Bldg Constr Acct \$ 900,000

Appropriation:

St Bldg Constr Acct \$ ((3,388,000))
 Prior Biennia (Expenditures) \$ 11,097,000
 Future Biennia (Projected Costs) \$ 715,000
 \$ ((7,709,000))
 0

TOTAL \$ 12,712,000

- (11) Hazardous materials management (90-1-004)

Reappropriation:

St Bldg Constr Acct \$ 200,000

Prior Biennia (Expenditures) \$ 79,000
 Future Biennia (Projected Costs) \$ 0

TOTAL \$ 279,000

- (12) Washington Corrections Center/Washington Corrections Center for Women: Perimeter security upgrade (90-1-007)

Reappropriation:

St Bldg Constr Acct \$ 600,000

Prior Biennia (Expenditures) \$ 1,052,000

	Future Biennia (Projected Costs)	\$	1,183,000
	TOTAL	\$	2,835,000
(13)	State-wide minor projects (90-1-009)		
	Reappropriation:		
	CEP & RI Acct	\$	900,000
	St Bldg Constr Acct	\$	2,700,000
	Subtotal Reappropriation	\$	2,200,000
	Prior Biennia (Expenditures)	\$	1,749,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	5,349,000
(14)	State-wide small repairs and improvements (90-1-010)		
	Reappropriation:		
	St Bldg Constr Acct	\$	300,000
	Prior Biennia (Expenditures)	\$	456,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	756,000
(15)	State-wide emergency repair projects (90-1-013)		
	Reappropriation:		
	CEP & RI Acct	\$	150,000
	Appropriation:		
	CEP & RI Acct	\$	750,000
	Prior Biennia (Expenditures)	\$	600,000
	Future Biennia (Projected Costs)	\$	750,000
	TOTAL	\$	2,250,000
(16)	New facilities: To design and construct a new 1,024-bed medium-security prison, and four minimum-security correctional facilities, for a total of 2,424 new beds (90-2-001)		
	<u>The appropriations in this subsection are subject to the following conditions and limitations:</u>		
	<u>(a) The new appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 59 ((of this act)), chapter 14, Laws of 1991 sp.s.</u>		
	<u>(b) \$10,045,000 is provided solely to construct a 300-bed correctional camp at the Dayton site.</u>		
	Reappropriation:		
	St Bldg Constr Acct	\$	51,550,000
	((Drug Enf & Ed Acct	\$	5,900,000
	Subtotal Reappropriation	\$	57,450,000))
	Appropriation:		
	St Bldg Constr Acct	\$	((96,036,000))
	Prior Biennia (Expenditures)	\$	101,936,000
	Future Biennia (Projected Costs)	\$	3,038,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	156,524,000
(17)	Washington State Penitentiary: For minimum security unit double bunking (90-2-003)		
	Reappropriation:		
	St Bldg Constr Acct	\$	1,050,000
	Prior Biennia (Expenditures)	\$	160,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	1,210,000
(18)	Twin rivers Corrections Center: Double bunking (90-2-004)		
	Reappropriation:		
	St Bldg Constr Acct	\$	2,500,000
	Prior Biennia (Expenditures)	\$	481,000
	Future Biennia (Projected Costs)	\$	0

	TOTAL	\$	2,981,000
(19)	Washington State Penitentiary: Medium-security complex double bunking (90-2-005)		
	Reappropriation:		
	St Bldg Constr Acct	\$	1,000,000
	Prior Biennia (Expenditures)	\$	128,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	1,128,000
(20)	Clearwater/Olympic Corrections Center: 100-bed expansion (90-2-006)		
	Reappropriation:		
	St Bldg Constr Acct	\$	1,200,000
	Prior Biennia (Expenditures)	\$	538,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	1,738,000
(21)	Cedar Creek Corrections Center: 100-bed expansion (90-2-007)		
	Reappropriation:		
	St Bldg Constr Acct	\$	1,450,000
	Prior Biennia (Expenditures)	\$	187,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	1,637,000
(22)	Washington State Penitentiary: Expand medium-security complex industries building (90-2-016)		
	Reappropriation:		
	St Bldg Constr Acct	\$	1,100,000
	Prior Biennia (Expenditures)	\$	113,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	1,213,000
(23)	State-wide roof repair: For reroofing projects at the Corrections Center at Shelton, Cedar Creek Corrections Center, Indian Ridge Corrections Center, Clearwater/Olympic Corrections Center, Monroe Reformatory, and the Treatment Center for Women at Purdy facilities (90-3-011)		
	Reappropriation:		
	St Bldg Constr Acct	\$	150,000
	Appropriation:		
	St Bldg Constr Acct	\$	2,631,000
	Prior Biennia (Expenditures)	\$	1,350,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	4,131,000
(24)	Clallam Bay Corrections Center: To expand program space and add three hundred forty-nine beds (90-5-026)		
	Reappropriation:		
	St Bldg Constr Acct	\$	23,000,000
	Prior Biennia (Expenditures)	\$	2,301,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	25,301,000
(25)	Camp labor pool funds (90-5-031)		
	Moneys from the reappropriation in this subsection shall made available to the department for expanded capacity projects in the event inmate labor cannot be employed.		
	Reappropriation:		
	St Bldg Constr Acct	\$	229,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	229,000
(26)	Underground storage tanks: To test, replace, and/or remove underground storage tanks state-wide (92-1-002)		
	Appropriation:		
	St Bldg Constr Acct	\$	300,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	1,000,000

	TOTAL	\$	1,300,000
(27)	State-wide minor projects: For projects less than \$500,000 pertaining to life safety/code compliance, property protection, or essential program support (92-1-012)		
	Appropriation:		
	St Bldg Constr Acct	\$	7,500,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	4,976,000
	TOTAL	\$	12,476,000
(28)	State-wide small repairs and improvements: For miscellaneous state-wide projects, each under \$25,000 (92-1-013)		
	Appropriation:		
	St Bldg Constr Acct	\$	497,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	497,000
(29)	Washington Corrections Center: To retrofit the boiler at Shelton (92-1-026)		
	In retrofitting the boiler, the department shall consider using wood pellets or natural gas, whichever is the more economically competitive, as the primary fuel source for the boiler.		
	Appropriation:		
	St Bldg Constr Acct	\$	2,164,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	2,164,000
(30)	Washington State Penitentiary: To add space for recreation, legal libraries, medical/dental unit, property and a clothing room at medium-security facilities (92-2-021)		
	Appropriation:		
	St Bldg Constr Acct	\$	1,443,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	1,443,000
(31)	Washington State Penitentiary: To add space to the current gym, and upgrade systems for heating, ventilation, and air conditioning, fire protection, lighting, and electricity (92-2-022)		
	Appropriation:		
	St Bldg Constr Acct	\$	888,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	888,000
(32)	Washington Corrections Center: For installation of a new underground steam distribution/condensation return system (92-2-028)		
	Appropriation:		
	St Bldg Constr Acct	\$	729,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	729,000
(33)	Washington State Reformatory: For initiation of a feasibility study for relocation of program and living space at the honor farm (92-2-029)		
	Appropriation:		
	St Bldg Constr Acct	\$	230,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	1,000,000
	TOTAL	\$	1,230,000
(34)	Washington State Reformatory: Restoration and repair of perimeter walls (92-2-031)		
	Appropriation:		
	St Bldg Constr Acct	\$	1,084,000

	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	1,084,000
(35)	Pilot preventive maintenance program: For computer hardware and software for a computer-based preventative maintenance system (92-4-033)		
	The appropriation in this subsection is subject to the following conditions and limitations: The department of corrections shall, every six months, submit a progress report on this project to the department of general administration, the office of financial management, the senate committee on ways and means, and the house of representatives committee on capital facilities and financing.		
	Appropriation:		
	St Bldg Constr Acct	\$	325,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	325,000
(36)	Cedar Creek Corrections Center upgrade: Core facilities improvements and dormitory expansion (92-2-024)		
	Appropriation:		
	St Bldg Constr Acct	\$	1,426,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	1,426,000
(37)	<u>Mental health planning: The department shall develop a facility plan for a mental health delivery system including outpatient treatment, short-term crisis beds, and acute long-term inpatient facilities. The plan shall maximize outpatient and short-term crisis beds where appropriate through the utilization of current capacity including utilization of infirmary beds as short-term mental health crisis observation beds. Plans for new long-term inpatient capacity shall supplement and not replace existing capacity at the Special Offender Center in Monroe (93-2-035)</u>		
	Appropriation:		
	St Bldg Constr Acct	\$	200,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	200,000
(38)	<u>Land acquisition: To acquire a purchase option on land adjacent to the Coyote Ridge Corrections Center (93-2-036)</u>		
	Appropriation:		
	St Bldg Constr Acct	\$	24,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	2,500,000
	TOTAL	\$	2,524,000

**PART 3
NATURAL RESOURCES**

Sec. 12. 1991 sp.s. c 14 s 18 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF ECOLOGY

(1)	Referendum 26: Waste disposal facilities (74-5-004)		
	Reappropriation:		
	LIRA, Waste Disp Fac	\$	15,660,673
	Prior Biennia (Expenditures)	\$	8,093,028
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	23,753,701
(2)	Referendum 38: Water supply facilities (74-5-006)		
	Reappropriation:		
	LIRA, Water Sup Fac	\$	26,744,618
	Prior Biennia (Expenditures)	\$	2,466,576
	Future Biennia (Projected Costs)	\$	29,763,000

	TOTAL	\$	58,974,194
(3)	State emergency water project revolving account (76-5-003)		
	Reappropriation:		
	Emergency Water Proj	\$	7,599,337
	Appropriation:		
	Emergency Water Proj	\$	1,343,929
	Prior Biennia (Expenditures)	\$	16,586,284
	Future Biennia (Projected Costs)	\$	224,761
	TOTAL	\$	25,754,311
(4)	Referendum 39: Waste disposal facilities 1980 bond issue (82-5-005)		
	No expenditure from the reappropriation in this subsection shall be made for any grant valued over fifty million dollars to a city or county for solid waste disposal facilities unless the following conditions are met:		
	(a) The city or county agrees to comply with all the terms of the grant contract between the city or county and the department of ecology;		
	(b) The city or county agrees to implement curbside collection of recyclable materials as prescribed in the grant contract; and		
	(c) The city or county does not begin actual construction of the solid waste disposal facility until it has obtained a permit for prevention of significant deterioration as required by the federal clean air act.		
	Reappropriation:		
	LIRA, Waste Disp Fac <u>1980</u>	\$	((61,598,000))
			60,012,180
	Prior Biennia (Expenditures)	\$	401,402,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	((463,000,000))
			461,414,180

- (5) Water quality account (86-5-007)
- The appropriations in this subsection are subject to the following conditions and limitations:
- (a) In awarding grants, extending grant payments, or making loans from these appropriations for facilities that discharge directly into marine waters, the department shall:
- (i) Give first priority to secondary wastewater treatment facilities that are mandated by both federal and state law;
 - (ii) Give second priority to projects that reduce combined sewer overflows; and
 - (iii) Encourage economies that are derived from any simultaneous projects that achieve the purposes of both (a) and (b) of this subsection.
- (b) The following limitations shall apply to the department's total distribution of funds appropriated under this section:
- (i) Not more than fifty percent for water pollution control facilities that discharge directly into marine waters;
 - (ii) Not more than twenty percent for water pollution control activities that prevent or mitigate pollution of underground waters and facilities that protect federally designated sole source aquifers with at least two-thirds for the Spokane-Rathdrum Prairie aquifer;
 - (iii) Not more than ten percent for water pollution control activities that protect freshwater lakes and rivers including but not limited to Lake Chelan and the Yakima and Columbia rivers;
 - (iv) Not more than ten percent for activities that control nonpoint source water pollution;
 - (v) Ten percent and such sums as may be remaining from the categories specified in (i) through (iv) of this subsection for water pollution control activities or facilities as determined by the department.
- (c) In determining compliance schedules for the greatest reasonable reduction of combined sewer overflows, the department shall consider the amount of grant or loan moneys available to assist local governments in the planning, design, acquisition, construction, and improvement of combined sewer overflow facilities.
- (d) \$330,000 of the water quality account appropriation is provided solely for the department to evaluate water quality, solid and hazardous waste, and toxics cleanup needs of the state. The amount provided in this subsection represents the water quality account share of funding the evaluation. The department shall include in the evaluation information regarding existing needs and recommendations on how to address those needs within existing state financial assistance programs. The evaluation shall include options that rely solely on existing tax sources. The department shall also evaluate long-range financial options, including a greater reliance on loans, which take into account local financial resources. The evaluation shall be done in coordination with the state agency coordinating council established in Engrossed Substitute House Bill No. 1025 (Growth Management Strategies). If the bill is not enacted by July 31, 1991, the director of the department shall coordinate with the department of community development, the department of health, and the Puget Sound water quality authority as well as with other appropriate state and local agencies. By November 1, 1991, the department shall submit to the chairs of the house capital

facilities and financing committee and the senate ways and means committee, a detailed work plan, budget, and schedule for completion of the evaluation.

Reappropriation:	
Water Quality Acct	\$ 134,422,504
Appropriation:	
Water Quality Acct	\$ ((85,607,310))
	<u>72,686,310</u>
Prior Biennia (Expenditures)	\$ 53,036,533
Future Biennia (Projected Costs)	\$ 157,835,000

TOTAL	\$ ((430,901,347))
	<u>417,980,347</u>

(6) Nisqually River Interpretive Center

Appropriation:	
St Bldg Constr Acct	\$ 150,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 0

TOTAL	\$ 150,000

(7) Local toxics control account (88-5-008)
 \$270,000 of the new appropriation in this subsection is provided solely for the evaluation required in subsection (5)(d) of this section.

\$300,000 of the new appropriation in this subsection is provided solely for a pilot grant program to address remedial actions involving the contamination of drinking water supplies from hazardous substances. The pilot grant program is limited to remedial action where a responsible party has not been identified or held responsible. The department may establish an appropriate local match requirement for the pilot grant program. The department shall report to the appropriate committees of the legislature regarding the state-wide need for programs to clean up drinking water supplies contaminated by hazardous substances. This report shall be consolidated into the evaluation required in subsection (5)(d) of this section.

Reappropriation:	
Local Toxics Control	\$ 27,653,297
Appropriation:	
Local Toxics Control	\$ 59,183,607
Prior Biennia (Expenditures)	\$ 18,467,142
Future Biennia (Projected Costs)	\$ 106,984,641

TOTAL	\$ 212,288,687

(8) Methow Basin water conservation
 This appropriation in this subsection shall be used to fund water use efficiency improvements in this Methow Basin, including the installation of headworks, weirs, and fish screens on existing irrigation diversions, metering of miscellaneous water uses, and lining of irrigation canals and ditches in identified high priority irrigation systems.

Appropriation:	
St Bldg Constr Acct	\$ 400,000
LIRA, Water Sup Fac	\$ 800,000

Subtotal Appropriation	\$ 1,200,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 0

TOTAL	\$ 1,200,000

(9) Flood control assistance: For the purpose of flood control assistance under RCW 86.26.040 through 86.26.105
The appropriation in this subsection is subject to the following conditions and limitations: Moneys from this appropriation shall be used solely for capital purposes.

Appropriation:	
St Bldg Constr Acct	\$ 4,000,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 0

TOTAL	\$ 4,000,000

(10)	<u>Water pollution control facility loans</u>		
	<u>Reappropriation:</u>		
	<u>Water Pollution Cont Rev Fund</u>	\$	<u>33,106,000</u>
	<u>Appropriation:</u>		
	<u>Water Pollution Cont Rev Fund</u>	\$	<u>83,047,000</u>
	<u>Prior Biennia (Expenditures)</u>	\$	<u>7,400,000</u>
	<u>Future Biennia (Projected Costs)</u>	\$	<u>71,000,000</u>
	<u>TOTAL</u>	\$	<u>194,553,000</u>

(11)	<u>Transfer to department of community development</u>		
	<u>The appropriation in this subsection is provided solely for transfer to the department of community development for grants to counties to implement a property owner wetland notification program.</u>		
	<u>Appropriation:</u>		
	<u>Water Quality Account</u>	\$	<u>350,000</u>
	<u>Prior Biennia (Expenditures)</u>	\$	<u>0</u>
	<u>Future Biennia (Projected Costs)</u>	\$	<u>0</u>
	<u>TOTAL</u>	\$	<u>350,000</u>

NEW SECTION. Sec. 13. A new section is added to chapter 14, Laws of 1991 sp.s. to read as follows:
FOR THE STATE PARKS AND RECREATION COMMISSION

(1)	Sewer facilities: For sewer improvements at the following state parks: Ike Kinswa, Millersylvania, Lewis and Clark Trail, Bayview, Sequim Bay, Penrose Point, Tolmie, Fort Casey, Fort Ebey, and Maryhill		
	<u>Appropriation:</u>		
	<u>LIRA, Waste Fac 1980</u>	\$	<u>1,585,820</u>
	<u>Prior Biennia (Expenditures)</u>	\$	<u>0</u>
	<u>Future Biennia (Projected Costs)</u>	\$	<u>0</u>
	<u>TOTAL</u>	\$	<u>1,585,820</u>

(2)	Flaming Geyser: Bridge relocation, phase 2 (87-2-029)		
	<u>The appropriation in this section is in addition to the appropriations in section 19(7), chapter 14, Laws of 1991 sp.s.</u>		
	<u>Appropriation:</u>		
	<u>ORA-State</u>	\$	<u>90,000</u>

(3)	Deception Pass: Repair failed water system		
	<u>Appropriation:</u>		
	<u>St Bldg Constr Acct</u>	\$	<u>283,180</u>
	<u>Prior Biennia (Expenditures)</u>	\$	<u>0</u>
	<u>Future Biennia (Projected Costs)</u>	\$	<u>0</u>
	<u>TOTAL</u>	\$	<u>283,180</u>

(4)	Bogachiel Park: Repair storm damage to comfort stations		
	<u>Appropriation:</u>		
	<u>St Bldg Constr Acct</u>	\$	<u>50,000</u>
	<u>Prior Biennia (Expenditures)</u>	\$	<u>0</u>
	<u>Future Biennia (Projected Costs)</u>	\$	<u>0</u>
	<u>TOTAL</u>	\$	<u>50,000</u>

- (5) Chuckanut Hill: Planning and acquisition for addition to Larrabee state park
 The appropriation in this subsection is subject to the following conditions and limitations:
- (a) The appropriation in this subsection is provided solely for property acquisition, may not be used to acquire development rights, and is subject to chapter 43.99 RCW.
 - (b) Prior to the expenditure of any funds provided from this subsection, Whatcom county shall have acquired under forest board ownership a majority of the 1200-acre parcel of privately owned land adjacent and to the north of Larrabee state park. The county shall also have entered into an agreement with the board of natural resources committing the county to manage these lands, adjacent to Larrabee state park, as county park land under RCW 76.12.072.
 - (c) Prior to the expenditure of any funds provided from this subsection, either the city of Bellingham or Whatcom county shall have made application to the interagency committee for outdoor recreation for funding available

through the wildlife and recreation program so that the city or county may acquire park lands adjacent to Larrabee state park. The application may provide for management of the lands by the State Parks and Recreation Commission.

(d) No additional state funds may be expended for this acquisition unless authorized by the interagency committee for outdoor recreation in accordance with chapter 43.98A RCW.

Appropriation:

ORA	\$	500,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL		\$ 500,000

(6) Olmstead Place--Senator Frank "Tub" Hansen Memorial Interpretive Center, including parking facilities, restrooms, and display kiosk

Appropriation:

St Bldg Constr Acct	\$	93,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL		\$ 93,000

NEW SECTION. Sec. 14. A new section is added to chapter 14, Laws of 1991 sp.s. to read as follows:
FOR THE STATE PARKS AND RECREATION COMMISSION

The appropriation in this section is provided to make payment for timber in Bogachiel, Scenic Beach, and Rockport state parks, which payment remains as an obligation from the transfers of trust lands to the state parks and recreation commission. It is the intent of the legislature that all moneys expended under this section result in revenue to the common school construction fund. The department of natural resources may use intergrant exchanges to accomplish the intent of this section. Any moneys from this appropriation that remain unexpended on December 31, 1992, shall be deposited in the common school construction fund.

Appropriation

Common School Reimb Constr Acct	\$	8,000,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL		\$ 8,000,000

NEW SECTION. Sec. 15. A new section is added to chapter 14, Laws of 1991 sp.s. to read as follows:

The state parks and recreation commission may sell to a city or county for one dollar existing park lands or interpretive centers that are closed because of budgetary constraints. The purchasing city or county must agree to keep the park land or interpretive center open for public access and use. The conveyance agreement shall contain a reversionary interest held by the commission that takes effect if the property is ever used for any purpose other than a public park or interpretive center.

NEW SECTION. Sec. 16. A new section is added to chapter 14, Laws of 1991 sp.s. to read as follows:

FOR THE WASHINGTON STATE DAIRY PRODUCTS COMMISSION

(1) Acquire permanent facility: To acquire a permanent facility to house the offices and operations of the commission (92-5-001)

The appropriation in this subsection is subject to the following conditions and limitations: At least one dollar from the commission's operating funds shall be spent for each three dollars spent from this appropriation.

Appropriation:

WA St Dairy Prod Comm Fac Acct	\$	900,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL		\$ 900,000

Sec. 17. 1991 sp.s. c 14 s 20 (uncodified) is amended to read as follows:

FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

(1) Grants to public agencies (90-2-001)

Reappropriation:

St Bldg Constr Acct	\$	498,000
ORA-Federal	\$	637,000
ORA-State	\$	1,911,000
Firearms Range Acct	\$	-495,000
Subtotal Reappropriation	\$	3,451,000

Prior Biennia (Expenditures)	\$	6,254,000
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	9,705,000

(2) Wildlife conservation and recreation (90-5-002)

Reappropriation:

ORA-State	\$	22,000,000
Habitat Conservation Acct	\$	21,830,000

Subtotal Reappropriation	\$	43,830,000
Prior Biennia (Expenditures)	\$	9,170,000
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	53,000,000

(3) Grants to public agencies (92-2-001)

The appropriations in this section are subject to the following conditions and limitations:

(a) ~~(\$10,400,000)~~ \$11,150,000 of the state building and construction account appropriation in this subsection is provided solely for matching grants to local governments for projects contained in the governor's Washington wildlife and recreation submittal list from categories designated for local governments. The committee shall require a match of at least fifty percent.

(b) \$138,000 of the state outdoor recreation account may be used for additional program staff for administration.

(c) The legislature hereby approves, without exception, the list of local projects dated October 1, 1991, submitted by the interagency committee for outdoor recreation to the office of financial management.

Appropriation:

ORA-Federal	\$	2,000,000
ORA-State	\$	7,738,000
Firearms Range Acct	\$	222,000
St Bldg Constr Acct	\$	((10,400,000))
		<u>11,150,000</u>

Subtotal Appropriation	\$	((20,360,000))
		<u>21,360,000</u>

Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	21,764,000

TOTAL	\$	((42,124,000))
		<u>42,874,000</u>

(4) Washington wildlife and recreation program

(a) One-half of the appropriation in this subsection shall be deposited into and is hereby appropriated from the habitat conservation account and one-half shall be deposited into and is hereby appropriated from the state outdoor recreation account, for the Washington wildlife and recreation program, as established under chapter 43.98A RCW.

(b) All land acquired by a state agency with moneys from this appropriation shall comply with class A, B, and C weed control provisions of chapter 17.10 RCW.

(c) The following projects are deleted from the approved list of projects established under chapter 43.98A RCW:

- (i) Hatten-Tracy rock acquisitions (project #925033)
- (ii) Yakima river canyon acquisition (project #925055)
- (iii) Okanogan sharp-tailed grouse habitat (project #925040)
- (iv) Southeast Washington critical habitat acquisition (project #925042)
- (v) Esquaztel coulee acquisition (project #935064)

Appropriation:

St Bldg Constr Acct	\$	50,000,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	105,000,000

TOTAL	\$	155,000,000

(5) Clear creek dam: To rebuild the dam according to plans approved by the United States bureau of reclamation (93-2-002)

The appropriation in this subsection is contingent on at least \$3,250,000 being provided from federal and local sources. The state shall not be obligated for project costs that exceed this appropriation.

Appropriation:

St Bldg Constr Acct	\$	1,550,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL		\$ 1,550,000

NEW SECTION. Sec. 18. A new section is added to chapter 14, Laws of 1991 sp.s. to read as follows:
FOR THE DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT

(1) Washington Technology Center (92-5-001)

The appropriation in this subsection is provided solely for the design and outfitting of the first and second floor laboratory spaces in Fluke Hall.

Appropriation:

St Bldg Constr Acct	\$	1,000,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL		\$ 1,000,000

NEW SECTION. Sec. 19. A new section is added to chapter 14, Laws of 1991 sp.s. to read as follows:
FOR THE DEPARTMENT OF FISHERIES

(1) Coast and Puget Sound salmon enhancement (92-5-001)

Appropriation:

St Bldg Constr Acct	\$	513,311
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL		\$ 513,311

(2) Habitat management (92-2-001)

Appropriation:

General Fund-Federal	\$	800,000
General Fund-Priv/Loc	\$	800,000
Subtotal Appropriation		\$ 1,600,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL		\$ 1,600,000

NEW SECTION. Sec. 20. A new section is added to chapter 14, Laws of 1991 sp.s. to read as follows:
FOR THE DEPARTMENT OF WILDLIFE

(1) Repair of flood damage on Luhrs Landing

Appropriation:

St Bldg Constr Acct	\$	40,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL		\$ 40,000

(2) Hood Canal Wetlands Interpretive Center: For a grant to the North Mason School District to construct a wetlands education center at the Mary E. Theler wetlands

The appropriation in this subsection is subject to the following conditions and limitations:

(a) The school district shall provide and maintain public access, education, and passive recreation opportunities.

(b) The appropriation in this subsection shall be matched by an equal amount of money from other sources for the purposes described in this subsection.

Appropriation:

St Bldg Constr Acct	\$	500,000
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Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	500,000

(3) Skagit wildlife area dike repair (92-3-008)

Appropriation:

St Bldg Constr Acct	\$	145,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	145,000

Sec. 21. 1991 sp.s. c 14 s 26 (uncodified) is amended to read as follows:

FOR THE PARKS AND RECREATION COMMISSION: TIMBERLAND PURCHASES AND COMMON SCHOOL PURCHASES

The appropriation in this section is subject to the following conditions and limitations:

(1) This appropriation is provided to the state parks and recreation commission ("commission") solely to acquire trust lands that have been identified by the department of natural resources ("department") as appropriate for state park use and development. Except as specifically otherwise provided in this section, the commission shall acquire the following parcels:

- (a) Lord Hill, in Snohomish county, west of Monroe;
- (b) Beacon Rock, in Skamania county, adjacent to Beacon Rock State Park;
- (c) Larrabee Addition, (1 and 2) in Whatcom county, northeast of Larrabee State Park and Chuckanut Mountain;

- (d) South Whidbey, in Island county, adjacent to South Whidbey State Park;
- (e) Wallace Falls Addition, in Snohomish county, adjacent to Wallace Falls State Park;
- (f) Soleduck corridor, in Clallam county, on the Soleduck river at Sappho;
- (g) Dugualia Bay property, in Island county, on the northeast shore of Whidbey Island;
- (h) Rasar property, in Skagit county, west of Birdsvie, near the Skagit river;
- (i) Wallace Falls Addition (Northwest) property, in Snohomish county, adjacent to the northwestern side of the designated park property;
- (j) Wallace Falls Addition (Southwest) property, in Snohomish county, adjacent to the southwestern side of Wallace Falls State Park;
- (k) Hoypus Hill in Island county south of Hoypus Point Natural Forest Area at Deception Pass State Park;
- (l) Lake Easton in Easton in Kittitas county west of Lake Easton State park near the town of Easton;
- (m) Diamond Point, in Clallam county, on the Strait of Juan de Fuca; and
- (n) Skykomish river property, along Highway 2, near Index.

(2) The commission may expend moneys from this appropriation for acquisition of the Skykomish river property under subsection (1)(n) of this section only to the extent that moneys remain available after the commission has made all reasonable efforts to acquire the other properties identified in this subsection. If funds remain available after all properties in subsections (1)(a) through (1)(n) of this section have been purchased, the commission may purchase additional properties from the following list:

- (a) Squak Mountain trust property, King county, south of existing Squak Mountain State Park;
- (b) Doug's Beach trust property, Klickitat county, east of Lyle on the Columbia river;
- (c) Point Lawrence Addition trust property, San Juan county, adjacent to designated park property on the eastern most point of Orcas Island;
- (d) Obstruction Pass trust property, San Juan county near Obstruction Island on the southeast point of Orcas Island;
- (e) Bottle Beach trust property, Grays Harbor county, southeast of Westport along the Ocasta-Bay City Road; and
- (f) R.F. Kennedy Recreation Site trust property, Pierce county, on Whitman Cove along Case Inlet.

(3) To achieve the purposes of this section, intergrant exchanges between common school trust lands and parcels of noncommon school trust lands shall occur on an equal-value basis.

(4) Proceeds from the transfer of the timber shall be deposited by the department in the same manner as timber revenues from other common school trust lands. No deduction may be made for the resource management cost account under RCW 79.64.040. The proceeds from the transfer of the land shall be used by the department to acquire timber land of equal value to be managed as common school trust land and to maintain a sustainable yield.

(5) The department shall attempt to maintain an aggregate ratio of ~~((approximately))~~ 85:15 timber-to-land value in these transactions. If the aggregate value of timber-to-land varies by more than plus or minus five percent of that ratio, individual land acquisitions ~~((may))~~ shall be dropped in order to maintain ~~((the approximate))~~ a ratio in this range.

(6) It is the intent of the legislature that, insofar as feasible, the full parcels identified in subsection (1) of this section be acquired for park purposes. However, to the extent authorized by the commission, House Bill No. 2990, or Senate Bill No. 6509, the boundaries of the Diamond Point property under subsection (1)(m) of this section may vary from the property boundaries as described in the joint study conducted by the commission and the department under section 4, chapter 163, Laws of 1985.

Appropriation:

St Bldg Constr Acct	\$	50,000,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	50,000,000

NEW SECTION. Sec. 22. A new section is added to chapter 14, Laws of 1991 sp.s. to read as follows:
FOR THE DEPARTMENT OF NATURAL RESOURCES

(1) Land transfers: For acquisition of replacement lands as authorized by House Bill No. 2533 or Senate Bill No. 6161

Appropriation:

Nat Res Prop Repl Acct	\$	30,000,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	20,000,000

TOTAL	\$	50,000,000

NEW SECTION. Sec. 23. A new section is added to chapter 14, Laws of 1991 sp.s. to read as follows:
FOR THE STATE CONVENTION AND TRADE CENTER

(1) Minor works: For minor works improvement projects, including security improvements, lighting enhancements, and space expansions (93-2-001)

The appropriation in this subsection is subject to the following conditions and limitations: Before expending the appropriation in this subsection, the Washington State Convention and Trade Center shall report to the office of financial management and to the fiscal committees of the legislature a status report on the convention and trade center account and the convention and trade center operations account. The status report shall include, but not be limited to: Amounts borrowed under RCW 67.40.045 and 67.40.055 and corresponding repayment schedules, projections of future revenues and expenditures, transfers between accounts, and compliance with provisions of RCW 67.40.040.

Appropriation:

St Conv & Trade Ctr Acct	\$	1,050,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	1,050,000

**PART 4
 EDUCATION**

Sec. 24. 1991 sp.s. c 14 s 30 (uncodified) is amended to read as follows:
FOR THE STATE BOARD OF EDUCATION

The appropriations in subsections (1) through (9) of this section are subject to the following condition and limitation: Total cash disbursed from the common school construction fund may not exceed the available cash balance.

(1) Public school building construction (79-3-002)

Reappropriation:

Common School Constr Fund	\$	500
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	500

(2) Public school building construction (83-3-001)

Reappropriation:

Common School Constr Fund	\$	110,000
Prior Biennia (Expenditures)	\$	490,000
Future Biennia (Projected Costs)	\$	0

	TOTAL	\$	600,000
(3)	Public school building construction (86-4-001)		
	Reappropriation:		
	Common School Constr Fund	\$	1,100,000
	Prior Biennia (Expenditures)	\$	1,400,000
	Future Biennia (Projected Costs)	\$	0

	TOTAL	\$	2,500,000
(4)	Public school building construction (86-4-008)		
	Reappropriation:		
	Common School Constr Fund	\$	70,000
	Prior Biennia (Expenditures)	\$	75,298
	Future Biennia (Projected Costs)	\$	0

	TOTAL	\$	145,298
(5)	Public school building construction (88-2-001)		
	Reappropriation:		
	Common School Constr Fund	\$	4,000,000
	Prior Biennia (Expenditures)	\$	61,328,022
	Future Biennia (Projected Costs)	\$	0

	TOTAL	\$	65,328,022
(6)	Public school building construction (89-2-004)		
	Reappropriation:		
	Common School Constr Fund	\$	80,000
	Prior Biennia (Expenditures)	\$	2,920,000
	Future Biennia (Projected Costs)	\$	0

	TOTAL	\$	3,000,000
(7)	Public school building construction (90-2-001)		
	Reappropriation:		
	Common School Constr Fund	\$	156,000,000
	Prior Biennia (Expenditures)	\$	252,527,000
	Future Biennia (Projected Costs)	\$	0

	TOTAL	\$	408,527,000
(8)	Public school building construction (91-2-001)		

The appropriations in this subsection are subject to the following conditions and limitations:

- (a) A maximum of \$1,200,000 may be spent for state administration of school construction funding.
 (b) A maximum of \$225,000 may be expended for two full-time equivalent field staff with construction/architectural experience to assist in evaluating project requests and reviewing information reported by school districts.
 (c) A maximum of \$100,000 may be expended for development of a new priority system pursuant to (f) of this subsection.

(d) Funding ((for common school construction and modernization)) is provided first for projects approved for state assistance by the state board as of January 26, 1991, and ready to receive a commitment of state funds on July 1, 1992. The remaining funding is provided for projects approved for state assistance by the state board after January 26, 1991, subject to (e) of this subsection. ((Of the funds available for obligation by the state board after state administration costs and after the costs incurred under (b) and (c) of this subsection, fifty eight percent is provided solely for approved new construction projects to serve unhoused students, four percent is provided solely for approved condemnation projects, and thirty four percent is provided solely for approved modernization projects. The remaining funds shall be allocated at the discretion of the state board.))

(e) Projects approved for state assistance by the state board after January 26, 1991, pursuant to WAC 180-25-040(,) shall be placed on a new priority system developed by the state board pursuant to (f) of this subsection. In approving projects for construction of new school facilities to meet enrollment growth, after July 1, 1992, the board shall give priority to districts that have implemented a modified school calendar or schedule that is designed to increase the pupil capacity of the district's school buildings. The state board may allocate funds for financial assistance to school districts for capital planning related to the implementation of a modified school calendar or schedule as authorized in Engrossed Substitute House Bill No. 2631.

(f)(i) The state board shall develop a new priority system for allocating state assistance for school construction and modernization projects. The priority system shall include evaluation of projects according to objective criteria established by the state board and a process for review of data submitted by school districts. In developing the system and the criteria, the state board shall consider the following factors: Type of space requested; current space

availability, age, and condition; cost benefit considerations of new construction as compared to modernization; impacts of maintenance on the condition of facilities; impacts of delay of receipt of state assistance; and short and long-range demographic projections.

(ii) The state board shall present a progress report and implementation plan to the governor and the appropriate fiscal committees of the legislature by February 15, 1992.

(g) The common school reimbursable construction account appropriation in this section serves as compensation to the common school construction fund for any obligation owed the fund as a result of vocational technical institutes being transferred from the authority of a local school district and the superintendent of public instruction to the state board for community and technical colleges as directed by chapter 238, Laws of 1991 (Engrossed Substitute Senate Bill No. 5184, workforce training and education).

Appropriation:

Common School Constr Fund	\$	((135,500,000))
		<u>164,300,000</u>
Common School Reimb Constr Acct	\$	((120,000,000))
		<u>247,500,000</u>

Subtotal Appropriation	\$	((255,500,000))
		<u>411,800,000</u>
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	350,000,000

TOTAL	\$	((605,500,000))
		<u>761,800,000</u>

~~((9)Public school building construction (91-2-001)~~

~~The appropriation in this subsection is subject to the following conditions and limitations:~~

~~(a) This appropriation is subject to all conditions and limitations contained in subsection (8) of this section.~~

~~**Appropriation:**~~

Common School Constr Fund	\$	21,000,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	21,000,000

NEW SECTION. Sec. 25. A new section is added to chapter 14, Laws of 1991 sp.s. to read as follows:
FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

(1) Before-and-after-school child care facility grants: To establish or expand before-and-after-school child care programs housed within public elementary schools (93-5-001)

The appropriation in this subsection is subject to the following conditions and limitations:

(a) Grants shall be awarded to public school districts on a competitive basis, and shall be used to support the capital costs of establishing or expanding a before-and-after-school child care program. Eligible capital costs shall include facility improvements and acquisition of equipment with a long-term useful life.

(b) The superintendent of public instruction shall, in consultation with the child care coordinating committee under RCW 74.13.090, establish criteria for the awarding of grants. Such criteria shall include, but not be limited to, the percentage of nonstate funding to be contributed to the project, the number of children to be served, the cost per child care slot, and the projected lifespan of the before-and-after-school child care program. The operation of child care programs conducted in facilities funded by this appropriation shall be contracted through private or not-for-profit child care providers.

Appropriation:

St Bldg Constr Acct	\$	375,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	375,000

Sec. 26. 1991 sp.s. c 14 s 34 (uncodified) is amended to read as follows:
FOR THE UNIVERSITY OF WASHINGTON

(1) Safety: Fire code, PCB, and life safety (86-1-001)

Reappropriation:

UW Bldg Acct	\$	6,890,000
Prior Biennia (Expenditures)	\$	2,298,000
Future Biennia (Projected Costs)	\$	0

	TOTAL	\$	9,188,000
(2)	Safety: Asbestos removal (86-1-002)		
	Reappropriation:		
	UW Bldg Acct	\$	4,900,000
	Prior Biennia (Expenditures)	\$	600,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	5,500,000
(3)	Minor works: Building renewal (86-1-004)		
	Reappropriation:		
	UW Bldg Acct	\$	6,200,000
	Prior Biennia (Expenditures)	\$	5,983,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	12,183,000
(4)	Health Science Center G Court, H Wing, and I Court addition (86-2-021) and H Wing renovation (88-2-015)		
	Reappropriation:		
	St Bldg Constr Acct	\$	43,508,000
	UW Bldg Acct	\$	3,500,000
	Subtotal Reappropriation	\$	47,008,000
	Prior Biennia (Expenditures)	\$	7,856,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	54,864,000
(5)	Minor works: Program renewal (86-3-005)		
	The reappropriations in this subsection are provided solely for minor repairs, fixtures, and improvements to state buildings and facilities and shall not be used for computer equipment, land acquisition, or for other expenses that normally would be funded from the state operating budget.		
	Reappropriation:		
	UW Bldg Acct	\$	3,800,000
	Prior Biennia (Expenditures)	\$	9,540,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	13,340,000
(6)	Power plant boiler: To replace boiler number four with a gas and oil fixed boiler, including upgrades in the central heating plant (88-2-022)		
	The appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 59 (of this act), <u>chapter 14, Laws of 1991 sp.s.</u>		
	Reappropriation:		
	St Bldg Constr Acct	\$	360,000
	UW Bldg Acct	\$	240,000
	Subtotal Reappropriation	\$	600,000
	Appropriation:		
	St Bldg Constr Acct	\$	19,872,000
	Prior Biennia (Expenditures)	\$	468,495
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	20,340,495
(7)	K Wing addition (90-1-001)		
	The reappropriation in this subsection is provided from the proceeds of state general obligation bonds reimbursed from university indirect cost revenues from federal research grants and contracts pursuant to RCW 43.99H.020(18).		
	Reappropriation:		
	H Ed Constr Acct	\$	45,000,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	45,000,000
(8)	Emergency power generation (90-2-001)		

Reappropriation:

St Bldg Constr Acct	\$	10,500,000
Prior Biennia (Expenditures)	\$	610,000
Future Biennia (Projected Costs)	\$	0
TOTAL		\$ 11,110,000

- (9) Physics: To construct and equip a new building for the physics and astronomy departments (90-2-009)
 The project funded by the appropriations in this subsection shall be constructed on campus. The new appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 59 ((of this act)), chapter 14, Laws of 1991 sp.s.

Reappropriation:

St Bldg Constr Acct	\$	4,000,000
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Appropriation:

H Ed Reimb Constr Acct	\$	64,786,000
Prior Biennia (Expenditures)	\$	3,778,000
Future Biennia (Projected Costs)	\$	0
TOTAL		\$ 72,564,000

- (10) Chemistry I: Design and construction (90-2-011)
The reappropriation in this subsection is subject to the following conditions and limitations:
 (a) The reappropriation shall not be expended for construction until the project predesign and design documents have been reviewed and approved by the office of financial management under section 33 of this act.
 (b) The project funded by the reappropriation in this subsection shall be constructed on campus.

Reappropriation:

St Bldg Constr Acct	\$	37,200,000
Prior Biennia (Expenditures)	\$	1,952,000
Future Biennia (Projected Costs)	\$	0
TOTAL		\$ 39,152,000

- (11) Electrical engineering and computer science building: To complete the design of a replacement building for the departments of electrical engineering and computer science and engineering (90-2-013) (92-2-024)
 The project funded by the appropriations in this subsection shall be constructed on campus. Other than for preplanning, the reappropriation shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 59 ((of this act)), chapter 14, Laws of 1991 sp.s.

Reappropriation:

St Bldg Constr Acct	\$	3,450,000
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Appropriation

St Bldg Constr Acct	\$	1,147,000
Subtotal Appropriation		\$ ((5,597,000))
		4,597,000
Prior Biennia (Expenditures)	\$	661,000
Future Biennia (Projected Costs)	\$	93,500,000
TOTAL		\$ 98,758,000

- (12) Electrical distribution system (88-1-011), power plant chiller (88-1-012), power plant stack replacement (88-1-023)

Reappropriation:

St Bldg Constr Acct	\$	830,000
UW Bldg Acct	\$	770,000
Subtotal Reappropriation		\$ 1,600,000
Prior Biennia (Expenditures)	\$	7,539,000
Future Biennia (Projected Costs)	\$	0
TOTAL		\$ 9,139,000

- (13) Safety: Fire code, PCB, and life safety projects including: Cleanup of asbestos, compliance with federal regulations for PCB removal and contaminated soil, ((and)) life and physical safety, and fire code regulations (92-1-004)

Appropriation:

	St Bldg Constr Acct	\$	((10,640,000))
			<u>10,700,000</u>
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	33,333,000
	TOTAL	\$	((43,973,000))
			<u>44,033,000</u>
(14)	Minor capital renewal: To complete minor projects costing under \$500,000 that renew or bring campus facilities into code compliance (92-1-005)		
	The appropriations in this subsection are provided solely for minor repairs, fixtures, and improvements to state buildings and facilities and shall not be used for computer equipment, land acquisition, or for other expenses that normally would be funded from the state operating budget.		
	Appropriation:		
	St Bldg Constr Acct	\$	3,525,000
	UW Bldg Acct	\$	5,000,000
	Subtotal Appropriation	\$	8,525,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	40,200,000
	TOTAL	\$	48,725,000
(15)	Communications Building Renovation (88-2-014)		
	Reappropriation:		
	St Bldg Constr Acct	\$	2,015,000
	UW Bldg Acct	\$	1,167,000
	Subtotal Reappropriation	\$	3,182,000
	Prior Biennia (Expenditures)	\$	3,555,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	6,737,000
(16)	Nuclear reactor decommission: To design the removal and decontamination of the nuclear reactor on campus (92-1-022)		
	Appropriation:		
	St Bldg Constr Acct	\$	235,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	2,488,000
	TOTAL	\$	2,723,000
(17)	Kincaid basement: To build twenty-two thousand-square feet of basement space between the Kincaid Building and the new Physics Building (92-2-002)		
	Appropriation:		
	St Bldg Constr Acct	\$	3,314,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	3,314,000
(18)	Physics Hall renovation, program: To complete the design for renovation of the existing Physics Hall (92-2-008)		
	The appropriation in this subsection shall not be expended on design documents until project preplanning documents have been reviewed and approved by the office of financial management under section 59 (of this act), chapter 14, Laws of 1991 sp.s.		
	Appropriation:		
	St Bldg Constr Acct	\$	2,543,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	37,800,000
	TOTAL	\$	40,343,000
(19)	Chiller addition: To add one central power plant chiller unit (92-2-009)		
	Appropriation:		
	St Bldg Constr Acct	\$	2,459,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0

	TOTAL	\$	2,459,000
(20)	Data communications: To complete several data communications projects involving infrastructure, wiring, and building modifications (92-2-010)		
	Appropriation:		
	St Bldg Constr Acct	\$	2,700,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	2,700,000
(21)	Electrical distribution: To upgrade the campus electrical distribution (92-2-012)		
	Appropriation:		
	St Bldg Constr Acct	\$	1,300,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	1,300,000
(22)	Other utility projects: To remove and decontaminate underground storage tanks and other repair projects (92-2-013)		
	The appropriation in this subsection may be expended only after compliance with section 6(2) ((of this act), chapter 14, Laws of 1991 sp.s.		
	Appropriation:		
	St Bldg Constr Acct	\$	460,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	20,000,000
	TOTAL	\$	20,460,000
(23)	Comparative medicine facility: To construct an animal laboratory facility (92-2-017)		
	Appropriation:		
	St Bldg Constr Acct	\$	700,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	700,000
(24)	Minor capital improvements: To complete minor remodeling projects costing under \$500,000 that improve space usage and make repairs for specific campus programs or buildings (92-3-006)		
	The appropriations in this subsection are provided solely for minor repairs, fixtures, and improvements to state buildings and facilities and shall not be used for computer equipment, land acquisition, or for other expenses that normally would be funded from the state operating budget.		
	Appropriation:		
	St Bldg Constr Acct	\$	5,703,000
	UW Bldg Acct	\$	5,000,000
	Subtotal Appropriation	\$	10,703,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	40,250,000
	TOTAL	\$	50,953,000
(25)	Parrington Hall exterior: To repair the exterior of Parrington Hall (92-3-018)		
	Appropriation:		
	UW Bldg Acct	\$	1,759,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	1,759,000
(26)	Meany Hall exterior renovation: To replace the leaking exterior of Meany Hall (92-3-019)		
	The appropriation in this subsection shall not be expended for design documents until project preplanning documents have been reviewed and approved by the office of financial management under section 59 ((of this act), chapter 14, Laws of 1991 sp.s.		
	Appropriation:		
	UW Bldg Acct	\$	7,238,000
	Prior Biennia (Expenditures)	\$	0

	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	7,238,000
(27)	Denny Hall exterior repair: To repair and seismically improve the exterior of Denny Hall (92-3-020)		
	Reappropriation:		
	St Bldg Constr Acct	\$	215,000
	Appropriation:		
	UW Bldg Acct	\$	1,670,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	1,885,000
(28)	Fisheries II/utilities: To prepare plans for extending the utilities infrastructure to the west campus, constructing a new fisheries building, and replacing the facility for police and custodial units (92-2-027)		
	The appropriation in this subsection shall not be expended on design documents until project preplanning documents have been reviewed and approved by the office of financial management under section 59 (of this act), chapter 14, Laws of 1991 sp.s.		
	Appropriation:		
	St(ate) Bldg Constr Acct	\$	1,850,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	91,528,000
	TOTAL	\$	93,378,000
(29)	Olympic Natural Resources Center		
	The appropriation in this subsection shall not be expended for design documents until project preplanning documents have been reviewed and approved by the office of financial management under section 59 (of this act), chapter 14, Laws of 1991 sp.s.		
	Appropriation:		
	St Bldg Constr Acct	\$	5,675,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	5,675,000
(30)	Employee day care facility--Preplanning		
	The appropriation in this subsection is provided solely for the purpose of acquiring, preparing a site for meeting the needs identified in the November 1987 child-care study conducted for the higher education coordinating board. In acquiring a site, the University shall make every effort to locate the child-care facility within a two-mile radius of the main Seattle campus and shall give a high priority to the use of buildings owned, but not used by, the Seattle school district.		
	Appropriation:		
	St Bldg Constr Acct	\$	150,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	150,000
(31)	<u>School of Business expansion: Predesign and design (93-4-001)</u>		
	<u>The appropriation in this subsection is subject to the following conditions and limitations:</u>		
	<u>(a) The appropriation shall not be expended for design documents until the project predesign documents have been reviewed and approved by the office of financial management under section 33 of this act.</u>		
	<u>(b) The appropriation in this subsection shall be matched by and spent concurrently with at least \$650,000 in cash provided from nonstate sources.</u>		
	Appropriation:		
	St Bldg Constr Acct	\$	650,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	5,350,000
	TOTAL	\$	6,000,000
(32)	<u>Henry Art Gallery expansion and renovation: For predesign and design phase</u>		
	<u>The appropriation in this subsection is subject to the following conditions and limitations:</u>		
	<u>(a) The appropriation shall be not expended for design documents until the project predesign documents have been reviewed and approved by the office of financial management under section 33 of this act.</u>		

(b) The appropriation in this subsection shall be matched by \$1,500,000 from nonstate sources. Phase II construction shall be matched by at least \$4,200,000 from nonstate sources.

Appropriation:	
St Bldg Constr Acct	\$ 300,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 8,316,000
TOTAL	\$ 8,616,000

(33) Burke Memorial Washington State Museum: For building renovations and new exhibits
The appropriation in this subsection shall be matched by at least \$733,000 from other sources for the same purpose.

Appropriation:	
St Bldg Constr Acct	\$ 2,200,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 0
TOTAL	\$ 2,200,000

Sec. 27. 1991 sp.s. c 14 s 35 (uncodified) is amended to read as follows:

FOR WASHINGTON STATE UNIVERSITY

(1) Science Hall renewal, phase 2 (86-1-006)

Reappropriation:	
H Ed Constr Acct	\$ 400,000
Prior Biennia (Expenditures)	\$ 10,804,000
Future Biennia (Projected Costs)	\$ 0
TOTAL	\$ 11,204,000

(2) Minor capital improvements (90-1-001)

The reappropriation in this subsection is provided solely for minor repairs, fixtures, and improvements to state buildings and facilities and shall not be used for computer equipment, land acquisition, or for other expenses that normally would be funded from the state operating budget.

Reappropriation:	
WSU Bldg Acct	\$ 1,788,000
Prior Biennia (Expenditures)	\$ 3,212,000
Future Biennia (Projected Costs)	\$ 0
TOTAL	\$ 5,000,000

(3) Minor capital renewal (90-1-002)

The reappropriation in this subsection is provided solely for minor repairs, fixtures, and improvements to state buildings and facilities and shall not be used for computer equipment, land acquisition, or for other expenses that normally would be funded from the state operating budget.

Reappropriation:	
St Bldg Constr Acct	\$ 1,950,000
Prior Biennia (Expenditures)	\$ 3,050,000
Future Biennia (Projected Costs)	\$ 0
TOTAL	\$ 5,000,000

(4) Washington higher education telecommunications system: To convert one of two analog channels to digital (90-2-021)

Any expenditure under this reappropriation shall be consistent with the plan being developed by the department of information services for the 1991 legislative session for the cost-effective, incremental implementation of a coordinated state-wide video telecommunications system.

Reappropriation:	
WSU Bldg Acct	\$ 2,700,000
Prior Biennia (Expenditures)	\$ 55,000
Future Biennia (Projected Costs)	\$ 0
TOTAL	\$ 2,755,000

(5) Land acquisition (Branch Campus) (90-5-002)

Reappropriation:	
St Bldg Constr Acct	\$ 250,000
Prior Biennia (Expenditures)	\$ 1,095,333

	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	1,345,333
(6)	Tri-Cities University Center (90-5-901)		
	Reappropriation:		
	St Bldg Constr Acct	\$	2,850,000
	Prior Biennia (Expenditures)	\$	9,548,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	12,398,000
(7)	Minor capital improvements: To complete minor remodeling projects costing under \$500,000 that improve space usage and make repairs for specific campus programs or buildings (92-1-001)		
	The appropriation in this subsection is provided solely for minor repairs, fixtures, and improvements to state buildings and facilities and shall not be used for computer equipment, land acquisition, or for other expenses that normally would be funded from the state operating budget.		
	Appropriation:		
	WSU Bldg Acct	\$	6,500,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	21,300,000
	TOTAL	\$	27,800,000
(8)	Expansion of east campus substation: To provide an additional 15,000 KVA electrical power capacity to the existing east campus substation (92-1-015)		
	Reappropriation:		
	WSU Bldg Acct	\$	525,100
	Appropriation:		
	WSU Bldg Acct	\$	670,000
	Prior Biennia (Expenditures)	\$	7,900
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	1,203,000
(9)	Smith Gym electrical system replacement: To replace the entire building-wide electrical system (92-1-017)		
	Reappropriation:		
	WSU Bldg Acct	\$	638,300
	Appropriation:		
	WSU Bldg Acct	\$	542,000
	Prior Biennia (Expenditures)	\$	9,700
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	1,190,000
(10)	Hazardous, pathological, and radioactive waste handling facilities: To provide centralized facilities to prepare, package, and ship biomedical, pathological, hazardous, low-level, and nonradioactive waste (92-1-019)		
	The appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 59 (of this act), chapter 14, Laws of 1991 sp.s.		
	Reappropriation:		
	WSU Bldg Acct	\$	21,700
	Appropriation:		
	St Bldg Constr Acct	\$	1,343,000
	Prior Biennia (Expenditures)	\$	130,300
	Future Biennia (Projected Costs)	\$	5,570,000
	TOTAL	\$	7,065,000
(11)	Asbestos removal: To remove asbestos contaminated fireproofing from the roof beams and support structures of the Coliseum (92-1-020)		
	The appropriation in this subsection may be expended only after compliance with section 6(3) (of this act), chapter 14, Laws of 1991 sp.s.		
	Appropriation:		
	WSU Bldg Acct	\$	1,513,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0

	TOTAL	\$	1,513,000
(12)	Fulmer Hall: To design renovations of Fulmer Hall Annex to meet fire, safety, and handicap access code requirements and to make changes in functional use of space (92-1-023)		
	The appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 59 (of this act), chapter 14, Laws of 1991 sp.s.		
	Appropriation:		
	St Bldg Constr Acct	\$	957,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	7,943,000
	TOTAL	\$	8,900,000
(13)	Nuclear radiation center study (92-1-025)		
	Reappropriation:		
	WSU Bldg Acct	\$	13,400
	Prior Biennia (Expenditures)	\$	39,600
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	53,000
(14)	Minor capital renewal: To complete minor projects costing under \$500,000 that renew or bring campus facilities into code compliance (92-2-002)		
	The appropriation in this subsection is provided solely for minor repairs, fixtures, and improvements to state buildings and facilities and shall not be used for computer equipment, land acquisition, or for other expenses that normally would be funded from the state operating budget.		
	Appropriation:		
	St Bldg Constr Acct	\$	5,500,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	5,500,000
(15)	Preplanning: To complete preplanning documents for the following projects: Engineering teaching-research building, animal sciences laboratory building, Thompson Hall renewal, Heald Hall renewal, Holland Library renewal, Bohler Gym addition/renewal, Kimbrough Hall addition, and classroom auditorium building (92-2-003)		
	The preplanning document shall include but not be limited to projected workload, site conditions, user requirements, current space available, and an overall budget and cost estimate breakdown in a form prescribed by the office of financial management.		
	Appropriation:		
	WSU Bldg Acct	\$	869,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	869,000
(16)	Holland Library addition: To furnish and equip the library addition (92-2-012)		
	Reappropriation:		
	St Bldg Constr Acct	\$	29,500,000
	WSU Bldg Acct	\$	48,600
	Subtotal Reappropriation	\$	29,548,600
	Appropriation:		
	St Bldg Constr Acct	\$	2,580,000
	Prior Biennia (Expenditures)	\$	4,992,400
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	37,121,000
(17)	Veterinary teaching hospital: To construct and furnish a new teaching hospital for the department of veterinary medicine and surgery (92-2-013)		
	The appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 59 (of this act), chapter 14, Laws of 1991 sp.s.		
	Reappropriation:		
	St Bldg Constr Acct	\$	970,000
	WSU Bldg Acct	\$	110,000

	Subtotal Reappropriation	\$	1,080,000
	Appropriation:		
	H Ed Reimb Constr Acct	\$	26,835,000
	Prior Biennia (Expenditures)	\$	747,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	28,662,000
(18)	Child care facility: To design, construct, and furnish a child care facility by remodeling the vacated Rogers-Orton Dining Hall (92-2-014)		
	Appropriation:		
	St Bldg Constr Acct	\$	2,171,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	2,171,000
(19)	Carpenter Hall completion (renewal): To complete the renovation of Carpenter Hall (92-2-016)		
	Reappropriation:		
	H Ed Constr Acct	\$	500,000
	Appropriation:		
	WSU Bldg Acct	\$	810,000
	Prior Biennia (Expenditures)	\$	6,289,715
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	7,599,715
(20)	Communication infrastructure renewal: To design and construct university-wide communications facilities for telephone, computer, and audio-visual services (92-2-018)		
	The appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 59 (of this act), chapter 14, Laws of 1991 sp.s.		
	Appropriation:		
	St Bldg Constr Acct	\$	10,000,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	10,000,000
(21)	Todd Hall renewal: To renovate the entire building, including upgrading electrical and other building-wide systems, modernizing and refurbishing of classrooms and offices (92-2-021)		
	The appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 59 (of this act), chapter 14, Laws of 1991 sp.s.		
	Reappropriation:		
	WSU Bldg Acct	\$	37,000
	Appropriation:		
	St Bldg Constr Acct	\$	1,143,000
	Prior Biennia (Expenditures)	\$	145,000
	Future Biennia (Projected Costs)	\$	14,795,000
	TOTAL	\$	16,120,000
(22)	Student services addition: To design and construct a building for consolidated student service functions (92-2-027)		
	The appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 59 (of this act), chapter 14, Laws of 1991 sp.s.		
	Appropriation:		
	St Bldg Constr Acct	\$	15,000,000
	WSU Bldg Acct	\$	967,000
	Subtotal Appropriation	\$	15,967,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0

	TOTAL	\$	15,967,000
(23)	Records, maintenance materials storage, and recycling, phase 1: To construct a storage structure for inactive records, physical plant storage, and recycling storage (92-2-028)		
	Appropriation:		
	WSU Bldg Acct	\$	1,761,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0

	TOTAL	\$	1,761,000
(24)	WHETS expansion: To add a fourth channel to the network that serves the Tri-Cities, Spokane, and Vancouver branch campuses, to add two classrooms in Pullman, Tri-Cities, and Vancouver, to add one classroom in Spokane, and to extend the network and add one classroom ((at the Tree Fruit Research and Extension Center) at <u>Wenatchee Valley College</u> in Wenatchee (92-2-908)		

Any extension of educational telecommunications to the Wenatchee area shall be planned to allow for the possible future participation of multiple higher education institutions, especially those having direct program responsibility for the Wenatchee area. Implementation plans shall be approved by the higher education coordinating board, in conjunction with the department of information services.

	Appropriation:		
	WSU Bldg Acct	\$	2,321,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	2,321,000

(25)	Dairy and forage facility: To design and construct a facility that includes a new dairy center and milking parlor, a freestall building, and offices and classrooms (92-3-024)		
	Appropriation:		
	WSU Bldg Acct	\$	2,714,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0

	TOTAL	\$	2,714,000
(26)	Chilled water storage facility: To design and construct a 2,820,000-gallon chilled water storage tank (92-4-022)		
	Appropriation:		
	St Bldg Constr Acct	\$	2,850,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0

	TOTAL	\$	2,850,000
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NEW SECTION. Sec. 28. A new section is added to chapter 14, Laws of 1991 sp.s. to read as follows:
FOR EASTERN WASHINGTON UNIVERSITY

(1) To acquire property within the campus boundary from the Department of Natural Resources (92-5-001)
 The appropriation in this subsection is in addition to the appropriation for same purpose in section 36, chapter 14, Laws of 1991 sp.s.

	Appropriation:		
	EWU Cap Proj Acct	\$	175,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	175,000

(2)	To remodel space in the Spokane Center to provide a student computer center (92-5-008)		
	Appropriation:		
	EWU Cap Proj Acct	\$	600,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	600,000

Sec. 29. 1991 sp.s. c 14 s 44 (uncodified) is amended to read as follows:
FOR THE COMMUNITY COLLEGE SYSTEM

(1) Extension facility (Puyallup) (86-3-021)
 Reappropriation:

	St Bldg Constr Acct	\$	99,211
	Prior Biennia (Expenditures)	\$	5,276,789
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	5,376,000
(2)	Tech building and remodeling (Skagit Valley) (86-3-022)		
	Reappropriation:		
	St Bldg Constr Acct	\$	30,085
	Prior Biennia (Expenditures)	\$	3,369,915
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	3,400,000
(3)	Heavy equipment building (South Seattle) (86-3-026)		
	Reappropriation:		
	St Bldg Constr Acct	\$	17,901
	Prior Biennia (Expenditures)	\$	4,429,099
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	4,447,000
(4)	Minor works (RMI) (88-2-001)		
	Reappropriation:		
	St Bldg Constr Acct	\$	114,174
	Prior Biennia (Expenditures)	\$	3,385,826
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	3,500,000
(5)	Repairs, exterior walls (88-3-003)		
	Reappropriation:		
	St Bldg Constr Acct	\$	218,614
	Prior Biennia (Expenditures)	\$	4,045,386
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	4,264,000
(6)	Repairs, mechanical, heating, ventilation, and air conditioning (88-3-004)		
	Reappropriation:		
	St Bldg Constr Acct	\$	500,121
	Prior Biennia (Expenditures)	\$	3,574,879
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	4,075,000
(7)	Minor improvements (88-3-005)		
	Reappropriation:		
	St Bldg Constr Acct	\$	781,756
	Prior Biennia (Expenditures)	\$	12,982,244
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	13,764,000
(8)	Repairs, electrical (88-3-006)		
	Reappropriation:		
	St Bldg Constr Acct	\$	114,986
	Prior Biennia (Expenditures)	\$	1,277,014
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	1,392,000
(9)	Sites and interiors (88-3-007)		
	Reappropriation:		
	St Bldg Constr Acct	\$	168,312
	Prior Biennia (Expenditures)	\$	1,757,688
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	1,926,000
(10)	Agri Tech building (Walla Walla) (88-3-008)		

	Reappropriation:		
	St Bldg Constr Acct	\$	1,000,539
	Prior Biennia (Expenditures)	\$	2,114,461
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	3,115,000
(11)	Plan, and construct library-student center (86-2-031)		
	Reappropriation:		
	St Bldg Constr Acct	\$	328,911
	Prior Biennia (Expenditures)	\$	7,662,089
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	7,991,000
(12)	Vocational shop (Wenatchee) (88-3-010)		
	Reappropriation:		
	St Bldg Constr Acct	\$	613,953
	Prior Biennia (Expenditures)	\$	341,047
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	955,000
(13)	Computer facility (Edmonds) (88-3-011)		
	Reappropriation:		
	St Bldg Constr Acct	\$	14,934
	Prior Biennia (Expenditures)	\$	3,820,066
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	3,835,000
(14)	Learning resource center (Clark) (88-3-012)		
	Reappropriation:		
	St Bldg Constr Acct	\$	620,017
	Prior Biennia (Expenditures)	\$	5,759,983
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	6,380,000
(15)	Extension center (Yakima Valley) (88-3-013)		
	Reappropriation:		
	St Bldg Constr Acct	\$	102,068
	Prior Biennia (Expenditures)	\$	1,588,932
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	1,691,000
(16)	Math and science building (Spokane Falls) (88-3-015)		
	Reappropriation:		
	St Bldg Constr Acct	\$	779,618
	Prior Biennia (Expenditures)	\$	4,970,382
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	5,750,000
(17)	Learning resource center (Spokane) (88-3-016)		
	Reappropriation:		
	St Bldg Constr Acct	\$	588,025
	Prior Biennia (Expenditures)	\$	4,946,975
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	5,535,000
(18)	Preplanning for 1989-93 major projects (88-4-014)		
	Reappropriation:		
	St Bldg Constr Acct	\$	48,852
	Prior Biennia (Expenditures)	\$	448,148
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	497,000

(19)	Construct: Whidbey learning resource center: To house library and media services, computer science and office occupations programs, classrooms, and offices at Skagit Valley's Whidbey branch (Skagit Valley) (88-5-020)		
	Reappropriation:		
	St Bldg Constr Acct	\$	66,117
	Appropriation:		
	St Bldg Constr Acct	\$	2,123,000
	Prior Biennia (Expenditures)	\$	41,883
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	2,231,000
(20)	Construct: A combination science, physical education, and instruction building (South Puget Sound) (88-5-021)		
	Appropriation:		
	St Bldg Constr Acct	\$	5,998,000
	Prior Biennia (Expenditures)	\$	256,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	6,254,000
(21)	Construct: Early childhood education facility of eight thousand square feet (Shoreline) (88-5-022)		
	Reappropriation:		
	St Bldg Constr Acct	\$	20,747
	Appropriation:		
	St Bldg Constr Acct	\$	1,307,000
	Prior Biennia (Expenditures)	\$	57,253
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	1,385,000
(22)	Construct: Library addition and remodel to reconfigure the library building and add ten thousand four hundred seventy-five square feet (Columbia Basin) (88-5-023)		
	Reappropriation:		
	St Bldg Constr Acct	\$	77,194
	Appropriation:		
	St Bldg Constr Acct	\$	1,972,000
	Prior Biennia (Expenditures)	\$	35,806
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	2,085,000
(23)	Construct: Vocational shops for diesel, automotive, and woodworking classes (Centralia) (88-5-024)		
	Reappropriation:		
	St Bldg Constr Acct	\$	49,234
	Appropriation:		
	St Bldg Constr Acct	\$	2,025,000
	Prior Biennia (Expenditures)	\$	45,766
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	2,120,000
(24)	Construct: Learning research center addition and remodel to add seven thousand two hundred square feet for information technology, media production, offices, and work areas (Tacoma) (88-5-025)		
	Reappropriation:		
	St Bldg Constr Acct	\$	76,722
	Appropriation:		
	St Bldg Constr Acct	\$	1,746,000
	Prior Biennia (Expenditures)	\$	13,278
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	1,836,000
(25)	Construct: Vocational food addition to add twelve thousand two hundred fifty square feet to the student center for expansion of the food service program areas (Lower Columbia) (88-5-026)		
	Reappropriation:		
	St Bldg Constr Acct	\$	138,067
	Appropriation:		
	St Bldg Constr Acct	\$	2,902,000
	Prior Biennia (Expenditures)	\$	1,933

	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	3,042,000
(26)	Construct: Business Education Building to house office technology labs, computer labs, and related support activities (Spokane) (88-5-027)		
	Reappropriation:		
	St Bldg Constr Acct	\$	33,714
	Appropriation:		
	St Bldg Constr Acct	\$	6,311,000
	Prior Biennia (Expenditures)	\$	211,286
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	6,556,000
(27)	Construct: Student activity and physical education facility (Seattle Central) (88-5-028)		
	Reappropriation:		
	St Bldg Constr Acct	\$	148,348
	Appropriation:		
	St Bldg Constr Acct	\$	11,080,000
	Prior Biennia (Expenditures)	\$	251,652
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	11,480,000
(28)	Washington State University education center (Clark) (89-5-019)		
	Reappropriation:		
	St Bldg Constr Acct	\$	12,793
	Prior Biennia (Expenditures)	\$	1,787,207
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	1,800,000
(29)	Multipurpose child care center (Everett) (89-5-020)		
	Reappropriation:		
	St Bldg Constr Acct	\$	20,055
	Prior Biennia (Expenditures)	\$	465,533
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	485,588
(30)	Fire and security repairs (90-1-004)		
	Reappropriation:		
	St Bldg Constr Acct	\$	499,132
	Prior Biennia (Expenditures)	\$	448,478
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	947,610
(31)	Roof and structural repairs (90-2-002)		
	Reappropriation:		
	St Bldg Constr Acct	\$	1,336,671
	Prior Biennia (Expenditures)	\$	2,321,329
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	3,658,000
(32)	Heating, ventilation, and air conditioning mechanical repairs (90-2-003)		
	Reappropriation:		
	St Bldg Constr Acct	\$	1,412,452
	Prior Biennia (Expenditures)	\$	1,560,378
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	2,972,830
(33)	Electrical repairs (90-2-005)		
	Reappropriation:		
	St Bldg Constr Acct	\$	126,639
	Prior Biennia (Expenditures)	\$	244,601
	Future Biennia (Projected Costs)	\$	0

	TOTAL	\$	371,240
(34)	Small repairs and improvements (90-3-001)		
	Reappropriation:		
	St Bldg Constr Acct	\$	1,338,574
	Prior Biennia (Expenditures)	\$	2,861,426
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	4,200,000
(35)	Learning assistance resource center (Centralia) (90-3-006)		
	Reappropriation:		
	St Bldg Constr Acct	\$	66,076
	Prior Biennia (Expenditures)	\$	4,147,924
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	4,214,000
(36)	Facility repairs (90-3-007)		
	The reappropriation in this subsection is provided solely for minor repairs, fixtures, and improvements to state buildings and facilities and shall not be used for computer equipment or for other expenses that normally would be funded from the state operating budget.		
	Reappropriation:		
	St Bldg Constr Acct	\$	740,342
	Prior Biennia (Expenditures)	\$	3,107,838
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	3,848,180
(37)	Technology laboratories (Highline) (90-3-023)		
	Reappropriation:		
	St Bldg Constr Acct	\$	554,817
	Prior Biennia (Expenditures)	\$	2,213,183
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	2,768,000
(38)	Minor improvements (90-5-009)		
	The reappropriation in this subsection is provided solely for minor repairs, fixtures, and improvements to state buildings and facilities and shall not be used for computer equipment, land acquisition, or for other expenses that normally would be funded from the state operating budget, <u>except that the sum of \$465,000 may be expended for the purchase of Roosevelt Field at Olympic College.</u>		
	Reappropriation:		
	St Bldg Constr Acct	\$	4,454,434
	Prior Biennia (Expenditures)	\$	8,838,506
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	13,292,940
(39)	Design: Technology center (Whatcom) (90-5-010)		
	The new appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 59 (of this act), chapter 14, Laws of 1991 <u>sp.s.</u>		
	Reappropriation:		
	St Bldg Constr Acct	\$	34,750
	Appropriation:		
	St Bldg Constr Acct	\$	249,000
	Prior Biennia (Expenditures)	\$	28,250
	Future Biennia (Projected Costs)	\$	6,378,000
	TOTAL	\$	6,690,000
(40)	Design: Physical education facility (North Seattle) (90-5-011)		
	The appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 59 (of this act), chapter 14, Laws of 1991 <u>sp.s.</u>		
	Appropriation:		
	St Bldg Constr Acct	\$	202,000

	Prior Biennia (Expenditures)	\$	45,000
	Future Biennia (Projected Costs)	\$	6,940,000
	TOTAL	\$	7,187,000
(41)	Design: Applied arts building (Spokane Falls) (90-5-012)		
	The new appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 59 ((of this act)), chapter 14, Laws of 1991 sp.s.		
	Reappropriation:		
	St Bldg Constr Acct	\$	33,157
	Appropriation:		
	St Bldg Constr Acct	\$	280,000
	Prior Biennia (Expenditures)	\$	34,843
	Future Biennia (Projected Costs)	\$	5,213,000
	TOTAL	\$	5,561,000
(42)	Design: Industrial tech building (Spokane) (90-5-013)		
	The new appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 59 ((of this act)), chapter 14, Laws of 1991 sp.s.		
	Reappropriation:		
	St Bldg Constr Acct	\$	9,076
	Appropriation:		
	St Bldg Constr Acct	\$	298,000
	Prior Biennia (Expenditures)	\$	54,924
	Future Biennia (Projected Costs)	\$	6,536,000
	TOTAL	\$	6,898,000
(43)	Design: Vocational art facility (Shoreline) (90-5-014)		
	Reappropriation:		
	St Bldg Constr Acct	\$	22,407
	Appropriation:		
	St Bldg Constr Acct	\$	157,000
	Prior Biennia (Expenditures)	\$	28,593
	Future Biennia (Projected Costs)	\$	2,785,000
	TOTAL	\$	2,993,000
(44)	Design: Business education building (Clark) (90-5-015)		
	The new appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 59 ((of this act)), chapter 14, Laws of 1991 sp.s.		
	Reappropriation:		
	St Bldg Constr Acct	\$	33,280
	Appropriation:		
	St Bldg Constr Acct	\$	305,000
	Prior Biennia (Expenditures)	\$	39,720
	Future Biennia (Projected Costs)	\$	5,725,000
	TOTAL	\$	6,103,000
(45)	Design: Student center (South Seattle) (90-5-016)		
	The new appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 59 ((of this act)), chapter 14, Laws of 1991 sp.s.		
	Reappropriation:		
	St Bldg Constr Acct	\$	5,117
	Appropriation:		
	St Bldg Constr Acct	\$	258,000
	Prior Biennia (Expenditures)	\$	53,883
	Future Biennia (Projected Costs)	\$	4,276,000
	TOTAL	\$	4,593,000
(46)	Design: Library addition (Skagit Valley) (90-5-017)		

	Appropriation:		
	St Bldg Constr Acct	\$	116,000
	Prior Biennia (Expenditures)	\$	44,000
	Future Biennia (Projected Costs)	\$	1,896,000
	TOTAL	\$	2,056,000
(47)	Acquisition: Purchase land for staff and student parking (Olympic) (92-1-601)		
	Appropriation:		
	St Bldg Constr Acct	\$	105,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	105,000
(48)	Acquisition: Purchase a two thousand four hundred-square-foot child care facility (Centralia) (92-1-602)		
	Appropriation:		
	St Bldg Constr Acct	\$	78,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	78,000
(49)	Acquisition: Purchase 1.76 acres and a five thousand seven hundred five-square-foot fire station for fire science training and additional college parking (Spokane) (92-1-603)		
	Appropriation:		
	St Bldg Constr Acct	\$	498,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	498,000
(50)	Acquisition: Purchase <u>property</u> for auto shop ((that is currently being leased)) <u>program</u> (Olympic) (92-1-604)		
	Appropriation:		
	St Bldg Constr Acct	\$	700,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	700,000
(51)	Acquisition: Purchase 1.4 acres and an eight thousand-square-foot graphic arts facility currently being leased for the Whidbey branch (Skagit Valley) (92-1-605)		
	Appropriation:		
	St Bldg Constr Acct	\$	280,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	280,000
(52)	Acquisition: Purchase a fourteen thousand six hundred three-square-foot vocational facility adjacent to the college that is currently being leased (Whatcom) (92-1-606)		
	Appropriation:		
	St Bldg Constr Acct	\$	1,893,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	1,893,000
(53)	Underground tank repairs: To remove sixty-five underground storage tanks and any contaminated soil (92-2-102)		
	The appropriation in this subsection may be expended only after compliance with section 6(2) (of this act), chapter 14, Laws of 1991 sp.s..		
	Appropriation:		
	St Bldg Constr Acct	\$	650,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	650,000

(54)	Life safety code repairs: To pay local improvement district assessments and make improvements to meet handicap and safety regulations (92-2-103)		
	Appropriation:		
	St Bldg Constr Acct	\$	1,172,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	1,172,000
(55)	Roof repairs: To replace or repair roofs at seventeen campuses (92-2-104)		
	Appropriation:		
	St Bldg Constr Acct	\$	7,457,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	7,457,000
(56)	Exterior and structural repairs: To repair structural or exterior problems at seven campuses (92-2-105)		
	Appropriation:		
	St Bldg Constr Acct	\$	817,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	817,000
(57)	Heating, ventilation, and air conditioning repairs: To repair or replace HVAC systems on ten campuses (92-2-106)		
	Appropriation:		
	St Bldg Constr Acct	\$	3,074,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	3,074,000
(58)	Electrical repairs: To repair or replace electrical wiring and equipment on twelve campuses (92-2-107)		
	Appropriation:		
	St Bldg Constr Acct	\$	2,307,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	2,307,000
(59)	Mechanical repairs: To repair or replace mechanical system components on eleven campuses (92-2-108)		
	Appropriation:		
	St Bldg Constr Acct	\$	2,508,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	2,508,000
(60)	Fire and security repairs: To repair or improve fire and security systems on four campuses (92-2-109)		
	Appropriation:		
	St Bldg Constr Acct	\$	692,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	692,000
(61)	Interior repairs: To repair or replace interior surfaces and equipment on twelve campuses (92-2-110)		
	Appropriation:		
	St Bldg Constr Acct	\$	1,440,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	1,440,000
(62)	Site repairs: To provide site improvements on eleven campuses (92-2-111)		
	Appropriation:		
	St Bldg Constr Acct	\$	1,329,000
	Prior Biennia (Expenditures)	\$	0

	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	1,329,000
(63)	Small repairs and improvements: To provide funds for each community college to make unforeseen repairs (92-5-001)		

The appropriation in this subsection is subject to the following conditions and limitations:

(a) \$45,000, or as much thereof as may be necessary, ~~((of the appropriation in this subsection))~~ is provided for an evaluation of the physical condition of the Seattle Vocational Institute formally the Washington Institute of Applied Technology (WIAT) facility.

(b) The state board for community and technology colleges shall include within the 1993-95 capital budget request for small repairs and improvements as identified in the governor's six year capital plan, an amount for a centralized reserve to be allocated by the board for facility emergency repairs that occur during the fiscal period.

(c) The board shall ensure that all allocations from this appropriation are used for capital expenditures and not for expenditures normally funded from the state operating budget.

Appropriation:

St Bldg Constr Acct	\$	6,256,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0

TOTAL

\$	6,256,000
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(64)	Minor improvements: To complete fifty-seven minor improvement projects costing less than \$500,000 each (92-5-200)		
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The appropriation in this subsection is provided solely for minor repairs, fixtures, and improvements to state buildings and facilities and shall not be used for computer equipment, land acquisition, or for other expenses that normally would be funded from the state operating budget.

Appropriation:

St Bldg Constr Acct	\$	16,930,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0

TOTAL

\$	16,930,000
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(65)	Preplan: Puyallup, phase 2 (Pierce) (92-5-501)		
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Any preplanning documents developed using the appropriation in this subsection are subject to review by the office of financial management under section 59 ~~((of this act))~~, chapter 14, Laws of 1991 sp.s.

Appropriation:

St Bldg Constr Acct	\$	57,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	9,653,000

TOTAL

\$	9,710,000
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(66)	Preplan: Vocational building (Skagit Valley) (92-5-502)		
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Appropriation:

St Bldg Constr Acct	\$	25,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	2,116,000

TOTAL

\$	2,141,000
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(67)	Preplan: Learning resource center, arts, and student center (Whatcom) (92-5-503)		
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Any preplanning documents developed using the appropriation in this subsection are subject to review by the office of financial management under section 59 ~~((of this act))~~, chapter 14, Laws of 1991 sp.s.

Appropriation:

St Bldg Constr Acct	\$	45,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	6,942,000

TOTAL

\$	6,987,000
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(68)	Preplan: Office and instructional building (Edmonds) (92-5-504)		
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Any preplanning documents developed using the appropriation in this subsection are subject to review by the office of financial management under section 59 ~~((of this act))~~, chapter 14, Laws of 1991 sp.s.

Appropriation:

St Bldg Constr Acct	\$	58,000
Prior Biennia (Expenditures)	\$	0

	Future Biennia (Projected Costs)	\$	8,485,000
	TOTAL	\$	8,543,000
(69)	Preplan: Technical skills facility (South Puget Sound) (92-5-505)		
	Any preplanning documents developed using the appropriation in this subsection are subject to review by the office of financial management under section 59 (of this act), chapter 14, Laws of 1991 sp.s.		
	Appropriation:		
	St Bldg Constr Acct	\$	42,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	5,849,000
	TOTAL	\$	5,891,000
(70)	Preplan: Learning resource center and technical facility (Green river) (92-5-506)		
	Any preplanning documents developed using the appropriation in this subsection are subject to review by the office of financial management under section 59 (of this act), chapter 14, Laws of 1991 sp.s.		
	Appropriation:		
	St Bldg Constr Acct	\$	58,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	10,462,000
	TOTAL	\$	10,520,000
(71)	Preplan: New Campus One (92-5-701)		
	Appropriation:		
	St Bldg Constr Acct	\$	300,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	14,800,000
	TOTAL	\$	15,100,000
(72)	Pool repairs (Pierce)		
	Appropriation:		
	St Bldg Constr Acct	\$	600,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	600,000
(73)	<u>Lake Washington Technical College: For the administrative addition, classroom space, and aerospace laboratory (92-5-003)</u>		
	<u>The appropriation in this subsection is in addition to the appropriation in chapter 2, Laws of 1992 (House Bill No. 2295) for Lake Washington Technical College and is provided solely for building construction, building equipment and furniture, street improvements, and required art works.</u>		
	Appropriation:		
	St Bldg Constr Acct	\$	2,291,200
	Prior Biennia (Expenditures)	\$	10,117,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	12,408,200
(74)	<u>Bates Technical College: For building furnishings and equipment to complete a facility (93-2-002)</u>		
	Appropriation:		
	St Bldg Constr Acct	\$	108,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	108,000
(75)	<u>Clover Park Technical College: Roof repairs (93-2-002)</u>		
	Appropriation:		
	St Bldg Constr Acct	\$	189,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	189,000
(76)	<u>Wenatchee Valley College: For remodeling to accommodate the WHETS telecommunication system</u>		
	Appropriation:		

	<u>St Bldg Constr Acct</u>	\$	<u>250,000</u>
	<u>Prior Biennia (Expenditures)</u>	\$	<u>0</u>
	<u>Future Biennia (Projected Costs)</u>	\$	<u>0</u>
	<u>TOTAL</u>	\$	<u>250,000</u>
(77)	<u>Olympic College: For electrical transformer repairs</u>		
	<u>Appropriation:</u>		
	<u>St Bldg Constr Acct</u>	\$	<u>100,000</u>
	<u>Prior Biennia (Expenditures)</u>	\$	<u>0</u>
	<u>Future Biennia (Projected Costs)</u>	\$	<u>0</u>
	<u>TOTAL</u>	\$	<u>100,000</u>
(78)	<u>Columbia Basin College: For heating system repairs and steam line replacement</u>		
	<u>Appropriation:</u>		
	<u>St Bldg Constr Acct</u>	\$	<u>281,600</u>
	<u>Prior Biennia (Expenditures)</u>	\$	<u>0</u>
	<u>Future Biennia (Projected Costs)</u>	\$	<u>0</u>
	<u>TOTAL</u>	\$	<u>281,600</u>
(79)	<u>Seattle Vocational Institute: Facilities planning and emergency repairs</u>		
	<u>The appropriation in this subsection is subject to the following conditions and limitations:</u>		
	<u>(a) The Seattle Vocational Institute shall revise its mission statement to integrate with the goals, program, and facilities plans of the Seattle community college district;</u>		
	<u>(b) \$60,000, or as much thereof as may be necessary, is provided for unforeseen or emergency repairs to the facility;</u>		
	<u>(c) The state board for community and technical colleges shall submit a report to the fiscal committees of the senate and house of representatives by January 15, 1993. The report shall include:</u>		
	<u>(i) The feasibility of alternative leased or new facilities that could replace the existing Seattle Vocational Institute building;</u>		
	<u>(ii) A recommendation on the disposition or renovation of the existing Seattle Vocational Institute building;</u>		
	<u>and</u>		
	<u>(iii) Operating and capital cost estimates for the Seattle Vocational Institute for the next six years.</u>		
	<u>Appropriation:</u>		
	<u>St Bldg Constr Acct</u>	\$	<u>100,000</u>
	<u>Prior Biennia (Expenditures)</u>	\$	<u>0</u>
	<u>Future Biennia (Projected Costs)</u>	\$	<u>0</u>
	<u>TOTAL</u>	\$	<u>100,000</u>

**PART 5
MISCELLANEOUS**

NEW SECTION. Sec. 30. The estimated debt service costs impacting future general fund expenditures related solely to new supplemental capital appropriations within this act are \$395,300 during the 1991-93 fiscal period; \$23,794,000 during the 1993-95 fiscal period; and \$28,381,300 during the 1995-97 fiscal period.

Sec. 31. 1991 sp.s. c 14 s 47 (uncodified) is amended to read as follows:

The following agencies may enter into financial contracts for the purpose indicated and in not more than the principal amounts indicated plus financing expenses and required reserves pursuant to chapter 39.94 RCW:

- (1) Department of Social and Health Services to:
 - (a) Lease a multi-service center in Benton or Franklin county for ~~(\$2,592,450)~~ \$1,337,670 during the 1991-93 biennium; ~~(and)~~
 - (b) Lease a Spokane North Community Service Office for \$980,000 during the 1991-93 biennium; and
 - (c) Lease a Children's and Family Services office in Toppenish for \$135,000 during the 1991-93 biennium.
- (2) Department of Corrections to:
 - (a) Lease-purchase a ~~(sixty bed)~~ work-release facility in Benton or Franklin county for ~~\$(1,186,850)~~ 1,337,670 during the 1991-93 biennium;
 - (b) Lease-purchase a forty-bed work-release facility in Longview for \$1,337,670 during the 1991-93 biennium;
 - (c) Lease-purchase ~~((twelve forty bed))~~ three hundred sixty beds in work-release facilities in as-yet-undetermined locations state-wide ~~((for \$1,337,670 each))~~, for a total of ~~\$(16,052,040)~~ 12,039,030 during the 1991-93 biennium;
 - (d) Lease-purchase a correctional industries building at Shelton for \$1,892,153 during the 1991-93 biennium; ~~(and)~~
 - (e) Lease-purchase a four hundred-passenger ferry, used tugboat, and new vehicle barge at McNeil Island for \$1,760,963 during the 1991-93 biennium; and

(f) Lease-purchase property from the Department of Natural Resources on which the Cedar Creek, Indian Ridge, Larch, and Olympic Correctional Centers are now located for up to \$1,000,000 during the 1991-93 biennium.

(3) State Board for Community College Education to:

(a) Lease-purchase a warehouse-type facility to house the electrician apprentice training program in Skagit county for an estimated cost of \$200,000 during the 1991-93 biennium;

(b) Lease-purchase a facility to house the cosmetology training program at Everett for \$60,000;

(c) Lease a facility to house the Bellevue Community College business office in Bellevue for \$120,000 during the 1991-93 biennium;

(d) Lease a facility for the Green River Community College education and training center in Kent for \$120,000 in the 1991-93 biennium;

(e) Lease-purchase office space for Edmonds Community College in Edmonds for \$280,000 during the 1991-93 biennium;

(f) Lease-purchase space to house Spokane Falls Community College's adult education programs in Spokane for \$300,000 during the 1991-93 biennium;

(g) Lease-purchase space to house plant services for Wenatchee Valley Community College in Wenatchee for \$96,000 during the 1991-93 biennium;

(h) Lease-purchase land in Bellingham for Whatcom Community College for \$450,000;

(i) Purchase a central storage facility for Spokane Community College for \$75,000;

(j) Purchase a hangar at Felts Field to house the aircraft mechanics' vocational training program for Spokane Community College for \$161,000; ~~((and))~~

(k) Lease-purchase an auto technology training facility at Shoreline Community College for \$2,600,000. The college or its trustee may secure the financing contract with a lease of the land directly under the facility being financed by the contract;

(l) Purchase 6.32 acres adjacent to Centralia College for \$1,500,000 during the 1991-93 biennium;

(m) Purchase 2.33 acres and house adjacent to Green River Community College for \$250,000 during the 1991-93 biennium;

(n) Purchase 1.66 acres contiguous to Lake Washington Technical College for \$500,000 during the 1991-93 biennium;

(o) Purchase 0.37 acres contiguous to Lower Columbia College for \$55,000 during the 1991-93 biennium;

(p) Purchase 8.8 acres contiguous to the South Puget Sound Community College for \$500,000 during the 1991-93 biennium;

(q) Purchase 6 acres contiguous to Wenatchee Valley College for \$265,000 during the 1991-93 biennium;

(r) Purchase 4.29 acres contiguous to Whatcom Community College for \$560,000 during the 1991-93 biennium;

(s) Purchase 10.5 acres adjacent to Whatcom Community College for \$1,400,000 during the 1991-93 biennium;

(t) Purchase the Masonic Temple property adjacent to Seattle Central Community College for \$1,600,000 during the 1991-93 biennium;

(u) Lease an industrial training center in Colville for Community Colleges of Spokane for \$600,000 during the 1991-93 biennium;

(v) Lease-purchase Colville Building #2 for expansion of the Colville Center for the Community Colleges of Spokane for \$300,000 during the 1991-93 biennium;

(w) Purchase a 6,000 square foot building and site on San Juan Island for instructional, office, and meeting space for Skagit Valley Community College for \$600,000 during the 1991-93 biennium;

(x) Purchase 20,000 square foot building on a five-acre site in Gig Harbor for an off-site education center for Tacoma Community College for \$1,750,000 during the 1991-93 biennium;

(y) Purchase space for a Kent education and training center by Green River Community College for up to \$201,000 per year; and

(z) Lease or lease-purchase a computing and telecommunications center for the community and technical college system for up to \$5,000,000.

(4) The Department of Ecology, to acquire, design, and construct a Thurston county headquarters for \$53,000,000.

(5) The Evergreen State College, to expand the college activities building for \$800,000. The college or its trustee may secure the financing contract with a lease of the land directly under the facility being financed by the contract. The financing contract shall be repaid through student activities fees.

(6) The Department of General Administration, to purchase or lease purchase office space to house the state board for community college education staff for \$1,400,000.

Sec. 32. 1991 sp.s. c 14 s 54 (uncodified) is amended to read as follows:

Unless otherwise stated, for all appropriations under this act that require a match of nonstate money or in-kind contributions, the following requirement, consistent with RCW 43.88.150, shall apply: Expenditure of state money shall be timed so that the state share of project expenditures never exceeds the intended state share of total project costs. This section shall not apply to section 10(5), chapter 14, Laws of 1991 sp.s. as amended by section ((12(5))) 5(5) of this act.

Sec. 33. 1991 sp.s. c 14 s 59 (uncodified) is amended to read as follows:

To ensure that major construction projects are carried out in accordance with legislative and executive intent, appropriations in this act referencing this section shall not be expended until the office of financial management has

reviewed the agency's programmatic preplanning or predesign document and approved continuation of or made changes to the project. The program preplanning document shall include but not be limited to projected workload, site conditions, user requirements, current space available, and an overall budget and cost estimate breakdown in a form prescribed by the office of financial management. The predesign document shall be prepared in accordance with the predesign standards adopted by the office of financial management. The office of financial management shall report to the house of representatives capital facilities committee, the senate ways and means committee, and the legislative transportation committee a listing of the program documents the office has reviewed and approved, changes made to the documents resulting from the review, and the estimated cost changes resulting from the review.

NEW SECTION. Sec. 34. In recognition of the services provided to the beneficiaries of state trust lands by county public safety agencies, lease payments for public safety communication systems located on trust lands in any county with a population of less than five thousand shall be twenty-five percent of the fair market value as determined by the department of natural resources.

NEW SECTION. Sec. 35. A new section is added to chapter 14, Laws of 1991 sp.s. (uncodified) to read as follows:

As used in this act, the following phrases have the following meanings:

"WA St Dairy Prod Comm Fac Acct" means Washington State Dairy Products Commission Facility Account.

"Data Processing Bldg Constr Acct" means Data Processing Building Construction Account;

"Nat Res Prop Repl Acct" means Natural Resources Property Replacement Account.

"St Conv & Trade Ctr Acct" means State Convention and Trade Center Account.

"Water Pollution Cont Rev Fund" means the Water Pollution Control Revolving Fund.

NEW SECTION. Sec. 36. This act is subject to the provisions, definitions, conditions, and limitations of chapter 14, Laws of 1991 sp. sess., as amended by this act.

PART 6

SEVERABILITY AND EFFECTIVE DATE

NEW SECTION. Sec. 37. 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. 38. 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 page 1, line 1 of the title, after "budget;" strike the remainder of the title and insert "amending 1991 sp.s. c 14 ss 6, 7, 10, 13, 16, 18, 20, 26, 30, 34, 35, 44, 47, 54, and 59 (uncodified); adding new sections to chapter 14, Laws of 1991 sp.s.; creating new sections; making appropriations and authorizing expenditures for the capital improvements; and declaring an emergency.", and the bill do pass as recommended by the Conference Committee.

Signed by Senators Bluechel, Rinehart, Matson; Representatives H. Sommers, Rasmussen.

MOTION

On motion of Senator Bluechel, the twenty-four hour rule was suspended to consider the Report of the Conference Committee on Engrossed Substitute House Bill No. 2552.

MOTION

Senator Bluechel moved that the Report of the Conference Committee on Engrossed Substitute House Bill No. 2552, under suspension of the twenty-four hour rule, be adopted.

Debate ensued.

POINT OF INQUIRY

Senator Metcalf: "Senator Bluechel, last year our budget, I think, was four hundred million dollars that we went outside of the debt limit. You know, we skirted around and found a loop hole through. How much of this capital budget is outside the debt limit?"

Senator Bluechel: "Primarily, the entire common school construction funding, because, as I mentioned, when we debated this issue when the Senate passed the budget, because of the spotted owl situation and the down-turn in timber revenues, we have for the first time--last year and now with an additional one hundred and thirty-five million dollars--used those funds as was dedicated revenue sources. This is permissive in the budget document from the entire statutory legislation from twenty years ago. It is not possible to bond all the schools of this state within the debt limit

if we are going to keep up. As I mentioned, once before, if there is any change in the endangered species act we will probably turn around and recoup--"

Senator Metcalf: "Thank you, Senator Bluechel. In other words, we spent, last time, right up to the debt limit and then fancy-foot worked around it for four hundred million, there is not room under the debt limit now and we have to put the school construction outside the debt limit. I guess, you know, there comes a day that you are going to have to pay the interest on all this stuff and I personally think we should, at this time, just move whatever we can under the debt limit and then stop there.

"We all know that borrowed money is free money. You don't ever have to worry about it. You just have to spend it; you don't have to pay for it out of your current revenues. So, it is real easy and that is what we are doing again and eventually, you know, somebody in the Senate down the road is going to have to deal with this problem we are creating by evading the debt limit and just borrowing more money. Wouldn't it have been nice if we learned the lessons of history and somehow learned from what the federal government has done in bringing this nation to economic ruin, because of their just plain ignoring--just building up the debt? It would be nice to learn from history, but I guess that is too much to expect."

POINT OF INQUIRY

Senator Rasmussen: "Senator Bluechel, it goes without saying that I concur with Senator Metcalf's remarks. My question is--just scanning this capital budget--and I see appropriations, reappropriations and there are several new ones--fourteen million eight hundred and ninety-four odd thousand--eleven million seven hundred and sixty thousand--fourteen million twenty-nine thousand--with a total of forty million six hundred and eighty-four thousand two hundred and six dollars for McNeil Island--improvements at McNeil Island Penitentiary. You remember the day when Dixy said that should be a park. It was very costly and would not make a good prison. This is increased spending since we--"

Senator Bluechel: "There is no new spending to my knowledge for McNeil Island in the budget. That is last year's budget. That is the base budget."

Senator Rasmussen: "Well, there are several new appropriations in there and reappropriations in there. My question is, we are paying forty million on improvements over there. Can you tell me what the increased operating costs are, because of the inaccessible area where they have to take everything over by boat--prisoners and supplies?"

Senator Bluechel: "Senator Rasmussen, we did not change those figures this year. Those are figures from last year. I don't have those in front of me. The total increase in spending for the Department of Corrections is seven million, nine hundred and thirty-three thousand dollars, of which seven point seven million is for the women's correction center at Purdy--I mean at Shelton--but there are no funds--we did not touch the funds we appropriated last year on McNeil Island.

Senator Rasmussen: "My question was, we are spending so much more money over there than what we were told we would have to spend at the time we took over McNeil Island, how much increased operating costs is the prison in that location? The reason I am asking, Senator Bluechel, it is quite possible, we could have built a new prison in a more accessible location, operated more cheaply and we are going way over our head here and this ties in with what Senator Metcalf was talking about. We are spending far more than we should probably spend."

Senator Bluechel: "Senator Rasmussen, I have to reiterate that we did not even look at that in this supplemental budget because it was passed a year ago and we have not reentered that issue during this session."

Senator Rasmussen: "Well, thank you, I just wanted to bring that to your attention."

The President declared the question before the Senate to be the motion by Senator Bluechel to adopted the Report of the Conference Committee on Engrossed Substitute House Bill No. 2552, under suspension of the twenty-four hour rule.

The motion by Senator Bluechel carried and the Report of the Conference Committee on Engrossed Substitute House Bill No. 2552, under suspension of the twenty-four hour rule, was adopted.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2552, as recommended by the Conference Committee under suspension of the twenty-four hour rule.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2552, as recommended by the Conference Committee, under suspension of the twenty-four hour rule, and the bill passed the Senate by the following vote: Yeas, 39; Nays, 9; Absent, 0; Excused, 1.

Voting yea: Senators Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Conner, Craswell, Erwin, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Matson, McDonald, McMullen, Moore, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pelz, Rinehart, Roach, Saling, Sellar, A. Smith, L. Smith, Snyder, Stratton, Sumner, Vognild, von Reichbauer, West, Williams, Wojahn - 39.

Voting nay: Senators Amondson, Madsen, Metcalf, Oke, Rasmussen, Skratek, Sutherland, Talmadge, Thorsness - 9.

Excused: Senator McCaslin - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2552, as recommended by the Conference Committee, under suspension of the twenty-four rule, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 12, 1992

MR. PRESIDENT:

The House has passed ENGROSSED SENATE BILL NO. 6285, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

At 3:30 p.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 7:29 p.m. by President Pritchard.

MESSAGES FROM THE HOUSE

March 12, 1992

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2950, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

March 12, 1992

MR. PRESIDENT:

The House has passed REENGROSSED SENATE BILL NO. 6004, and the same is herewith transmitted.

GREG PIERCE, Assistant Chief Clerk

March 12, 1992

MR. PRESIDENT:

The House has adopted SENATE CONCURRENT RESOLUTION NO. 8429, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

March 12, 1992

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6483, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

March 12, 1992

MR. PRESIDENT:

The Speaker has signed:
HOUSE BILL NO. 2514,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2947, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

March 12, 1992

MR. PRESIDENT:

The Speaker has signed:
SUBSTITUTE SENATE BILL NO. 6460,
SUBSTITUTE SENATE BILL NO. 6461,
SUBSTITUTE SENATE BILL NO. 6494, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

March 12, 1992

MR. PRESIDENT:

The Speaker has signed:
ENGROSSED HOUSE BILL NO. 1185,
SUBSTITUTE HOUSE BILL NO. 1481,
HOUSE BILL NO. 2448,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2466,
SUBSTITUTE HOUSE BILL NO. 2479,
SUBSTITUTE HOUSE BILL NO. 2498,
SUBSTITUTE HOUSE BILL NO. 2501,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2553,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2609,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2640,
SUBSTITUTE HOUSE BILL NO. 2676,
SUBSTITUTE HOUSE BILL NO. 2784,
SUBSTITUTE HOUSE BILL NO. 2814,
SUBSTITUTE HOUSE BILL NO. 2874,
SUBSTITUTE HOUSE BILL NO. 2937,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2964,

SUBSTITUTE HOUSE BILL NO. 2967,
SUBSTITUTE HOUSE BILL NO. 2983,
SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4033,
HOUSE CONCURRENT RESOLUTION NO. 4441, and the same are
herewith transmitted.

ALAN THOMPSON, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

ENGROSSED HOUSE BILL NO. 1185,
SUBSTITUTE HOUSE BILL NO. 1481,
HOUSE BILL NO. 2448,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2466,
SUBSTITUTE HOUSE BILL NO. 2479,
SUBSTITUTE HOUSE BILL NO. 2498,
SUBSTITUTE HOUSE BILL NO. 2501,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2553,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2609,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2640,
SUBSTITUTE HOUSE BILL NO. 2676,
SUBSTITUTE HOUSE BILL NO. 2784,
SUBSTITUTE HOUSE BILL NO. 2814,
SUBSTITUTE HOUSE BILL NO. 2874,
SUBSTITUTE HOUSE BILL NO. 2937,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2964,
SUBSTITUTE HOUSE BILL NO. 2967,
SUBSTITUTE HOUSE BILL NO. 2983,
SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4033,
HOUSE CONCURRENT RESOLUTION NO. 4441.

SIGNED BY THE PRESIDENT

The President signed:

REENGROSSED SENATE BILL NO. 6004,
ENGROSSED SENATE BILL NO. 6285,
SUBSTITUTE SENATE BILL NO. 6428,
SUBSTITUTE SENATE BILL NO. 6483,
SENATE CONCURRENT RESOLUTION NO. 8429.

SIGNED BY THE PRESIDENT

The President signed:

ENGROSSED SENATE BILL NO. 6128,
SENATE BILL NO. 6155,
ENGROSSED SENATE BILL NO. 6319,
ENGROSSED SENATE BILL NO. 6407,
ENGROSSED SENATE BILL NO. 6408,
ENGROSSED SENATE BILL NO. 6441.

JOURNAL OF THE SENATE

SIGNED BY THE PRESIDENT

The President signed:
HOUSE BILL NO. 2514,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2947.

MESSAGE FROM THE HOUSE

March 12, 1992

MR. PRESIDENT:

The House has adopted the Report of the Conference Committee on SUBSTITUTE HOUSE BILL NO. 2720 and has passed the bill as recommended by the Conference Committee.

ALAN THOMPSON, Chief Clerk

MESSAGE FROM THE HOUSE

March 12, 1992

MR. PRESIDENT:

The House has adopted the Report of the Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 2025 and has passed the bill as recommended by the Conference Committee.

ALAN THOMPSON, Chief Clerk

MESSAGE FROM THE HOUSE

March 12, 1992

MR. PRESIDENT:

The House has adopted the Report of the Conference Committee on ENGROSSED HOUSE BILL NO. 2680 and has passed the bill as recommended by the Conference Committee.

ALAN THOMPSON, Chief Clerk

MESSAGE FROM THE HOUSE

March 12, 1992

MR. PRESIDENT:

The House has adopted the Report of the Conference Committee on HOUSE BILL NO. 2932 and has passed the bill as recommended by the Conference Committee.

ALAN THOMPSON, Chief Clerk

MESSAGE FROM THE HOUSE

March 12, 1992

MR. PRESIDENT:

The House has adopted the Report of the Conference Committee on HOUSE BILL NO. 2959 and has passed the bill as recommended by the Conference Committee.

GREG PIERCE, Assistant 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 2950 by House Committee on Capital Facilities and Financing (originally sponsored by Representatives Rasmussen and H. Sommers) (by request of Office of Financial Management)

Changing the authorization for general obligation bonds.

MOTION

On motion of Senator Newhouse, the rules were suspended, Engrossed Substitute House Bill No. 2950 was advanced to second reading and 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 12, 1992

MR. PRESIDENT:

The House has passed adopted the Report of the Conference Committee on ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5724 and has passed the bill as recommended by the Conference Committee, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

REPORT OF CONFERENCE COMMITTEE

E2SHB 5724

March 11, 1992

Includes "NEW ITEM": YES

Requiring the department of ecology to study impacts of regulating paper mill waste.

MR. PRESIDENT:

MR. SPEAKER:

We of your Conference Committee, to whom was referred ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5724, Requiring the department of ecology to study impacts of regulating paper mill waste, have had the same under consideration and we recommend that:

All previous amendments not be adopted and that the following Conference Committee striking amendment(s) be adopted:

Strike all material after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 90.48 RCW to read as follows:

(1) The department may require each pulp mill and paper mill discharging chlorinated organics to conduct and submit an engineering report on the cost of installing technology designed to reduce the amount of chlorinated organic compounds discharged into the waters of the state. The department shall allow at least twenty-four months from the effective date of this act for each pulp mill and each paper mill to submit an engineering report.

(2) The department may not issue a permit establishing limits to the discharge of chlorinated organic compounds by a pulp mill or a paper mill under RCW 90.48.160 or 90.48.260 until at least nine months after receiving an engineering report from a kraft mill and at least fifteen months after receiving an engineering report from a sulfite mill.

(3) Nothing in this section shall apply to dioxin compounds."

On page 1, line 2 of the title, after "emissions;" strike the remainder of the title and insert "and adding a new section to chapter 90.48 RCW.", and that the bill do pass as recommended by the Conference Committee.

Signed by Senators Amondson, Oke, Sutherland; Representatives Rust, Valle, Horn.

MOTION

Senator Amondson moved that the Report of the Conference Committee on Engrossed Second Substitute Senate Bill No. 5724 be adopted.

Debate ensued.

POINT OF INQUIRY

Senator Amondson: "Senator Sutherland, does this legislation permanently prohibit the Department of Ecology from adopting standards regulating chlorinated organics?"

Senator Sutherland: "No, thirty-six months after passage of this act for kraft mills and forty-two months for sulfite mills, the Washington Department of Ecology will be able to impose limitations for chlorinated organics. The United States Environmental Protection Agency is in the process of developing national effluent guidelines for pulp and paper mills discharging chlorinated organics. This bill is intended to develop the information necessary to make scientifically valid and technically achievable limits. It is also intended that those limits will be reasonable and consistent with the federally adopted rules, and help assure that this state's paper mills continue to be competitive with other mills in the United States."

The President declared the question before the Senate to be the motion by Senator Amondson that the Report of the Conference Committee on Engrossed Second Substitute Senate Bill No. 5724 be adopted.

The motion by Senator Amondson carried and the Report of the Conference Committee was adopted.

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, as recommended by the Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5724, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 41; Nays, 6; Absent, 2; 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, Thorsness, Vognild, von Reichbauer, West - 41.

Voting nay: Senators Niemi, Rinehart, Skratek, Talmadge, Williams, Wojahn - 6.

Absent: Senators Moore, Pelz - 2.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5724, as recommended by the Conference Committee, having received the 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 Committee on Ways and Means was relieved of further consideration of Senate Bill No. 5961 and Senate Bill No. 6284.

On motion of Senator Newhouse, the rules were suspended, Senate Bill No. 5961 and Senate Bill No. 6284 were 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

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2950, by Committee on Capital Facilities and Financing (originally sponsored by Representatives Rasmussen and H. Sommers) (by request of Office of Financial Management)

Changing the authorization for general obligation bonds.

The bill was read the second time.

MOTION

On motion of Senator Bluechel, the rules were suspended, Engrossed Substitute House Bill No. 2950 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. 2950.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2950 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 7; 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, McMullen, Murray, Nelson, Newhouse, Niemi, Owen, Patterson, Pelz, Rinehart, Roach, Saling, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sumner, Vognild, von Reichbauer, West, Williams, Wojahn - 41.

Voting nay: Senators McCaslin, Metcalf, Oke, Rasmussen, Sutherland, Talmadge, Thorsness - 7.

Absent: Senator Moore - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2950, having received the 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 the motion by Senator Patterson that the Senate reconsider the vote by which Substitute Senate Bill No. 6286 failed to pass the Senate, deferred March 11, 1992.

PARLIAMENTARY INQUIRY

Senator Talmadge: "Mr. President, a parliamentary inquiry. There is a motion for reconsideration pending?"

REPLY BY THE PRESIDENT

President Pritchard: "Yes, there is."

The President declared the question before the Senate to be the motion by Senator Patterson that the Senate reconsider the vote by which Substitute Senate Bill No. 6286 failed to pass the Senate March 11, 1992.

The motion by Senator Patterson for reconsideration of Substitute Senate Bill No. 6286 carried.

MOTION

On motion of Senator Newhouse, Substitute Senate Bill No. 6286, on reconsideration, was returned to second reading.

JOURNAL OF THE SENATE

MOTION

At 7:54 p.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 9:01 p.m. by President Pritchard.

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

MESSAGES FROM THE HOUSE

March 12, 1992

MR. PRESIDENT:

The Speaker has signed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2025,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2268,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2274,

HOUSE BILL NO. 2398,

HOUSE BILL NO. 2932, and the same are herewith transmitted.

GREG PIERCE, Assistant Chief Clerk

March 12, 1992

MR. PRESIDENT:

The Speaker has signed:

REENGROSSED SENATE BILL NO. 6004,

ENGROSSED SENATE BILL NO. 6285,

SUBSTITUTE SENATE BILL NO. 6428,

SUBSTITUTE SENATE BILL NO. 6483,

SENATE CONCURRENT RESOLUTION NO. 8429, and the same are herewith transmitted.

GREG PIERCE, Assistant Chief Clerk

MESSAGE FROM THE HOUSE

March 12, 1992

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to REENGROSSED HOUSE BILL NO. 1378 and passed the bill as amended by the Senate.

GREG PIERCE, Assistant Chief Clerk

MESSAGE FROM THE HOUSE

March 12, 1992

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 2284 and passed the bill as amended by the Senate.

ALAN THOMPSON, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2025,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2268,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2274,
 HOUSE BILL NO. 2398,
 HOUSE BILL NO. 2932.

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

SECOND READING

SENATE BILL NO. 5961, by Senator McDonald

Relating to fiscal matters.

The bill was read the second time.

MOTION

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

Strike everything after the enacting clause and insert the following:

Sec. 1. 1992 c ... 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.

(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 combined operating appropriations under this act from the general fund--state and the institutional operating fees account, 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 four 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 four 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 multiplied by the number of full time equivalent students above or below the variances 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	15,806
Tri-Cities branch	467
Vancouver branch	343
Spokane branch	160

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	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 ~~((thirteen))~~ 6.6 percent of the fiscal year 1993 projection under the office of financial management tuition and fee model used in the governor's February 1992 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 and forty seven hundredths))~~ 6.6 percent of the fiscal year 1993 projection under the office of financial management tuition and fee model used in the governor's February 1992 forecast, excluding the adult basic 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 3.0 percent on January 1, 1993.

	1991-92	1992-93
University of Washington \$	2,888,000	7,391,000
Washington State University \$	1,157,000	3,264,000
Eastern Washington University . . . \$	435,000	1,084,000
Central Washington University . . . \$	393,000	958,000
The Evergreen State College \$	185,000	459,000
Western Washington University . . . \$	540,000	1,317,000
Washington State University \$	1,157,000	3,264,000

(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 3.0 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 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	2,500,000
Washington State University \$	625,000	1,748,000
Eastern Washington University . . . \$	118,000	320,000
Central Washington University . . . \$	93,000	253,000
The Evergreen State College \$	79,000	212,000
Western Washington University . . . \$	138,000	374,000
Higher Education Coordinating Board \$	25,000	69,000

(d) \$4,342,000 for fiscal year 1992 and \$10,657,000 for fiscal year 1993 are provided solely for the state board for community and technical colleges 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 3.0 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.

(5)(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 3.0 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.

University of Washington	\$ 1,422,000	4,068,000
Washington State University	\$ 868,000	2,496,000
Eastern Washington University	\$ 214,000	613,000
Central Washington University	\$ 172,000	494,000
The Evergreen State College	\$ 131,000	374,000
Western Washington University	\$ 232,000	683,000
State Board for Community and Technical Colleges	\$ 1,323,000	3,800,000
Higher Education Coordinating Board	\$ 12,000	34,000

(b) The salary increases granted in this subsection (5) 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 (5) of this section to any person whose salary has been Y-rated pursuant to rules adopted by the higher education personnel board.

(6) 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

NEW SECTION. Sec. 2. 1992 c ... s 602 is amended to read as follows:

FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

General Fund--State Appropriation	\$	((733,585,000))
		<u>735,024,000</u>
Community Colleges Operating Fees Account Appropriation	\$	((63,562,000))
		<u>62,123,000</u>
General Fund--Federal Appropriation	\$	4,700,000
TOTAL APPROPRIATION	\$	801,847,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$3,549,000 of the general fund--state appropriation is provided solely for assessment of student outcomes.
- (2) \$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, 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) \$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) 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 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) \$2,315,000 of the general fund--state appropriation is provided solely for technical college employee salary increases of four percent in fiscal year 1992 and three percent 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 for the entire system by \$625,000 for travel. 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.

Sec. 3. 1992 c ... s 603 is amended to read as follows:

FOR THE UNIVERSITY OF WASHINGTON

General Fund Appropriation	\$	((595,020,000))
		<u>596,503,000</u>
University of Washington Operating Fees Account		
Appropriation	\$	((75,286,000))
		<u>73,803,000</u>
Medical Aid Fund Appropriation	\$	3,818,000
Accident Fund Appropriation	\$	3,818,000
Death Investigations Account Appropriation	\$	1,145,000
Oil Spill Administration Account Appropriation	\$	229,000
TOTAL APPROPRIATION	\$	679,316,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$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) \$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) \$390,000 of the general fund appropriation is provided solely for assessment of student outcomes.

(4) \$679,000 of the general fund appropriation is provided solely to recruit and retain minorities.

(5) \$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) \$4,255,000 of the general fund appropriation is provided solely for evening degree program enrollment levels of 337 student FTEs in the first year and 375 student FTEs in the second year.

(8) The University of Washington shall reduce spending by \$630,000 for travel. These funds are to be used to mitigate enrollment reductions planned as part of the agency's 2.5 percent allotment reduction and to improve instruction.

(9) \$40,000 of the general fund appropriation is provided solely for the planning for learning project.

Sec. 4. 1992 c ... s 604 is amended to read as follows:

FOR WASHINGTON STATE UNIVERSITY

General Fund Appropriation	\$	((335,455,000))
		<u>336,148,000</u>
Washington State University Operating Fees Account		
Appropriation	\$	((36,670,000))
		<u>35,977,000</u>
TOTAL APPROPRIATION	\$	372,125,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$7,719,000 of the general fund appropriation 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) \$6,947,000 of the general fund appropriation 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) \$6,929,000 of the general fund appropriation 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) \$390,000 of the general fund appropriation is provided solely for assessment of student outcomes.

(5) \$293,000 of the general fund appropriation is provided solely to recruit and retain minorities.

(6) \$60,000 of the general fund appropriation is provided solely for the aquatic animal health program.

(7) \$779,000 of the general fund appropriation 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 \$562,000 for travel. These funds are to be used to mitigate 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.

Sec. 5. 1992 c ... s 605 is amended to read as follows:

FOR EASTERN WASHINGTON UNIVERSITY

General Fund Appropriation	\$	((87,661,000))
		<u>87,777,000</u>
Eastern Washington University Operating Fees Account Appropriation	\$	((12,906,000))
		<u>12,790,000</u>
TOTAL APPROPRIATION	\$	100,567,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$390,000 of the general fund appropriation is provided solely for assessment of student outcomes.

(2) \$195,000 of the general fund appropriation is provided solely to recruit and retain minorities.

(3) Eastern Washington University shall reduce spending by \$216,000 for travel. These funds are to be used to improve instruction.

Sec. 6. 1992 c ... s 606 is amended to read as follows:

FOR CENTRAL WASHINGTON UNIVERSITY

General Fund Appropriation	\$	((75,863,000))
		<u>75,926,000</u>
Central Washington University Operating Fees Account Appropriation	\$	((9,790,000))
		<u>9,727,000</u>
TOTAL APPROPRIATION	\$	85,653,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$390,000 of the general fund appropriation is provided solely for assessment of student outcomes.

(2) \$147,000 of the general fund appropriation is provided solely to recruit and retain minorities.

(3) Central Washington University shall reduce spending by \$111,000 for travel. These funds are to be used to improve instruction.

Sec. 7. 1992 c ... s 607 is amended to read as follows:

FOR THE EVERGREEN STATE COLLEGE

General Fund Appropriation	\$	((47,290,000))
		<u>47,322,000</u>
The Evergreen State College Operating Fees Account Appropriation	\$	((6,899,000))
		<u>6,867,000</u>
TOTAL APPROPRIATION	\$	54,189,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$390,000 of the general fund appropriation is provided solely for assessment of student outcomes.

(2) \$98,000 of the general fund appropriation is provided solely to recruit and retain minorities.

(3) The Evergreen State College shall reduce spending by \$92,000 for travel. These funds are to be used to improve instruction.

Sec. 8. 1992 c s 608 is amended to read as follows:

FOR WESTERN WASHINGTON UNIVERSITY

General Fund Appropriation	\$	((98,377,000))
		<u>98,486,000</u>
Western Washington University Operating Fees		
Account Appropriation	\$	((13,903,000))
		<u>13,794,000</u>
TOTAL APPROPRIATION	\$	112,280,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$390,000 of the general fund appropriation is provided solely for assessment of student outcomes.

(2) \$195,000 of the general fund appropriation is provided solely to recruit and retain minorities.

(3) Western Washington University shall reduce spending by \$146,000 for travel. These funds are to be used to improve instruction.

NEW SECTION. Sec. 9. The sum of \$3,580,000, of which \$1,594,000 is from federal funds, or so much thereof as may be necessary, is appropriated from the state general fund to the department of social and health services for the biennium ending June 30, 1993, to provide:

(1) A 1.0 percent increase in vendor payment rates on July 1, 1992, in addition to the 2.0 percent vendor payment rate increase provided in section 201, chapter ... (ESHB 2470), Laws of 1992 for children's out-of-home residential providers except interim care, including but not limited to foster parents and child placement agencies;

(2) A 0.2 percent increase in vendor payment rates on January 1, 1993, in addition to the 3.0 percent vendor payment rate increase provided in section 201, chapter ... (ESHB 2470), Laws of 1992 for other providers not specified in subsection (1) of this section;

(3) A 1.0 percent increase in vendor payment rates on July 1, 1992, in addition to the 2.0 percent vendor payment rate increase provided in section 202, chapter ... (ESHB 2470), Laws of 1992 for juvenile rehabilitation group homes;

(4) A 0.2 percent increase in vendor payment rates on January 1, 1993, in addition to the 3.0 percent vendor payment rate increase provided in section 202, chapter ... (ESHB 2470), Laws of 1992 for the other vendors not specified in subsection (3) of this section;

(5) A 0.2 percent increase in vendor payment rates on January 1, 1993, in addition to the 3.0 percent vendor payment rate increase provided in section 203, chapter ... (ESHB 2470), Laws of 1992;

(6) A 1.0 percent increase in vendor payment rates on July 1, 1992, in addition to the 2.0 percent vendor payment rate increase provided in section 209, chapter ... (ESHB 2470), Laws of 1992; and

(7) A 0.2 percent increase in vendor payment rates on January 1, 1993, in addition to the 3.0 percent vendor payment rate increase provided in sections 210, 211, 212, 213, 215, and 217 chapter ... (ESHB 2470), Laws of 1992.

Debate ensued.

POINT OF INQUIRY

Senator Saling: "Senator Hayner, this is a policy change in our higher education institutions?"

Senator Hayner: "Yes."

Senator Saling: "Would you explain to me, since it did not go through appropriate committees, and it is a last minute agreement, tell me please which programs in the waiver are mandatory and which are permissive?"

Senator Hayner: "I don't have that sheet of paper before me."

REMARKS BY SENATOR McDONALD

Senator McDonald: "Senator Saling, the bill that we passed yesterday; it still didn't pass the House. All of these under that bill would be permissive. As you know, it is limited to two times the amount of the percentage reduction in the waivers, which is now, in this bill, six point six percent, so the total reduction would be thirteen point two percent. All of them are permissive under the provisions of that bill that we passed yesterday."

Senator Saling: "So, you are the maker of this amendment? You are the one that knows about it; I didn't see your name on it."

Senator McDonald: "No, the Ways and Means Committee drafted this amendment."

Senator Saling: "No, I'm on the Ways and Means Committee. I didn't draft that."

Senator McDonald: "The Ways and Means Committee staff."

Senator Saling: "Oh thank you. And the Ways and Means staff, then, are the ones that put this together and now any college can go up to twelve percent? Is that the same for the community colleges?"

Senator McDonald: "As you know, it is consistent with what we did yesterday and basically cut in half. As you know, we had a seven point nine million dollar reduction yesterday. We now have about a three point nine million dollar reduction."

Senator Saling: "Are there any programs that are grandfathered in?"

Senator McDonald: "As you know, in the appropriations act, we specified that adult basic education would be exempt from this reduction."

Senator Saling: "Is that the only one?"

Senator McDonald: "That is the only one."

Senator Saling: "Any institution has the right to reduce zero amount or up to twelve percent?"

Senator McDonald: "Well, it would be thirteen point two percent."

Senator Saling: "Thank you."

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Hayner and Gaspard to Senate Bill No. 5961.

The motion by Senator Hayner carried and the striking amendment was adopted.

MOTIONS

On motion of Senator Newhouse, 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 1992 c ... ss 601, 602, 603, 604, 605, 606, 607, and 608; and making appropriations."

On motion of Senator Newhouse, the rules were suspended, Engrossed Senate Bill No. 5961 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 Moore was excused.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5961.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5961 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.

ENGROSSED SENATE BILL NO. 5961, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SIGNED BY THE PRESIDENT

The President signed:
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5724.

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

REPORT OF CONFERENCE COMMITTEE

ESHB 2470

March 11, 1992

Includes "NEW ITEM": YES

Making supplemental appropriations.

MR. PRESIDENT:

MR. SPEAKER:

We of your Conference Committee, to whom was referred ENGROSSED SUBSTITUTE HOUSE BILL NO. 2470, Supplemental operating budget, mill waste, have had the same under consideration and we recommend that:

The Senate Committee on Ways and Means amendment(s) adopted February 16, 1992, not be adopted, and that the following Conference Committee striking amendment(s) be adopted with the following amendments:

On page 103, line 11 of the Conference Committee amendment, strike "general fund--state" and insert "weights and measures account"

On page 203, beginning on line 23 of the Conference Committee amendment (\$4688.1), strike all material down to and including line 23 on page 204. Renumber the sections consecutively and correct any internal references accordingly.

On page 209, in the Conference Committee title amendment, strike ", 86.26.007, and 75.30.120;" and insert "and 86.26.007;"

Strike everything after the enacting clause and insert the following:

PART I
GENERAL GOVERNMENT

NEW SECTION. Sec. 101. A new section is added to 1991 sp.s. c 16 to read as follows:

FOR THE HOUSE OF REPRESENTATIVES

General Fund Appropriation \$ 50,005,000

The appropriation in this section is subject to the following conditions and limitations: \$102,500 is provided solely for the task force on city and county finances to meet the requirements of RCW 82.14.301.

NEW SECTION. Sec. 102. A new section is added to 1991 sp.s. c 16 to read as follows:

FOR THE SENATE

General Fund Appropriation \$ 38,172,000

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).

NEW SECTION. Sec. 103. A new section is added to 1991 sp.s. c 16 to read as follows:

FOR THE LEGISLATIVE BUDGET COMMITTEE

General Fund Appropriation \$ 2,226,000

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.

NEW SECTION. Sec. 104. A new section is added to 1991 sp.s. c 16 to read as follows:

FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE

General Fund Appropriation \$ 2,620,000

NEW SECTION. Sec. 105. A new section is added to 1991 sp.s. c 16 to read as follows:

FOR THE OFFICE OF THE STATE ACTUARY

Department of Retirement Systems Expense

Fund Appropriation \$ 1,280,000

The appropriation in this section is subject to the following conditions and limitations: The office shall provide all necessary services for the department of retirement systems within the funds appropriated in this section.

NEW SECTION. Sec. 106. A new section is added to 1991 sp.s. c 16 to read as follows:

FOR THE JOINT LEGISLATIVE SYSTEMS COMMITTEE

General Fund Appropriation \$ 7,996,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation shall be transferred to the legislative systems revolving fund.

NEW SECTION. Sec. 107. A new section is added to 1991 sp.s. c 16 to read as follows:

FOR THE STATUTE LAW COMMITTEE

General Fund Appropriation \$ 6,435,000

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.

NEW SECTION. Sec. 108. A new section is added to 1991 sp.s. c 16 to read as follows:

FOR THE REDISTRICTING COMMISSION

General Fund Appropriation \$ 794,000

NEW SECTION. Sec. 109. A new section is added to 1991 sp.s. c 16 to read as follows:

FOR THE SUPREME COURT

General Fund Appropriation \$ 16,330,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$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.

NEW SECTION. Sec. 110. A new section is added to 1991 sp.s. c 16 to read as follows:

FOR THE LAW LIBRARY

General Fund Appropriation \$ 3,025,000

NEW SECTION. Sec. 111. A new section is added to 1991 sp.s. c 16 to read as follows:

FOR THE COURT OF APPEALS

General Fund Appropriation \$ 15,249,000

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.

NEW SECTION. Sec. 112. A new section is added to 1991 sp.s. c 16 to read as follows:

FOR THE COMMISSION ON JUDICIAL CONDUCT

General Fund Appropriation \$ 955,000

NEW SECTION. Sec. 113. A new section is added to 1991 sp.s. c 16 to read as follows:

FOR THE ADMINISTRATOR FOR THE COURTS

General Fund Appropriation \$ 27,687,000

Public Safety and Education Account Appropriation \$ 26,352,000

Judicial Information System Account Appropriation \$ 200,000

Drug Enforcement and Education Account Appropriation \$ 850,000

TOTAL APPROPRIATION \$ 55,089,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$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) \$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) \$6,507,000 of the public safety and education account appropriation and \$850,000 of the drug enforcement and education account 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. 2887 or 2997 (appellate court filing fees). If neither House Bill No. 2887 or 2997 is enacted by June 30, 1992, the amount provided in this subsection shall lapse.

(8) \$10,000 of the general fund appropriation is provided solely for the jury source list task force to continue to develop methodology and standards for merging the list of registered voters with the list of licensed drivers and identocard holders to form an expanded jury source list for use in the state. The task force shall include the department of information services. By November 2, 1992, the task force shall report its recommendations to the supreme court and the appropriate committees of the legislature. However, if Substitute House Bill No. 2945 is enacted by June 30, 1992, the amount provided in this subsection is provided solely to implement the bill.

NEW SECTION. Sec. 114. A new section is added to 1991 sp.s. c 16 to read as follows:

FOR THE OFFICE OF THE GOVERNOR

General Fund Appropriation \$ 7,282,000

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).

NEW SECTION. Sec. 115. A new section is added to 1991 sp.s. c 16 to read as follows:

FOR THE COMMISSION ON AFRICAN-AMERICAN AFFAIRS

General Fund Appropriation \$ 277,000

NEW SECTION. Sec. 116. A new section is added to 1991 sp.s. c 16 to read as follows:

FOR THE LIEUTENANT GOVERNOR

General Fund Appropriation \$ 494,000

NEW SECTION. Sec. 117. A new section is added to 1991 sp.s. c 16 to read as follows:

FOR THE PUBLIC DISCLOSURE COMMISSION

General Fund Appropriation \$ 1,762,000

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.

NEW SECTION. Sec. 118. A new section is added to 1991 sp.s. c 16 to read as follows:

FOR THE SECRETARY OF STATE

General Fund Appropriation \$ 8,038,000

Archives and Records Management Account

Appropriation \$ 3,522,000

Savings Recovery Account Appropriation \$ 569,000

TOTAL APPROPRIATION \$ 12,129,000

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.

NEW SECTION. Sec. 119. A new section is added to 1991 sp.s. c 16 to read as follows:

FOR THE GOVERNOR'S OFFICE OF INDIAN AFFAIRS

General Fund Appropriation \$ 308,000

NEW SECTION. Sec. 120. A new section is added to 1991 sp.s. c 16 to read as follows:

FOR THE COMMISSION ON ASIAN-AMERICAN AFFAIRS

General Fund Appropriation \$ 354,000

NEW SECTION. Sec. 121. A new section is added to 1991 sp.s. c 16 to read as follows:

FOR THE STATE TREASURER

Motor Vehicle Account Appropriation \$ 44,000

State Treasurer's Service Fund Appropriation \$ 9,727,000

TOTAL APPROPRIATION \$ 9,771,000

NEW SECTION. Sec. 122. A new section is added to 1991 sp.s. c 16 to read as follows:

FOR THE STATE AUDITOR

General Fund Appropriation	\$	560,000
Motor Vehicle Fund Appropriation	\$	243,000
Municipal Revolving Fund Appropriation	\$	19,319,000
Auditing Services Revolving Fund Appropriation	\$	10,987,000
TOTAL APPROPRIATION	\$	31,109,000

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.

NEW SECTION. Sec. 123. A new section is added to 1991 sp.s. c 16 to read as follows:

FOR THE CITIZENS' COMMISSION ON SALARIES FOR ELECTED OFFICIALS

General Fund Appropriation	\$	74,000
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NEW SECTION. Sec. 124. A new section is added to 1991 sp.s. c 16 to read as follows:

FOR THE ATTORNEY GENERAL

General Fund--State Appropriation	\$	6,373,000
General Fund--Federal Appropriation	\$	1,589,000
Public Safety and Education Account Appropriation	\$	1,693,000
Legal Services Revolving Fund Appropriation	\$	88,291,000
Motor Vehicle Fund Appropriation	\$	727,000
New Motor Vehicle Arbitration Account Appropriation	\$	1,742,000
TOTAL APPROPRIATION	\$	100,415,000

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) \$1,693,000 of the public safety and education account appropriation is provided solely for the attorney general's criminal litigation unit.

NEW SECTION. Sec. 125. A new section is added to 1991 sp.s. c 16 to read as follows:

ATTORNEY GENERAL--TRIBAL SHELLFISH LITIGATION COSTS. The sum of nine hundred fifteen 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. sess. The office of the attorney general shall prepare an expenditure plan for the use of this appropriation and submit the plan to the house of representatives appropriations committee and the senate ways and means committee by July 1, 1992.

NEW SECTION. Sec. 126. A new section is added to 1991 sp.s. c 16 to read as follows:

FOR THE ECONOMIC AND REVENUE FORECAST COUNCIL

General Fund Appropriation	\$	819,000
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NEW SECTION. Sec. 127. A new section is added to 1991 sp.s. c 16 to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT

General Fund--State Appropriation	\$	11,473,000
General Fund--Federal Appropriation	\$	101,000
Savings Recovery Account Appropriation	\$	7,020,000
Public Safety and Education Account Appropriation	\$	283,000
Motor Vehicle Fund Appropriation	\$	108,000
TOTAL APPROPRIATION	\$	18,985,000

The appropriations in this section are subject to the following conditions and limitations:

(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) \$300,000 of the general fund--state appropriation is provided for the commission on student learning established in Engrossed Substitute Senate Bill No. 5953 (common schools improvement).

NEW SECTION. Sec. 128. A new section is added to 1991 sp.s. c 16 to read as follows:

FOR THE OFFICE OF ADMINISTRATIVE HEARINGS

Administrative Hearings Revolving Fund

Appropriation	\$	11,437,000
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NEW SECTION. Sec. 129. A new section is added to 1991 sp.s. c 16 to read as follows:

FOR THE DEPARTMENT OF PERSONNEL

Department of Personnel Service

Fund Appropriation	\$	16,749,000
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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) \$163,000 is provided solely to implement management excellence initiatives to improve selection criteria, performance evaluations, and training assessments for state managers.

(3) From the level of expenditures allotted prior to the effective date of this act, the department shall reduce expenditures from the nonappropriated data processing revolving fund by \$248,000.

NEW SECTION. Sec. 130. A new section is added to 1991 sp.s. c 16 to read as follows:

FOR THE COMMITTEE FOR DEFERRED COMPENSATION

General Fund Appropriation	\$	361,000
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The appropriation in this section is subject to the following conditions and limitations: \$330,000 is provided solely for the administration of a state employee salary reduction plan for dependent care assistance.

NEW SECTION. Sec. 131. A new section is added to 1991 sp.s. c 16 to read as follows:

FOR THE WASHINGTON STATE LOTTERY

Lottery Administrative Account Appropriation	\$	18,658,000
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NEW SECTION. Sec. 132. A new section is added to 1991 sp.s. c 16 to read as follows:

FOR THE COMMISSION ON HISPANIC AFFAIRS

General Fund Appropriation	\$	388,000
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NEW SECTION. Sec. 133. A new section is added to 1991 sp.s. c 16 to read as follows:

FOR THE PERSONNEL APPEALS BOARD

Department of Personnel Service Fund Appropriation	\$	862,000
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NEW SECTION. Sec. 134. A new section is added to 1991 sp.s. c 16 to read as follows:

FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--OPERATIONS

Department of Retirement Systems Expense Fund

Appropriation	\$	29,076,000
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The appropriation in this section is subject to the following conditions and limitations:

(1) \$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, chapter 16, Laws of 1991 sp. sess. 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.

(2) \$1,077,000 is provided solely for the one-time implementation costs of Engrossed Substitute House Bill No. 2947 (early retirement), including the preparation of information on early retirement by the combined benefits communications project. If the bill is not enacted by June 30, 1992, the amount provided in this subsection shall lapse.

NEW SECTION. Sec. 135. A new section is added to 1991 sp.s. c 16 to read as follows:

FOR THE STATE INVESTMENT BOARD

State Investment Board Expense Account

Appropriation	\$	6,153,000
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The appropriation in this section is subject to the following conditions and limitations:

(1) \$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. None of this amount may 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 this amount.

(2) None of the appropriation in this section may be used for actuarial services, which services shall be provided by the state actuary.

NEW SECTION. Sec. 136. A new section is added to 1991 sp.s. c 16 to read as follows:

FOR THE DEPARTMENT OF REVENUE

General Fund Appropriation	\$	96,370,000
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Timber Tax Distribution Account Appropriation	\$	4,241,000
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State Toxics Control Account Appropriation	\$	90,000
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Solid Waste Management Account Appropriation	\$	82,000
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Pollution Liability Reinsurance Trust Account

Appropriation	\$	226,000
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Vehicle Tire Recycling Account Appropriation	\$	122,000
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Air Operating Permit Account Appropriation	\$	42,000
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Oil/Hazardous Substance Cleanup Account		
Appropriation	\$	27,000
Litter Control Account Appropriation	\$	96,000
TOTAL APPROPRIATION	\$	101,296,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$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, chapter 16, Laws of 1991 sp. sess.

(2) \$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 appropriation is provided solely for the implementation of chapter 218, Laws of 1991 (Substitute House Bill No. 1301, property tax administrative practices).

(4) \$100,000 of the general fund appropriation is provided solely for the implementation of Substitute House Bill No. 2672 (cellular phone study). If the bill is not enacted by June 30, 1992, the amount provided in this subsection shall lapse.

(5) \$57,400 of the general fund appropriation is provided solely for the implementation of Substitute House Bill No. 2639 (nonprofit homes for aging).

(6) The entire litter control account appropriation is provided solely for the implementation of House Bill No. 2635 (litter/recycling assessment). If the bill is not enacted by June 30, 1992, the amount provided in this subsection shall lapse.

NEW SECTION. Sec. 137. A new section is added to 1991 sp.s. c 16 to read as follows:

FOR THE BOARD OF TAX APPEALS

General Fund Appropriation	\$	1,512,000
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NEW SECTION. Sec. 138. A new section is added to 1991 sp.s. c 16 to read as follows:

FOR THE MUNICIPAL RESEARCH COUNCIL

General Fund Appropriation	\$	2,385,000
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NEW SECTION. Sec. 139. A new section is added to 1991 sp.s. c 16 to read as follows:

FOR THE UNIFORM LEGISLATION COMMISSION

General Fund Appropriation	\$	42,000
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NEW SECTION. Sec. 140. A new section is added to 1991 sp.s. c 16 to read as follows:

FOR THE OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES

General Fund Appropriation	\$	2,173,000
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NEW SECTION. Sec. 141. A new section is added to 1991 sp.s. c 16 to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

General Fund--State Appropriation	\$	4,467,000
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	\$	1,151,000
Motor Transport Account Appropriation	\$	8,568,000
Central Stores Revolving Account Appropriation	\$	3,965,000
Air Pollution Control Account Appropriation	\$	111,000
General Administration Facilities and Services		
Revolving Fund Appropriation	\$	20,749,000
TOTAL APPROPRIATION	\$	42,004,000

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) \$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 \$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.

NEW SECTION. Sec. 142. A new section is added to 1991 sp.s. c 16 to read as follows:

FOR THE DEPARTMENT OF INFORMATION SERVICES

General Fund Appropriation	\$	406,000
Data Processing Revolving Fund Appropriation	\$	3,244,000
TOTAL APPROPRIATION	\$	3,650,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$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.

(3) 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 \$5,294,000.

NEW SECTION. Sec. 143. A new section is added to 1991 sp.s. c 16 to read as follows:

FOR THE PRESIDENTIAL ELECTORS

General Fund Appropriation	\$	1,000
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NEW SECTION. Sec. 144. A new section is added to 1991 sp.s. c 16 to read as follows:

FOR THE INSURANCE COMMISSIONER

Insurance Commissioner's Regulatory Account

Appropriation	\$	15,432,000
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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.

NEW SECTION. Sec. 145. A new section is added to 1991 sp.s. c 16 to read as follows:

FOR THE BOARD OF ACCOUNTANCY

General Fund Appropriation	\$	485,000
Certified Public Accountants' Account Appropriation	\$	669,000
TOTAL APPROPRIATION	\$	1,154,000

NEW SECTION. Sec. 146. A new section is added to 1991 sp.s. c 16 to read as follows:

FOR THE DEATH INVESTIGATION COUNCIL

Death Investigations Account Appropriation	\$	12,000
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NEW SECTION. Sec. 147. A new section is added to 1991 sp.s. c 16 to read as follows:

FOR THE PROFESSIONAL ATHLETIC COMMISSION

General Fund Appropriation	\$	127,000
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NEW SECTION. Sec. 148. A new section is added to 1991 sp.s. c 16 to read as follows:

FOR THE HORSE RACING COMMISSION

Horse Racing Commission Fund Appropriation	\$	4,865,000
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The appropriation in this section is subject to the following conditions and limitations:

(1) None of this appropriation may be used for the purpose of certifying Washington-bred horses under RCW 67.16.075.

(2) \$91,000 of this appropriation is provided solely for additional coordinators for satellite betting sites. This amount may be expended only during the fiscal period ending June 30, 1992.

NEW SECTION. Sec. 149. A new section is added to 1991 sp.s. c 16 to read as follows:

FOR THE LIQUOR CONTROL BOARD

Liquor Revolving Fund Appropriation	\$	103,568,000
Industrial Insurance Premium Refund Account Appropriation	\$	71,000
TOTAL APPROPRIATION	\$	103,639,000

NEW SECTION. Sec. 150. A new section is added to 1991 sp.s. c 16 to read as follows:

FOR THE UTILITIES AND TRANSPORTATION COMMISSION

Public Service Revolving Fund Appropriation	\$	29,381,000
Grade Crossing Protective Fund Appropriation	\$	320,000
TOTAL APPROPRIATION	\$	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).

NEW SECTION. Sec. 151. A new section is added to 1991 sp.s. c 16 to read as follows:

FOR THE BOARD FOR VOLUNTEER FIRE FIGHTERS

Volunteer Fire Fighters' Relief and Pension Administrative Fund Appropriation	\$	373,000
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NEW SECTION. Sec. 152. A new section is added to 1991 sp.s. c 16 to read as follows:

FOR THE MILITARY DEPARTMENT

General Fund--State Appropriation	\$	8,906,000
General Fund--Federal Appropriation	\$	7,582,000
General Fund--Private/Local Appropriation	\$	180,000
TOTAL APPROPRIATION	\$	16,668,000

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.

NEW SECTION. Sec. 153. A new section is added to 1991 sp.s. c 16 to read as follows:

FOR THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

General Fund Appropriation	\$	2,132,000
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NEW SECTION. Sec. 154. Sections 101 through 152 of chapter 16, Laws of 1991 sp. sess. are hereby repealed. Each appropriation in sections 101 through 153 of this act shall be reduced by an amount equal to expenditures for the same purpose prior to the effective date of this act from the appropriations in the sections repealed by this section. Each amount specified in a condition or limitation in sections 101 through 153 of this act shall be reduced by an amount equal to expenditures for the same purpose prior to the effective date of this act from amounts specified for the same purpose in the sections repealed by this section.

**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))
		265,954,000
General Fund--Federal Appropriation	\$	((174,174,000))
		171,473,000
Drug Enforcement and Education Account Appropriation	\$	4,000,000
Public Safety and Education Account Appropriation	\$	((2,618,000))
		2,418,000
TOTAL APPROPRIATION	\$	((457,833,000))
		443,845,000

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)~~ \$2,949,000 of the general fund--state appropriation and ~~(\$1,081,000)~~ \$691,000 of the general fund--federal appropriation are provided solely for vendor rate increases of ~~(five)~~ two 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)~~ three 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) \$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 (7) and (8) ~~(and (9))~~ 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.
- (14) \$1,000,000 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.
- (15) \$30,000 of the general fund--state appropriation is provided solely to fund follow-up research on the Childhaven therapeutic childcare study.

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>53,246,000</u>
General Fund--Federal Appropriation	\$	135,000
Drug Enforcement and Education Account Appropriation	\$	1,762,000
TOTAL APPROPRIATION	\$	((59,501,000))
		<u>55,143,000</u>

The appropriations in this subsection are subject to the following conditions and limitations: ~~((a))~~ ~~(\$1,117,000)~~ \$670,000 of the general fund--state appropriation is provided solely to provide vendor rate increases of ~~((five))~~ two percent on ~~((January))~~ July 1, 1992, and five percent on January 1, 1993, to juvenile rehabilitation group homes, and ~~((3.1))~~ two percent on ~~((January))~~ July 1, 1992, and ~~((3.4))~~ three percent on January 1, 1993, for other vendors.

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation	\$	((54,370,000))
		<u>57,750,000</u>
General Fund--Federal Appropriation	\$	949,000
Drug Enforcement and Education Account Appropriation	\$	940,000
TOTAL APPROPRIATION	\$	((56,259,000))
		<u>59,639,000</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>219,896,000</u>
General Fund--Federal Appropriation	\$	((110,751,000))
		<u>109,490,000</u>
General Fund--Local Appropriation	\$	3,360,000
TOTAL APPROPRIATION	\$	((349,826,000))
		<u>332,746,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) ~~((6,213,000))~~ \$3,444,000 of the general fund--state appropriation and ~~((2,863,000))~~ \$1,602,000 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))~~ three 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>193,404,000</u>
General Fund--Federal Appropriation	\$	((13,604,000))
		<u>62,735,000</u>
TOTAL APPROPRIATION	\$	((251,307,000))
		<u>256,139,000</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))
		<u>1,889,000</u>
General Fund--Federal Appropriation	\$	2,966,000
TOTAL APPROPRIATION	\$	((4,883,000))
		<u>4,855,000</u>

The appropriations in this subsection are subject to the following conditions and limitations: ((~~\$59,000~~)) \$31,000 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~~)) three 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. A new section is added to 1991 sp.s. c 16 to read as follows:

DEPARTMENT OF SOCIAL AND HEALTH SERVICES--MENTAL HEALTH PROGRAM--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 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. Money from this fund shall be used to contract with regional support networks on both the east and west side of the Cascade mountains based on the regional support networks' ability to participate in reductions in usage of bed days.

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.

Money from this fund shall not be used to meet any operating deficits at the state hospitals resulting from causes unrelated to the failure of the regional support networks to reduce bed day usage as specified in the contracts developed pursuant to this section.

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))
		<u>183,785,000</u>
General Fund--Federal Appropriation	\$	((111,394,000))
		<u>113,221,000</u>
TOTAL APPROPRIATION	\$	((300,726,000))
		<u>297,006,000</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) \$706,000)~~ (b) \$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) \$3,150,000 of the general fund--state appropriation and \$3,698,000 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))~~ (c) \$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)~~ (d) \$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 up to seventy-three clients who during the 1991-93 biennium transfer from residential habilitation centers.

~~(e) \$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))~~ (f) \$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--))~~

(g) \$1,709,000 of the general fund--state appropriation and \$2,088,000 of the general fund--federal appropriation are provided solely for prospective rate increases for intermediate care facilities for the mentally retarded to cover the medicaid share of the new business and occupation tax levied in accordance with Engrossed Substitute House Bill No. 2967. These amounts shall lapse upon expiration of the tax. Amounts that have been paid under this subsection (1)(g), but are properly attributable to a period after the expiration date of the tax, shall be repaid or credited to the state as provided in rules of the department of revenue.

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation	\$	((115,404,000))
		<u>141,371,000</u>
General Fund--Federal Appropriation	\$	((143,511,000))
		<u>181,440,000</u>
TOTAL APPROPRIATION	\$	((258,915,000))
		<u>322,811,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) 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. sess.

(b) \$((400,000)) 100,000 of the general fund--state appropriation is provided solely for enhanced staff training.

(c) \$15,379,000 of the general fund--state appropriation and \$18,798,000 of the general fund--federal appropriation are provided solely for prospective rate increases for intermediate care facilities for the mentally retarded to cover the medicaid share of the new business and occupation tax levied in accordance with Engrossed Substitute House Bill No. 2967. These amounts shall lapse upon expiration of the tax. Amounts that have been paid under this subsection (2)(c), but are properly attributable to a period after the expiration date of the tax, shall be repaid or credited to the state as provided in rules of the department of revenue.

(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. INTERLAKE SCHOOL. 1991 sp.s. c 16 s 207 is repealed.

NEW SECTION. Sec. 207. A new section is added to 1991 sp.s. c 16 to read as follows:

DEPARTMENT OF SOCIAL AND HEALTH SERVICES--DEVELOPMENTAL DISABILITIES--STATE HOSPITALS. The sum of \$3,050,000 from the general fund--state and \$3,581,000 from the general fund--federal is appropriated to the developmental disabilities program of the department of social and health services to reduce the number of persons with developmental disabilities residing at eastern and western state hospitals, and to improve care for those who do reside there. At least \$450,000 of the general fund--state appropriation in this section shall be used to supplement standard state hospital expenditures in order to provide additional, specialized care for persons with developmental disabilities who reside in the state hospitals. The balance of the state and federal appropriation shall be used in collaboration with mental health regional support networks to provide case management, crisis intervention, respite, residential, or other community-based services for persons with developmental disabilities who transfer from or who are at risk of placement into the state hospitals. Expenditures under this section for nonstate hospital services shall be conditioned upon specific reductions in admissions to, or in the utilization of bed days at, the state hospitals.

The appropriations in this section shall be reduced by the amount that has been expended as of the effective date of this act from the appropriations under section 205(1)(e), chapter 16, Laws of 1991 sp. sess.

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))~~ \$11,710,000, 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))~~ \$6,810,000 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. 209. 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))~~ \$4,724,000 from the general fund--state appropriation and ~~(((\$5,480,000))~~ \$2,804,000 from the general fund--federal appropriation, or so much thereof as may be necessary, are provided for vendor rate increases of ~~((six))~~ two 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 4.5 percent on January 1, 1993, shall be provided to all vendors. The remaining amount 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. 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	\$	(((\$65,033,000))
		<u>538,176,000</u>
General Fund--Federal Appropriation	\$	(((\$65,949,000))
		<u>643,550,000</u>
TOTAL APPROPRIATION	\$	(((\$1,230,982,000))
		<u>1,181,726,000</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 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)~~ \$3,387,000 of the general fund--state appropriation and ~~(\$3,171,000)~~ \$1,668,000 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))~~ three 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).

(10) The department shall transfer clients of the chore services program to the personal care program if the individual is financially and programmatically eligible for the personal care program, except that the department shall not transfer chore services clients who cannot be served through the personal care program due to a geographic factor which makes impractical their participation in the personal care program.

(11) By November 1, 1992, the department shall report to appropriate committees of the legislature on ways in which the nursing home rate-setting system might be revised to recognize, within current levels of state funding, any special financial requirements of nursing facilities which have a medicaid population of 90 percent or greater.

(12) Within the appropriations provided in this section, the department shall implement House Bill No. 2811 (AIDS nursing supply costs).

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))
		619,135,000
General Fund--Federal Appropriation	\$	((655,543,000))
		685,111,000
TOTAL APPROPRIATION	\$	((1,257,062,000))
		<u>1,304,246,000</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)~~ \$563,000 of the general fund--state appropriation and ~~(\$1,173,000)~~ \$616,000 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))~~ three percent increase on January 1, 1993.

(3) ~~(\$21,404,000)~~ \$5,182,000 of the general fund--state appropriation and ~~(\$25,887,000)~~ \$5,284,000 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))~~ three 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) \$1,500,000 of the general fund--state appropriation, or so much thereof as is necessary, is provided to implement Substitute House Bill No. 2983 (public assistance job training).

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))
		41,458,000
General Fund--Federal Appropriation	\$	((41,691,000))
		41,642,000
Drug Enforcement and Education Account		
State Appropriation	\$	38,236,000
TOTAL APPROPRIATION	\$	((125,364,000))
		121,336,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ((3,242,000)) \$1,781,000 of the general fund--state appropriation ((is)) and \$44,000 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)) three 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.

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))
		1,009,929,000
General Fund--Federal Appropriation	\$	((1,058,273,000))
		1,205,576,000
General Fund--Local Appropriation	\$	((12,000,000))
		58,904,000
TOTAL APPROPRIATION	\$	((2,038,957,000))
		2,274,409,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ((10,853,000)) \$5,995,000 of the general fund--state appropriation and ((11,832,000)) \$6,182,000 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)) three percent increase on January 1, 1993.

(2) ((2,262,000)) \$341,000 of the general fund--state appropriation and ((2,763,000)) \$370,000 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, small and rural hospitals as determined by the department.

(13) \$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 beginning 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 from the state general fund, of which sixty nine million nine hundred thousand dollars is from the general fund federal, is hereby appropriated))~~ \$29,540,000 is appropriated from the general fund--state and \$34,532,000 is appropriated from the general fund--federal 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 from the state general fund, of which twenty million nine hundred ninety five thousand dollars is from the general fund federal, is hereby appropriated))~~ \$13,713,000 is appropriated from the general fund--state and \$16,762,000 is appropriated from the general fund--federal 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>16,077,000</u>
General Fund--Federal Appropriation	\$	((56,973,000)) <u>55,803,000</u>
TOTAL APPROPRIATION	\$	((73,574,000)) <u>71,880,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~(((\$91,000))~~ \$48,000 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)) three 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) \$800,000 of the general fund--state appropriation and \$2,420,000 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. 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))
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General Fund--Federal Appropriation	\$	49,428,000 ((37,706,000)) 36,372,000
Industrial Insurance Premium Refund Account Appropriation 88,000		
TOTAL APPROPRIATION	\$	((91,315,000)) 85,880,000

The appropriations in this section are subject to the following conditions and limitations:

~~((2))~~ (1) \$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).

(2) The secretary shall require each regional office of the developmental disabilities division, each aging and adult field services regional office, each county alcohol and substance abuse program, and each mental health regional support network to enter into written collaborative agreements by October 1, 1992. The agreements shall define specific actions each party will take to reduce the number and length of state and local psychiatric hospitalizations by persons in the nonmental health agency's target population, including persons with developmental disabilities, persons with age-related dementia and traumatic brain injury, and persons with chemical dependencies. By November 1, 1992, the secretary shall report to the human services and appropriations committees of the house of representatives and the health and long-term care and ways and means committees of the senate on the actions each party in each regional support network catchment area will take to reduce hospitalization of each target population.

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)) 193,987,000
General Fund--Federal Appropriation	\$	((267,315,000)) 204,785,000
TOTAL APPROPRIATION	\$	((489,311,000)) 398,772,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~((266,000))~~ \$68,000 of the general fund--state appropriation and ~~((50,000))~~ \$20,000 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)) three 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) \$599,000 of the general fund--state appropriation and ~~((1,181,400))~~ \$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~~ (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))~~ (9) \$800,000 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.

(12) \$183,000 of the general fund--state appropriation is provided for the department's continued administration of the development of the automated client eligibility system (ACES).

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))
		46,106,000
General Fund--Federal Appropriation	\$	((90,407,000))
		92,698,000
General Fund--Local Appropriation	\$	280,000
Public Safety and Education Account Appropriation	\$	((5,100,000))
		5,049,000
TOTAL APPROPRIATION	\$	((139,766,000))
		<u>144,133,000</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. 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))
		31,223,000
General Fund--Federal Appropriation	\$	((11,516,000))
		11,249,000
TOTAL APPROPRIATION	\$	((44,578,000))
		<u>42,472,000</u>

NEW SECTION. Sec. 220. A new section is added to 1991 sp.s. c 16 to read as follows:

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. 221. 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))
		9,731,000
General Fund Appropriation	\$	((366,000))
		356,000
TOTAL APPROPRIATION	\$	((9,723,000))
		<u>10,087,000</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, including the employment of a research director.

(4) \$140,000 of the state health care authority administrative account appropriation is provided solely to implement the provisions of Substitute House Bill No. 2857 (school retirees' health insurance coverage). 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 220 is amended to read as follows:

FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

General Fund--State Appropriation	\$	((102,767,000))
		<u>101,731,000</u>

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))
		7,794,000
<u>Fire Service Trust Account</u>	\$	164,000
Building Code Council Account Appropriation	\$	((924,000))
		974,000
Public Works Assistance Account Appropriation	\$	1,022,000
Fire Service Training Account Appropriation	\$	((803,000))
		1,103,000
State Toxics Control Account Appropriation	\$	((556,000))
		726,000
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>Enhanced 911 Account Appropriation</u>	\$	1,936,000
<u>Water Quality Account Appropriation</u>	\$	1,500,000
TOTAL APPROPRIATION	\$	((286,815,000))
		341,376,000

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) \$225,000 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) \$12,095,000 of the general fund--state appropriation is provided solely for growth management planning grants to local governments.

~~((12) \$7,739,000)~~ (11) \$4,129,000 of the general fund--state appropriation is provided solely to implement chapter 32, Laws of 1991 sp. sess. (Engrossed Substitute House Bill No. 1025 ~~((1))~~, 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))~~ \$2,433,000 is provided solely for planning grants to local governments additional to those provided for under subsection ~~((11))~~ (10) of this section;

(b) ~~((1,000,000 is provided solely to conduct environmental planning pilot projects; and~~

~~(e) \$975,000~~) \$225,000 is provided solely to contract with the environmental hearings office for three growth planning hearings boards. A maximum of ~~(((\$1,950,000))~~ \$1,200,000 of the amount provided in this subsection ~~((42))~~ (11) may be used for this purpose.

~~((13))~~ (12) \$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~~) (13) \$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.

(p) If the department determines insufficient state match dollars are available in managing state and federal drug programs, it is the intent of the legislature that funds appropriated to the supreme court in section 109(1) of this act be used as match, as appropriate, to ensure the receipt of all available federal funding.

(14) \$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.

(15) \$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)) (16) \$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)) (17) \$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)) (18) \$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)) (19) \$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)) (20) \$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)) (21) \$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)) (22) \$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)) (23) \$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)) (24) \$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)) (25) \$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.~~

(26) \$50,000 of the general fund--state appropriation is provided solely for the community development finance program to continue assistance to timber-dependent communities.

(27) \$545,000 of the general fund--state appropriation is provided solely for the local development matching fund program.

(28) \$135,000 of the general fund--state appropriation is provided solely for administration of the development loan fund.

(29) \$2,400,000 of the public safety and education account appropriation is provided solely for civil representation of indigent persons in accordance with Engrossed Substitute House Bill No. 1378 or House Bill No. 2997 (indigent civil legal services). If neither bill is enacted by June 30, 1992, the amount provided in this subsection shall lapse.

(30) \$50,000 of the state building code council appropriation is provided to fund training related to state building code requirements for accessibility as related to the federal fair housing amendments act of 1988 and Americans with disabilities act of 1990.

(31) \$50,000 of the general fund--state appropriation is provided solely for the department to contract for long-term care ombudsperson services.

(32) \$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. 223. 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>4,021,000</u>

General Fund--Federal Appropriation	\$	((942,000))
		<u>999,000</u>
General Fund--Private/Local Appropriation	\$	520,000
TOTAL APPROPRIATION	\$	((5,754,000))
		<u>5,540,000</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. 224. 1991 sp.s. c 16 222 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>8,602,000</u>
Medical Aid Fund Appropriation	\$	((8,373,000))
		<u>8,602,000</u>
TOTAL APPROPRIATION	\$	((16,876,000))
		<u>17,331,000</u>

Sec. 225. 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>11,357,000</u>
Drug Enforcement and Education Account Appropriation	\$	370,000
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. 226. 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>9,988,000</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>131,662,000</u>
Electrical License Fund Appropriation	\$	15,230,000
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>335,708,000</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 ((f)), labor/management cooperative program), and to continue the program through June 30, 1993.

(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) \$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 of the mentally ill, patients or former patients of 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 its finding and recommendations to the appropriate committees of the legislature by December 31, 1993.

Sec. 227. 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>3,018,000</u>

Sec. 228. 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>22,005,000</u>
General Fund--Federal Appropriation	\$	6,708,000
General Fund--Local Appropriation	\$	10,429,000
TOTAL APPROPRIATION	\$	((38,976,000))
		<u>39,142,000</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) \$10,092,000 of the general fund--state appropriation, \$4,269,000 of the general fund--federal appropriation, and \$7,296,000 of the general fund--local appropriation are provided solely for operation of the veterans' home at Retsil.

(3) \$6,928,000 of the general fund--state appropriation, \$2,439,000 of the general fund--federal appropriation, and \$3,133,000 of the general fund--local appropriation are provided solely for operation of the soldiers' home and colony at Orting.

Sec. 229. 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>121,810,000</u>
General Fund--Federal Appropriation	\$	((109,011,000))
		<u>129,786,000</u>
General Fund--Local Appropriation	\$	((16,100,000))
		<u>17,817,000</u>
Hospital Commission Account Appropriation	\$	2,919,000
Medical Disciplinary Account Appropriation	\$	1,677,000
Health Professions Account Appropriation	\$	((25,237,000))
		<u>25,350,000</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>304,453,000</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.

(11) \$40,000 of the general fund--state appropriation is provided solely to implement Engrossed Substitute Senate Bill No. 6069 (bone marrow donor program). If the bill is not enacted by June 30, 1992, the amount provided in this subsection shall lapse.

(12) \$40,000 of the general fund--state appropriation is provided solely to implement Engrossed Substitute House Bill No. 2337 (malpractice insurance/retired). If the bill is not enacted by June 30, 1992, the amount provided in this subsection shall lapse.

(13) The department of health, in consultation with the current poison center network, shall prepare a plan to consolidate the network into one center. The plan shall include proposed funding methods that minimize the need for increased general fund--state support. The plan shall take maximum advantage of efficiencies realized through consolidation. The plan shall include a proposed site or host institution. Any proposed increases in the quantity or quality of service shall be separately identified as potential additions to the plan. The plan shall be delivered to the fiscal and health committees of the house of representatives and senate by December 1, 1992.

(14) By October 1, 1992, each regional AIDS network shall enter a written collaborative agreement with each mental health regional support network in its catchment area. The agreement shall define specific actions each party will take to reduce state and local psychiatric hospitalizations of persons with AIDS-related dementia. By November 1, 1992, the department of health shall report to the human services and appropriations committees of the house of representatives and to the health and long-term care and ways and means committees of the senate on the actions each regional AIDS network will take to reduce hospitalization of persons with AIDS-related dementia.

Sec. 230. 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))
		340,687,000
Drug Enforcement and Education Account Appropriation	\$	((25,837,000))
		37,837,000
TOTAL APPROPRIATION	\$	((384,046,000))
		378,524,000

The appropriations in this subsection are subject to the following conditions and limitations:

(1) \$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, 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.

(2) If the secretary determines that institutional overcrowding constitutes an emergency and the availability of additional new capacity can alleviate this emergency, the department may, subject to the authorization of the director of financial management, exceed its allotment authority to accelerate new facility start-up. Notice of any such action shall be transmitted to appropriate legislative committees. This subsection does not authorize the department to exceed its biennial appropriation.

(3) ADMINISTRATION AND PROGRAM SUPPORT

General Fund Appropriation	\$	((37,651,000))
		35,234,000
Drug Enforcement and Education Account Appropriation	\$	2,140,000
Industrial Insurance Premium Refund Account Appropriation	\$	((72,000))
		208,000
TOTAL APPROPRIATION	\$	((39,863,000))
		37,582,000

The appropriations in this ~~(section)~~ subsection 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.

(c) Within the appropriations in this subsection, amounts may be deposited into the community services revolving fund and used to satisfy outstanding court-ordered costs and restitution, consistent with the authority granted under RCW 9.95.360, of a Washington state inmate who is a foreign national seeking transfer to the United Kingdom pursuant to RCW 43.06.350. The foreign national shall execute a promissory note for the full amount paid by the department, plus interest, to satisfy outstanding court-ordered costs and restitution costs.

(4) CORRECTIONAL INDUSTRIES

General Fund Appropriation	\$	((3,526,000))
		3,348,000

Sec. 231. 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))
		2,720,000
General Fund--Federal Appropriation	\$	((7,969,000))
		7,758,000
TOTAL APPROPRIATION	\$	((10,926,000))
		10,478,000

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))~~ three percent on January 1, 1993.

Sec. 232. 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))
		40,713,000

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))~~ \$3,881,000 of the general fund appropriation may be expended for administration of the plan.

Sec. 233. 1991 sp.s. c 16 s 231 is amended to read as follows:

FOR THE SENTENCING GUIDELINES COMMISSION

General Fund Appropriation	\$	((628,000))
		<u>684,000</u>

Sec. 234. 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>431,000</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>\$</u>	<u>79,000</u>
<u>Unemployment Compensation Administration Fund--State Appropriation</u>	<u>\$</u>	<u>100,000</u>
TOTAL APPROPRIATION	\$	((295,111,000))
		<u>295,689,000</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 general fund--state 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>2,148,000</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>36,337,000</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 grants to local government 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>502,000</u>
General Fund--Private/Local Appropriation	\$	516,000
TOTAL APPROPRIATION	\$	((1,053,000))
		<u>1,018,000</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>58,074,000</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
<u>Water Pollution Control Revolving Account</u>		
<u>Appropriation</u>	\$	<u>1,094,000</u>
TOTAL APPROPRIATION	\$	<u>((243,673,000))</u> <u>236,259,000</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. Of this amount, no more shall be expended than the amount anticipated to be

deposited by June 30, 1993, into the general fund from revenues from wastewater treatment operator certification and training fees.

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>51,261,000</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>45,000</u>
Motor Vehicle Fund Appropriation	\$	1,112,000
Oil Spill Administration Account Appropriation	\$	61,000
TOTAL APPROPRIATION	\$	((59,683,000))
		<u>57,819,000</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) 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, with the exception of closures resulting from an increase in real property costs.

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))
1,131,000

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))
30,037,000
 Motor Vehicle Fund Appropriation \$ 564,000
 Solid Waste Management Account Appropriation \$ ((1,000,000))
1,800,000
 Litter Control Account Appropriation \$ ((1,000,000))
2,200,000
TOTAL APPROPRIATION \$ ((36,272,000))
34,601,000

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) \$2,200,000 of the litter control account appropriation and ~~((1,000,000))~~ \$1,800,000 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. If House Bill No. 2635 (litter/recycling assessment) is not enacted by June 30, 1992, \$1,200,000 from the litter control account appropriation and \$800,000 from the solid waste management account appropriation shall lapse.

~~((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) \$1,040,000 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)~~ (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) \$100,000)~~ (7) \$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.

~~((42))~~ (8) \$150,000 of the general fund appropriation is provided solely as an enhancement to the current level of funding for associate development organizations (ADOs). In determining revisions of contract amounts for grants to ~~((associate development organizations))~~ ~~((f))~~ ADOs ~~((s))~~ the department shall seek to maintain current grant levels for ADOs that serve rural or economically distressed communities.

(9) \$500,000 of the general fund 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.

(10) \$30,000 of the general fund appropriation is provided solely for the Taiwan office.

(11) \$40,000 of the general fund appropriation is provided solely to implement Substitute Senate Bill No. 6494 (Hanford lease). If the bill is not enacted by June 30, 1992, the amount provided in this subsection shall lapse.

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))
1,997,000
 Water Quality Account Appropriation \$ 192,000
TOTAL APPROPRIATION \$ ((2,381,000))
2,189,000

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>11,000</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>3,444,000</u>
General Fund--Federal Appropriation	\$	202,000
Water Quality Account Appropriation	\$	1,100,000
TOTAL APPROPRIATION	\$	((4,981,000))
		<u>4,746,000</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>56,263,000</u>
General Fund--Federal Appropriation	\$	((17,901,000))
		<u>17,928,000</u>
General Fund--Private/Local Appropriation	\$	((8,301,000))
		<u>8,313,000</u>
Aquatic Lands Enhancement Account Appropriation	\$	((1,092,000))
		<u>1,083,000</u>
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>84,001,000</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 of the general fund--state appropriation is provided solely for attorney general cost, 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)) (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>10,843,000</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>50,002,000</u>
Wildlife Fund--Federal Appropriation	\$	((16,308,000))

		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>82,630,000</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>59,058,000</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))
		<u>1,716,000</u>
Resource Management Cost Account Appropriation	\$	((79,780,000))
		<u>79,555,000</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 Appropriation</u>	<u>\$</u>	<u>82,000</u>
TOTAL APPROPRIATION	\$	((179,363,000))
		<u>180,493,000</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))~~ of 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))~~ \$10,695,000 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))~~ \$2,930,000 of the general fund--state appropriation is provided solely for forest practices activities. Of the amount provided in this subsection, ~~((\\$1,500,000))~~ \$1,126,000 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 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>18,776,000</u>
General Fund--Federal Appropriation	\$	1,226,000
State Toxics Control Account Appropriation	\$	1,109,000
<u>Weights and Measures Account Appropriation</u>	\$	<u>400,000</u>
<u>TOTAL APPROPRIATION</u>	\$	((22,015,000))
		<u>21,511,000</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))~~ \$836,000 of the general fund--state appropriation is provided solely for the state noxious weed program. Of this amount ~~((\\$524,000))~~, \$506,000 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).

(5) \$30,000 of the general fund--state appropriation is provided solely for the Taiwan office.

(6) The following amounts are for the weights and measures program as provided in Substitute Senate Bill 6483:

(a) \$50,000 of the general fund--state appropriation is provided solely for a study regarding funding for the weights and measures program;

(b) \$150,000 of the general fund--state appropriation is provided solely for the consumer protection activities of the weights and measures program; and

(c) \$400,000 of the general fund--state appropriation is provided solely to implement the weights and measures program.

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>23,201,000</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>25,891,000</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.

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>17,575,000</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>3,310,000</u>
TOTAL APPROPRIATION	\$	((32,408,000)) 32,053,000

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

(2) The entire master licensing account appropriation is contingent on enactment of Senate Bill No. 6461 (master license fees). If the bill is not 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)) 22,290,000
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)) 35,832,000

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)~~ Up to \$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)~~ 62,000 of the general fund--state appropriation is provided ~~((to implement chapter 255, Laws of 1991 (Second Substitute Senate Bill No. 5022, teacher excellence awards)))~~ for the Washington award for excellence program. Of this amount, \$25,000 is provided for stipends to reimburse academic grant recipients for their educationally related costs as provided in Engrossed Substitute Senate Bill No. 6326 (awards for excellence).

(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 education program.

(12) \$20,000 of the general fund state appropriation is provided for the superintendent to develop violence prevention materials for use in local school districts, including information on techniques for anger management and effective alternatives to violence for solving problems.

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))~~
5,183,846,000

The appropriation in this section is subject to the following conditions and limitations:

(1) ~~\$(500,537,000)~~ 499,307,000 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 percent in the 1991-92 (~~and 1992-93~~) school year (s) and 20.30 percent in the 1992-93 school year of certificated salary allocations provided under subsection (2) of this section, and a rate of 18.84 percent in the 1991-92 (~~and 1992-93~~) school year (s) and 18.53 percent in the 1992-93 school year 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))~~ 4,690,000 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)) 1,766,000 may be expended in fiscal year 1992 and a maximum of \$((1,788,000)) 1,856,000 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 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)) 206,433,000

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 for certificated salaries and 1.1534 for classified salaries for ((both)) the 1991-92 ((and 1992-93)) school year(s). For the 1992-93 school year, the rate for certificated salaries shall be 1.1966 and the rate for classified salaries shall be 1.1503.

(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))

Years of Service BA BA+15 BA+30 BA+45 BA+90

0	21,425	22,003	22,603	23,203	25,131
1	22,126	22,724	23,343	23,983	25,968
2	22,843	23,459	24,096	24,798	26,816
3	23,595	24,230	24,886	25,626	27,679
4	24,361	25,036	25,709	26,489	28,596
5	25,162	25,854	26,547	27,386	29,527
6	25,997	26,686	27,418	28,317	30,490
7	26,845	27,552	28,302	29,258	31,485
8	27,705	28,452	29,219	30,255	32,513
9		29,384	30,188	31,261	33,572
10			31,169	32,320	34,661
11				33,409	35,802
12				34,464	36,973
13					38,173
14					39,379
15 or more					40,403

Years of Service BA+135 MA MA+45 MA+90 or PHD

0	26,374	25,687	27,615	28,858
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<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>2,393</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))
42,885,000

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 for certificated salaries and 1.1534 for classified salaries in the 1991-92 and 1992-93 school years)) the same as those specified in section 503(3) of this act.

(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 per pupil for the 1991-92 school year and by ((35.87)) 32.99 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 per pupil for the 1991-92 school year and by ((27.20)) 25.12 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 per pupil for the 1991-92 school year and by ((21.24)) 17.59 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))
84,890,000

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))~~ 2.13 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))
299,292,000

The appropriation in this section is subject to the following conditions and limitations:

(1) ~~\$(26,028,000))~~ 26,183,000 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))~~ (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))

12,345,000

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))
		691,264,000
General Fund--Federal Appropriation	\$	83,900,000
TOTAL APPROPRIATION	\$	((775,246,000))
		775,164,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~\$((62,455,000))~~ 62,792,000 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))
		8,358,000
General Fund--State Appropriation	\$	2,203,000
TOTAL APPROPRIATION	\$	10,561,000

The appropriations in this section ~~(is)~~ are 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))~~ (3) 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.

(4) The remainder of the appropriation shall be expended to provide up to \$137.16 for other students completing the program. School districts receiving moneys from this appropriation may make refunds to traffic safety students for program fee increases implemented during the 1991-92 school year as a result of funding reductions under section 510, chapter 16, Laws of 1991 sp. sess.

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))
		10,466,000

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 512 is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR LOCAL EFFORT ASSISTANCE

General Fund Appropriation \$ ~~((144,606,000))~~
149,244,000

The appropriation in this section (~~is subject to the following conditions and limitations: \$144,606,000~~) is provided for state matching funds pursuant to RCW 28A.500.010.

Sec. 512. 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))~~
178,332,000

(1) Education Consolidation and Improvement Act \$ 178,000,000

(2) Education of Indian Children \$ 332,000

~~((3) Adult Basic Education \$ 4,700,000))~~

Sec. 513. 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))~~
24,906,000

General Fund--Federal Appropriation \$ 7,700,000

TOTAL APPROPRIATION \$ ~~((32,650,000))~~
32,606,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~\$(4,065,000))~~ 4,071,000 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. 514. 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))~~
9,926,000

The appropriation in this section is subject to the following conditions and limitations:

(1) ~~\$(945,000))~~ Up to \$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(~~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 rate of \$355.77 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. 515. 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))~~
5,646,000

General Fund--Federal Appropriation \$ 6,085,000

Drug Enforcement and Education Account Appropriation	\$	13,509,000
TOTAL APPROPRIATION	\$	<u>(25,749,000)</u>
		<u>25,240,000</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)~~ 2,650,000 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)~~ 142,000 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)~~ 1,140,000 of the general fund--state appropriation is provided solely for support to strengthen school district management.

Sec. 516. 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	\$	<u>((62,036,000))</u>
		<u>44,147,000</u>
General Fund--Federal Appropriation	\$	11,500,000
TOTAL APPROPRIATION	\$	<u>((73,536,000))</u>
		<u>55,647,000</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, including multicultural curricula, where appropriate.

(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)~~ 47,500 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)~~ 5,726,000 of the general fund--state appropriation is provided solely for a complex needs factor. ~~\$(3,333,000)~~ 3,359,000 of this amount shall be provided for the 1991-92 school year to districts according to LEAP Document 30, developed by the legislative evaluation and accountability program committee on June 27, 1991, at 13:40 hours and LEAP Document 30A developed on January 15, 1992, at 12:00 hours. Funds remaining 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) \$15,000,000))~~ (12) \$14,775,000 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 to implement this subsection; (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/or private human service providers to ensure delivery of appropriate services to students after considering both public and private providers. 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/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, 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.))~~

(13) \$3,940,000 of the general fund--state appropriation is provided solely for magnet school pilot projects for the purpose of enhancing and evaluating school district programs designed to encourage racial integration of schools through voluntary student transfers. A school district awarded a state magnet grant in 1991-92 shall receive not less than 84.5 percent of the 1991-92 state magnet grant in 1992-93. The superintendent shall expand the number of districts receiving grants in 1992-93 on a competitive basis by including other districts having program sites existing during 1991-92, and shall distribute the available funds according to the number of sites with magnet programs in each district in 1991-92 for which application is made under this subsection. 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 curricula 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. The superintendent shall prepare and adopt rules establishing a competitive process and criteria for allocating funds to school districts with magnet programs for use in the 1993-95 biennium. Prior to adoption of the rules, the superintendent shall provide a report to the fiscal committees of the legislature no later than December 1, 1992. The report to the legislature shall include an evaluation of the pilot projects funded during the 1991-93 biennium and recommendations based thereon.

~~((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) \$97,500 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) \$2,000,000)~~ (19) \$1,970,000 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.

(23) \$25,000 of the general fund--state appropriation is provided solely for the Griffin school district for a 1990-91 school year accounting error.

Sec. 517. 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))
		<u>29,687,000</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))~~ the rates ~~((for each year))~~ of \$508.82 and \$505.69, 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. 518. 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>92,442,000</u>

The appropriation in this section is subject to the following conditions and limitations:

- (1) ~~\$(8,850,000))~~ 8,817,000 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 and \$425 per unit, respectively, 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. 519. 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. 520. 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))
57,710,000

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. 521. 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)~~ 42,086,000 to General Apportionment, section 502 of this act;
 - (b) ~~\$(6,252,000)~~ 6,310,000 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: The combined operating appropriations under this act from the general fund--state and the institutional operating fees account, 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 four 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))~~ four 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)) variances 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))
	160
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 thirteen percent of the fiscal year 1993 projection under the office of financial management tuition and fee model used in the governor's February 1992 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 and forty-seven hundredths percent of the fiscal year 1993 projection under the office of financial management tuition and fee model used in the governor's February 1992 forecast, excluding the adult basic 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)) 3.0 percent on January 1, 1993.

	1991-92	1992-93
University of Washington	\$ 2,888,000	((8,086,000)) 7,391,000
Washington State University	\$ 1,157,000	((3,544,000)) 3,264,000
Eastern Washington University	\$ 435,000	((1,190,000)) 1,084,000
Central Washington University	\$ 393,000	((1,053,000)) 958,000
The Evergreen State College	\$ 185,000	((502,000)) 459,000
Western Washington University	\$ 540,000	((1,446,000)) 1,317,000

(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)) 2,500,000
Washington State University	\$ 625,000	((1,898,000)) 1,748,000
Eastern Washington University	\$ 118,000	((348,000)) 320,000
Central Washington University	\$ 93,000	((275,000)) 253,000
The Evergreen State College	\$ 79,000	((232,000)) 212,000
Western Washington University	\$ 138,000	((407,000)) 374,000
Higher Education Coordinating Board	\$ 25,000	((75,000)) 69,000

(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 college system as a whole excluding the 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))~~ (5)(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))~~ 3.0 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))
		4,068,000
Washington State University	\$ 868,000	((2,647,000))
		2,496,000
Eastern Washington University	\$ 214,000	((651,000))
		613,000
Central Washington University	\$ 172,000	((525,000))
		494,000
The Evergreen State College	\$ 131,000	((396,000))
		374,000
Western Washington University	\$ 232,000	((724,000))
		683,000
State Board for Community and <u>Technical Colleges</u> <u>(Education)</u>	\$ 1,323,000	((4,031,000))
		3,800,000
Higher Education Coordinating Board	\$ 12,000	((36,000))
		34,000

(b) The salary increases granted in this subsection ~~((6))~~ (5) 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))~~ (5) of this section to any person whose salary has been Y-rated pursuant to rules adopted by the higher education personnel board.

~~((7))~~ (6) 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

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))
	733,585,000

Community Colleges Operating Fees Account

<u>Appropriation</u>	\$ 63,562,000
General Fund--Federal Appropriation	\$ 4,700,000
<u>TOTAL APPROPRIATION</u>	\$ 801,847,000

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) \$2,315,000 of the general fund--state appropriation is provided solely for technical college employee salary increases of four percent in fiscal year 1992 and three percent 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 for the entire system by \$625,000 for travel. 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.

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)) 595,020,000
<u>University of Washington Operating Fees Account</u>		
Appropriation	\$	75,286,000
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)) 679,316,000

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 appropriation is provided solely for assessment of student outcomes.

(4) ~~((At least \$696,000 shall be spent))~~ \$679,000 of the general fund appropriation is provided solely to recruit and retain minorities.

(5) ~~(((\$75,000))~~ \$61,000 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)~~ \$4,255,000 of the general fund appropriation is provided solely ~~((to add 75 student FTEs to the evening degree program))~~ for evening degree program enrollment levels of 337 student FTEs in the first year and 375 student FTEs in the second year.

(8) The University of Washington shall reduce spending by \$630,000 for travel. These funds are to be used to mitigate enrollment reductions planned as part of the agency's 2.5 percent allotment reduction and to improve instruction.

(9) \$40,000 of the general fund appropriation is provided solely for the planning for learning project.

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))
		335,455,000

Washington State University Operating Fees Account

Appropriation	\$	36,670,000
TOTAL APPROPRIATION	\$	372,125,000

The appropriations in this section ((is)) are subject to the following conditions and limitations:

(1) ~~((At least \$7,917,000 shall be spent))~~ \$7,719,000 of the general fund appropriation 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 of the general fund appropriation 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 of the general fund appropriation 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 of the general fund appropriation is provided solely for assessment of student outcomes.

(5) ~~((At least \$300,000 shall be spent))~~ \$293,000 of the general fund appropriation is provided solely to recruit and retain minorities.

(6) \$60,000 of the general fund appropriation is provided solely for the aquatic animal health program.

(7) \$779,000 of the general fund appropriation 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 \$562,000 for travel. These funds are to be used to mitigate 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.

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))
		87,661,000

Eastern Washington University Operating Fees Account

Appropriation	\$	12,906,000
TOTAL APPROPRIATION	\$	100,567,000

The appropriations in this section ((is)) are subject to the following conditions and limitations:

(1) ~~((At least \$400,000 shall be spent on))~~ \$390,000 of the general fund appropriation is provided solely for assessment of student outcomes.

(2) ~~((At least \$200,000 shall be spent))~~ \$195,000 of the general fund appropriation is provided solely to recruit and retain minorities.

(3) Eastern Washington University shall reduce spending by \$216,000 for travel. These funds are to be used to improve instruction.

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))
		75,863,000

Central Washington University Operating Fees

Account Appropriation	\$	9,790,000
TOTAL APPROPRIATION	\$	85,653,000

The appropriations in this section ((is)) are subject to the following conditions and limitations:

(1) ~~((At least \$400,000 shall be spent on))~~ \$390,000 of the general fund appropriation is provided solely for assessment of student outcomes.

(2) ~~((At least \$151,000 shall be spent))~~ \$147,000 of the general fund appropriation is provided solely to recruit and retain minorities.

(3) Central Washington University shall reduce spending by \$111,000 for travel. These funds are to be used to improve instruction.

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))
47,290,000

The Evergreen State College Operating Fees Account

Appropriation \$ 6,899,000
TOTAL APPROPRIATION \$ 54,189,000

The appropriations in this section ((is)) are subject to the following conditions and limitations:

(1) ~~((At least \$400,000 shall be spent on))~~ \$390,000 of the general fund appropriation is provided solely for assessment of student outcomes.

(2) ~~((At least \$100,000 shall be spent))~~ \$98,000 of the general fund appropriation is provided solely to recruit and retain minorities.

(3) The Evergreen State College shall reduce spending by \$92,000 for travel. These funds are to be used to improve instruction.

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))
98,377,000

Western Washington University Operating Fees

Account Appropriation \$ 13,903,000
TOTAL APPROPRIATION \$ 112,280,000

The appropriations in this section ((is)) are subject to the following conditions and limitations:

(1) ~~((At least \$400,000 shall be spent on))~~ \$390,000 of the general fund appropriation is provided solely for assessment of student outcomes.

(2) ~~((At least \$200,000 shall be spent))~~ \$195,000 of the general fund appropriation is provided solely to recruit and retain minorities.

(3) Western Washington University shall reduce spending by \$146,000 for travel. These funds are to be used to improve instruction.

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))
4,464,000

General Fund--Federal Appropriation \$ 230,000

TOTAL APPROPRIATION \$ ((4,863,000))
4,694,000

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>74,767,000</u>
General Fund--Federal Appropriation	\$	3,326,000
State Education Grant Account Appropriation	\$	40,000
TOTAL APPROPRIATION	\$	((78,264,000))
		<u>78,133,000</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)~~ 73,336,000 of the general fund--state appropriation is provided solely for student financial aid, including all administrative costs. Of this amount:

(a) ~~(\$66,639,000 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.)~~ \$66,766,000 is provided solely for the state need grant and state work study programs. Of this amount: (i) Not less than \$24,200,000 shall be expended for the state work study grants; (ii) \$1,430,000 is attributable to the tuition and fee revenue increase in fiscal year 1993 and the state need grant awarded to any individual from these funds shall not exceed the amount received by a student attending a state research university; and (iii) any state need grant moneys not awarded by April 1 of each year may be transferred to the state work study program for distribution.

(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	\$	((613,000))
		<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	\$	((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>3,921,000</u>
General Fund--Federal Appropriation	\$	33,067,000
TOTAL APPROPRIATION	\$	((37,110,000))
		<u>36,988,000</u>

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>2,283,000</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. 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>13,963,000</u>
General Fund--Federal Appropriation	\$	4,671,000
General Fund--Private/Local Appropriation	\$	46,000
TOTAL APPROPRIATION	\$	((19,212,000))
		<u>18,680,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$((2,463,516)) 2,439,516 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))
		<u>4,620,000</u>
General Fund--Federal Appropriation	\$	900,000
TOTAL APPROPRIATION	\$	((5,606,000))
		<u>5,520,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$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 January 1, 1992. The general fund--state appropriation in this section and the amount provided in this subsection shall each be reduced by the amount expended prior to the effective date of this act under section 220(4), chapter 16, Laws of 1991 sp.s.

(2) The arts commission shall enter into an interagency agreement with the department of community development enabling near-term administration of the arts stabilization program by the department of community development and transfer of full administrative responsibility to the arts commission by January 1, 1993.

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>1,306,000</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>871,000</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>1,049,000</u>

Account Appropriation	\$	((4,744,000))
		<u>4,455,000</u>
Liquor Revolving Fund Appropriation	\$	((378,000))
		<u>348,000</u>
Lottery Administrative Account	\$	((50,000))
		<u>47,000</u>
Resource Management Cost Account Appropriation	\$	((980,000))
		<u>881,000</u>
Public Service Revolving Account Appropriation	\$	((48,000))
		<u>43,000</u>
TOTAL APPROPRIATION	\$	((24,784,000))
		<u>21,758,000</u>

Sec. 704. 1991 sp.s. c 16 s 708 is amended to read as follows:

FOR THE GOVERNOR--EMERGENCY FUND

General Fund Appropriation	\$	((1,500,000))
		<u>862,000</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. A new section is added to 1991 sp.s. c 16 to read as follows:

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.

Sec. 706. 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))
		<u>1,503,000</u>
Special Fund Agency Tort Defense Services		
Revolving Fund Appropriation	\$	850,000
TOTAL APPROPRIATION	\$	((2,392,000))
		<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. 707. 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</u>		
<u>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>
Highway Safety Account	\$	<u>597</u>
Motor Vehicle Fund	\$	((42,708))
		<u>46,932</u>
High Capacity Transportation Account	\$	<u>7,110</u>
Public Service Revolving Account	\$	<u>3,038</u>
Insurance Commissioner's Regulatory Account	\$	<u>2,079</u>
Water Quality Account	\$	<u>88,565</u>
State Treasurer's Service Fund	\$	((37))
		<u>546</u>
Drug Enforcement and Education Account	\$	<u>400</u>
Legal Services Revolving Fund	\$	<u>24,362</u>
Municipal Revolving Account	\$	<u>6,249</u>
Department of Personnel Service Fund	\$	<u>1,238</u>
State Auditing Services Revolving Account	\$	<u>2,878</u>
Liquor Revolving Fund	\$	((21,372))
		<u>22,597</u>
Convention and Trade Center Operations Account	\$	<u>4,037</u>
Department of Retirement Systems Expense Fund	\$	((1,234))
		<u>2,415</u>
Accident Fund	\$	<u>3,034</u>
Medical Aid Fund	\$	<u>3,034</u>

Sec. 708. 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) <u>City of Tacoma, in settlement of all claims per Pierce County Superior Court, Cause No. 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. 709. 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>106,280,000</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>231,566,000</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~~)) \$57,979,000 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 \$2,875,000, 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 House Bill No. 2693 or 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.

(14) \$39,000 of the general fund--state appropriation is provided solely for the Washington state patrol to implement Substitute House Bill No. 2693 or Substitute Senate Bill No. 6286 (adjusting pension contribution rates).

Sec. 710. 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. 711. 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 Fund	\$ 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's ~~((received at age 65))~~ age sixty-five allowance. 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's ~~((at age 65))~~ age sixty-five allowance. This increase shall be calculated using the formulas and definitions contained in RCW 41.32.575 and 41.40.325 ~~((but without regard to))~~ except that: (a) In calculating the increase to be paid from May 1, 1992, through June 30, 1993, to members who retired after age 65, "Index A" shall be the index for the calendar year prior to the year the member retired; and (b) the limitations imposed by RCW 41.32.575(2)(b) and RCW 41.40.325(2)(b) ~~((and))~~ do not apply. The increase provided in this subsection 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. 712. 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>
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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's ((received at age 65)) age sixty-five allowance. 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's ((at age 65)) age sixty-five allowance. This increase shall be calculated using the formulas and definitions contained in RCW 41.32.575 and 41.40.325 ~~((but without regard to))~~ except that: (a) In calculating the increase to be paid from May 1, 1992, through June 30, 1993, to members who retired after age 65, "Index A" shall be the index for the calendar year prior to the year the member retired; and (b) the limitations imposed by RCW 41.32.575(2)(b) and RCW 41.40.325(2)(b)((and)) do not apply. The increase provided in this subsection 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 Engrossed Substitute House Bill No. 2947 (early retirement). If the bill is not enacted by June 30, 1992, the amount provided in this subsection shall lapse.

**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
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Public Facilities Construction Loan and Grant

Revolving Fund:
For transfer to the General Fund

	\$	631,400
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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
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Disability Accommodation Revolving Account:

For transfer to the General Fund

	\$	190,000
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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
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State Employees' Insurance Account:

For transfer to the general fund (Northwestern National Life Insurance Refund)

	\$	<u>8,310,000</u>
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Department of Personnel Service Fund:

For transfer to the general fund

	\$	<u>820,000</u>
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Flood Control Assistance Account:

For transfer to the general fund

	\$	<u>4,000,000</u>
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<u>Natural Resources Fund--Water Quality Account:</u>		
<u>For transfer to the general fund</u>	\$	<u>3,202,022</u>
<u>Trust Land Purchase Account:</u>		
<u>For transfer to the general fund</u>	\$	<u>18,575,000</u>
<u>Motor Transport Account:</u>		
<u>For transfer to the general fund</u>	\$	<u>947,000</u>

**PART IX
MISCELLANEOUS**

NEW SECTION. Sec. 901. A new section is added to 1991 sp.s. c 16 to read as follows:
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. A new section is added to 1991 sp.s. c 16 to read as follows:
SUPERSESSON 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. A new section is added to 1991 sp.s. c 16 to read as follows:
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. This section does not apply to the department of corrections.

NEW SECTION. Sec. 904. A new section is added to 1991 sp.s. c 16 to read as follows:
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 Substitute 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. A new section is added to chapter 43.33A RCW to read as follows:
INVESTMENT ACCOUNTING. The state investment board shall account for and report on the investments authorized by this chapter in the manner prescribed by the office of financial management under chapter 43.88 RCW.

After approval of the director of financial management, all positions, reports, documents, and office equipment along with any appropriation necessary for carrying out the functions and duties transferred shall, on July 1, 1992, be transferred from the state treasurer's office to the state investment board. All employees assigned to such classified positions to be transferred, are assigned, without any loss of rights, to the state investment board.

Sec. 906. 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 staff reductions and 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~~)) \$8,660,000 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. 907. 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. 908. 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((s)) and shall include all services necessary for prenatal, postnatal, and well-child care((, and shall)). However, for the period ending June 30, 1993, with respect to coverage for groups of subsidized enrollees, the administrator shall not contract for prenatal or postnatal services that are provided under the medical assistance program under chapter 74.09 RCW except to the extent that such services are necessary over not more than a one-month period in order to maintain continuity of care after diagnosis of pregnancy by the managed care provider, or except to provide any such services associated with pregnancies diagnosed by the managed care provider before July 1, 1992. The schedule of services shall also 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.

(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, the administrator shall endeavor to secure participation contracts with managed health care systems in discrete geographic areas within at least five 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 payment at the unsubsidized rate required for the managed health care system in which he or she may be enrolled. 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 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) 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) 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) 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) To develop a program of proven preventive health measures and to integrate it into the plan wherever possible and consistent with this chapter.

(15) 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. 909. RCW 75.30.120 and 1983 1st ex.s. c 46 s 146 are each amended to read as follows:

(1) A commercial salmon fishing license issued under RCW 75.28.110 or salmon delivery permit issued under RCW 75.28.113 may be issued only to a vessel:

(a) Which held a state commercial salmon fishing license or salmon delivery permit during the previous year or had transferred to the vessel such a license, and has not subsequently transferred the license or permit to another vessel; and

(b) From which food fish were caught and landed in this state or in another state during the previous year as documented by a valid fish receiving document.

Where the failure to obtain the license or permit during the previous year was the result of a license or permit suspension, the vessel may qualify for a license or permit by establishing that the vessel held such a license or permit during the last year in which the license or permit was not suspended.

(2) The director may waive the landing requirement of subsection (1)(b) of this section if:

(a)(i) The vessel to which an otherwise valid license is transferred has not had the opportunity to have caught and landed salmon; and

~~((b))~~ (ii) The intent of the commercial salmon vessel limitation program established under this section is not violated;

(b) An individual is participating in a leaseback program funded through the Northwest power planning council; or

(c) The director finds that inadequate commercial fishing opportunity was available during the past fishing season.

(3) Commercial salmon fishing licenses and salmon delivery permits are transferable.

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 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. 911. 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. 912. 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. 913. 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.

On page 1, line 1 of the title, after "matters;" strike the remainder of the title and insert "amending RCW 70.146.080, 86.26.007, and 75.30.120; amending 1991 sp.s. c 16 ss 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, 510, 511, 512, 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, 801, 804, and 909; amending 1991 sp.s. c 9 s 10; reenacting and amending RCW 70.47.030 and 70.47.060; adding new sections to 1991 sp.s. c 16; adding a new section to chapter 43.33A RCW; repealing 1991 sp.s. c 16 ss 101 through 152, 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.", and that the bill do pass as recommended by the Conference Committee.

Signed by Senators McDonald, West; Representatives Inslee, Locke.

MOTION

Senator Newhouse moved that the Report of the Conference Committee on Engrossed Substitute House Bill No. 2470 be adopted.

Debate ensued.

POINT OF INQUIRY

Senator Saling: "Senator McDonald, does this budget depend upon another bill to be passed to get some more money in the pot so that we can pay for it?"

Senator McDonald: "That is correct."

Senator Saling: "Why did you determine to run the budget first and if the budget passes, then everyone is forced to buy the other bill to pay for the budget? Is that your plan?"

Senator McDonald: "I think the whole package is a package. The order of it is not particularly important."

Senator Saling: "Thank you, Senator."

Further debate ensued.

The President declared the question before the Senate to be motion by Senator Newhouse to adopt the Report of the Conference Committee on Engrossed Substitute House Bill No. 2470.

The motion by Senator Newhouse carried and the Report of the Conference Committee was adopted.

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 recommended by the Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2470, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 30; Nays, 18; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Barr, Bluechel, Cantu, Craswell, Erwin, Gaspard, Hayner, Jesernig, Matson, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Rasmussen, Roach, Sellar, A. Smith, L. Smith, Snyder, Sumner, Thorsness, West - 30.

Voting nay: Senators Bailey, Bauer, Conner, Hansen, Kreidler, Madsen, McCaslin, Pelz, Rinehart, Saling, Skratek, Stratton, Sutherland, Talmadge, Vognilid, von Reichbauer, Williams, Wojahn - 18.

Excused: Senator Moore - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2470, as recommended by the Conference Committee, having received the 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. 6286, deferred earlier today after the motion to reconsider the bill was adopted and the bill was returned to second reading.

MOTIONS

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

On page 1, strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 41.45 RCW to read as follows:

Beginning September 1, 1992, through June 30, 1993, the basic state contribution rate for the law enforcement officers' and fire fighters' retirement system, and the basic employer contribution rates for the public employees' retirement system, the teachers' retirement system, and the Washington state patrol retirement system shall be as follows:

- (1) 7.27% for all members of the public employees' retirement system;
- (2) 12.08% for all members of the teachers' retirement system;
- (3) 12.99% for all members of the law enforcement officers' and fire fighters' retirement system; and
- (4) 17.16% for all members of the Washington state patrol retirement system.

Sec. 2. RCW 41.45.060 and 1990 c 18 s 1 are each amended to read as follows:

Beginning (~~September 1, 1991~~) July 1, 1993, the basic state contribution rate for the law enforcement officers' and fire fighters' retirement system, and the basic employer contribution rates for the public employees' retirement system, the teachers' retirement system, and the Washington state patrol retirement system shall be as follows:

- (1) 7.47% for all members of the public employees' retirement system;
- (2) 12.60% for all members of the teachers' retirement system;
- (3) 16.44% for all members of the law enforcement officers' and fire fighters' retirement system; and
- (4) 15.53% for all members of the Washington state patrol retirement system.

Sec. 3. 1992 c ... s 712 is amended to read as follows:

FOR THE GOVERNOR--COMPENSATION--SALARY AND INSURANCE BENEFITS

General Fund--State Appropriation	\$	((106,280,000))
		<u>107,310,000</u>
General Fund--Federal Appropriation	\$	((16,278,000))
		<u>16,475,000</u>
Special Fund Salary and Insurance Contribution		
Increase Revolving Fund Appropriation	\$	((109,008,000))
		<u>109,512,000</u>
TOTAL APPROPRIATION	\$	((231,566,000))
		<u>233,297,000</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.

solely for a 3.6 percent across-the-board salary increase effective January 1, 1992, and an additional 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) \$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) \$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) \$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 \$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 \$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 \$6.41 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 \$7,079,000 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 ~~\$(2,875,000)~~ 1,845,000, the general fund--federal appropriation has been reduced by ~~\$(548,000)~~ 351,000, and the special fund salary and insurance contribution increase revolving fund appropriation has been reduced by ~~\$(1,401,000)~~ 897,000 as a result of the revised public employees' and teachers' retirement system contribution rates provided in Substitute House Bill No. 2693 or 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.

(14) \$39,000 of the general fund--state appropriation is provided solely for the Washington state patrol to implement Substitute House Bill No. 2693 or Substitute Senate Bill No. 6286 (adjusting pension contribution rates).

Sec. 4. 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	((58,125,000))
		<u>66,492,000</u>
TOTAL APPROPRIATION		((134,125,000))
		<u>142,492,000</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).

NEW SECTION. Sec. 5. The sum of \$4,784,000 or so much thereof as may be necessary, is appropriated from the state general fund for the biennium ending June 30, 1993, to the superintendent of public instruction for allocation to school districts and educational service districts for the 1992-93 school year to:

- (1) Increase the fringe benefit allocations specified in section 502(4), c ... (ESHB 2470), Laws of 1992 from 20.30 percent to 20.59 percent of certificated salary allocations and from 18.53 percent to 18.64 percent of classified salary allocations; and
- (2) Increase the incremental fringe benefit factors specified in section 503(3), c ... (ESHB 2470), Laws of 1992 from 1.1966 to 1.1995 for certificated salaries and from 1.1503 to 1.1514 for classified salaries.
- (3) Increase the rates specified in section 504(2), c ... (ESHB 2470), Laws of 1992 as follows:
 - (a) For transitional bilingual instruction from \$32.99 to \$33.21
 - (b) For learning assistance from \$25.12 to \$25.19
 - (c) For highly capable students from \$17.59 to \$17.70
 - (d) For pupil transportation from \$1.28 to \$1.29 and
- (4) Increase the rates specified in section 504(3), c ... (ESHB 2470), Laws of 1992 as specified in subsection (2) of this section.

NEW SECTION. Sec. 6. This act shall take effect September 1, 1992.

Senator Saling moved that the following amendment by Senators Saling and Bauer to the striking amendment by Senators Hayner and Gaspard be adopted:

On page 1, after line 20, insert the following:

Sec. 2. RCW 41.32.575 and 1989 c 272 s 3 are each amended to read as follows:

(1)c. Beginning July 1, ((1989)) 1992, and every year thereafter, the department shall determine the following information for each retired member or beneficiary who is over the age of sixty-five:

- (a) The dollar amount of the retirement allowance received by the retiree at the benefit age ((~~sixty-five~~)), to be known for the purposes of this section as the "(age sixty-five) benefit age retirement allowance";
- (b) The index for the calendar year prior to the year that the retiree reached the benefit age ((~~sixty-five~~)), to be known for purposes of this section as "index A";
- (c) The index for the calendar year prior to the date of determination, to be known for purposes of this section as "index B";

(d) The ratio obtained when index B is divided by index A, to be known for the purposes of this section as the "full purchasing power ratio"; and

(e) The value obtained when the retiree's ~~((age sixty five))~~ benefit age retirement allowance is multiplied by ~~((sixty percent))~~ the applicable percentage of the retiree's full purchasing power ratio, to be known for the purposes of this section as the "target benefit."

(2) Beginning with the July payment, the retiree's ~~((age sixty five))~~ benefit age retirement allowance shall be adjusted to be equal to the retiree's target benefit. In no event, however, shall the adjusted allowance:

(a) Be smaller than the retirement allowance received without the adjustment; ~~((not))~~

(b) Differ from the previous year's allowance by more than three percent; or

(c) Be paid before the retiree is age sixty-six.

No adjustment shall be made if the benefit age retirement allowance is greater than three hundred percent of the poverty income level for a family of two as published annually by the United States department of health and human services.

(3) For members who retire after the benefit age ~~((sixty five))~~, the ~~((age sixty five))~~ benefit age retirement allowance shall be the initial retirement allowance received by the member.

(4) For beneficiaries of members who die prior to the benefit age ~~((sixty five))~~: (a) The ~~((age sixty five))~~ benefit age retirement allowance shall be the allowance received by the beneficiary on the date the member would have turned the benefit age ~~((sixty five))~~; and (b) index A shall be the index for the calendar year prior to the year the member would have turned the benefit age ~~((sixty six))~~.

(5) Where the pension payable to a beneficiary was adjusted at the time the benefit commenced, the benefit provided by this section shall be adjusted in a manner consistent with the adjustment made to the beneficiary's pension.

(6) For the purposes of this section:

(a) "Index" means, for any calendar year, that year's average consumer price index--Seattle, Washington area for urban wage earners and clerical workers, all items, compiled by the bureau of labor statistics, United States department of labor;

(b) "Retired member" or "retiree" means any member who has retired for service or because of duty or nonduty disability, or the surviving beneficiary of such a member.

(7) The benefit age and the applicable percentage shall be determined by the state actuary using the funds appropriated for this purpose in each biennial omnibus appropriations act until the target levels established in this subsection are achieved. The benefit age shall be initially set at sixty-five, and the applicable percent shall be initially set at sixty percent. Each year, as available funds permit, the state actuary shall reduce the benefit age from age sixty-five to the age at retirement, but no lower than age fifty-five. After the benefit age has been adjusted to the age at retirement, the state actuary shall, as available funds permit, increase the applicable percentage on an incremental basis from sixty percent to seventy percent.

Sec. 3. RCW 41.40.325 and 1989 c 272 s 2 are each amended to read as follows:

(1) Beginning July 1, ~~((1989))~~ 1992, and every year thereafter, the department shall determine the following information for each retired member or beneficiary who is over the age of sixty-five:

(a) The dollar amount of the retirement allowance received by the retiree at the benefit age ~~((sixty five))~~, to be known for the purposes of this section as the "~~((age sixty five))~~ benefit age retirement allowance";

(b) The index for the calendar year prior to the year that the retiree reached the benefit age ~~((sixty five))~~, to be known for purposes of this section as "index A";

(c) The index for the calendar year prior to the date of determination, to be known for purposes of this section as "index B";

(d) The ratio obtained when index B is divided by index A, to be known for the purposes of this section as the "full purchasing power ratio"; and

(e) The value obtained when the retiree's ~~((age sixty five))~~ benefit age retirement allowance is multiplied by ~~((sixty percent))~~ the applicable percentage of the retiree's full purchasing power ratio, to be known for the purposes of this section as the "target benefit."

(2) Beginning with the July payment, the retiree's ~~((age sixty five))~~ benefit age retirement allowance shall be adjusted to be equal to the retiree's target benefit. In no event, however, shall the adjusted allowance:

(a) Be smaller than the retirement allowance received without the adjustment; ~~((not))~~

(b) Differ from the previous year's allowance by more than three percent; or

(c) Be paid before the retiree is age sixty-six.

No adjustment shall be made if the benefit age retirement allowance is greater than three hundred percent of the poverty income level for a family of two as published annually by the United States department of health and human services.

(3) For members who retire after the benefit age ~~((sixty five))~~, the ~~((age sixty five))~~ initial retirement allowance shall be the initial retirement allowance received by the member.

(4) For beneficiaries of members who die prior to the benefit age ~~((sixty five))~~: (a) The ~~((age sixty five))~~ initial retirement allowance shall be the allowance received by the beneficiary on the date the member would have turned the benefit age ~~((sixty five))~~; and (b) index A shall be the index for the calendar year prior to the year the member would have turned the benefit age ~~((sixty five))~~.

benefit age ((sixty-five)); and (b) index A shall be the index for the calendar year prior to the year the member would have turned the benefit age ((sixty-five)).

(5) Where the pension payable to a beneficiary was adjusted at the time the benefit commenced, the benefit provided by this section shall be adjusted in a manner consistent with the adjustment made to the beneficiary's pension.

(6) For the purposes of this section:

(a) "Index" means, for any calendar year, that year's average consumer price index—Seattle, Washington area for urban wage earners and clerical workers, all items, compiled by the bureau of labor statistics, United States department of labor;

(b) "Retired member" or "retiree" means any member who has retired for service or because of duty or nonduty disability, or the surviving beneficiary of such a member.

(7) The benefit age and the applicable percentage shall be determined by the state actuary using the funds appropriated for this purpose in each biennial omnibus appropriations act until the target levels established in this subsection are achieved. The benefit age shall be initially set at sixty-five, and the applicable percent shall be initially set at sixty percent. Each year, as available funds permit, the state actuary shall reduce the benefit age from age sixty-five to the age at retirement, but no lower than age fifty-five. After the benefit age has been adjusted to the age at retirement, the state actuary shall, as available funds permit, increase the applicable percentage on an incremental basis from sixty percent to seventy percent.

NEW SECTION. Sec. 4. The sum of twenty million dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1993, from the general fund to the department of retirement systems for the purposes of sections 2 and 3 of this act.

Debate ensued.

POINT OF ORDER

Senator West: "I rise to challenge the scope and object of this amendment. Senate Bill No. 6286 deals exclusively with adjusting the pension contributions rates. The proposed amendment institutes a new program to increase retirement benefits. It is clearly beyond the object of the bill which is an act relating to pension contribution rates. The bill before us does not change any benefits and deals only with state contributions to fund existing pension obligations. This amendment clearly expands the scope and object of this bill."

Further debate ensued.

POINT OF INQUIRY

Senator Sutherland: "Senator Sumner, a couple days ago some green cookies appeared on most all of our desks and like those on Senator McMullen's desk right now. Rumors have been rampant in this Chamber about where those cookies came from. Some have accused the environmental community of lacing them and leaving them around; some cookie monsters; all kinds of things; some even suggested that St. Patrick's day came a little early. I also heard that you might have had something to do with it. I thought maybe you could help ease the torment that is teasing all of us by telling us if you know anything about those green cookies."

Senator Sumner: "Are your stomachs tormented? I made those cookies about a year ago. Happy St. Patty's Day everybody."

MOTION

At 9:31 p.m., on motion of Senator Newhouse, the Senate was declared to be at ease.

The Senate was called to order at 10:08 p.m. by President Pritchard.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 6286, on reconsideration, and the pending amendment by Senators Saling and Bauer on page 1, after line 20, to the striking amendment by Senators Hayner and Gaspard.

RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator West, the President finds that Substitute Senate Bill No. 6286 is a measure which modifies pension contribution rates for working members of the various retirement systems for the period September 1, 1992, through June 30, 1993, and adjusts the related appropriations accordingly.

"The amendment by Senators Saling and Bauer to the striking amendment by Senators Hayner and Gaspard would establish a new plan for providing cost of living adjustment programs for certain retired employees and defines eligibility standards based on charges to the benefit age and the benefit age retirement allowance.

"The President, therefore, finds that the proposed amendment to the striking amendment does change the scope and object of the bill and the point of order is well taken."

The amendment by Senators Saling and Bauer on page 1, after line 20, to the striking amendment by Senators Hayner and Gaspard to Substitute Senate Bill No. 6286, on reconsideration, was ruled out of order.

MOTION

Senator Vognild moved that the following amendment to the striking amendment by Senators Hayner and Gaspard be adopted:

On page 2, after line 7, insert "Any future surplus pension funds shall be designated for future TRS I and PERS I COLA's and LEOFF II pension improvements, subject to legislative appropriation."

POINT OF ORDER

Senator West: "I rise to a point of order. Mr. President, I challenge the scope and object of this amendment, also. The arguments made before that Substitute Senate Bill No. 6286 deals exclusively with adjusting pension contributions rates and that this amendment institutes a new program or commitment to increase retirement benefits which is clearly beyond the scope and object of the bill. The bill does not change any benefits. It deals only with contributions to the existing pension obligations, and therefore, this amendment is out of scope and object."

Further debate ensued.

MOTION

On motion of Senator Newhouse, further consideration of Substitute Senate Bill No. 6286, on reconsideration, was deferred.

MOTION

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

The Senate was called to order at 10:24 p.m. by President Pritchard.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 6286, on reconsideration, and the pending amendment by Senator Vognild on page 2, after line 7, to the striking amendment by Senators Hayner and Gaspard.

RULING BY THE PRESIDENT

President Pritchard: "In ruling upon the point of order raised by Senator West, the President finds that Substitute Senate Bill No. 6286 is a measure which modifies pension contribution rates for working members of the various retirement systems for the period September 1, 1992, through June 30, 1993, and adjusts the related appropriations accordingly.

"The amendment by Senator Vognild to the striking amendment by Senators Hayner and Gaspard would designate funds for a cost of living adjustment for retirees in the TRS I and PERS I and LEOFF II pension systems subject to legislative appropriations.

"The President, therefore, finds that the proposed amendment to the striking amendment does change the scope and object of the bill and the point of order is well taken."

The amendment by Senator Vognild on page 2, after line 7, to the striking amendment by Senators Hayner and Gaspard to Substitute Senate Bill No. 6286, on reconsideration, was ruled out of order.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Hayner and Gaspard to Substitute Senate Bill No. 6286, on reconsideration. The motion by Senator Hayner carried and the striking amendment was adopted.

MOTIONS

On motion of Senator Newhouse, the following title amendment was adopted:

On page 1, line 2 of the title, after "valuations;" strike the remainder of the title and insert "amending RCW 41.45.060; amending 1992 c ... ss 712 and 714; adding a new section to chapter 41.45 RCW; making an appropriation; and providing an effective date.

On motion of Senator Newhouse, the rules were suspended, Engrossed Substitute Senate Bill No. 6286 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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. 6286.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6286 and the bill passed the Senate by the following vote: Yeas, 27; Nays, 21; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bluechel, Cantu, Craswell, Erwin, Gaspard, Hayner, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Patterson, Sellar, A. Smith, L. Smith, Snyder, Thorsness, West - 27.

Voting nay: Senators Bauer, Conner, Hansen, Jesernig, Kreidler, Madsen, Owen, Pelz, Rasmussen, Rinehart, Roach, Saling, Skratek, Stratton, Sumner, Sutherland, Talmadge, Vognild, von Reichbauer, Williams, Wojahn - 21.

Excused: Senator Moore - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6286, having received the 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. 6284, by Senators McDonald and Niemi (by request of Governor Gardner)

Transferring money from the budget stabilization account.

The bill was read the second time.

MOTIONS

On motion of Senator McDonald, the following amendment by Senators McDonald, Hayner, Gaspard and Niemi was adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. State revenues have declined below previous projections. Therefore, the sum of one hundred sixty million dollars from the budget stabilization account is appropriated to the general fund for the purpose of RCW 43.88.535(1)(a).

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 Newhouse, the following title amendment was adopted:

On page 1, line 1 of the title, after "account;" strike the remainder of the title and insert "making an appropriation; and declaring an emergency."

MOTION

On motion of Senator Newhouse, the rules were suspended, Engrossed Senate Bill No. 6284 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. 6284.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6284 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 4; Absent, 0; Excused, 1.

Voting yea: Senators Amondson, Anderson, Bailey, Barr, Bauer, Bluechel, Cantu, Craswell, Erwin, Gaspard, Hayner, Jesernig, Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Metcalf, Murray, Nelson, Newhouse, Niemi, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Sellar, Skratek, A. Smith, L. Smith, Snyder, Stratton, Sumner, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 44.

Voting nay: Senators Conner, Hansen, Saling, Sutherland - 4.

Excused: Senator Moore - 1.

ENGROSSED SENATE BILL NO. 6284, having received the 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. 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.

The bill was read the second time.

MOTION

At 10:36 p.m., on motion of Senator Metcalf, the Senate was declared to be at ease for the purpose of a Republican caucus.

The Senate was called to order at 11:22 p.m. by President Pritchard.

MOTION

Senator Bailey moved that the Senate immediately consider Engrossed Substitute Senate Bill No. 6180.

PARLIAMENTARY INQUIRY

Senator Newhouse: "Is the maker of the motion under the proper order of business?"

REPLY BY THE PRESIDENT

President Pritchard: "Senator Bailey, you would have to defer further consideration of Engrossed House Bill No. 2053 in order to move to the fourth order. Do you want to try that?"

MOTION

Senator Bailey moved that the Senate defer further consideration of Engrossed House Bill No. 2053 and move to the fourth order of business.

Senator Bailey 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 Bailey to defer further consideration of Engrossed House Bill No. 2053 and to move to the fourth order of business.

ROLL CALL

The Secretary called the roll and the motion by Senator Bailey failed by the following vote: Yeas, 20; Nays, 25; Absent, 3; Excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Conner, Erwin, Gaspard, Hansen, Madsen, Murray, Nelson, Owen, Patterson, Pelz, Rinehart, Saling, Skratek, A. Smith, Sutherland, von Reichbauer, Williams - 20.

Voting nay: Senators Amondson, Anderson, Cantu, Craswell, Hayner, Jesernig, Kreidler, Matson, McCaslin, McDonald, McMullen, Metcalf, Newhouse, Oke, Rasmussen, Roach, L. Smith, Snyder, Stratton, Sumner, Talmadge, Thorsness, Vognild, West, Wojahn - 25.

Absent: Senators Bluechel, Niemi, Sellar - 3.

Excused: Senator Moore - 1.

MOTION

Senator Saling moved that the Senate defer further consideration of Engrossed House Bill No. 2053 and to advance to the ninth order of business.

POINT OF ORDER

Senator Newhouse: "A point of order. Was the motion to defer action--which was just decided--a two pronged motion?"

REPLY BY THE PRESIDENT

President Pritchard: "Senator Saling, is your motion to move to the ninth order of business or is your motion to defer consideration of Engrossed House Bill No. 2053--one or the other?"

Senator Saling: "Mr. President, my motion is the same one that just took place here on the previous vote to defer action and move to another order of business. We just completed the same kind of a motion. My motion is to defer action on Engrossed House Bill No. 2053 and move to the ninth order of business."

The President declared the question before the Senate to be the motion by Senator Saling that the Senate defer further consideration of Engrossed House Bill No. 2053 and to advance to the ninth order of business.

The motion by Senator Saling to defer further consideration of Engrossed House Bill No. 2053 and to advance to the ninth order of business failed.

The Senate resumed consideration of Engrossed House Bill No. 2053.

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:

Sec. 1. RCW 19.28.200 and 1980 c 30 s 15 are each amended to read as follows:

(1) No license under the provision of this chapter shall be required from any utility or any person, firm, partnership, corporation, or other entity employed by a utility because of work in connection with the installation ((and/), repair, or maintenance of lines ((or), wires, apparatus, or equipment owned by or under the control of a utility and used for transmission or distribution of electricity from the source of supply to the point of contact at the premises and/or property to be supplied((, or for work in installing or maintaining or repairing on the premises of customers,)) and service connections and meters((,)) and other apparatus or appliances used in the measurement of the consumption of electricity by the customer((, or for work in connection with)).

(2) No license under the provisions of this chapter shall be required from any utility because of work in connection with the installation, repair, or maintenance of the following:

(a) Lines, wires, apparatus, or equipment used in the lighting of streets, alleys, ways, or public areas or squares((, or for the work of installing, maintaining or repairing wires, apparatus or appliances used in their business, or in making or distributing electricity, upon the property owned or operated and managed by them, or for));

(b) Lines, wires, apparatus, or equipment owned by a commercial, industrial, or public institution customer that are located outside the building or structure: PROVIDED, That a utility does not initiate the sale of services to perform such work;

(c) Lines and wires, together with ancillary apparatus, and equipment, owned by a customer that is an independent power producer who has entered into an agreement for the sale of electricity to a utility and that are used in transmitting electricity from an electrical generating unit located on premises used by such customer to the point of interconnection with the utility's system.

(3) Any person, firm, partnership, corporation, or other entity licensed under RCW 19.28.120 may enter into a contract with a utility for the performance of work under subsection (2) of this section.

(4) No license under the provisions of this chapter shall be required from any person, firm, partnership, corporation, or other entity because of the work of installing and repairing ignition or lighting systems for motor vehicles((, or as)).

(5) No license under the provisions of this chapter shall be required from any person, firm, partnership, corporation, or other entity because of work in connection with the installation, repair, or maintenance of wires and equipment, and installations thereof, exempted in RCW 19.28.010.

Sec. 2. RCW 19.28.210 and 1989 c 344 s 1 are each amended to read as follows:

(1) The director shall cause an inspector to inspect all wiring, appliances, devices, and equipment to which this chapter applies. Nothing contained in this chapter may be construed as providing any authority for any subdivision of government to adopt by ordinance any provisions contained or provided for in this chapter except those pertaining to cities and towns pursuant to RCW 19.28.010(2).

(2) Upon request, electrical inspections will be made by the department within forty-eight hours, excluding holidays, Saturdays, and Sundays. If, upon written request, the electrical inspector fails to make an electrical inspection within twenty-four hours, the serving utility may immediately connect electrical power to the installation if the necessary electrical work permit is displayed: PROVIDED, That if the request is for an electrical inspection that relates to a mobile home installation, the applicant shall provide proof of a current building permit issued by the local government agency authorized to issue such permits as a prerequisite for inspection approval or connection of electrical power to the mobile home.

(3) Whenever the installation of any wiring, device, appliance, or equipment is not in accordance with this chapter, or is in such a condition as to be dangerous to life or property, the person, firm, partnership, corporation, or other entity owning, using, or operating it shall be notified by the department and shall within fifteen days, or such further reasonable time as may upon request be granted, make such repairs and changes as are required to remove the danger to life or property and to make it conform to this chapter. The director, through the inspector, is hereby empowered to disconnect or order the discontinuance of electrical service to conductors or equipment that are found to be in a dangerous or unsafe condition and not in accordance with this chapter. Upon making a disconnection the inspector shall attach a notice stating that the conductors have been found dangerous to life or property and are not in accordance with this chapter. It is unlawful for any person to reconnect such defective conductors or equipment without the approval of the department, and until the conductors and equipment have been placed in a safe and secure condition, and in a condition that complies with this chapter.

(4) The director, through the electrical inspector, has the right during reasonable hours to enter into and upon any building or premises in the discharge of his or her official duties for the purpose of making any inspection or test of the installation of new construction or altered electrical wiring, electrical devices, equipment, or material contained in or on the buildings or premises. No electrical wiring or equipment subject to this chapter may be concealed until it has been approved by the inspector making the inspection.

(5) Persons, firms, partnerships, corporations, or other entities making electrical installations shall obtain inspection and approval from an authorized representative of the department as required by this chapter before requesting the electric utility to connect to the installations. Electric utilities may connect to the installations if approval is clearly indicated by certification of the electrical work permit required to be affixed to each installation or by equivalent means, except that increased or relocated services may be reconnected immediately at the discretion of the utility before approval if an electrical work permit is displayed. The permits shall be furnished upon payment of the fee to the department.

(6) The director, subject to the recommendations and approval of the board, shall set by rule a schedule of license and electrical work permit fees that will cover the costs of administration and enforcement of this chapter. The rules shall be adopted in accordance with the administrative procedure act, chapter 34.05 RCW. No fee may be charged for plug-in mobile homes, recreational vehicles, or portable appliances.

(7) Nothing in this chapter shall authorize the inspection of any wiring, appliance, device, or equipment, or installations thereof, by any utility or by any person, firm, partnership, corporation, or other entity employed by a utility in connection with the installation, repair, or maintenance of lines, wires, apparatus, or equipment owned by or under the control of the utility. All work covered by the national electric code not exempted by the 1981 edition of the national electric code 90-2(B)(5) shall be inspected by the department.

Sec. 3. RCW 19.28.610 and 1986 c 156 s 16 are each amended to read as follows:

Nothing in RCW 19.28.510 through 19.28.620 shall be construed to require that a person obtain a license or a certified electrician in order to do electrical work at his or her residence or farm or place of business or on other property owned by him: PROVIDED, HOWEVER, That nothing in RCW 19.28.510 through 19.28.620 shall be intended to derogate from or dispense with the requirements of any valid electrical code enacted by a city or town pursuant to RCW 19.28.010(2), except that no code shall require the holder of a certificate of competency to demonstrate any additional proof of competency or obtain any other license or pay any fee in order to engage in the electrical construction trade: AND PROVIDED FURTHER, That RCW 19.28.510 through 19.28.620 shall not apply to common carriers subject to Part I of the Interstate Commerce Act, nor to their officers and employees: AND PROVIDED FURTHER, That nothing in RCW 19.28.510 through 19.28.620 shall be deemed to apply to the installation or maintenance of telephone, telegraph, radio, or television wires and equipment; nor to any electrical utility or its employees((s)) in the installation((s)), repair, and maintenance of electrical wiring, circuits, and equipment by or for the utility, or comprising a part of its plants, lines or systems. The licensing provisions of RCW 19.28.510 through 19.28.620 shall not apply to:

(1) Persons making electrical installations on their own property ((or to));

(2) Regularly employed employees working on the premises of their employer; or

(3) Employees of an employer while the employer is performing utility type work of the nature described in RCW 19.28.200 so long as such employees have registered in the state of Washington with or graduated from a state or federally approved outside lineman apprenticeship course that is recognized by the department and that qualifies a person to perform such work:

AND PROVIDED FURTHER, That nothing in RCW 19.28.510 through 19.28.620 shall be construed to restrict the right of any householder to assist or receive assistance from a friend, neighbor, relative or other person when none of the individuals doing the electrical installation hold themselves out as engaged in the trade or business of electrical installations. Nothing precludes any person who is exempt from the licensing requirements of this chapter under this section from obtaining a journeyman or specialty certificate of competency if they otherwise meet the requirements of this chapter.

On motion of Senator Matson, the following amendment by Senators Matson and Vognild to the Committee on Commerce and Labor striking amendment was adopted:

On page 2, beginning on line 2 of the amendment, after "are" strike "located outside the building or structure" and insert "an integral part of a transmission or distribution system, either overhead or underground, providing service to such customer and located outside the building or structure"

MOTION

Senator Erwin moved that the following amendments to the Committee on Commerce and Labor striking amendment be considered simultaneously and be adopted:

On page 2, line 3 of the amendment, after "structure" insert ", necessary to restore electrical service to its customer's facility"

On page 2, line 11 of the amendment, after "(3)" strike "Any person, firm, partnership, corporation, or other entity" and insert "Only a person, firm, partnership, corporation, or other entity that is

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator Erwin on page 2, lines 3 and 11, to the Committee on Commerce and Labor striking amendment to Engrossed House Bill No. 2053.

The motion by Senator Erwin failed and the amendments to the striking Committee on Commerce and Labor amendment were not adopted.

MOTION

On motion of Senator Vognild, the following amendment by Senators Vognild and Matson to the Committee on Commerce and Labor striking amendment was adopted:

On page 6, line 8 of the amendment, after "state" strike "or federally" and insert ":-"

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 House Bill No. 2053.

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 1 of the title, after "exemptions;" strike the remainder of the title and insert "and amending RCW 19.28.200, 19.28.210, and 19.28.610."

On motion of Senator Matson, the rules were suspended, Engrossed House Bill No. 2053, 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. 2053, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2053, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 39; Nays, 8; Absent, 1; Excused, 1.

Voting yea: Senators Amondson, Anderson, Barr, Bauer, Bluechel, Cantu, Conner, Gaspard, Hansen, Hayner, Jesernig, Kreidler, Madsen, Matson, McCaslin, McDonald, McMullen, Murray, Nelson, Newhouse, Oke, Owen, Patterson, Pelz, Rasmussen, Rinehart, Roach, Saling, Skratek, A. Smith, Snyder, Stratton, Talmadge, Thorsness, Vognild, von Reichbauer, West, Williams, Wojahn - 39.

Voting nay: Senators Bailey, Craswell, Erwin, Metcalf, Sellar, L. Smith, Sumner, Sutherland - 8.

Absent: Senator Niemi - 1.

Excused: Senator Moore - 1.

ENGROSSED HOUSE BILL NO. 2053, 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 Jesernig, Engrossed House Bill No. 2053, as amended by the Senate, was ordered to be immediately transmitted to the House of Representatives.

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

MESSAGE FROM THE HOUSE

March 12, 1992

MR. PRESIDENT:

The House insists on its position regarding the Senate amendment(s) to ENGROSSED HOUSE BILL NO. 2812 and again asks the Senate to recede therefrom, and the same are herewith transmitted.

GREG PIERCE, Assistant Chief Clerk

MOTION

Senator Newhouse moved that the Senate do recede from its amendments to Engrossed House Bill No. 2812.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Newhouse that the Senate do recede from its amendments to Engrossed House Bill No. 2812.

The motion by Senator Newhouse carried and the Senate receded from its amendments to Engrossed House Bill No. 2812.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 2812, without the Senate amendments.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2812, without the Senate amendments, 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, 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 Niemi - 1.

Excused: Senator Moore - 1.

ENGROSSED HOUSE BILL NO. 2812, without the Senate amendments, having received the 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 Bailey, the Senate will immediately consider the Message from the House regarding their amendments to Engrossed Substitute Senate Bill No. 6180.

MESSAGE FROM THE HOUSE

March 12, 1992

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6180 with the following amendments:

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 peer influence.

(2) The legislature finds that:

(a) Prevention and intervention services at the elementary school level can offer early identification, encouragement, 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) The provision of 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.

(c) The legislature finds that services should be provided to the extent possible by public or private human service agencies.

NEW SECTION. Sec. 2. Unless the context clearly requires otherwise, the definitions in this section apply throughout sections 2 through 7 of this act.

(1) "Child intervention specialist" or "community-based public or private human service provider" means a person who provides early intervention and prevention services and includes but is not limited to services provided by licensed mental health professionals, child psychiatrists, health care providers, social service caseworkers or social workers, school counselors, school psychologists, school nurses, and school social workers.

(2) "Early grades," "elementary grades," and "elementary level" mean kindergarten through grade six and may include preschool age children served by the school district.

(3) "Elementary grades prevention and intervention program" means a district-wide program or plan of early detection, prevention, and intervention of learning, emotional, environmental, social, or physical problems of elementary students, that addresses student and family needs; the appropriate use and roles of child intervention specialists, including training and necessary supervision; interprofessional cooperation; and interagency, public and private, collaboration and coordination of the planning, delivery, and evaluation of programs and services.

(4) "Early intervention services" means services that are provided to address social and emotional factors that can affect student performance and behavior and that are provided when problems just begin to emerge.

(5) "Prevention services" means services that are provided to address social and emotional factors that can affect student performance and behavior and that are provided to students before problems occur.

(6) "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 district's enrollment in grades kindergarten through six. However, the allocations for school districts enrolling fewer than one thousand 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. Fair start funds shall not be used to replace funding for existing activities. However, any district currently providing elementary students with prevention and intervention services 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 existing level of prevention and intervention services.

(3) Two or more school districts may cooperatively administer an elementary prevention and intervention program. An educational service district may administer a 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 and/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 written interagency agreements or contracts between school and educational service districts, and public and/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 the provision of 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 in-service 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 the 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 public and/or private human service providers to assure delivery of appropriate services to students.

NEW SECTION. Sec. 5.

(1) Districts shall use fair start funds to provide prevention and intervention services to students with priority given to students based on need. Districts shall establish the criteria determining need.

(2) Funds from the fair start program regarding health care shall be used only for services and information relating to nutrition and poor health.

(3) Nothing under sections 2 through 7 of this act precludes a district from incorporating a primary intervention program model or a family support worker model as part of the district's fair start program.

NEW SECTION. Sec. 6. The superintendent of public instruction may adopt rules as necessary under chapter 34.05 RCW to implement sections 2 through 5 of this act.

NEW SECTION. Sec. 7. Upon request, the superintendent shall provide information to districts regarding how other districts have used fair start funds locally or how other districts have established interagency agreements with community-based public and/or private human service providers under section 4 of this act.

NEW SECTION. Sec. 8. Sections 2 through 7 of this act are each added to chapter 28A.600 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 page 1, line 1 of the title, after "programs;" strike the remainder of the title and insert "adding new sections to chapter 28A.600 RCW; and creating a new section.", and the same are herewith transmitted.

GREG PIERCE, Assistant Chief Clerk

MOTION

Senator Bailey moved that the Senate do concur in the House amendments to Engrossed Substitute Senate Bill No. 6180.

PARLIAMENTARY INQUIRY

Senator Rasmussen: "A parliamentary inquiry, Mr. President. I was wondering, if this is beyond the cutoff, how come we are considering it? It takes a concurrent resolution to consider something beyond the cutoff."

REPLY BY THE PRESIDENT

President Pritchard: "It is on the concurrent calendar."

Senator Rasmussen: "It's on the concurrent calendar? Thank you."

POINT OF INQUIRY

Senator Talmadge: "Senator Bailey, I want to reaffirm, essentially the same question that I asked you with respect to the House version of the bill and that is, is there anything in this bill that would authorize or is it the intent of any of the proponents of the bill to seek Title XIX federal funds to pay for any aspect of the Fair Start Program?"

Senator Bailey: "No, Senator Talmadge, there is not. I have no intent of doing that."

Senator Talmadge: "The one other question that I had, Senator, is the concern about the House amendment is that there is a change in the formula for distribution of Fair Start monies. The Senate version provided for a distribution of Fair Start monies to the school district based on need. This bill appears to suggest that the monies will be distributed on the basis of school population. Is my understanding correct?"

Senator Saling: "Would you please address that question to Senator Rinehart, if you would please?"

Senator Talmadge: "Thank you. Senator Rinehart."

REMARKS BY SENATOR RINEHART

Senator Rinehart: "On page five, Section five, line 11, it says, 'Districts shall use fair start funds to provide prevention and intervention services to students with priority given to students based on need.'"

Senator Talmadge: "But, if I could follow up, on page three, line nine, subsection two, it says, 'The superintendent shall distribute funds equitably to all school districts based on the district's enrollment in grades kindergarten through six.' My reading of this says that the monies will go out to the school districts based on enrollment, so that Bellevue will get as much in the way of Fair Start monies as will, say, Seattle, with the different level of need for students that are disadvantaged in Seattle as, perhaps, compared to Bellevue."

Senator Rinehart: "Senator Talmadge, I believe if you read the two sections in conjunction, you will see that the distribution is similar to what it is now, but with the top priority given based on need. This was done to bring it into conformance with budget language, which I believe you supported."

Senator Talmadge: "I did not, as a matter of fact."

Further debate ensued.

Senator Bailey 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 Bailey to concur in the House amendments to Engrossed Substitute Senate Bill No. 6180.

ROLL CALL

The Secretary called the roll and the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 6180 by the following vote: Yeas, 24; Nays, 23; Absent, 1; Excused, 1.

Voting yea: Senators Bailey, Bauer, Bluechel, Conner, Erwin, Gaspard, Hansen, Jesernig, Kreidler, Madsen, McMullen, Murray, Owen, Pelz, Rinehart, Saling, Skratek, A. Smith, Snyder, Stratton, Sutherland, Vognild, von Reichbauer, Williams - 24.

Voting nay: Senators Amondson, Anderson, Barr, Cantu, Craswell, Hayner, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Oke, Patterson, Rasmussen, Roach, Sellar, L. Smith, Sumner, Talmadge, Thorsness, West, Wojahn - 23.

Absent: Senator Niemi - 1.

Excused: Senator Moore - 1.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6180, as amended by the House.

Debate ensued.

POINT OF ORDER

Senator Roach: "Mr. President. I wanted to point out to the members of the Senate--in the 1960's, when midnight approached, after a sixty day session, members who had things that they wanted to continue to consider would merely walk up to the clock and either pull the plug or just throw a coat over the clock, so no one would have to worry about what time it was. That was a practice that was done here in the state of Washington."

REPLY BY THE PRESIDENT

President Pritchard: "Senator, are you speaking to the bill that is before us?"

Senator Roach: "Mr. President, according to the clock in front of me, it is midnight. According to that, we need to stop."

President Pritchard: "Are you raising a point of order?"

Senator Roach: "Yes, a point of order, Mr. President. It is now midnight and sixty days has elapsed. Any second after midnight puts us in the sixty-first day, Mr. President, and I think we should adjourn."

RULING BY THE PRESIDENT

President Pritchard: "Well, Senator, your point is not well taken. By custom, we complete our work and then we leave it up to the courts to decide if there is a problem with the clock."
Further debate ensued.

POINT OF ORDER

Senator Rasmussen: "Could I raise the point of order that it is now two minutes--three minutes past midnight? We have no constitutional rights to start a roll call when we have no more authority to continue doing business. About the only thing we could possibly do, is to Sine Die, if we were going to do it legally."

REPLY BY THE PRESIDENT

President Pritchard: "Are you raising a point of order?"
Senator Rasmussen: "I am--I raised the point of order."

RULING BY THE PRESIDENT

President Pritchard: "And the Chair rules that your point of order is not well taken--that we complete our business and leave it up to the courts to decide on the question of the clock."
Senator Rasmussen: "That's why I put it in the record, so the court could look at it. Thank you, Mr. President."

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. 6180, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6180, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 25; Nays, 20; Absent, 3; Excused, 1.

Voting yea: Senators Bailey, Bauer, Bluechel, Conner, Erwin, Gaspard, Hansen, Jesernig, Kreidler, Madsen, McMullen, Murray, Owen, Patterson, Pelz, Rinehart, Saling, Skratek, A. Smith, Snyder, Stratton, Sutherland, Vognild, von Reichbauer, Williams - 25.

Voting nay: Senators Amondson, Anderson, Barr, Cantu, Craswell, Matson, McCaslin, McDonald, Metcalf, Nelson, Newhouse, Oke, Rasmussen, Sellar, L. Smith, Sumner, Talmadge, Thorsness, West, Wojahn - 20.

Absent: Senators Hayner, Niemi, Roach - 3.

Excused: Senator Moore - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6180, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 8, 1992

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to REENGROSSED SUBSTITUTE HOUSE BILL No. 1037 and asks the Senate for a conference thereon. The Speaker

has appointed the following members as conferees: Representatives Appelwick, Anderson and Padden.

ALAN THOMPSON, Chief Clerk

MOTION

Senator Amondson moved that the Senate refuse to grant conference, insists on its position regarding the Senate amendments to Reengrossed Substitute House Bill No. 1037 and once again asks the House to concur therein.

MOTION

Senator Talmadge moved that the Senate recede from the Senate amendments to Reengrossed Substitute House Bill No. 1037.

Senator Talmadge demanded a roll call and the demand was not sustained.

The President declared the question before the Senate to be the positive motion by Senator Talmadge that the Senate do recede from its amendments to Reengrossed Substitute House Bill No. 1037.

The motion by Senator Talmadge failed and the Senate refuses to grant conference, insists on its position regarding the Senate amendments to Reengrossed Substitute House Bill No. 1037 and once again asks the House to concur therein.

MESSAGE FROM THE HOUSE

March 12, 1992

MR. PRESIDENT:

The House has adopted the Report of the Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 2470 and has passed the bill as recommended by the Conference Committee.

GREG PIERCE, Assistant Chief Clerk

MESSAGE FROM THE HOUSE

March 12, 1992

MR. PRESIDENT:

The House has adopted the Report of the Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 2552 and has passed the bill as recommended by the Conference Committee.

GREG PIERCE, Assistant Chief Clerk

MESSAGE FROM THE HOUSE

March 12, 1992

MR. PRESIDENT:

The House has adopted SENATE CONCURRENT RESOLUTION NO. 8427 with the following amendments:

On page 2, line 21, after "include" strike all material through "Committees," on line 23 and insert "two members from each caucus in the House of Representatives and the Senate,"

On page 2, line 25, after "three" strike "chief", and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

MOTION

On motion of Senator Saling, the Senate concurred in the House amendments to Senate Concurrent Resolution No. 8427.

The President declared the question before the Senate to be the adoption of Senate Concurrent Resolution No. 8427, as amended by the House.

PARLIAMENTARY INQUIRY

Senator Snyder: "Will there be money expended with this? And if there is, I think we need to have a roll call."

REPLY BY THE PRESIDENT

President Pritchard: "I was informed that we did not."

Senator Snyder: "O.K., thank you."

President Pritchard: "There is no money in the measure, Senator Snyder."

The President declared the question before the Senate to be the adoption of Senate Concurrent Resolution No. 8427, as amended by the House.

Senate Concurrent Resolution No. 8427, as amended by the House, was adopted by voice vote.

MESSAGES FROM THE HOUSE

March 12, 1992

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to ENGROSSED HOUSE BILL NO. 2053 and passed the bill as amended by the Senate.

GREG PIERCE, Assistant Chief Clerk

March 12, 1992

MR. PRESIDENT:

The House has passed ENGROSSED SENATE BILL NO. 6284, and the same is herewith transmitted.

GREG PIERCE, Assistant Chief Clerk

March 12, 1992

MR. PRESIDENT:

The Speaker has signed:

HOUSE BILL NO. 2259,

ENGROSSED HOUSE BILL NO. 2680,

SUBSTITUTE HOUSE BILL NO. 2720, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

March 12, 1992

MR. PRESIDENT:

The Speaker has signed:

REENGROSSED SUBSTITUTE HOUSE BILL NO. 1378,

SUBSTITUTE HOUSE BILL NO. 2284,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2552,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2950, and the same are herewith
 transmitted.

ALAN THOMPSON, Chief Clerk

March 12, 1992

MR. PRESIDENT:

The Speaker has signed:

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5724,
 ENGROSSED SENATE BILL NO. 6128,
 SENATE BILL NO. 6155,
 ENGROSSED SENATE BILL NO. 6319,
 ENGROSSED SENATE BILL NO. 6407,
 ENGROSSED SENATE BILL NO. 6408,
 ENGROSSED SENATE BILL NO. 6441, and the same are herewith transmitted.

ALAN THOMPSON, Chief Clerk

March 12, 1992

MR. PRESIDENT:

The House has passed:

ENGROSSED SENATE BILL NO. 5961,
 SUBSTITUTE SENATE BILL NO. 6286, and the same are herewith transmitted.

GREG PIERCE, Assistant Chief Clerk

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

INTRODUCTION AND FIRST READING

SCR 8431 by Senators Hayner, Sellar, Gaspard and Snyder

Notifying the Governor of the legislature's readiness to adjourn sine die.

HOLD.

SCR 8432 by Senators Hayner, Sellar, Gaspard and Snyder

Returning measures to their house of origin.

HOLD.

MOTIONS

On motion of Senator Newhouse, the rules were suspended, Senate Concurrent Resolution No. 8431 was advanced to second reading and read the second time.

On motion of Senator Newhouse, the rules were suspended, Senate Concurrent Resolution No. 8431 was advanced to third reading, the second reading considered the third and the concurrent resolution was adopted.

APPOINTMENT OF SPECIAL COMMITTEE TO NOTIFY
GOVERNOR OF ADJOURNMENT SINE DIE

Under the provisions of Senate Concurrent Resolution No. 8431, the President appointed Senators Sumner, Rinehart and Erwin to join with a like committee from the House of Representatives to notify the Governor that the Legislature is about to adjourn SINE DIE.

MOTION

On motion of Senator Newhouse, the appointees were confirmed.

MOTIONS

On motion of Senator Newhouse, the rules were suspended, Senate Concurrent Resolution No. 8432 was advanced to second reading and read the second time.

On motion of Senator Newhouse, the rules were suspended, Senate Concurrent Resolution No. 8432 was advanced to third reading, the second reading considered the third and the concurrent resolution was adopted.

SIGNED BY THE PRESIDENT

The President signed:
HOUSE BILL NO. 2259,
ENGROSSED HOUSE BILL NO. 2680,
SUBSTITUTE HOUSE BILL NO. 2720.

SIGNED BY THE PRESIDENT

The President signed:
REENGROSSED SUBSTITUTE HOUSE BILL NO. 1378,
SUBSTITUTE HOUSE BILL NO. 2284,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2552,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2950.

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

MOTION

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

SENATE RESOLUTION 1992-8745

By Senators Hayner, Sellar, Gaspard and Snyder

WHEREAS, The Regular Session of the Fifty-second Legislature is drawing to a close; and
WHEREAS, It is necessary to provide for the completion of the work of the Senate after its adjournment and during the interim period between the close of the Regular Session of the Fifty-second Legislature and the convening of the next regular session;

NOW, THEREFORE, BE IT RESOLVED, That the Senate Facilities and Operations Committee shall have full authority and direction over the authorization and execution of any personal services contracts or subcontracts that necessitate the expenditure of Senate appropriations; and

BE IT FURTHER RESOLVED, That the Senate Facilities and Operations Committee may, as they deem appropriate, authorize out-of-state travel for which members and staff may receive therefor their actual necessary expenses, and such per diem as may be authorized by law, to be paid upon receipt of their vouchers out of funds appropriated for legislative expenses; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate and the Senate Facilities and Operations Committee be, and they hereby are, authorized to retain such employees as they may deem necessary and that said employees be allowed such rate of pay therefor as the Secretary of the Senate and the Senate Facilities and Operations Committee shall deem proper; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate be, and he hereby is, authorized and directed to make out and execute the necessary vouchers upon which warrants for legislative expenses and expenditures shall be drawn from funds provided therefor; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate be, and hereby is, authorized and directed to have a copy of the Senate Journals of the Regular Session of the Fifty-second Legislature, together with a suitable index therefor prescribed by the State Printer; and

BE IT FURTHER RESOLVED, That the President Pro Tempore of the Senate, the Vice President Pro Tempore of the Senate, The Senate Majority and Minority Leadership, the Secretary of the Senate and the Deputy Secretary of the Senate are each authorized to attend the annual meetings of the National Conference of State Legislatures and the Council of State Governments, and to receive therefor their actual necessary expenses; and such per diem as may be authorized by law, to be paid upon receipt of their vouchers out of funds appropriated for legislative expenses; and

BE IT FURTHER RESOLVED, That the Rules Committee is authorized to assign subject matters to standing committees for study during the interims, and the Majority Leader is authorized to create special committees as may be necessary to carry out the functions of the Senate in an orderly manner and appoint members thereto with the approval of the Facilities and Operations Committee; and

BE IT FURTHER RESOLVED, That all keys distributed by the Secretary of the Senate's Office be returned to the Secretary of the Senate; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate is authorized to express the sympathy of the Senate by sending flowers in the event of a bereavement in a Senator's family; and

BE IT FURTHER RESOLVED, That such use of the Senate facilities is permitted upon such terms as the Secretary of the Senate shall deem proper.

MOTION

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

SENATE RESOLUTION 1992-8746

By Senators Hayner, Sellar, Gaspard and Snyder

BE IT RESOLVED, By the Senate, That a committee consisting of three members of the Senate be appointed to notify the House that the Legislature is about to adjourn SINE DIE.

APPOINTMENT OF SPECIAL COMMITTEE TO NOTIFY HOUSE OF ADJOURNMENT SINE DIE

Under the provisions of Senate Resolution 1992-8746, the President appointed Senators Thorsness, Pelz and Linda Smith to notify the House of Representatives that the Senate is about to adjourn Sine Die.

MOTION

On motion of Senator Newhouse, the appointees were confirmed.

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

MESSAGES FROM THE HOUSE

March 12, 1992

MR. PRESIDENT:

The Speaker has signed ENGROSSED HOUSE BILL NO. 2812, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

March 12, 1992

MR. PRESIDENT:

The Speaker has signed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2470, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

March 12, 1992

MR. PRESIDENT:

The Speaker has signed ENGROSSED HOUSE BILL NO. 2053, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

March 12, 1992

MR. PRESIDENT:

The House has adopted SENATE CONCURRENT RESOLUTION NO. 8432, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

March 12, 1992

MR. PRESIDENT:

The House has adopted SENATE CONCURRENT RESOLUTION NO. 8431, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2470,
ENGROSSED HOUSE BILL NO. 2812.

SIGNED BY THE PRESIDENT

The President signed:

ENGROSSED HOUSE BILL NO. 2053.

SIGNED BY THE PRESIDENT

The President signed:

ENGROSSED SENATE BILL NO. 5961,
ENGROSSED SENATE BILL NO. 6284,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6286.

JOURNAL OF THE SENATE

SIGNED BY THE PRESIDENT

The President signed:
SENATE CONCURRENT RESOLUTION NO. 8431.

SIGNED BY THE PRESIDENT

The President signed:
SENATE CONCURRENT RESOLUTION NO. 8432.

SIGNED BY THE PRESIDENT

The President signed:
ENGROSSED SUBSTITUTE SENATE BILL NO. 6180.

SIGNED BY THE PRESIDENT

The President signed:
SENATE CONCURRENT RESOLUTION NO. 8427.

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

MOTION

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

SENATE RESOLUTION 1992-8754

By Senators Sellar, Hansen, Gaspard, Hayner and Jesernig

WHEREAS, On March 9, 1992, the Pacific Northwest lost a universally respected and dedicated public servant - Sterling Munro; and

WHEREAS, Sterling Munro served the people of Washington in many capacities - as administrator of the Bonneville Power Administration, as a trustee of Central Washington University, and as administrative assistant to United States Senator Henry Jackson; and

WHEREAS, Among the many enduring accomplishments for which Sterling Munro is recognized are the establishment of the Northwest Power Planning Council, creation of the North Cascades National Park, and passage of the National Environmental Policy Act; and

WHEREAS, Sterling Munro will be remembered for his commitment to the environment, for his commitment to higher education, and for the sense of style, integrity, and decorum that characterized his life; and

WHEREAS, Sterling Munro is survived by his wife Gene, by seven children, and by thirteen grandchildren;

NOW, THEREFORE, BE IT RESOLVED, That the Senate expresses its sympathy to the family of Sterling Munro on his passing; and

BE IT FURTHER RESOLVED, That the Senate hereby celebrates the life and legacy of Sterling Munro; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Sterling Munro's wife, Gene, and his children.

MOTION

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

SENATE RESOLUTION 1992-8752

By Senators Erwin, Patterson, Nelson, Niemi, Rinehart, Vognild, von Reichbauer, Bluechel, Sumner and McDonald

WHEREAS, The Evergreen Point Floating Bridge is one of the most congested bridges in the state; and

WHEREAS, The use of nonmotorized transportation reduces air, water, and noise pollution; and

WHEREAS, The University of Washington has instituted an ambitious program to reduce the number of single-occupant motor vehicles bringing students, faculty, and staff to campus; and

WHEREAS, The Evergreen Point Bridge cannot accommodate bicyclists or pedestrians; and

WHEREAS, A coalition of citizens has organized the BIKE 520 project to encourage the development of cross-lake access for bicycles and pedestrians on the Evergreen Point Bridge; and

WHEREAS, Over twelve thousand people have signed a petition indicating their support for bicycle/pedestrian access to the bridge; and

WHEREAS, The BIKE 520 project has been endorsed by the city councils of Bellevue, Redmond, Kirkland, and Medina; the community councils from Seattle's Eastlake, Montlake, and Capitol Hill neighborhoods; the bicycle advisory committees of Seattle, King County, and the University of Washington; and several businesses and other organizations; and

WHEREAS, Partial funding for this project may be available under the provisions of the new federal surface transportation act; and

WHEREAS, The Senate unanimously passed a bill this session that would have required the Department of Transportation to conduct a study of bicycle transportation in the SR 520 corridor;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate encourage the Department of Transportation, in cooperation with the University of Washington; King County; the cities of Seattle, Bellevue, Kirkland, and Redmond; community groups; and private businesses, to develop studies and plans and to seek financing necessary to provide pedestrian and bicycle access in the SR 520 corridor between Redmond and Seattle including access on the Evergreen Point Floating Bridge; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the Department of Transportation, the University of Washington, King County, and the cities of Seattle, Bellevue, Kirkland, and Redmond.

MOTION

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

SENATE RESOLUTION 1992-8748

By Senators Wojahn, Kreidler, West, Niemi, Sumner and von Reichbauer

WHEREAS, Over 19,000 new cases of cancer are projected in Washington State in 1992; and

WHEREAS, The treatment of pain in persons with cancer is often inadequate. Although ninety percent of cancer-related pain responds to treatment through currently available drug and nondrug methods, as many as twenty-five percent of all cancer patients die without adequate pain relief; and

WHEREAS, The Washington State Cancer Pain Initiative is a local representation of a nationwide movement, a movement that has been instituted in twenty-four states; and

WHEREAS, The World Health Organization has begun a worldwide effort to alleviate the unnecessary suffering of persons with cancer; and

WHEREAS, The Surgeon General of the United States has lent support to Washington State's cancer pain initiatives; and

WHEREAS, Persons with pain should be treated with respect. They should not have their veracity questioned, they should not have to endure unnecessary agony, they should not have their treatments or medication viewed as a form of personal weakness or drug abuse; and

WHEREAS, Cancer pain is recognized as a major factor causing suffering in persons with cancer; and

WHEREAS, The Cancer Pain Initiative is supported in principle by the Washington State Nurses Association, the Washington State Medical Association, the Washington State Pharmacy Association, and the Washington State Association of Hospital Pharmacists; and

WHEREAS, The Senate recognize the need to develop educational programs for the professional schools, the professional associations, the health care providers, and the licensing and regulatory boards in Washington State;

NOW, THEREFORE, BE IT RESOLVED, That the Senate support the Washington State Cancer Pain Initiative and the attempt to alleviate the suffering of persons with cancer.

MOTION

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

SENATE RESOLUTION 1992-8733

by Senator Rinehart

WHEREAS, March 12, 1992, is the eightieth anniversary of the establishment of the Girl Scouts of the United States of America; and

WHEREAS, On March 16, 1950, the Girl Scouts became the first youth organization for girls and young women to be granted a federal charter; and

WHEREAS, Through annual reports required by its charter to be submitted to the Congress of the United States, the Girl Scouts regularly inform the nation of their progress; and

WHEREAS, The program and activities of the Girl Scouts instill in the girls and young women of the nation principles that are moral and ethical, and habits, practices, and attitudes that are conducive to good character, citizenship, health, and services; and

WHEREAS, By fostering in girls and young women the qualities upon which the strength of the nation depends, the Girl Scouts of America has significantly contributed to the advancement of the nation;

NOW, THEREFORE, BE IT RESOLVED, That March 12, 1992, is designated as "Girl Scouts of America Eightieth Anniversary Day" and the citizens of the state are called upon to honor the Girl Scouts of America; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the Inland Empire Girl Scout Council, the Mid-Columbia Girl Scout Council, the Pacific Peaks Girl Scout Council, and the national office of the Girl Scouts of the United States of America in Washington D.C.

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

MESSAGES FROM THE HOUSE

March 12, 1992

MR. PRESIDENT:

The Speaker has signed ENGROSSED SENATE BILL NO. 5961, and the same is herewith transmitted.

GREG PIERCE, Assistant Chief Clerk

March 12, 1992

MR. PRESIDENT:

The Speaker has signed:
ENGROSSED SENATE BILL NO. 6284,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6286, and the same are herewith
transmitted.

ALAN THOMPSON, Chief Clerk

March 12, 1992

MR. PRESIDENT:

The Speaker has signed:
ENGROSSED SUBSTITUTE SENATE BILL NO. 6180,
SENATE CONCURRENT RESOLUTION NO. 8427, and the same are herewith
transmitted.

ALAN THOMPSON, Chief Clerk

March 12, 1992

MR. PRESIDENT:

The Speaker has signed SENATE CONCURRENT RESOLUTION NO. 8431, and the same
is herewith transmitted.

ALAN THOMPSON, Chief Clerk

March 12, 1992

MR. PRESIDENT:

The Speaker has signed SENATE CONCURRENT RESOLUTION NO. 8432, and the same
is herewith transmitted.

ALAN THOMPSON, Chief Clerk

MESSAGE FROM THE HOUSE

March 12, 1992

MR. PRESIDENT:

The House has adopted HOUSE CONCURRENT RESOLUTION NO. 4440, and the same
is herewith transmitted.

GREG PIERCE, Assistant Chief Clerk

INTRODUCTION AND FIRST READING OF HOUSE BILL

HCR 4440 by Representatives Ebersole and Ballard

Resolving that the legislature adjourn Sine Die.

MOTIONS

On motion of Senator Newhouse, the rules were suspended, House Concurrent Resolution
No. 4440 was advanced to second reading and read the second time.

On motion of Senator Newhouse, the rules were suspended, House Concurrent Resolution No. 4440 was advanced to third reading, the second reading considered the third and the concurrent resolution was adopted.

**COMMITTEE FROM THE HOUSE NOTIFYING
THE SENATE OF ADJOURNMENT SINE DIE**

The Sergeant at Arms announced the arrival of the committee from the House of Representatives composed of Representatives Winsley, Fraser, Belcher and Morton. The committee appeared before the bar of the Senate to notify the Senate that the House is about to adjourn SINE DIE.

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

**REPORT OF SPECIAL COMMITTEE APPOINTED TO NOTIFY
THE GOVERNOR OF ADJOURNMENT SINE DIE**

The Sergeant at Arms announced the return of the special committee composed of Senators Sumner, Rinehart and Erwin who were appointed under the provisions of Senate Concurrent Resolution No. 8431. The committee reported they joined with a like committee from the House of Representatives and notified the Governor that the Legislature is about to adjourn SINE DIE.

The report was received and the committee was discharged.

**REPORT OF SPECIAL COMMITTEE APPOINTED TO NOTIFY
THE HOUSE OF ADJOURNMENT SINE DIE**

The Sergeant at Arms announced the return of the special committee composed of Senators Thorsness, Pelz and Linda Smith who were appointed under the provisions of Senate Resolution 1992-8746. The committee reported they had notified the House that the Senate is about to adjourn SINE DIE.

The report was received and the committee was discharged.

MESSAGE FROM THE HOUSE

March 12, 1992

MR. PRESIDENT:

The Speaker has signed HOUSE CONCURRENT RESOLUTION NO. 4440, and the same is herewith transmitted.

ALAN THOMPSON, Chief Clerk

MESSAGE FROM THE HOUSE

March 12, 1992

MR. PRESIDENT:

Under the provisions of Senate Concurrent Resolution No. 8432, the House herewith returns the following bills:

SUBSTITUTE SENATE BILL NO. 5031,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5055,
SUBSTITUTE SENATE BILL NO. 5062,
ENGROSSED SENATE BILL NO. 5063,
SENATE BILL NO. 5067,
SUBSTITUTE SENATE BILL NO. 5069,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5086,
SENATE BILL NO. 5135,

ENGROSSED SENATE BILL NO. 5140,
SENATE BILL NO. 5150,
ENGROSSED SENATE BILL NO. 5151,
SUBSTITUTE SENATE BILL NO. 5180,
SUBSTITUTE SENATE BILL NO. 5237,
SUBSTITUTE SENATE BILL NO. 5300,
SENATE BILL NO. 5302,
SUBSTITUTE SENATE BILL NO. 5329,
SECOND SUBSTITUTE SENATE BILL NO. 5335,
SENATE BILL NO. 5345,
SUBSTITUTE SENATE BILL NO. 5346,
SENATE BILL NO. 5371,
SENATE BILL NO. 5375,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5380,
SUBSTITUTE SENATE BILL NO. 5386,
SENATE BILL NO. 5389,
SUBSTITUTE SENATE BILL NO. 5438,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5457,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5481,
SENATE BILL NO. 5524,
REENGROSSED SUBSTITUTE SENATE BILL NO. 5526,
SUBSTITUTE SENATE BILL NO. 5559,
ENGROSSED SENATE BILL NO. 5566,
SUBSTITUTE SENATE BILL NO. 5634,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5644,
SENATE BILL NO. 5661,
SUBSTITUTE SENATE BILL NO. 5666,
SENATE BILL NO. 5699,
SUBSTITUTE SENATE BILL NO. 5702,
ENGROSSED SENATE BILL NO. 5746,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5759,
REENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5780,
SUBSTITUTE SENATE BILL NO. 5807,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5810,
REENGROSSED SUBSTITUTE SENATE BILL NO. 5812,
SENATE BILL NO. 5848,
SENATE BILL NO. 5923,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5929,
ENGROSSED SENATE BILL NO. 5935,
SUBSTITUTE SENATE BILL NO. 6011,
SENATE BILL NO. 6013,
SUBSTITUTE SENATE BILL NO. 6015,
ENGROSSED SENATE BILL NO. 6022,
ENGROSSED SENATE BILL NO. 6031,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6035,
ENGROSSED SENATE BILL NO. 6037,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6047,
ENGROSSED SENATE BILL NO. 6051,
SENATE BILL NO. 6052,
SUBSTITUTE SENATE BILL NO. 6057,
SENATE BILL NO. 6060,
SUBSTITUTE SENATE BILL NO. 6063,

SUBSTITUTE SENATE BILL NO. 6064,
SUBSTITUTE SENATE BILL NO. 6067,
SENATE BILL NO. 6073,
SENATE BILL NO. 6075,
SENATE BILL NO. 6080,
SUBSTITUTE SENATE BILL NO. 6082,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6083,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6095,
ENGROSSED SENATE BILL NO. 6096,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6113,
ENGROSSED SENATE BILL NO. 6116,
ENGROSSED SENATE BILL NO. 6121,
SENATE BILL NO. 6122,
SUBSTITUTE SENATE BILL NO. 6125,
SENATE BILL NO. 6126,
SENATE BILL NO. 6130,
SENATE BILL NO. 6137,
SUBSTITUTE SENATE BILL NO. 6144,
SENATE BILL NO. 6150,
SUBSTITUTE SENATE BILL NO. 6151,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6153,
SENATE BILL NO. 6158,
SENATE BILL NO. 6159,
SENATE BILL NO. 6169,
SENATE BILL NO. 6172,
SENATE BILL NO. 6181,
SUBSTITUTE SENATE BILL NO. 6187,
SUBSTITUTE SENATE BILL NO. 6188,
SUBSTITUTE SENATE BILL NO. 6191,
SUBSTITUTE SENATE BILL NO. 6192,
ENGROSSED SENATE BILL NO. 6201,
SENATE BILL NO. 6203,
SENATE BILL NO. 6223,
ENGROSSED SENATE BILL NO. 6227,
SUBSTITUTE SENATE BILL NO. 6228,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6234,
SUBSTITUTE SENATE BILL NO. 6244,
SUBSTITUTE SENATE BILL NO. 6246,
SENATE BILL NO. 6254,
SECOND SUBSTITUTE SENATE BILL NO. 6255,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6262,
SUBSTITUTE SENATE BILL NO. 6272,
ENGROSSED SENATE BILL NO. 6293,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6299,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6304,
SUBSTITUTE SENATE BILL NO. 6305,
SENATE BILL NO. 6309,
ENGROSSED SENATE BILL NO. 6315,
ENGROSSED SENATE BILL NO. 6318,
ENGROSSED SENATE BILL NO. 6322,
SENATE BILL NO. 6333,
SUBSTITUTE SENATE BILL NO. 6338,

SUBSTITUTE SENATE BILL NO. 6345,
SUBSTITUTE SENATE BILL NO. 6348,
SENATE BILL NO. 6349,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6353,
SUBSTITUTE SENATE BILL NO. 6361,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6364,
SUBSTITUTE SENATE BILL NO. 6366,
SUBSTITUTE SENATE BILL NO. 6372,
SUBSTITUTE SENATE BILL NO. 6373,
SUBSTITUTE SENATE BILL NO. 6383,
SENATE BILL NO. 6384,
SENATE BILL NO. 6390,
SUBSTITUTE SENATE BILL NO. 6395,
SENATE BILL NO. 6402,
ENGROSSED SENATE BILL NO. 6404,
SENATE BILL NO. 6405,
ENGROSSED SENATE BILL NO. 6409,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6416,
SENATE BILL NO. 6430,
ENGROSSED SENATE BILL NO. 6432,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6442,
ENGROSSED SENATE BILL NO. 6448,
SUBSTITUTE SENATE BILL NO. 6466,
SENATE BILL NO. 6470,
SUBSTITUTE SENATE BILL NO. 6471,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6472,
SUBSTITUTE SENATE BILL NO. 6475,
SENATE JOINT MEMORIAL NO. 8002,
SENATE JOINT MEMORIAL NO. 8008,
SENATE JOINT MEMORIAL NO. 8029,
SENATE JOINT MEMORIAL NO. 8031,
SENATE JOINT RESOLUTION NO. 8217,
ENGROSSED SENATE CONCURRENT RESOLUTION NO. 8400,
ENGROSSED SENATE CONCURRENT RESOLUTION NO. 8423,
ENGROSSED SENATE CONCURRENT RESOLUTION NO. 8430, and the same are
herewith transmitted.

ALAN THOMPSON, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
HOUSE CONCURRENT RESOLUTION 4440.

RETURN OF BILLS TO HOUSE OF REPRESENTATIVES

Under the provisions of Senate Concurrent Resolution No. 8432, the Senate returned the following House Bills to the House of Representatives:

SUBSTITUTE HOUSE BILL NO. 1003,
SUBSTITUTE HOUSE BILL NO. 1015,
SUBSTITUTE HOUSE BILL NO. 1061,
HOUSE BILL NO. 1073,
ENGROSSED HOUSE BILL NO. 1083,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1085,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1090,
HOUSE BILL NO. 1102,
HOUSE BILL NO. 1116,
ENGROSSED HOUSE BILL NO. 1122,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1133,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1153,
HOUSE BILL NO. 1159,
SUBSTITUTE HOUSE BILL NO. 1183,
SUBSTITUTE HOUSE BILL NO. 1186,
HOUSE BILL NO. 1191,
HOUSE BILL NO. 1193,
REENGROSSED SUBSTITUTE HOUSE BILL NO. 1198,
SUBSTITUTE HOUSE BILL NO. 1205,
SUBSTITUTE HOUSE BILL NO. 1207,
SUBSTITUTE HOUSE BILL NO. 1212,
HOUSE BILL NO. 1217,
HOUSE BILL NO. 1218,
ENGROSSED HOUSE BILL NO. 1225,
SUBSTITUTE HOUSE BILL NO. 1234,
ENGROSSED HOUSE BILL NO. 1246,
SUBSTITUTE HOUSE BILL NO. 1255,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1275,
HOUSE BILL NO. 1279,
HOUSE BILL NO. 1280,
ENGROSSED HOUSE BILL NO. 1281,
ENGROSSED HOUSE BILL NO. 1285,
HOUSE BILL NO. 1286,
ENGROSSED HOUSE BILL NO. 1298,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1310,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1320,
HOUSE BILL NO. 1362,
ENGROSSED HOUSE BILL NO. 1395,
SUBSTITUTE HOUSE BILL NO. 1409,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1448,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1455,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1457,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1462,
SUBSTITUTE HOUSE BILL NO. 1463,
SUBSTITUTE HOUSE BILL NO. 1464,
SUBSTITUTE HOUSE BILL NO. 1466,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1501,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1552,
SUBSTITUTE HOUSE BILL NO. 1573,
SUBSTITUTE HOUSE BILL NO. 1598,
SUBSTITUTE HOUSE BILL NO. 1610,
SUBSTITUTE HOUSE BILL NO. 1616,
HOUSE BILL NO. 1627,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1634,
SUBSTITUTE HOUSE BILL NO. 1636,
SUBSTITUTE HOUSE BILL NO. 1638,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1651,
SUBSTITUTE HOUSE BILL NO. 1655,

SUBSTITUTE HOUSE BILL NO. 1676,
HOUSE BILL NO. 1689,
SUBSTITUTE HOUSE BILL NO. 1715,
SUBSTITUTE HOUSE BILL NO. 1726,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1731,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1737,
HOUSE BILL NO. 1760,
SUBSTITUTE HOUSE BILL NO. 1787,
SUBSTITUTE HOUSE BILL NO. 1797,
SUBSTITUTE HOUSE BILL NO. 1816,
SUBSTITUTE HOUSE BILL NO. 1825,
SUBSTITUTE HOUSE BILL NO. 1847,
SUBSTITUTE HOUSE BILL NO. 1903,
HOUSE BILL NO. 1939,
HOUSE BILL NO. 1985,
HOUSE BILL NO. 2013,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2016,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2028,
HOUSE BILL NO. 2090,
SUBSTITUTE HOUSE BILL NO. 2110,
SUBSTITUTE HOUSE BILL NO. 2152,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2171,
HOUSE BILL NO. 2220,
SUBSTITUTE HOUSE BILL NO. 2246,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2248,
SUBSTITUTE HOUSE BILL NO. 2251,
HOUSE BILL NO. 2255,
HOUSE BILL NO. 2257,
HOUSE BILL NO. 2264,
HOUSE BILL NO. 2265,
HOUSE BILL NO. 2266,
HOUSE BILL NO. 2269,
HOUSE BILL NO. 2270,
SUBSTITUTE HOUSE BILL NO. 2271,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2272,
SUBSTITUTE HOUSE BILL NO. 2275,
HOUSE BILL NO. 2278,
HOUSE BILL NO. 2286,
SUBSTITUTE HOUSE BILL NO. 2291,
SUBSTITUTE HOUSE BILL NO. 2296,
SUBSTITUTE HOUSE BILL NO. 2297,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2300,
SUBSTITUTE HOUSE BILL NO. 2301,
SUBSTITUTE HOUSE BILL NO. 2303,
SUBSTITUTE HOUSE BILL NO. 2306,
SUBSTITUTE HOUSE BILL NO. 2307,
SUBSTITUTE HOUSE BILL NO. 2308,
SUBSTITUTE HOUSE BILL NO. 2310,
HOUSE BILL NO. 2313,
SUBSTITUTE HOUSE BILL NO. 2315,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2318,
HOUSE BILL NO. 2320,

SUBSTITUTE HOUSE BILL NO. 2322,
SUBSTITUTE HOUSE BILL NO. 2323,
SUBSTITUTE HOUSE BILL NO. 2326,
SUBSTITUTE HOUSE BILL NO. 2327,
SUBSTITUTE HOUSE BILL NO. 2328,
SUBSTITUTE HOUSE BILL NO. 2329,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2334,
HOUSE BILL NO. 2335,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2338,
SUBSTITUTE HOUSE BILL NO. 2341,
SUBSTITUTE HOUSE BILL NO. 2345,
SUBSTITUTE HOUSE BILL NO. 2346,
SUBSTITUTE HOUSE BILL NO. 2349,
SUBSTITUTE HOUSE BILL NO. 2354,
SUBSTITUTE HOUSE BILL NO. 2356,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2363,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2364,
ENGROSSED HOUSE BILL NO. 2366,
SUBSTITUTE HOUSE BILL NO. 2369,
HOUSE BILL NO. 2375,
SUBSTITUTE HOUSE BILL NO. 2376,
HOUSE BILL NO. 2385,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2386,
HOUSE BILL NO. 2387,
SUBSTITUTE HOUSE BILL NO. 2388,
SUBSTITUTE HOUSE BILL NO. 2390,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2396,
SUBSTITUTE HOUSE BILL NO. 2397,
HOUSE BILL NO. 2399,
SUBSTITUTE HOUSE BILL NO. 2402,
HOUSE BILL NO. 2403,
HOUSE BILL NO. 2405,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2409,
SUBSTITUTE HOUSE BILL NO. 2411,
SUBSTITUTE HOUSE BILL NO. 2418,
HOUSE BILL NO. 2419,
SUBSTITUTE HOUSE BILL NO. 2420,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2423,
HOUSE BILL NO. 2426,
SUBSTITUTE HOUSE BILL NO. 2430,
SUBSTITUTE HOUSE BILL NO. 2434,
HOUSE BILL NO. 2435,
SUBSTITUTE HOUSE BILL NO. 2437,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2438,
SUBSTITUTE HOUSE BILL NO. 2441,
SUBSTITUTE HOUSE BILL NO. 2442,
ENGROSSED HOUSE BILL NO. 2443,
SUBSTITUTE HOUSE BILL NO. 2450,
SUBSTITUTE HOUSE BILL NO. 2453,
HOUSE BILL NO. 2454,
HOUSE BILL NO. 2460,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2462,

HOUSE BILL NO. 2467,
HOUSE BILL NO. 2468,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2471,
SUBSTITUTE HOUSE BILL NO. 2472,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2477,
SUBSTITUTE HOUSE BILL NO. 2480,
SUBSTITUTE HOUSE BILL NO. 2481,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2486,
HOUSE BILL NO. 2487,
HOUSE BILL NO. 2492,
HOUSE BILL NO. 2493,
ENGROSSED HOUSE BILL NO. 2494,
SUBSTITUTE HOUSE BILL NO. 2496,
SUBSTITUTE HOUSE BILL NO. 2499,
SUBSTITUTE HOUSE BILL NO. 2505,
SUBSTITUTE HOUSE BILL NO. 2506,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2519,
SUBSTITUTE HOUSE BILL NO. 2520,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2526,
SUBSTITUTE HOUSE BILL NO. 2527,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2528,
SUBSTITUTE HOUSE BILL NO. 2529,
SUBSTITUTE HOUSE BILL NO. 2532,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2533,
ENGROSSED HOUSE BILL NO. 2534,
HOUSE BILL NO. 2535,
SUBSTITUTE HOUSE BILL NO. 2537,
HOUSE BILL NO. 2538,
HOUSE BILL NO. 2539,
HOUSE BILL NO. 2541,
SUBSTITUTE HOUSE BILL NO. 2544,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2546,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2547,
SUBSTITUTE HOUSE BILL NO. 2548,
ENGROSSED HOUSE BILL NO. 2549,
HOUSE BILL NO. 2550,
ENGROSSED HOUSE BILL NO. 2559,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2561,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2568,
SUBSTITUTE HOUSE BILL NO. 2571,
HOUSE BILL NO. 2572,
SUBSTITUTE HOUSE BILL NO. 2574,
ENGROSSED HOUSE BILL NO. 2580,
HOUSE BILL NO. 2583,
SUBSTITUTE HOUSE BILL NO. 2587,
SUBSTITUTE HOUSE BILL NO. 2588,
SUBSTITUTE HOUSE BILL NO. 2589,
REENGROSSED SUBSTITUTE HOUSE BILL NO. 2590,
HOUSE BILL NO. 2591,
HOUSE BILL NO. 2595,
HOUSE BILL NO. 2598,
HOUSE BILL NO. 2599,

SUBSTITUTE HOUSE BILL NO. 2602,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2603,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2624,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2626,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2628,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2629,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2630,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2631,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2636,
SUBSTITUTE HOUSE BILL NO. 2637,
ENGROSSED HOUSE BILL NO. 2645,
ENGROSSED HOUSE BILL NO. 2661,
SUBSTITUTE HOUSE BILL NO. 2671,
SUBSTITUTE HOUSE BILL NO. 2675,
SUBSTITUTE HOUSE BILL NO. 2690,
SUBSTITUTE HOUSE BILL NO. 2694,
SUBSTITUTE HOUSE BILL NO. 2703,
SUBSTITUTE HOUSE BILL NO. 2719,
SUBSTITUTE HOUSE BILL NO. 2722,
SUBSTITUTE HOUSE BILL NO. 2726,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2729,
SUBSTITUTE HOUSE BILL NO. 2731,
SUBSTITUTE HOUSE BILL NO. 2733,
SUBSTITUTE HOUSE BILL NO. 2734,
SUBSTITUTE HOUSE BILL NO. 2750,
SUBSTITUTE HOUSE BILL NO. 2763,
SUBSTITUTE HOUSE BILL NO. 2764,
HOUSE BILL NO. 2765,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2769,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2770,
SUBSTITUTE HOUSE BILL NO. 2771,
SUBSTITUTE HOUSE BILL NO. 2772,
HOUSE BILL NO. 2774,
SUBSTITUTE HOUSE BILL NO. 2775,
ENGROSSED HOUSE BILL NO. 2779,
HOUSE BILL NO. 2780,
HOUSE BILL NO. 2782,
SUBSTITUTE HOUSE BILL NO. 2791,
ENGROSSED HOUSE BILL NO. 2792,
SUBSTITUTE HOUSE BILL NO. 2809,
HOUSE BILL NO. 2810,
SUBSTITUTE HOUSE BILL NO. 2817,
SUBSTITUTE HOUSE BILL NO. 2819,
HOUSE BILL NO. 2822,
SUBSTITUTE HOUSE BILL NO. 2823,
ENGROSSED HOUSE BILL NO. 2830,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2834,
HOUSE BILL NO. 2835,
SUBSTITUTE HOUSE BILL NO. 2843,
SUBSTITUTE HOUSE BILL NO. 2846,
SUBSTITUTE HOUSE BILL NO. 2847,
SUBSTITUTE HOUSE BILL NO. 2848,

SUBSTITUTE HOUSE BILL NO. 2860,
SUBSTITUTE HOUSE BILL NO. 2861,
HOUSE BILL NO. 2862,
SUBSTITUTE HOUSE BILL NO. 2886,
HOUSE BILL NO. 2892,
HOUSE BILL NO. 2894,
SUBSTITUTE HOUSE BILL NO. 2904,
HOUSE BILL NO. 2905,
HOUSE BILL NO. 2924,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2925,
HOUSE BILL NO. 2926,
HOUSE BILL NO. 2931,
HOUSE BILL NO. 2933,
HOUSE BILL NO. 2938,
SUBSTITUTE HOUSE BILL NO. 2939,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2940,
HOUSE BILL NO. 2941,
HOUSE BILL NO. 2942,
SUBSTITUTE HOUSE BILL NO. 2945,
SUBSTITUTE HOUSE BILL NO. 2954,
ENGROSSED HOUSE BILL NO. 2977,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2986,
ENGROSSED SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4010,
HOUSE JOINT MEMORIAL NO. 4027,
HOUSE JOINT MEMORIAL NO. 4029,
HOUSE JOINT MEMORIAL NO. 4030,
HOUSE JOINT MEMORIAL NO. 4034,
SUBSTITUTE HOUSE JOINT RESOLUTION NO. 4205,
HOUSE JOINT RESOLUTION NO. 4208,
SUBSTITUTE HOUSE JOINT RESOLUTION NO. 4216,
ENGROSSED HOUSE JOINT RESOLUTION NO. 4227,
HOUSE JOINT RESOLUTION NO. 4234,
HOUSE CONCURRENT RESOLUTION NO. 4428,
HOUSE CONCURRENT RESOLUTION NO. 4429.

MOTION

On motion of Senator Newhouse, the Senate Journal for the sixtieth day of the 1992 Regular Session of the Fifty-second Legislature was approved.

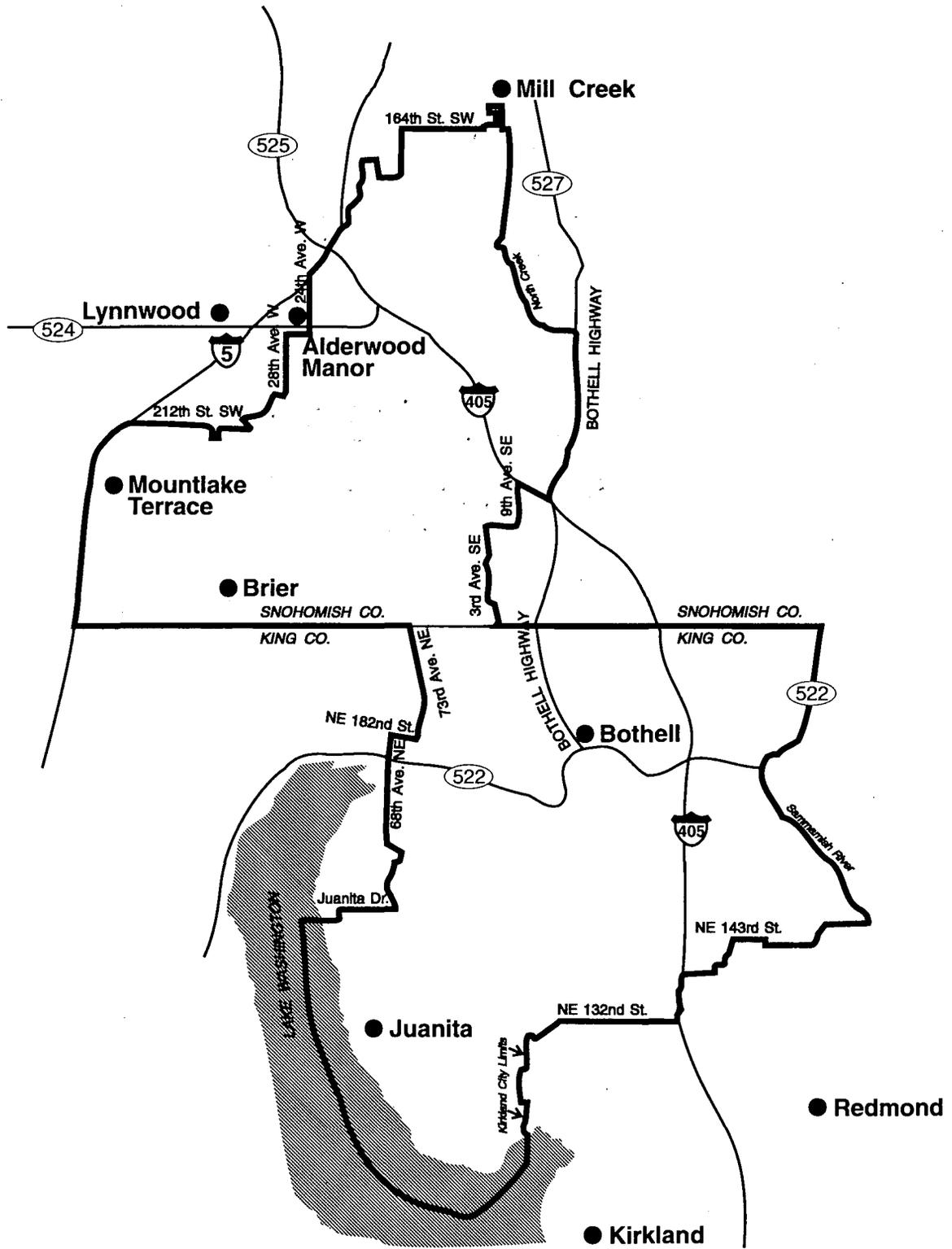
MOTION

At 12:54 a.m., on motion of Senator Anderson, the 1992 Regular Session of the Fifty-second Legislature adjourned SINE DIE.

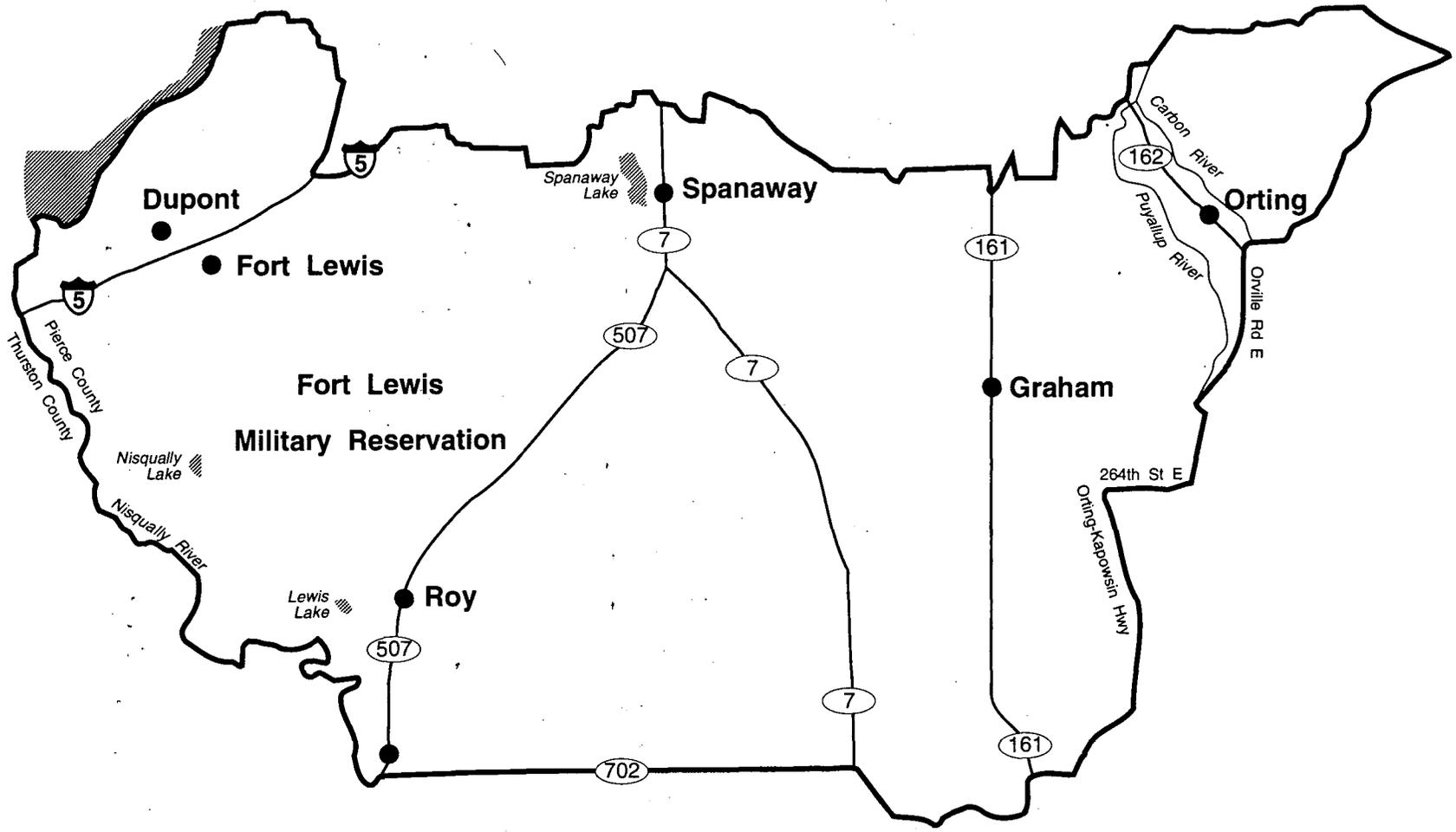
JOEL PRITCHARD, President of the Senate.

GORDON A. GOLOB, Secretary of the Senate.

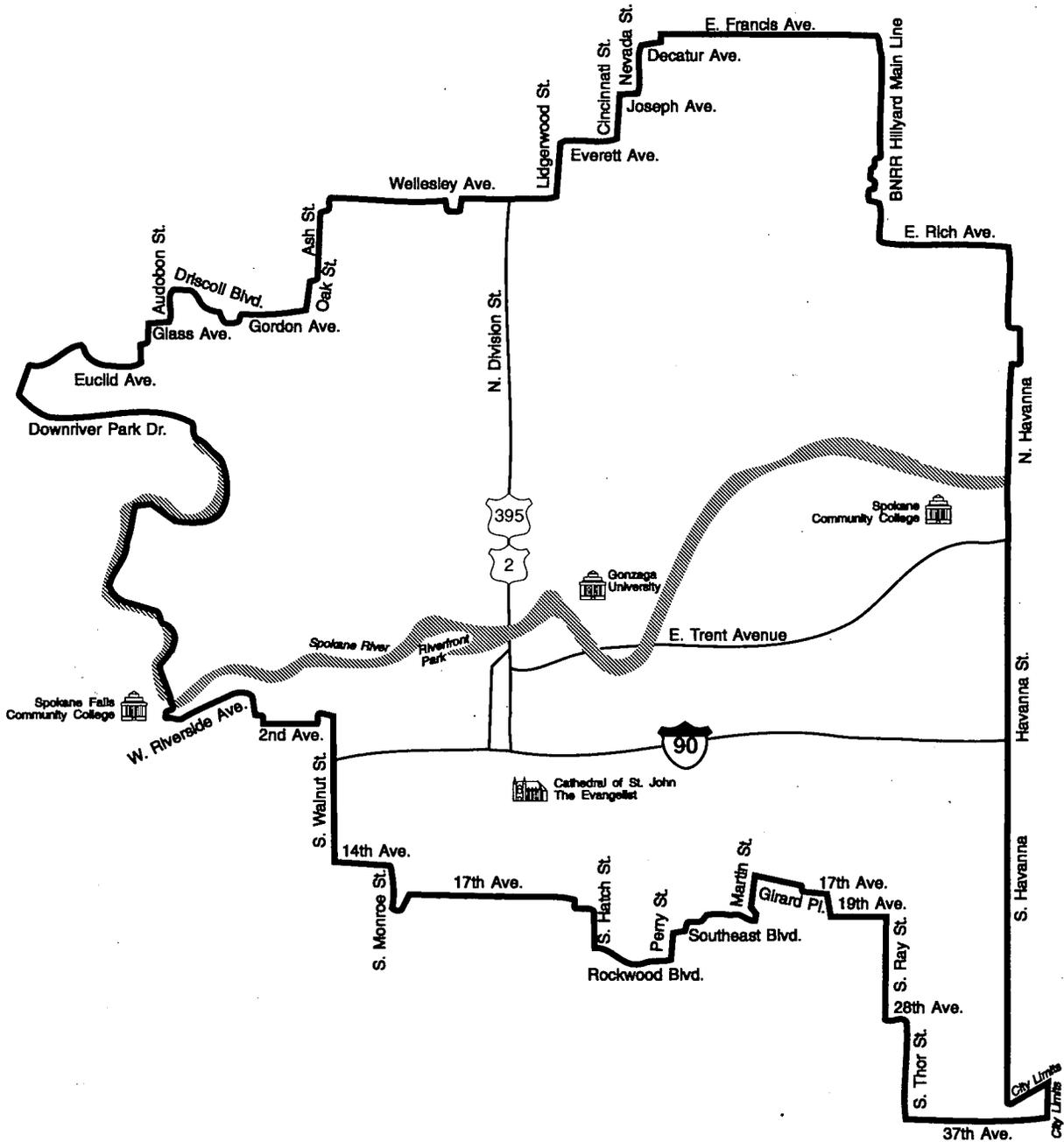
APPENDIX A
LEGISLATIVE
&
CONGRESSIONAL
DISTRICT
MAPS



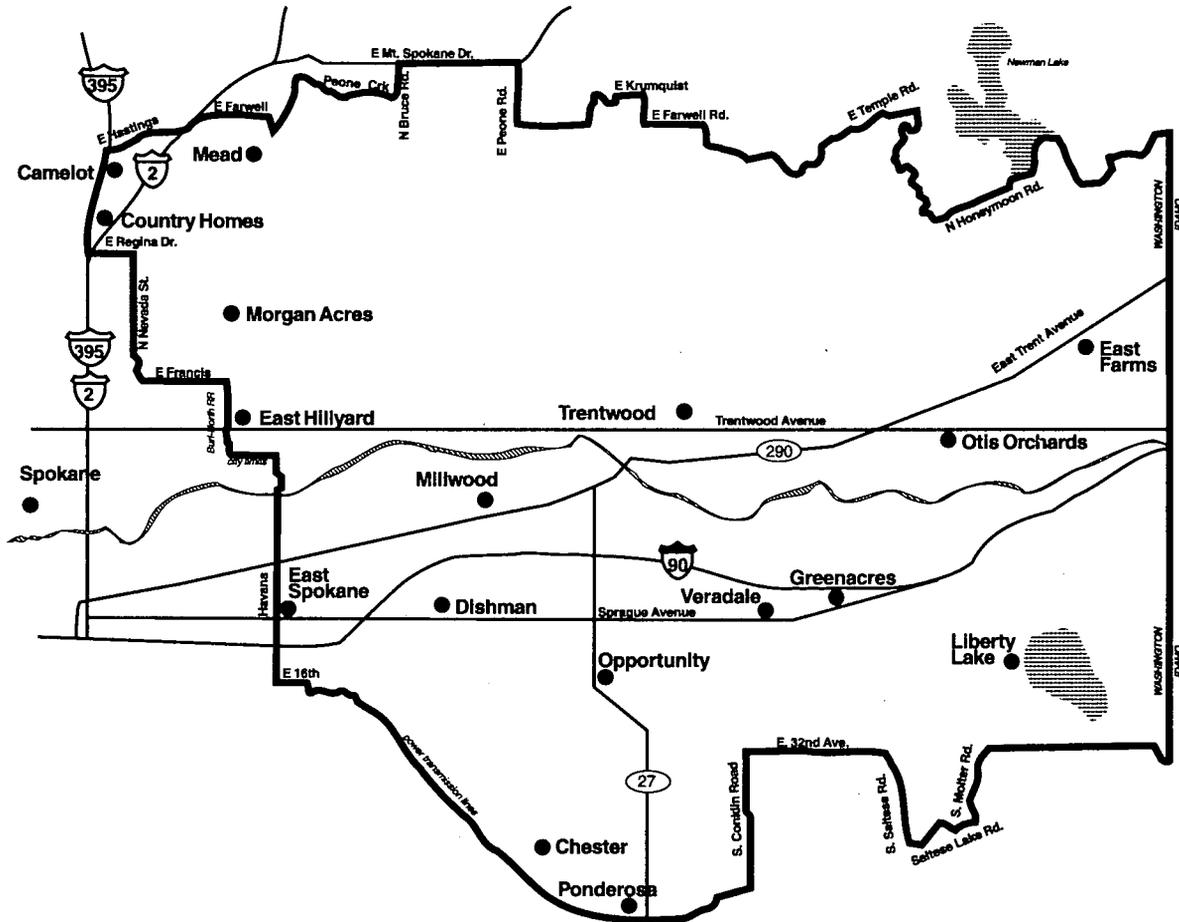
1st Legislative District



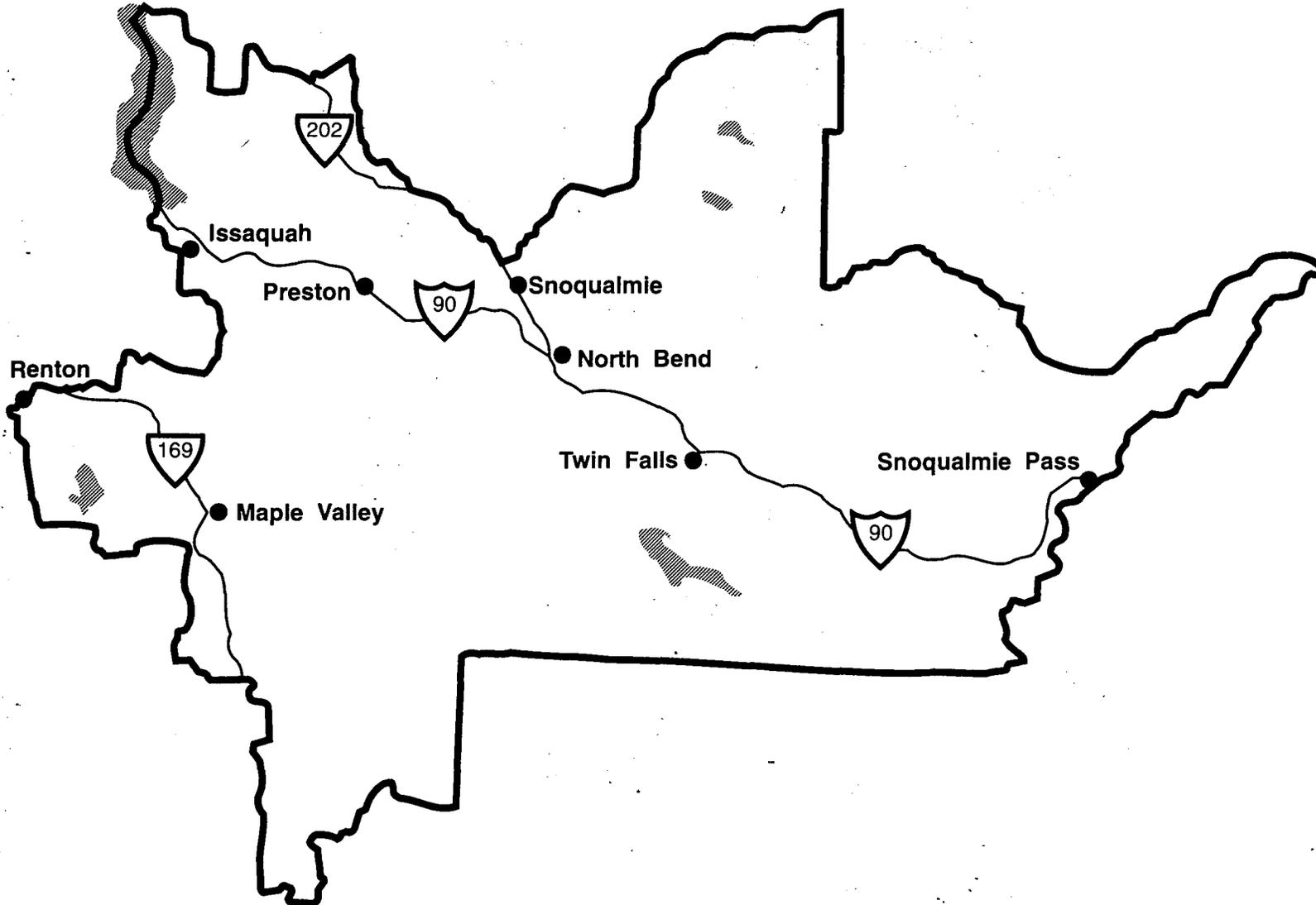
2nd Legislative District



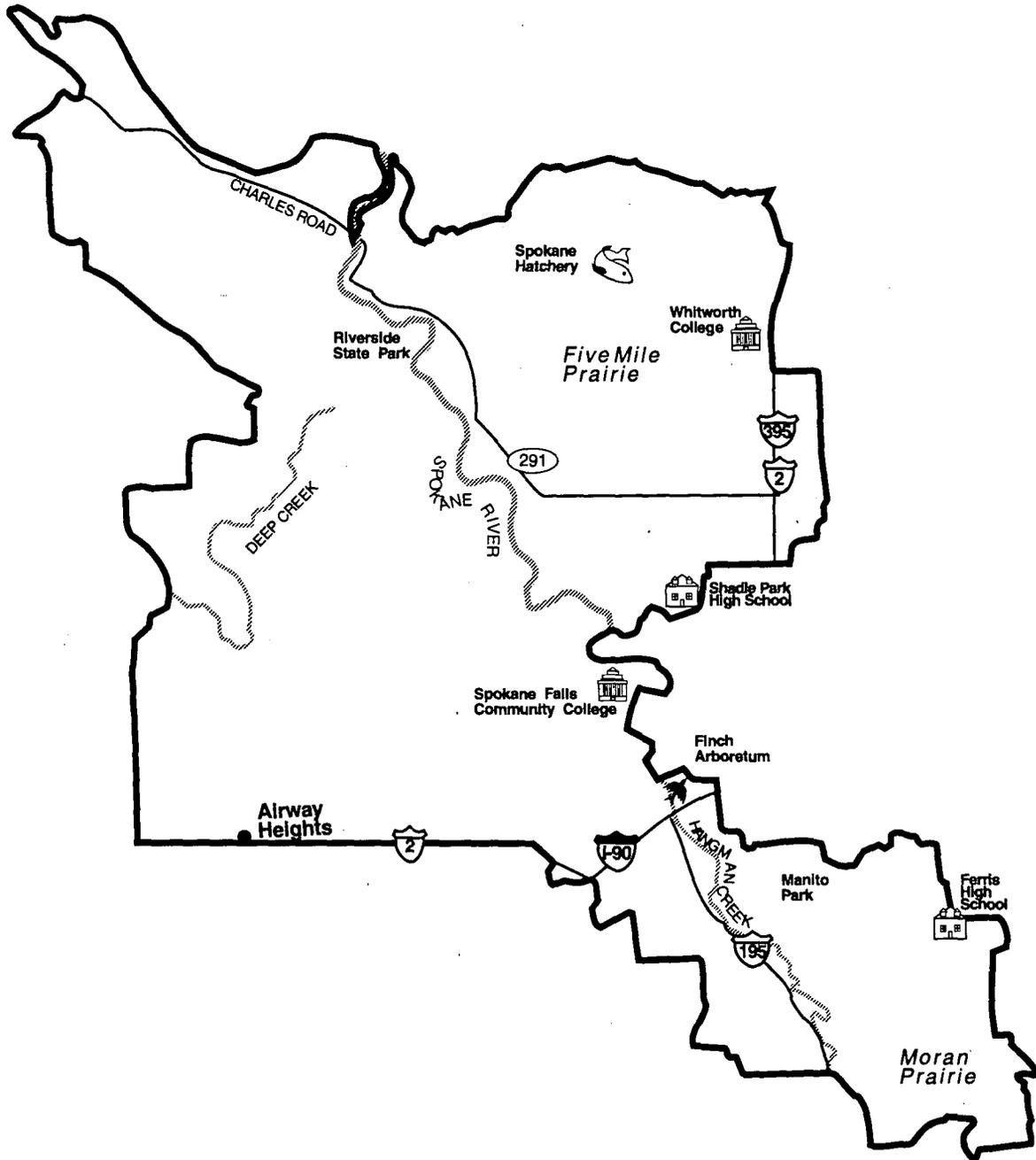
3rd Legislative District



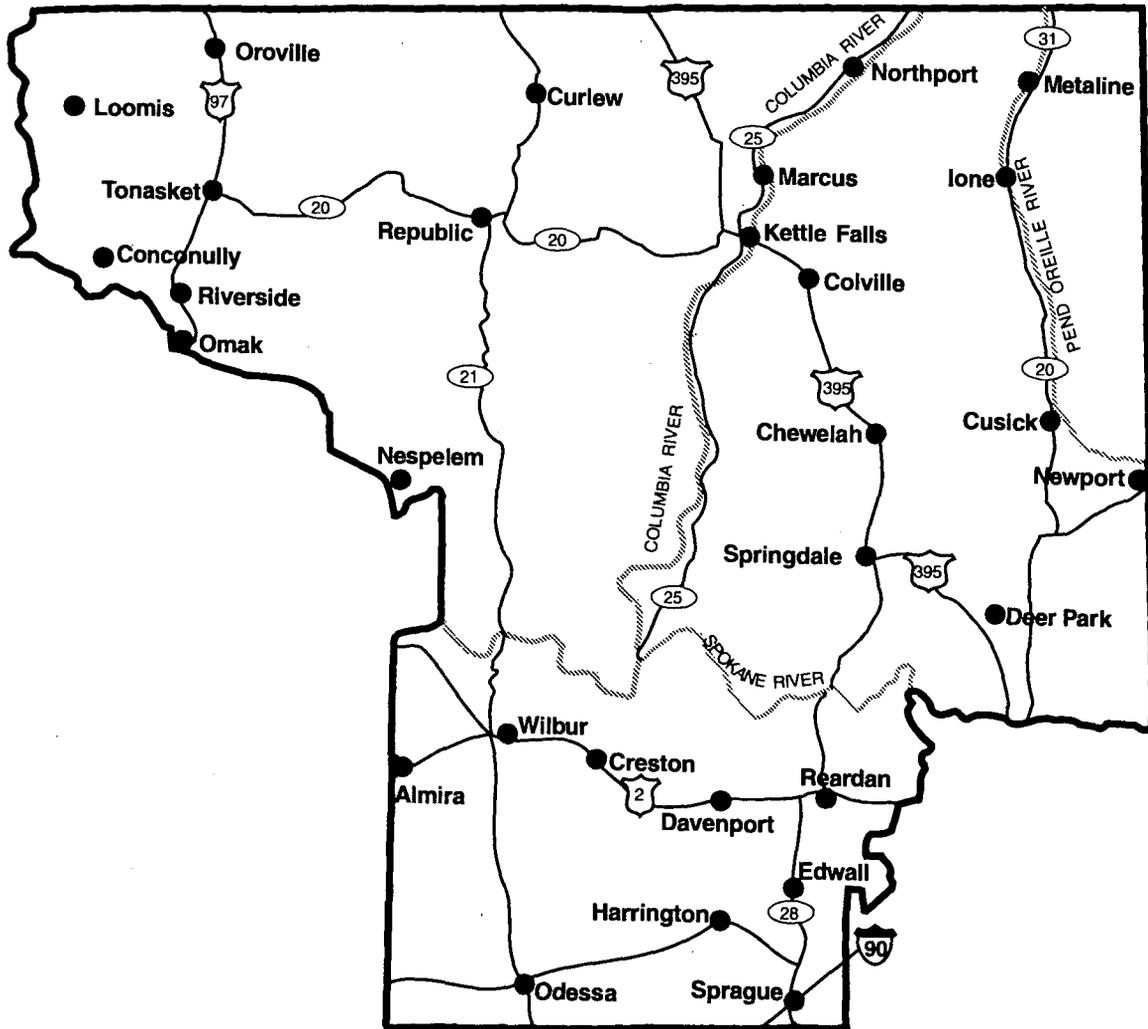
4th Legislative District



5th Legislative District



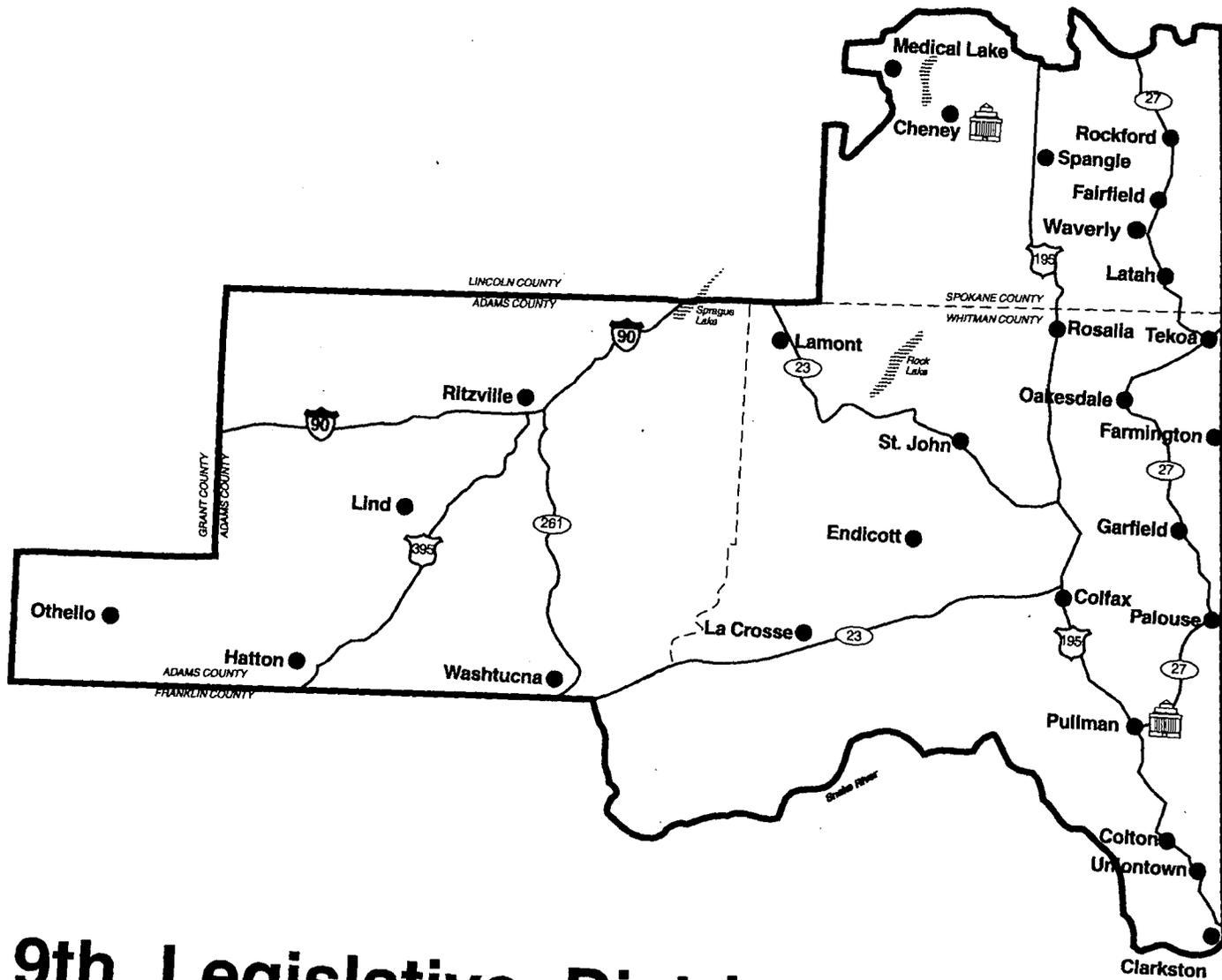
6th Legislative District



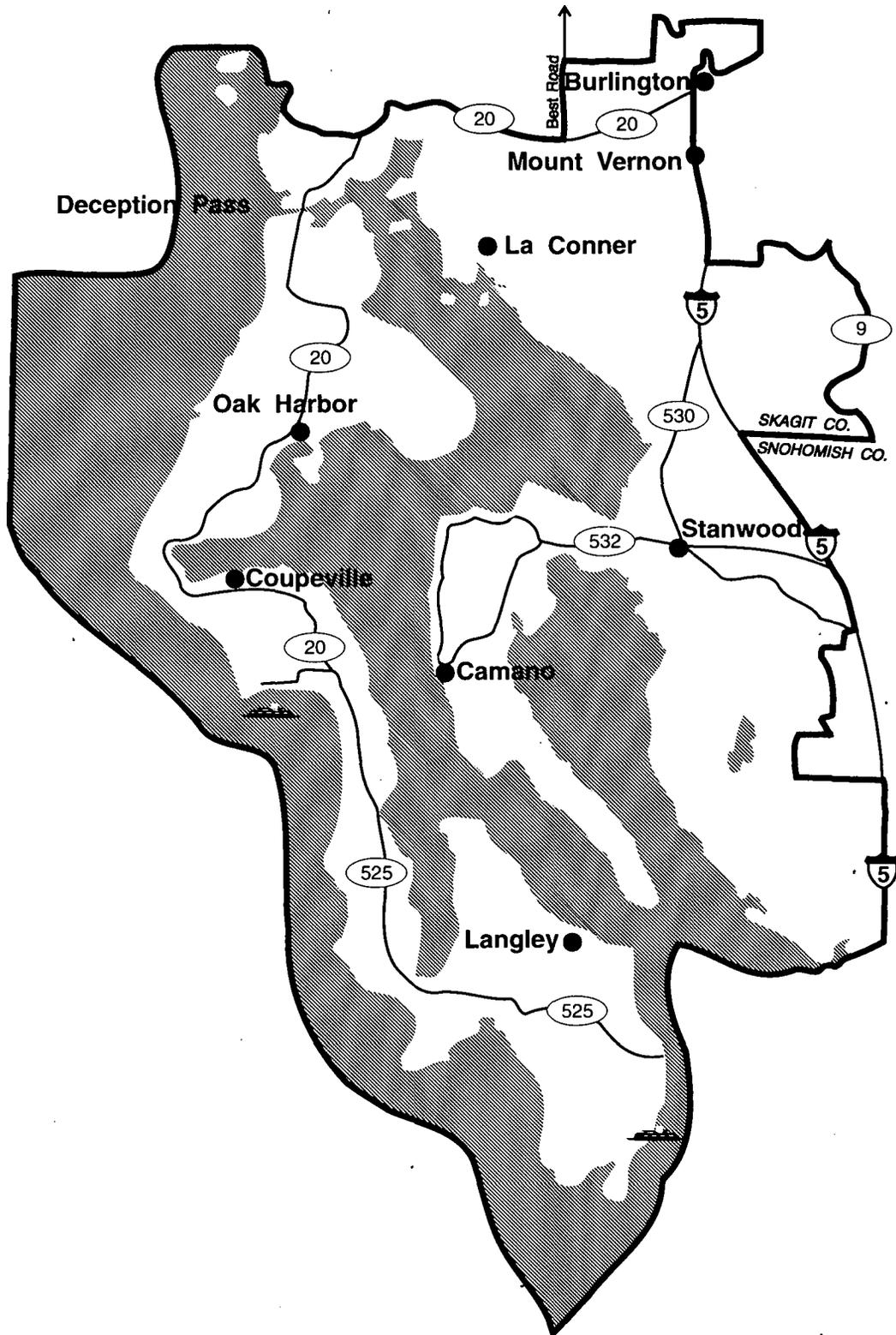
7th Legislative District



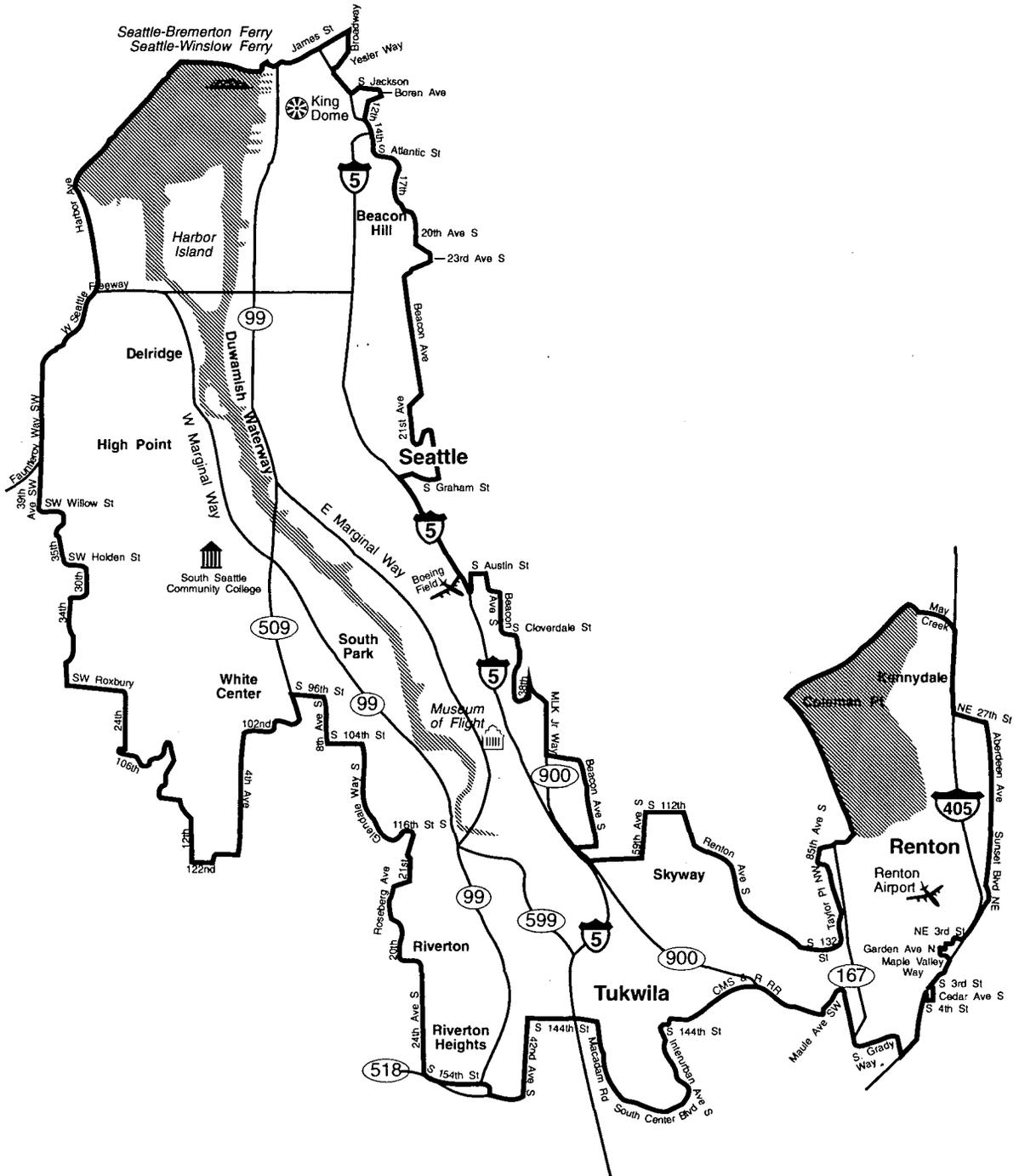
8th Legislative District



9th Legislative District



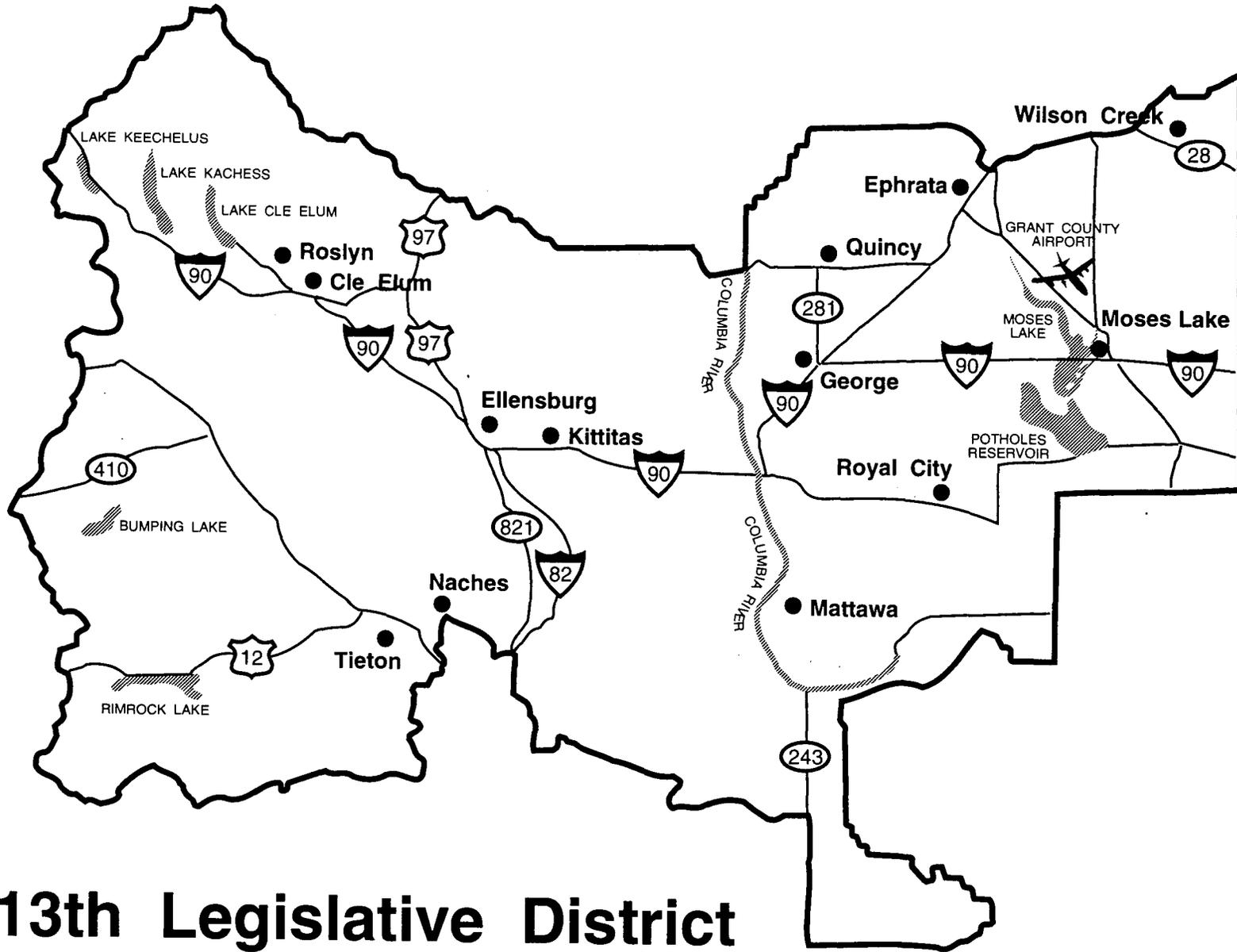
10th Legislative District



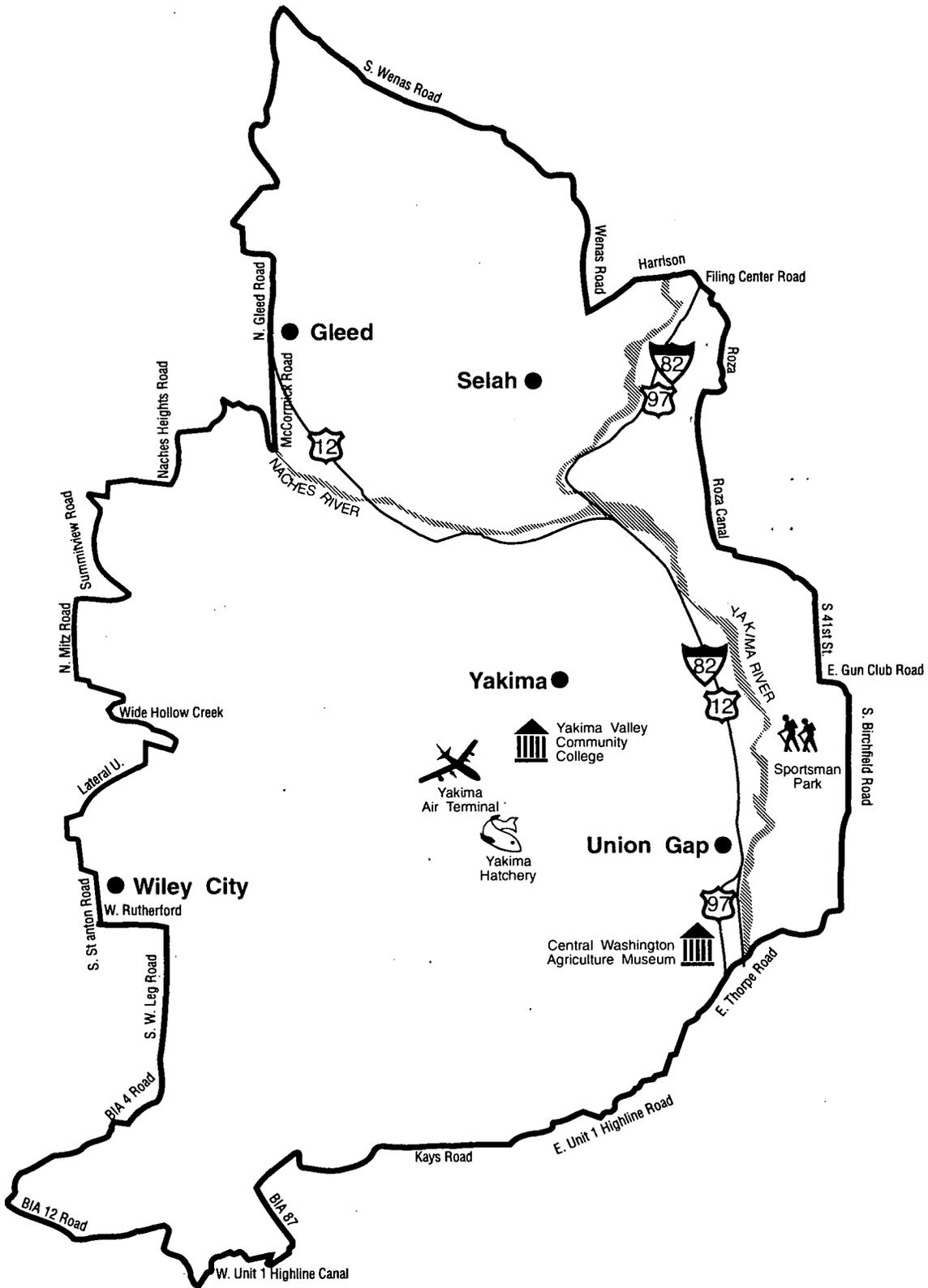
11th Legislative District



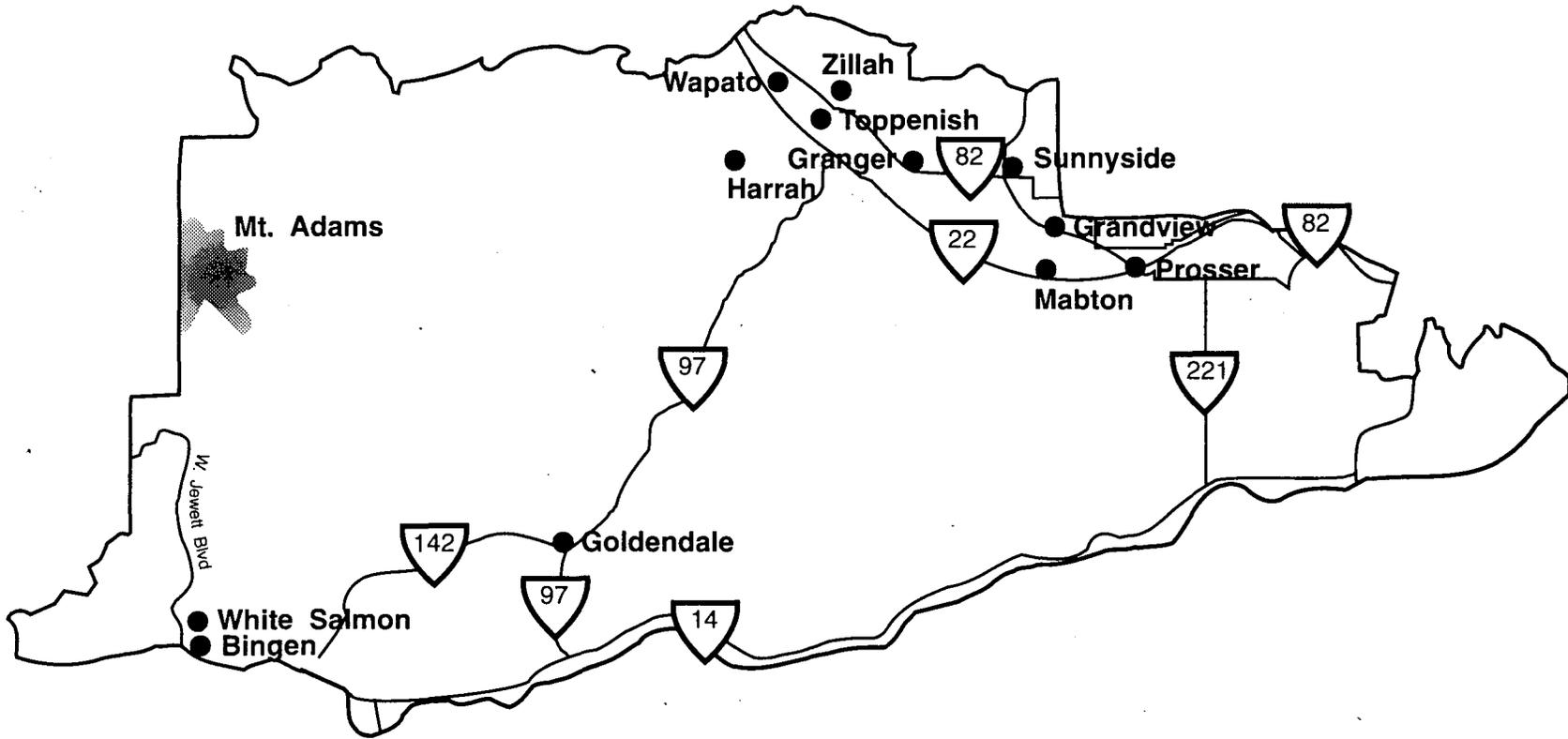
12th Legislative District



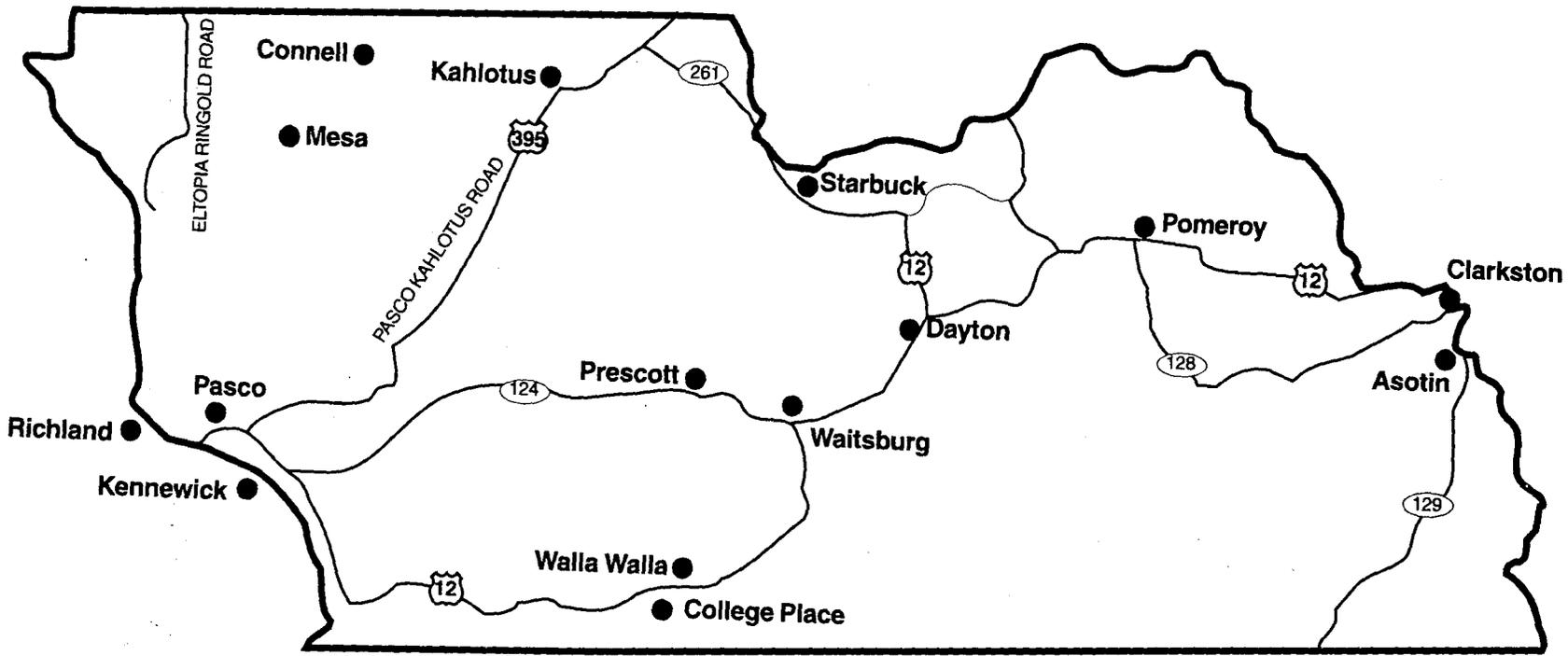
13th Legislative District



14th Legislative District

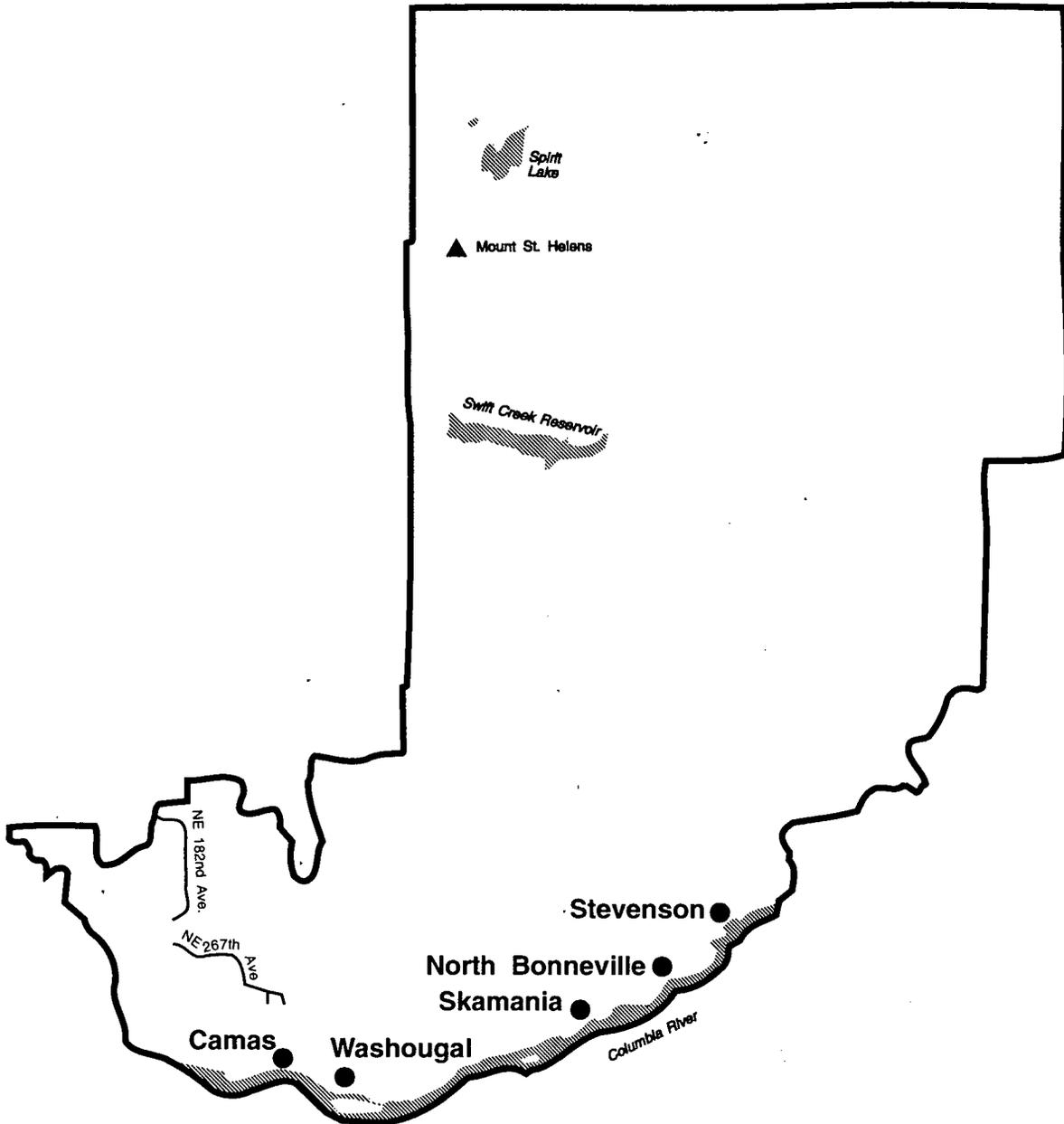


15th Legislative District

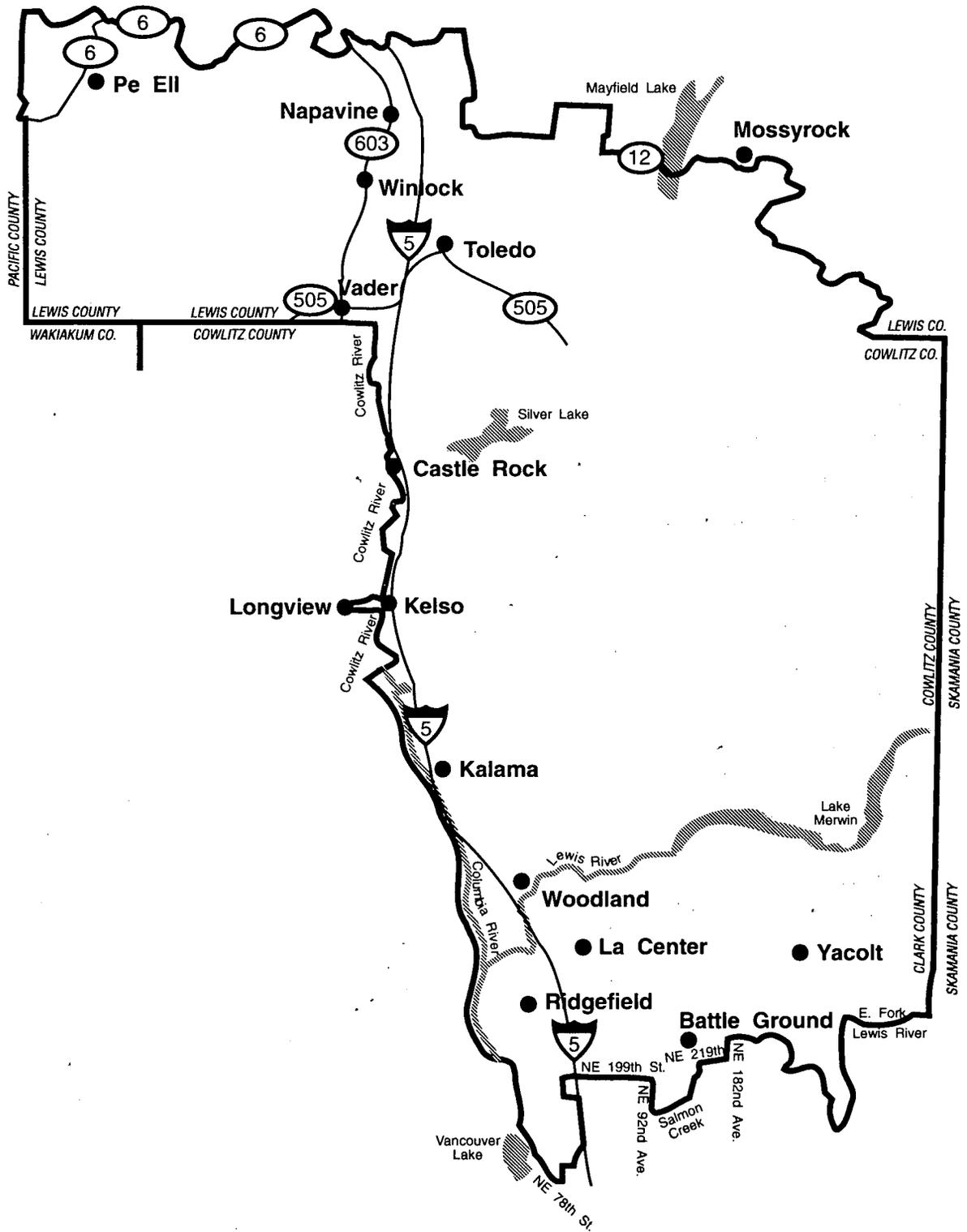


APPENDIX A - LEGISLATIVE MAPS

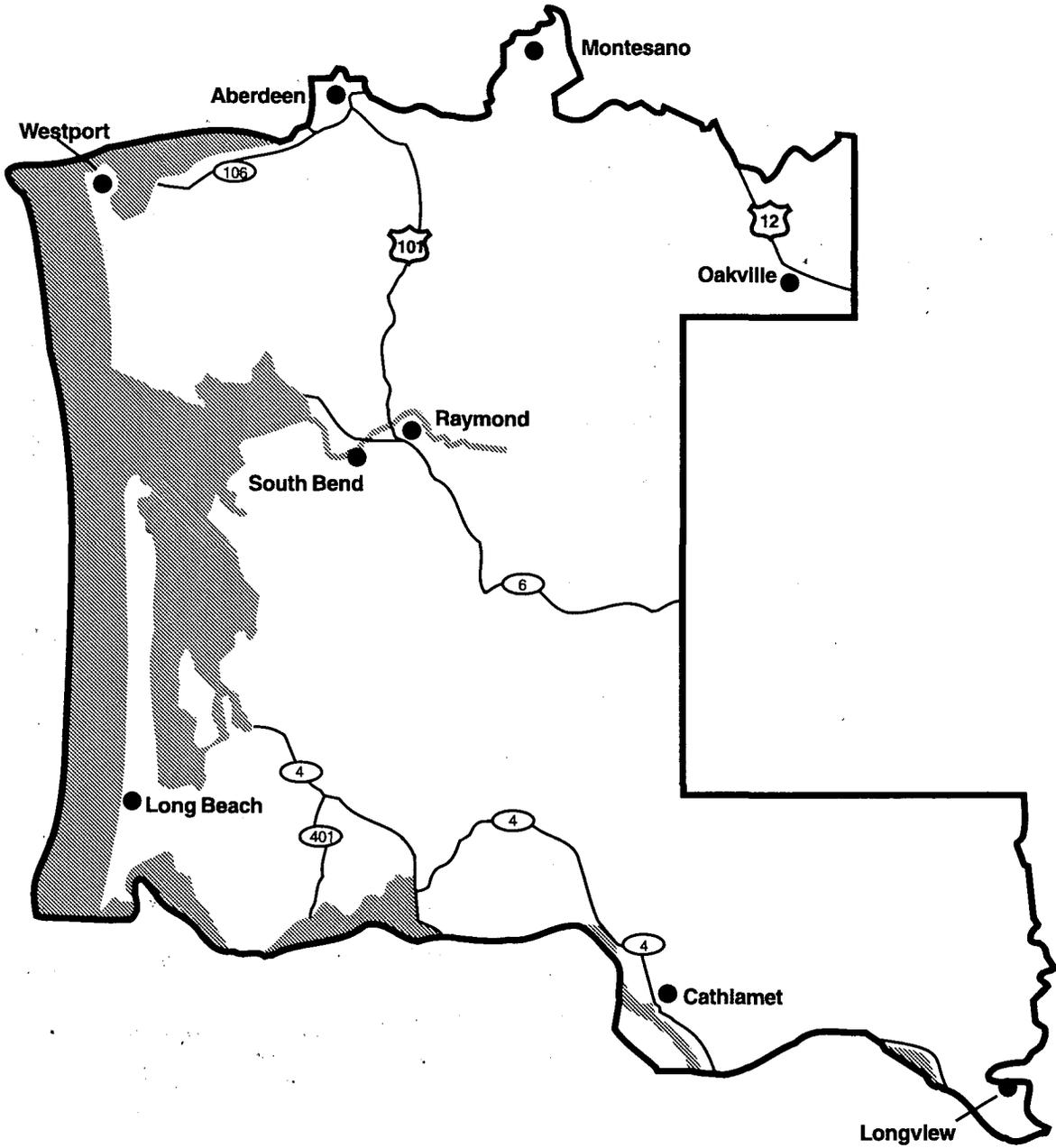
16th Legislative District



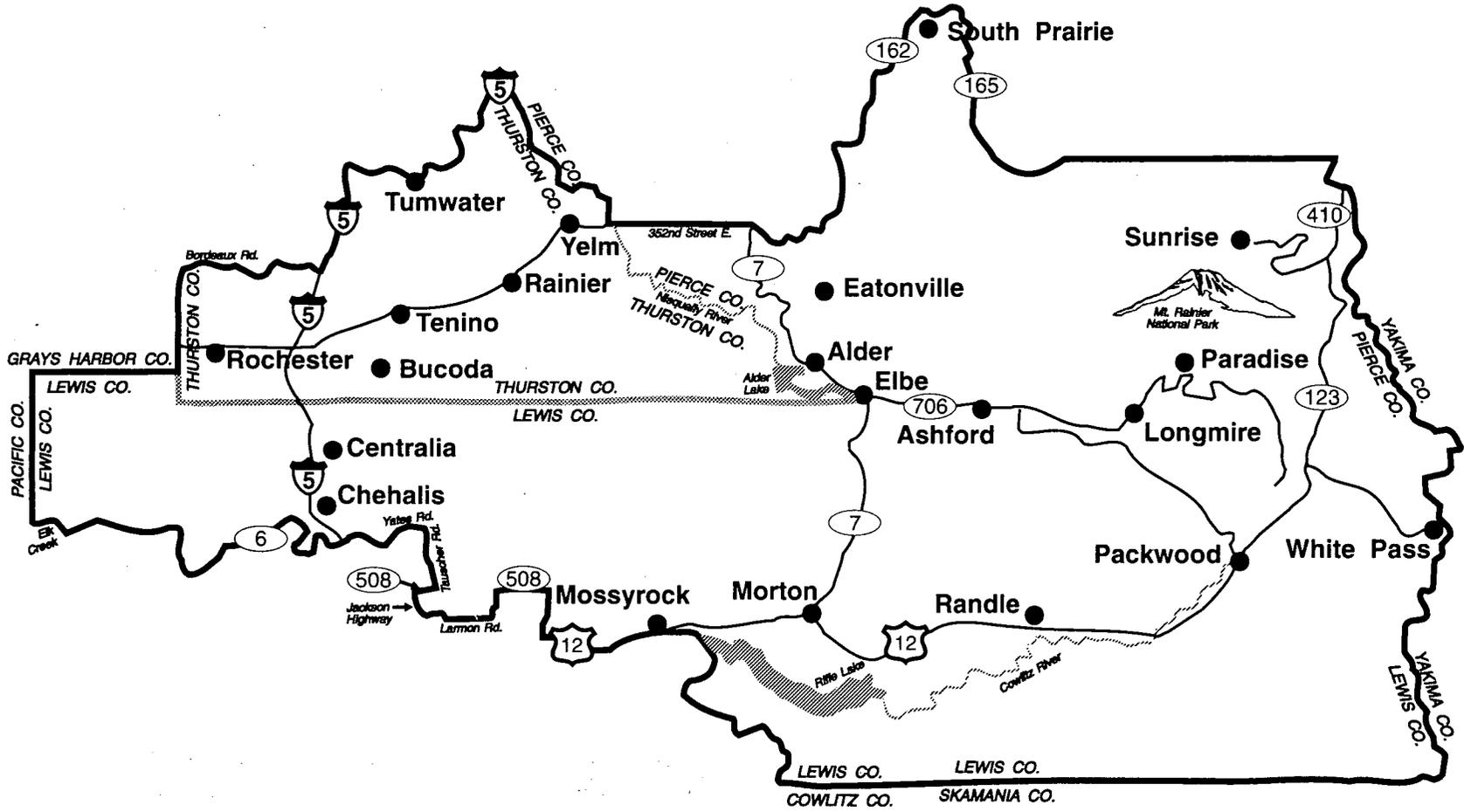
17th Legislative District



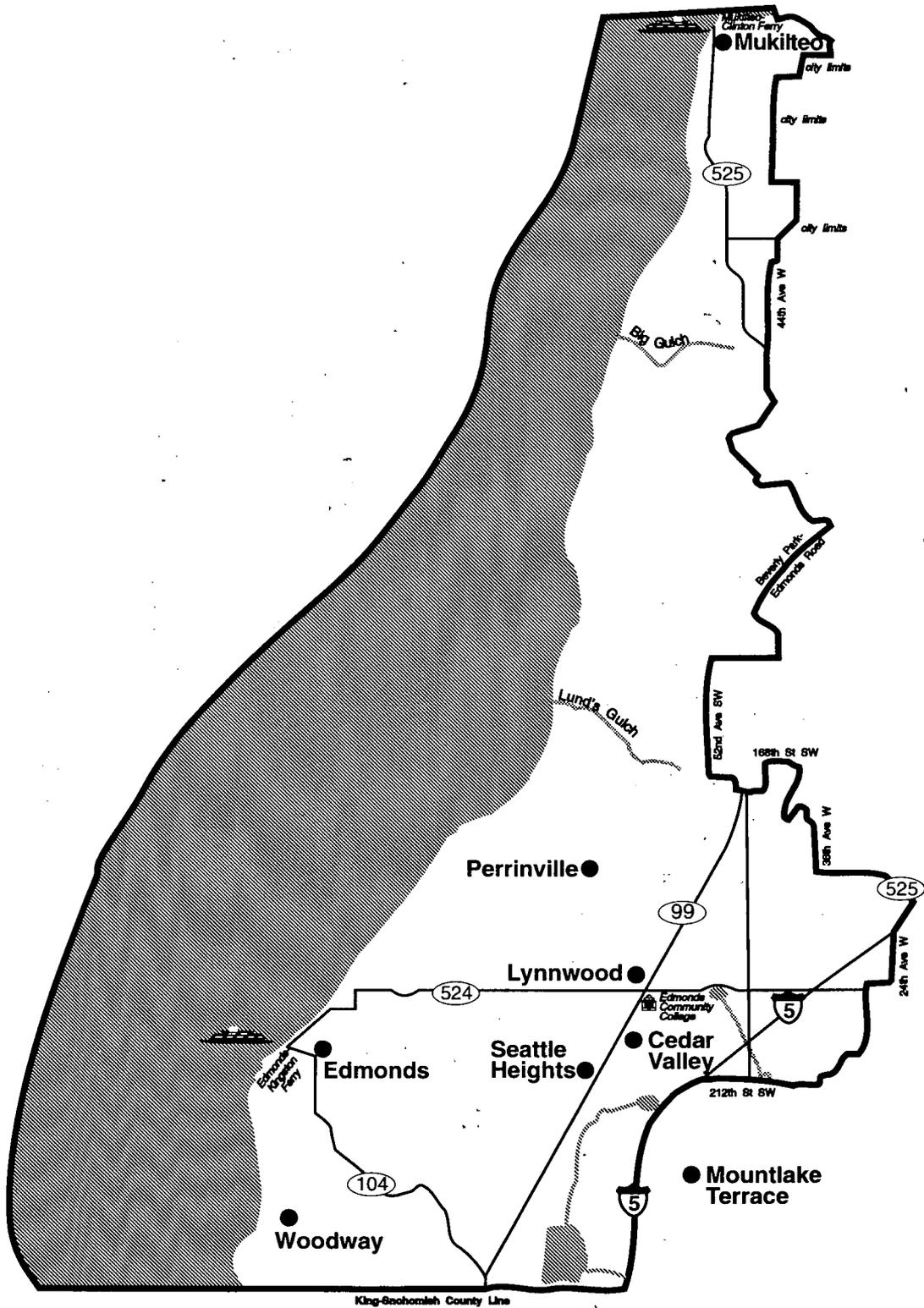
18th Legislative District



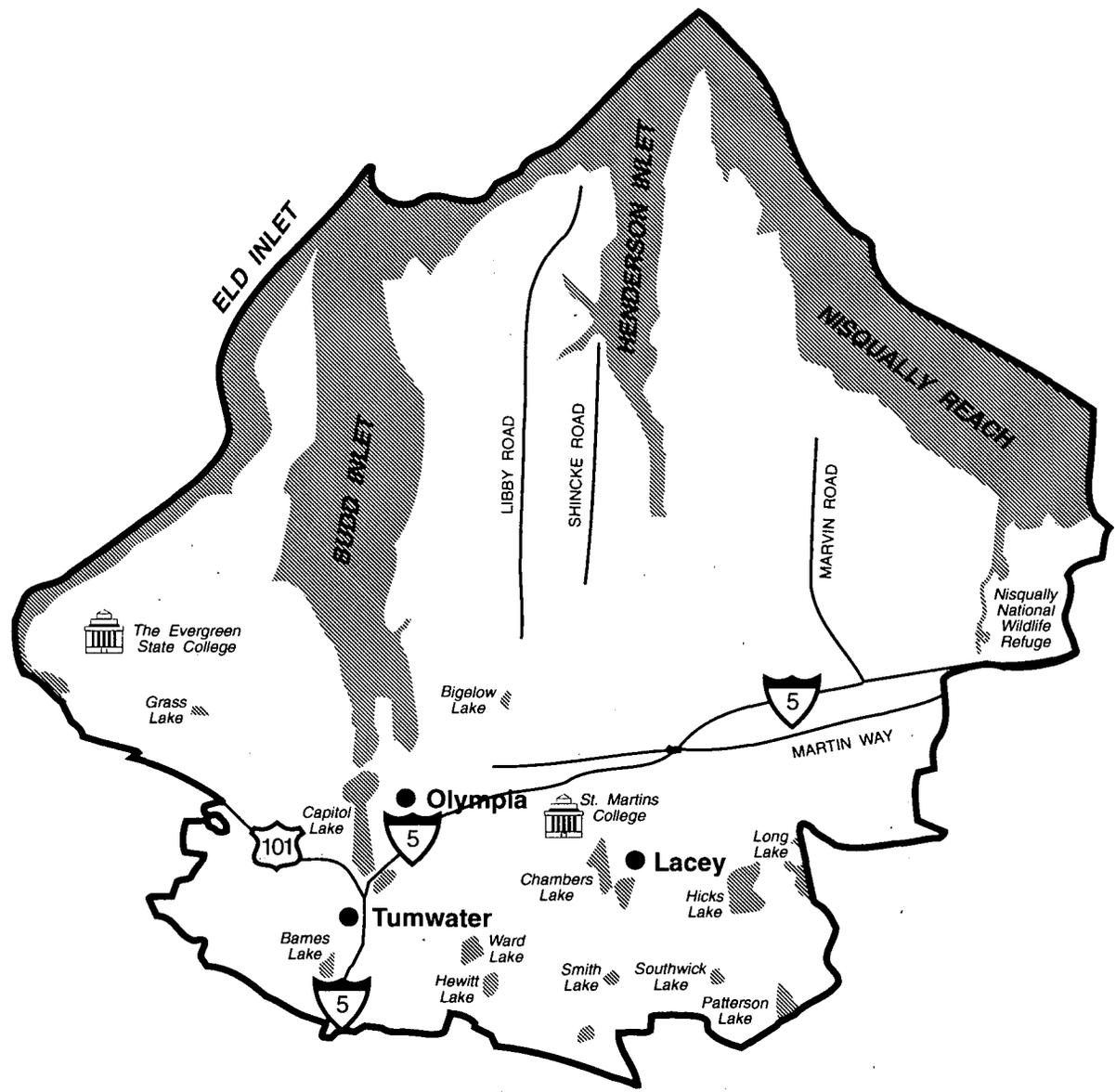
19th Legislative District



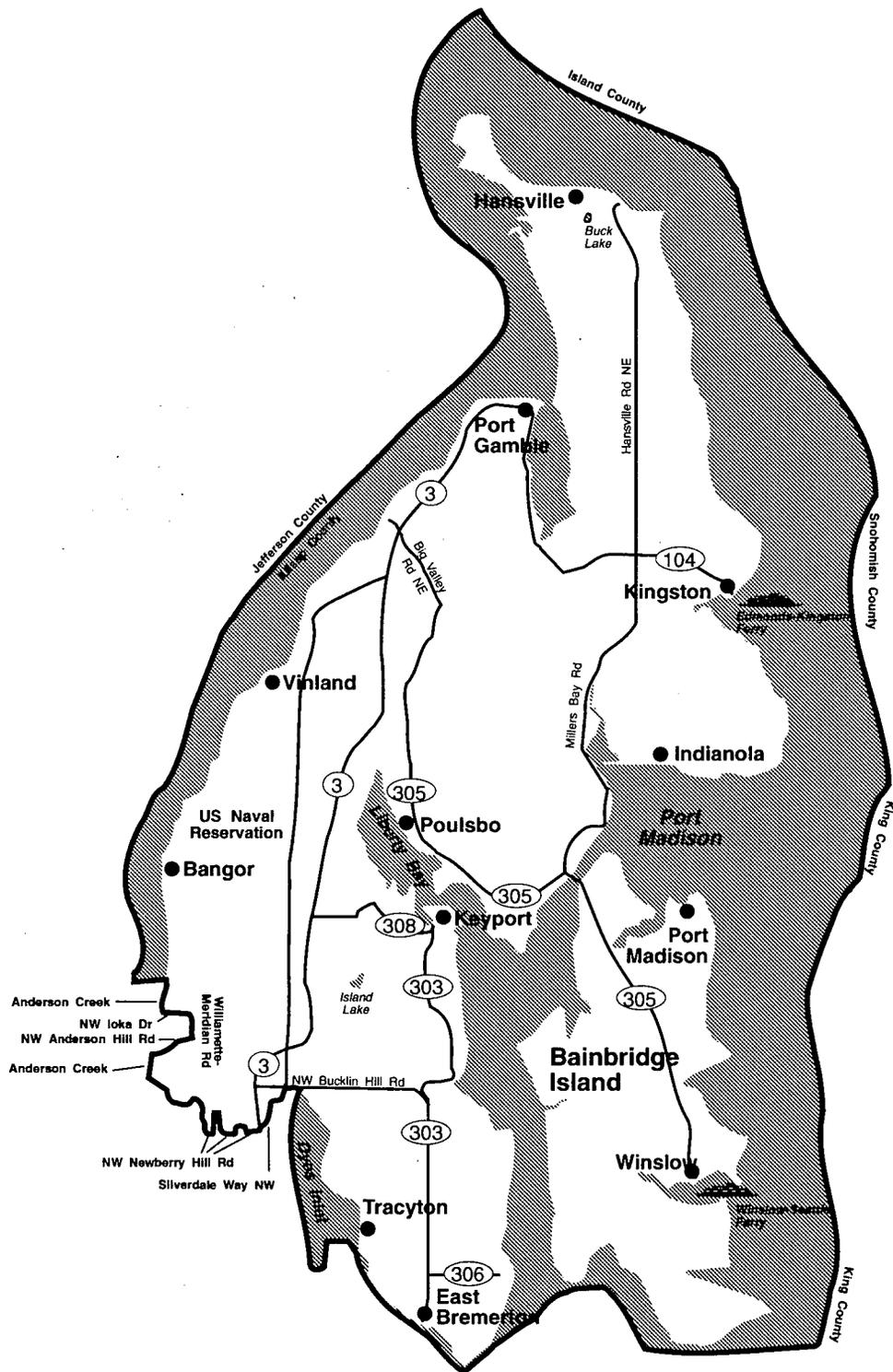
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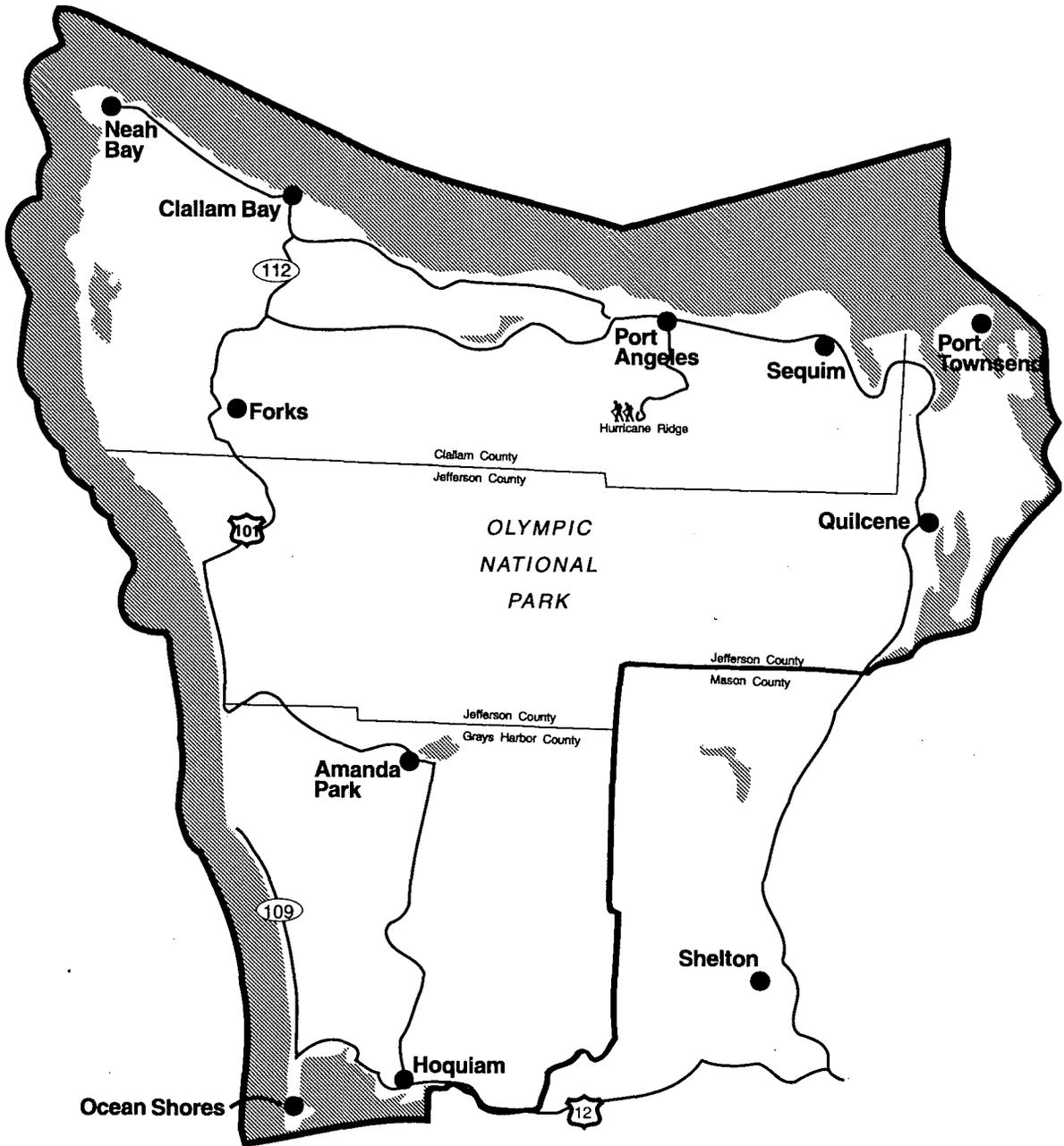
21st Legislative District



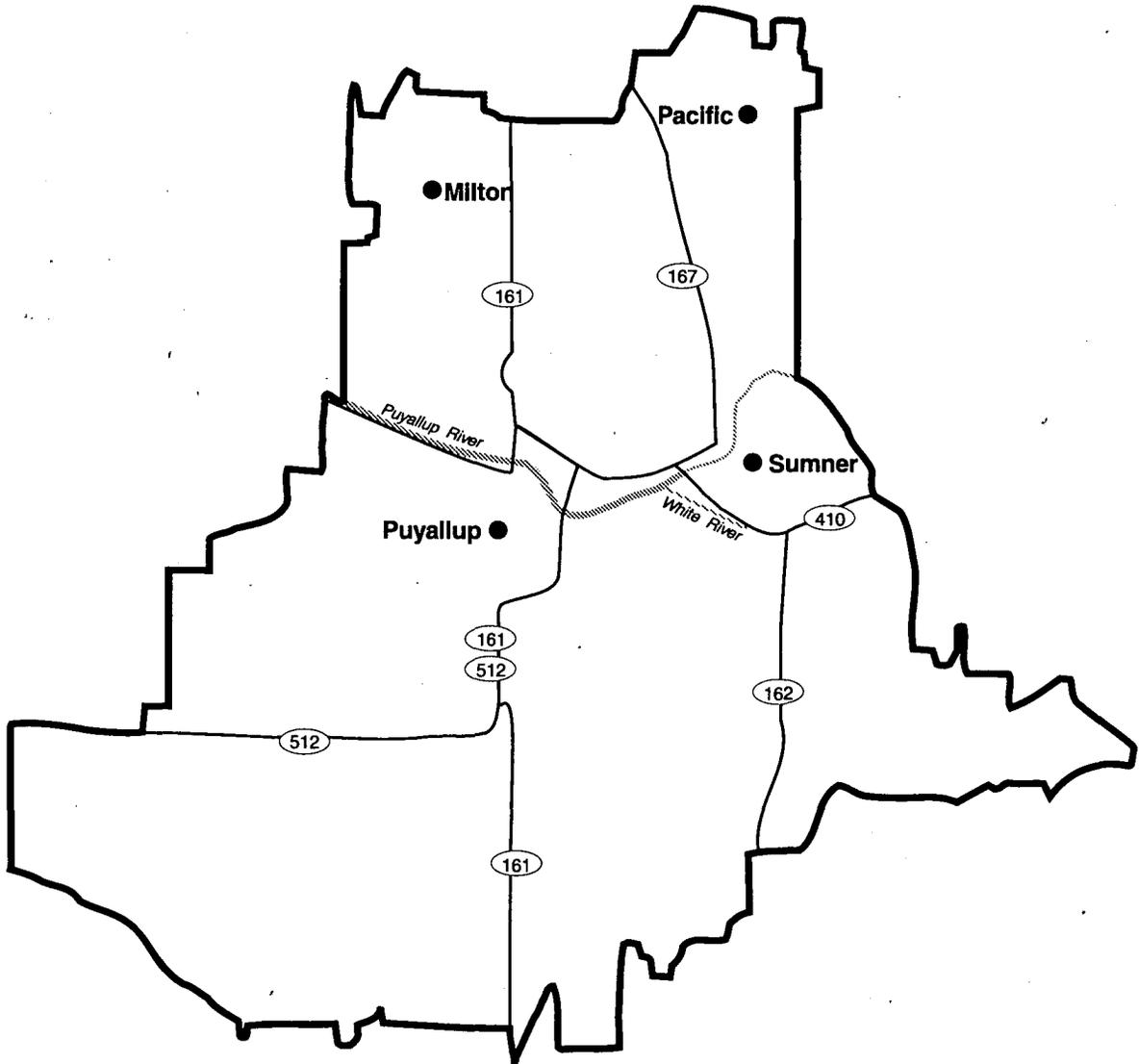
22nd Legislative District



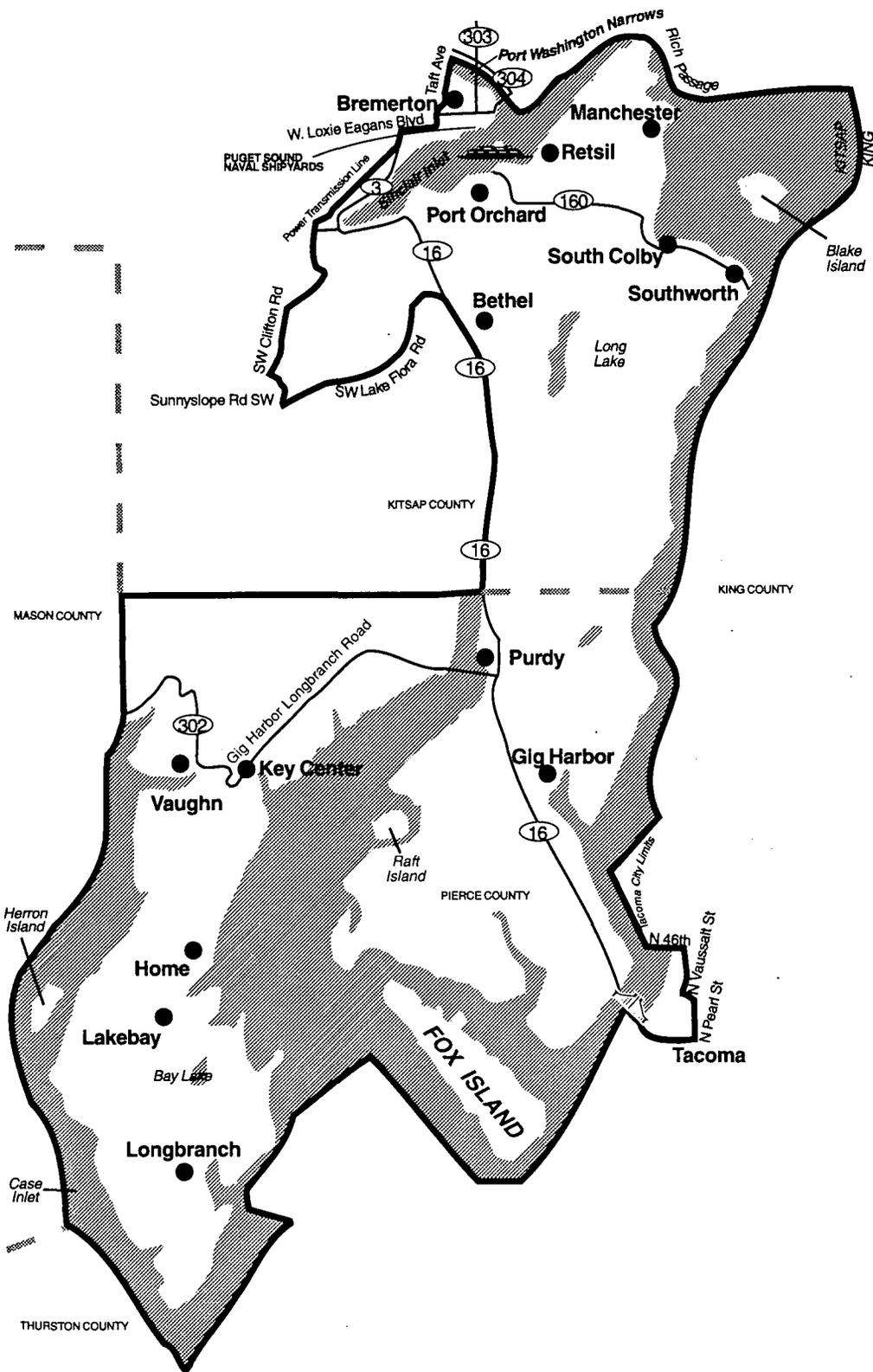
23rd Legislative District



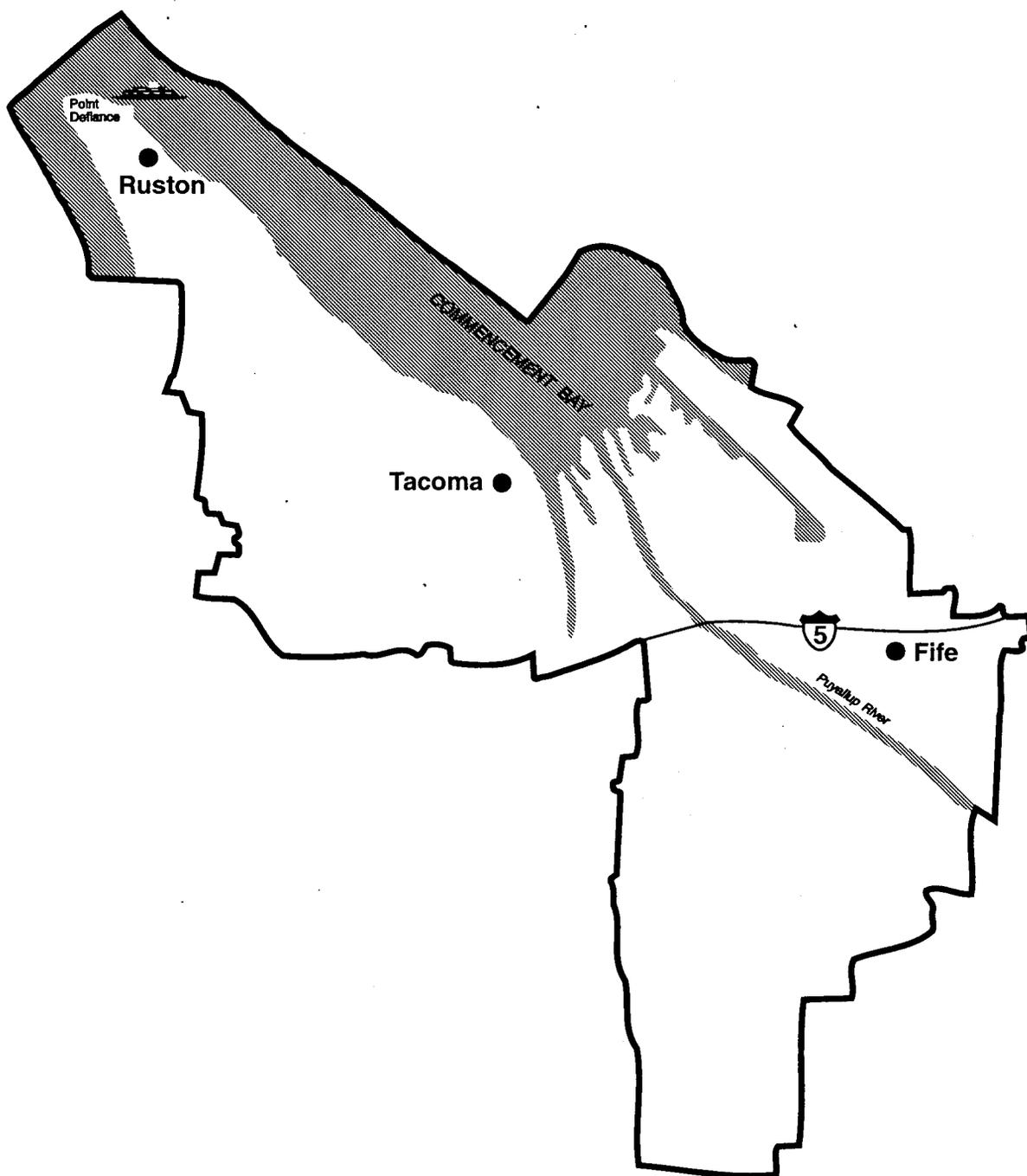
24th Legislative District



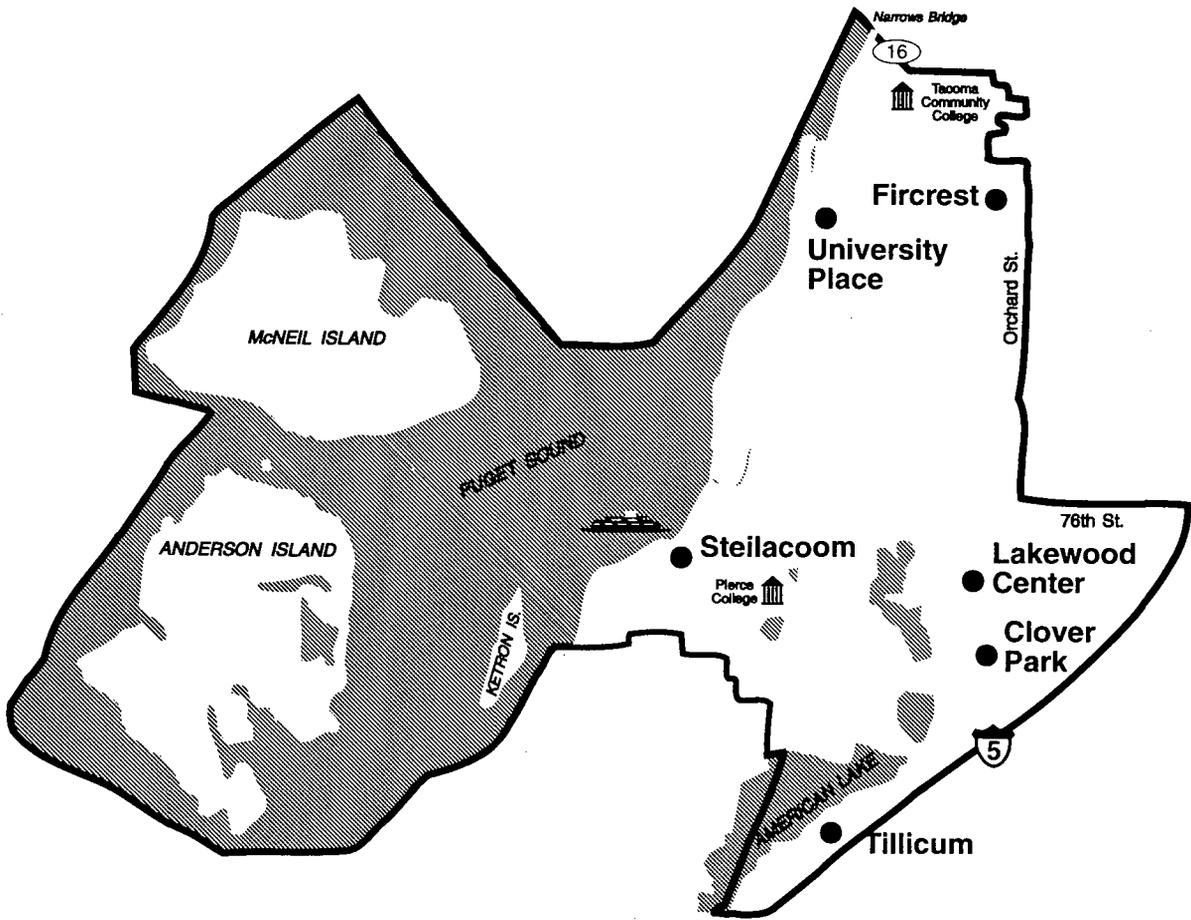
25th Legislative District



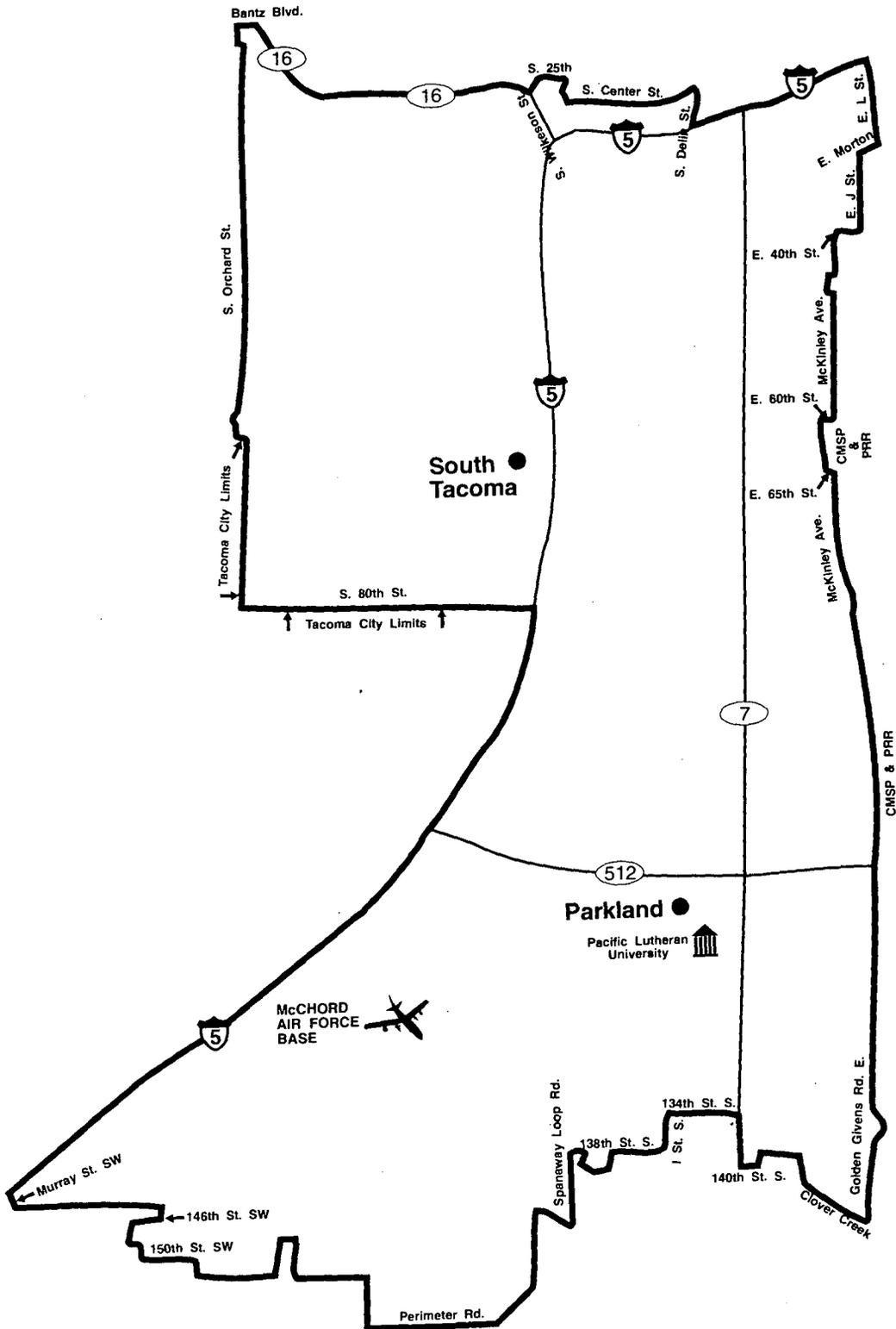
26th Legislative District



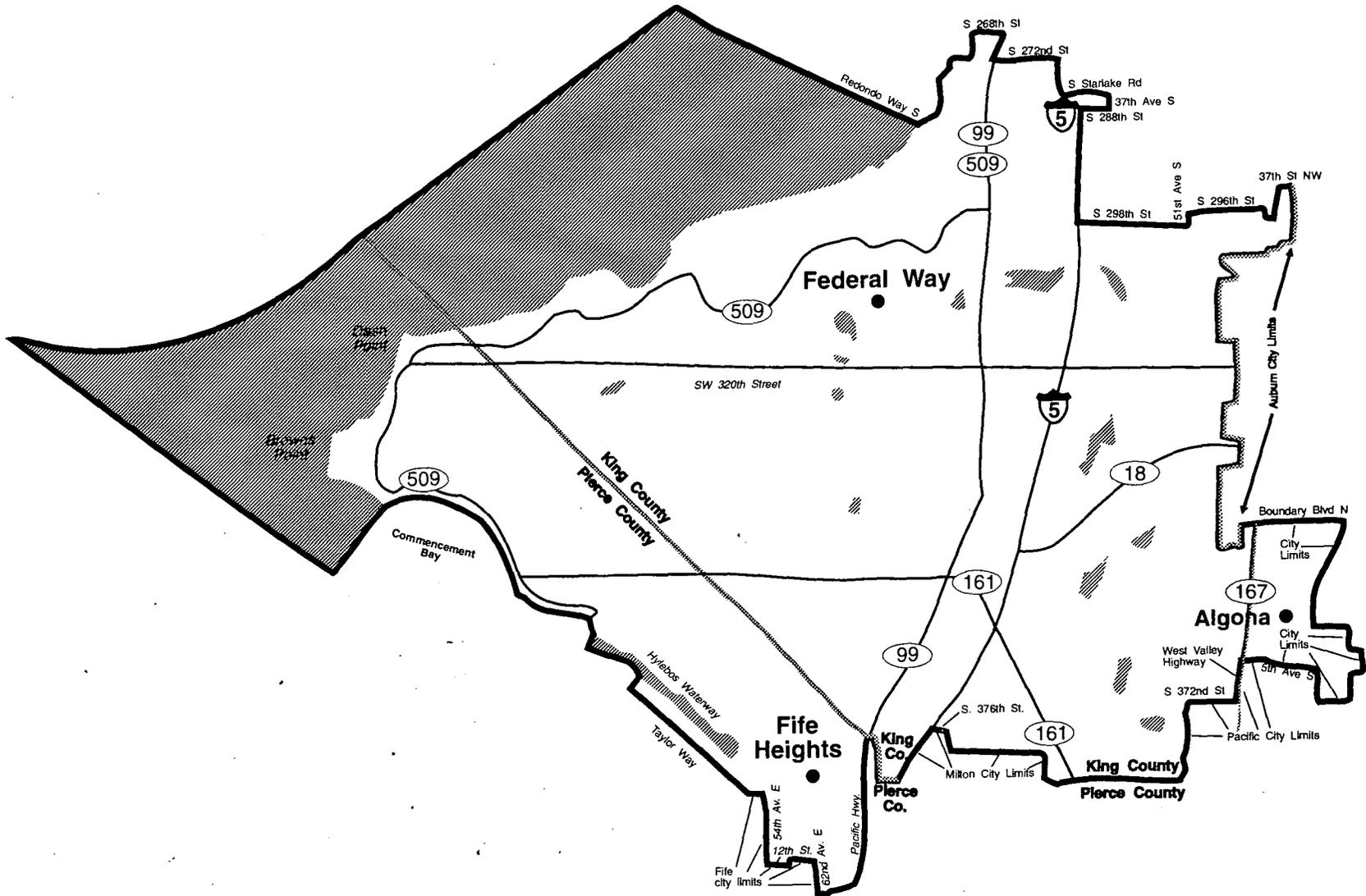
27th Legislative District



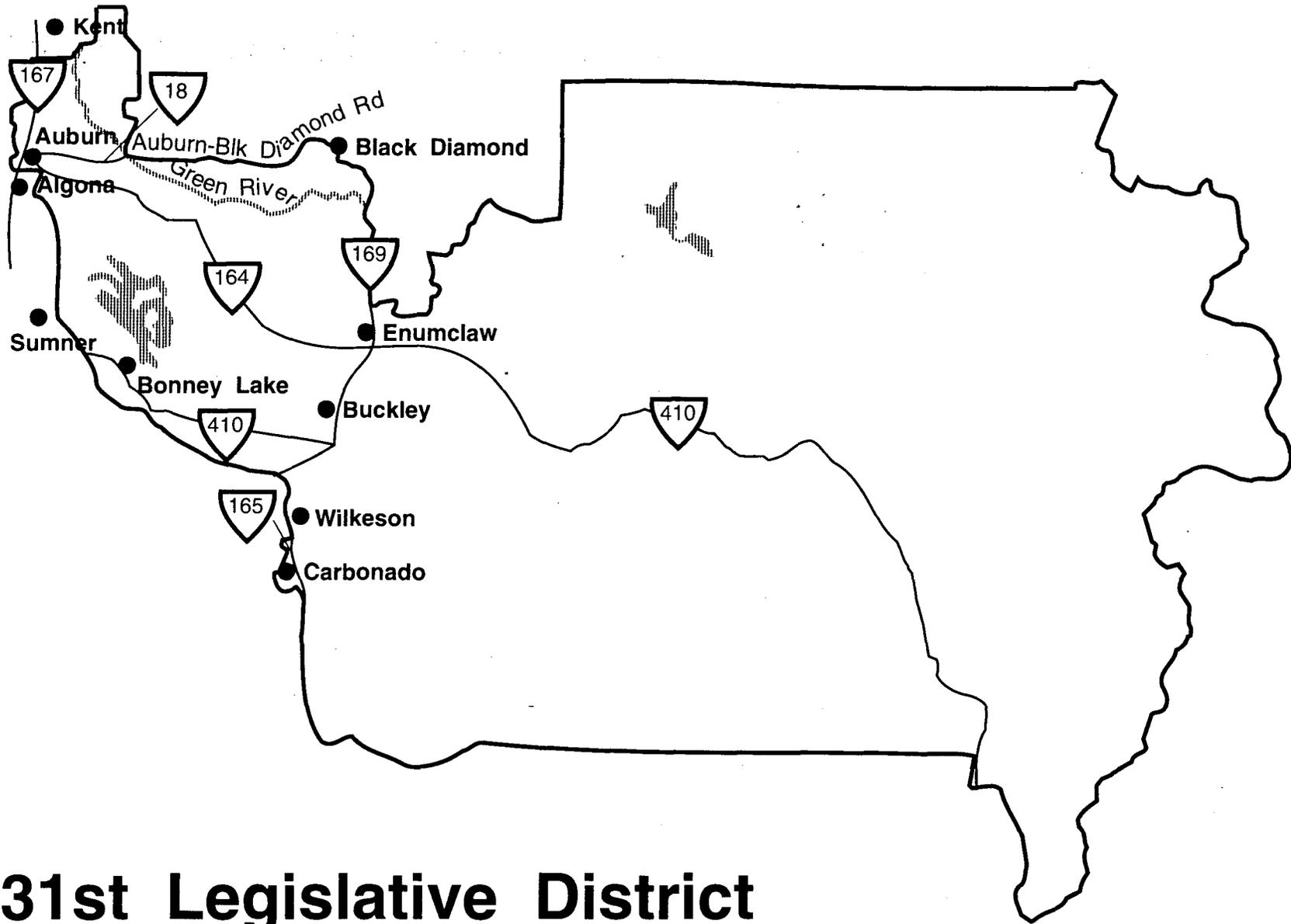
28th Legislative District



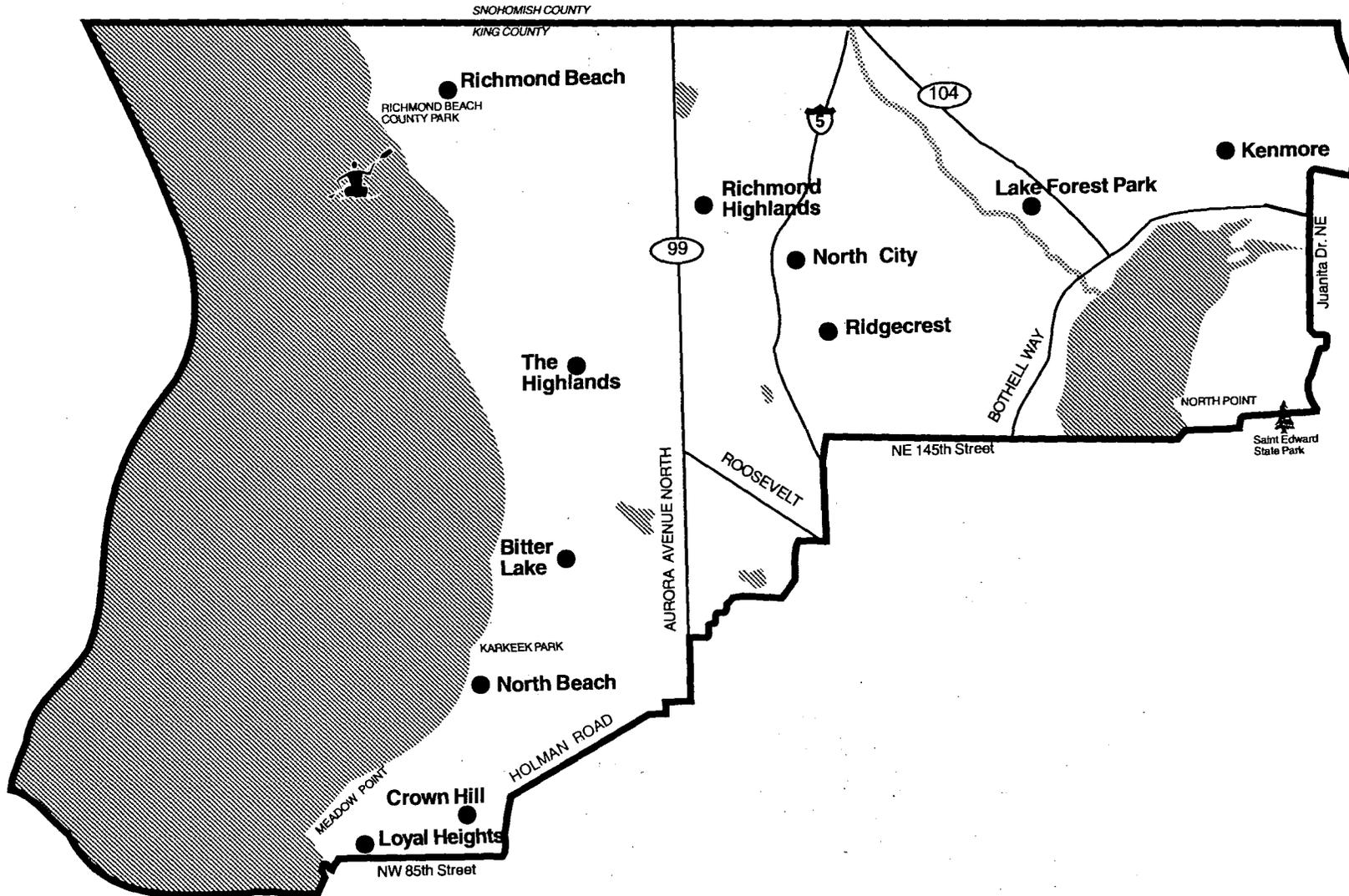
29th Legislative District



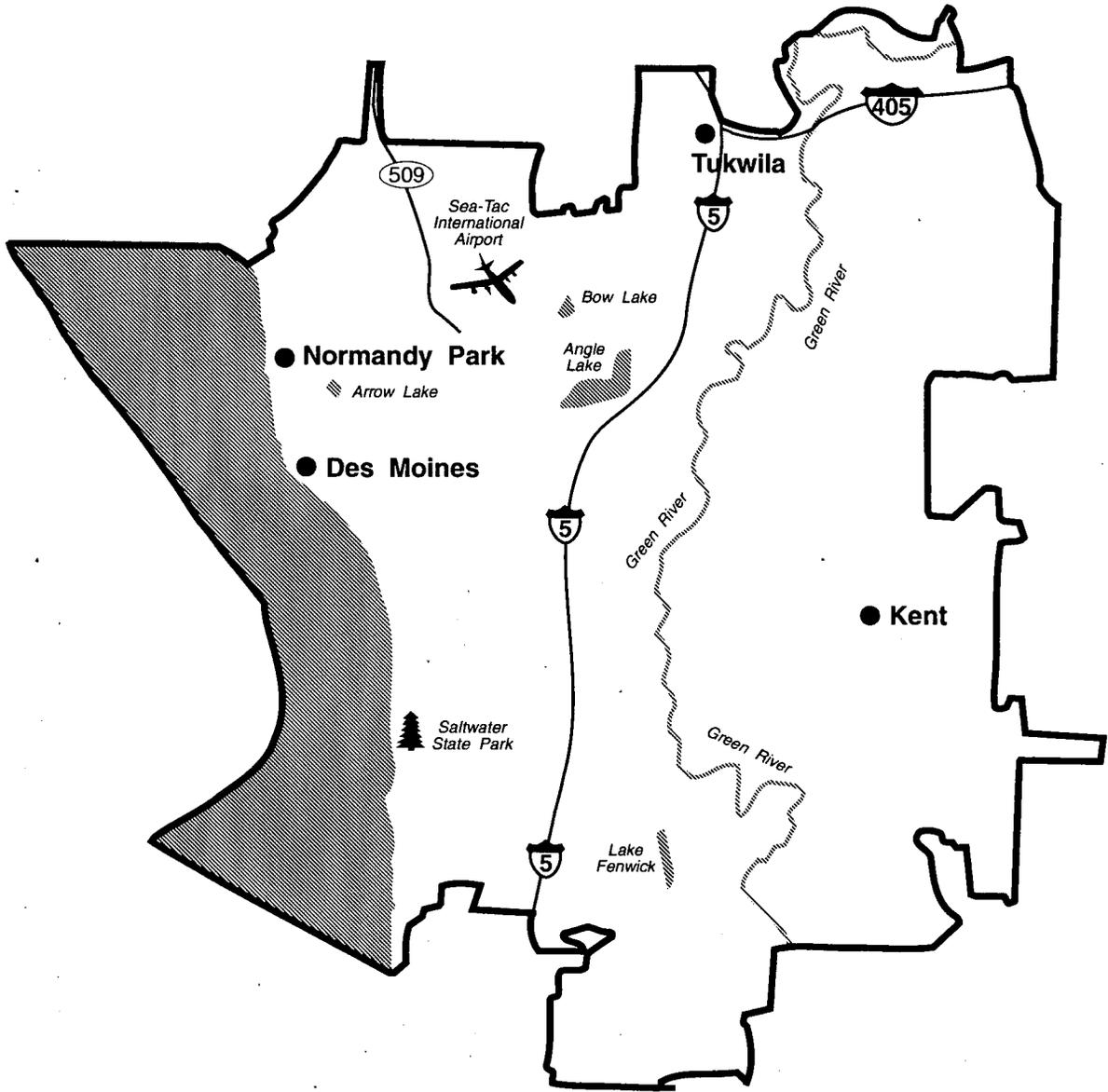
30th Legislative District



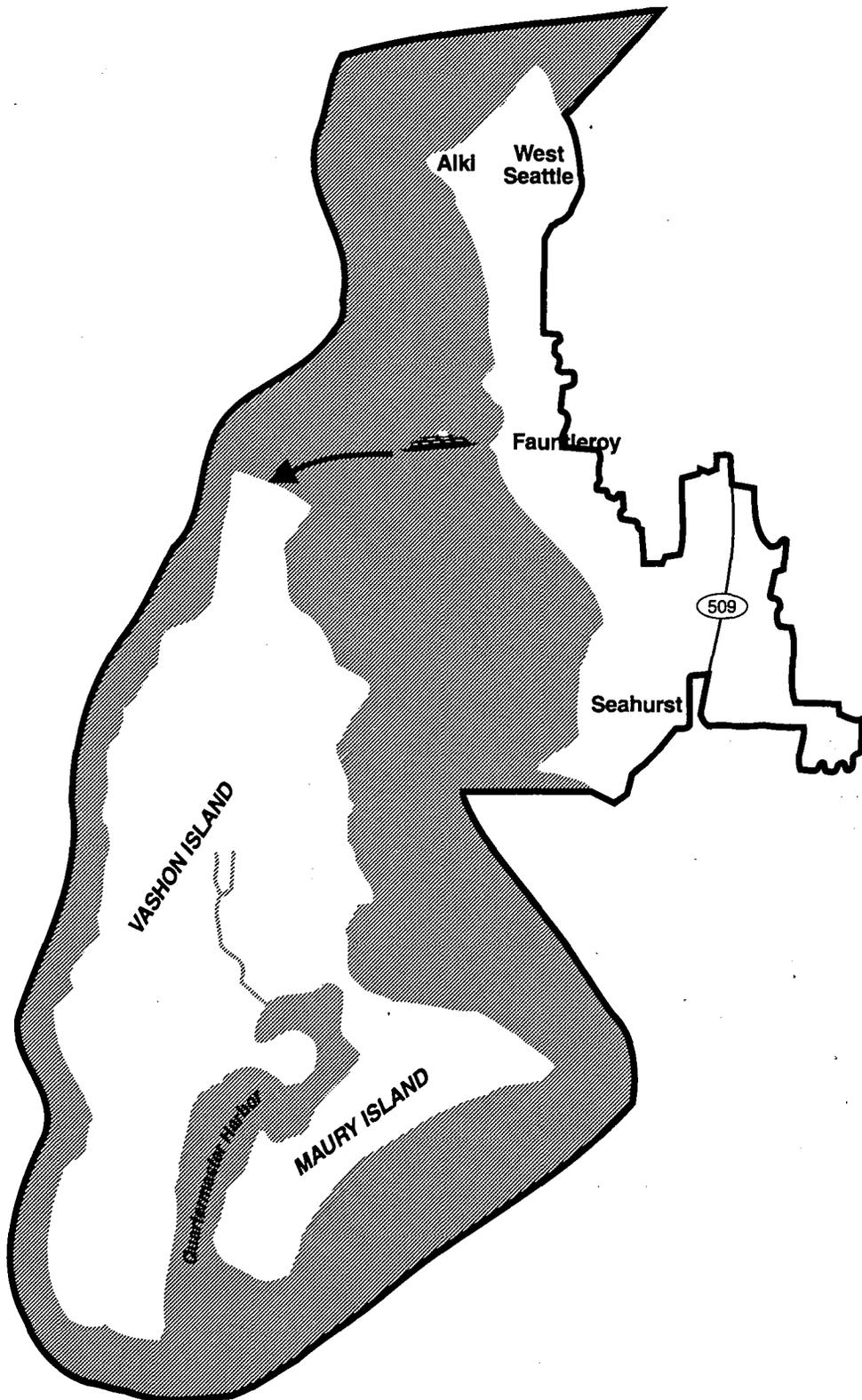
31st Legislative District



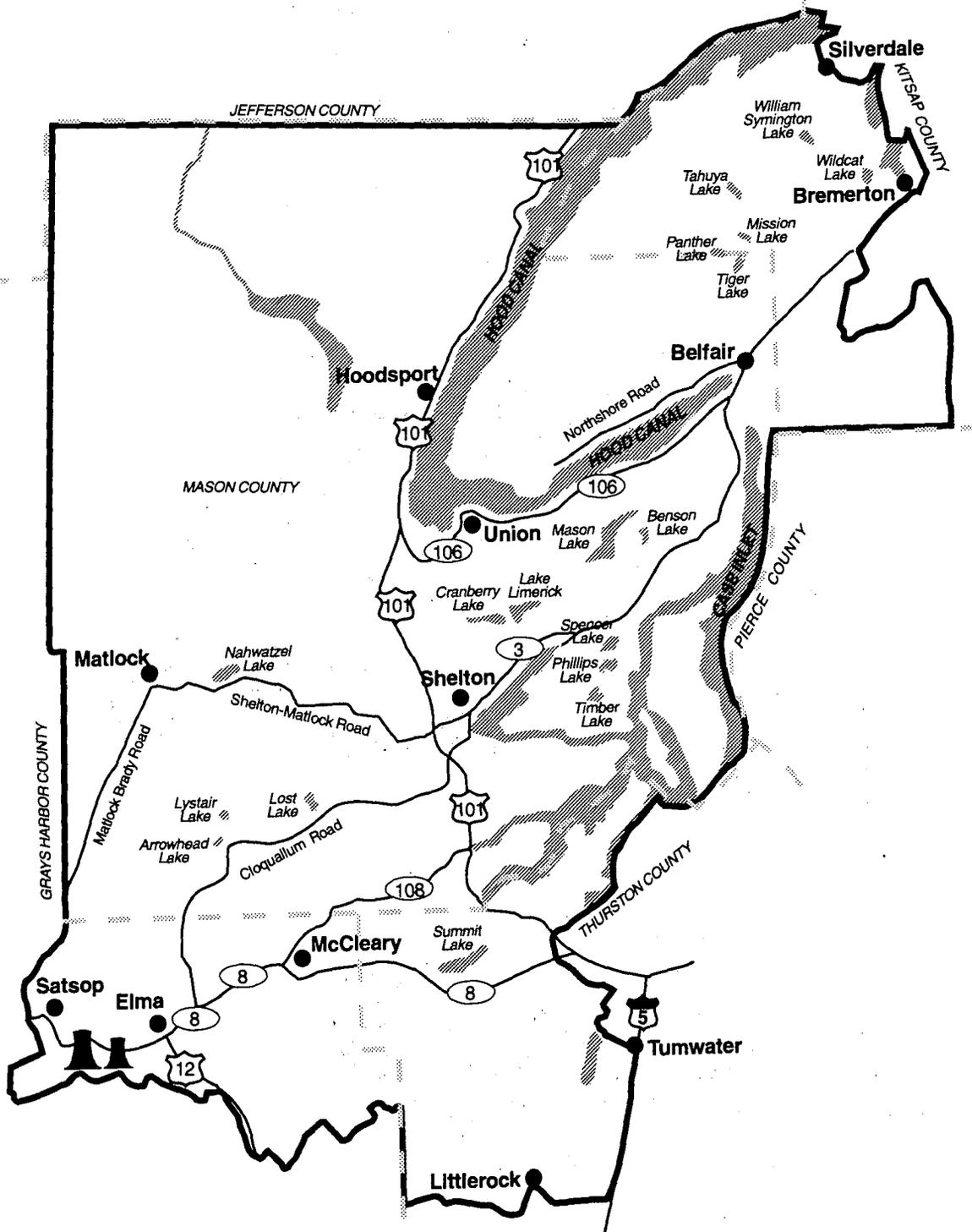
32nd Legislative District



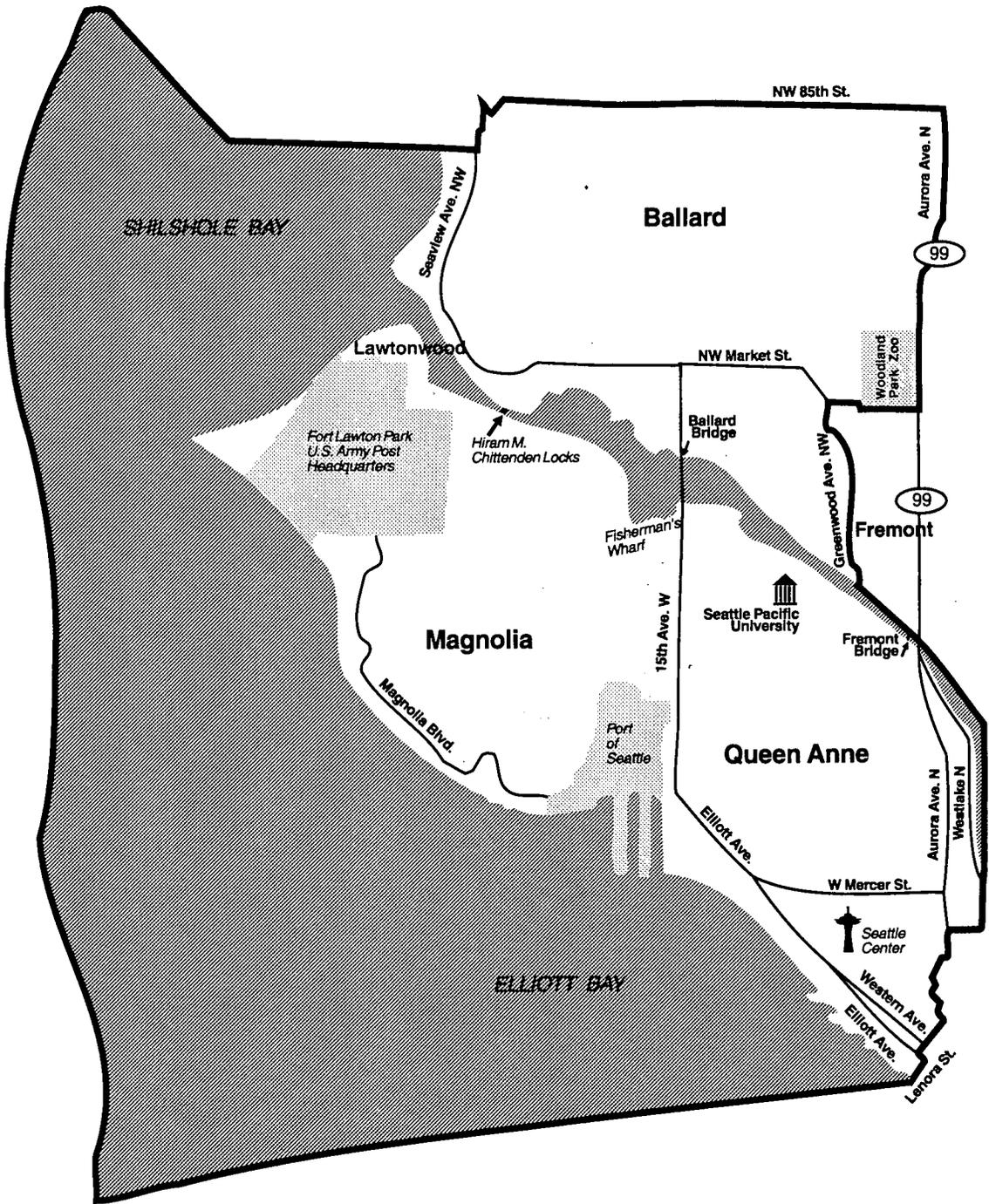
33rd Legislative District



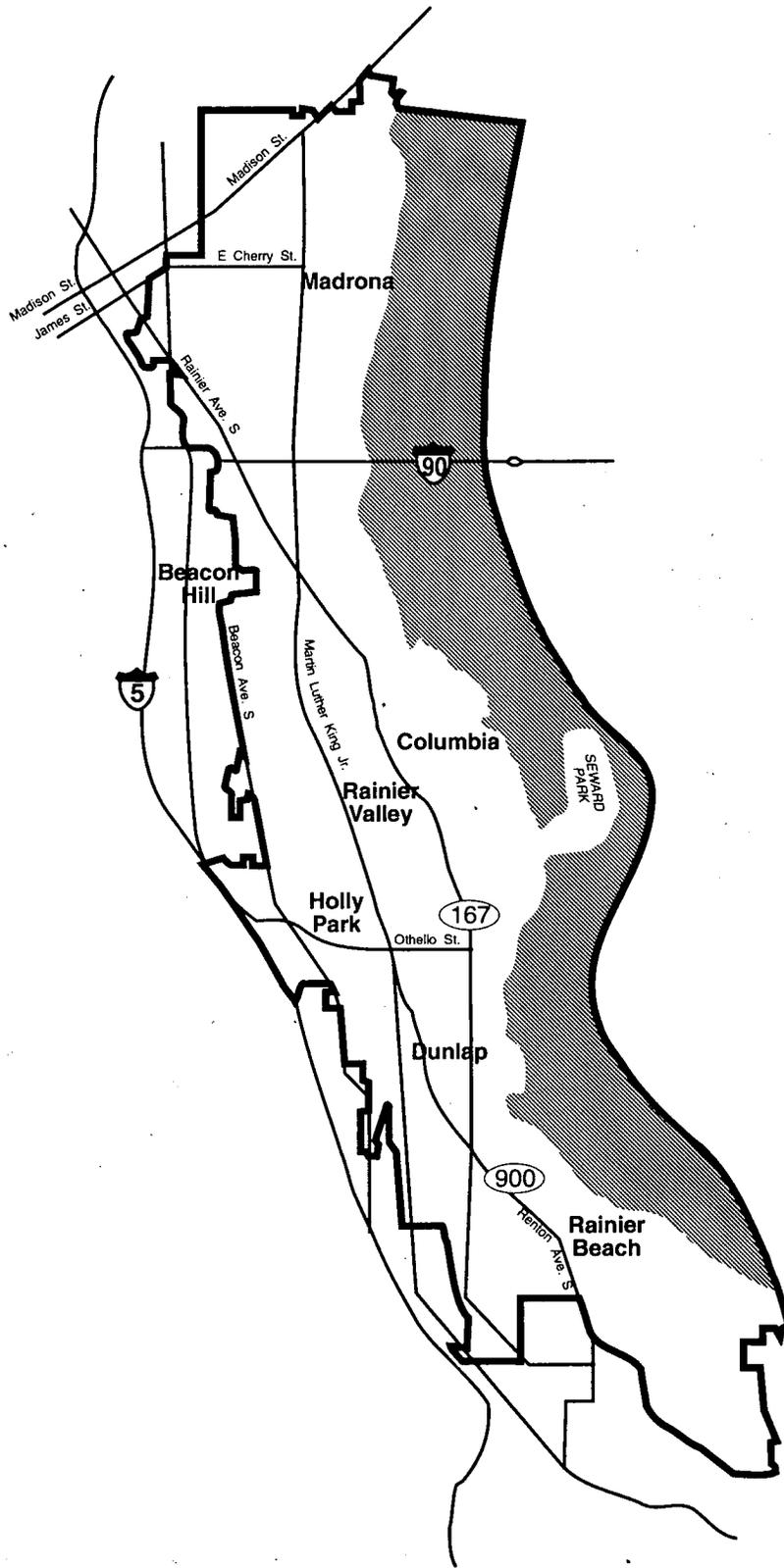
34th Legislative District



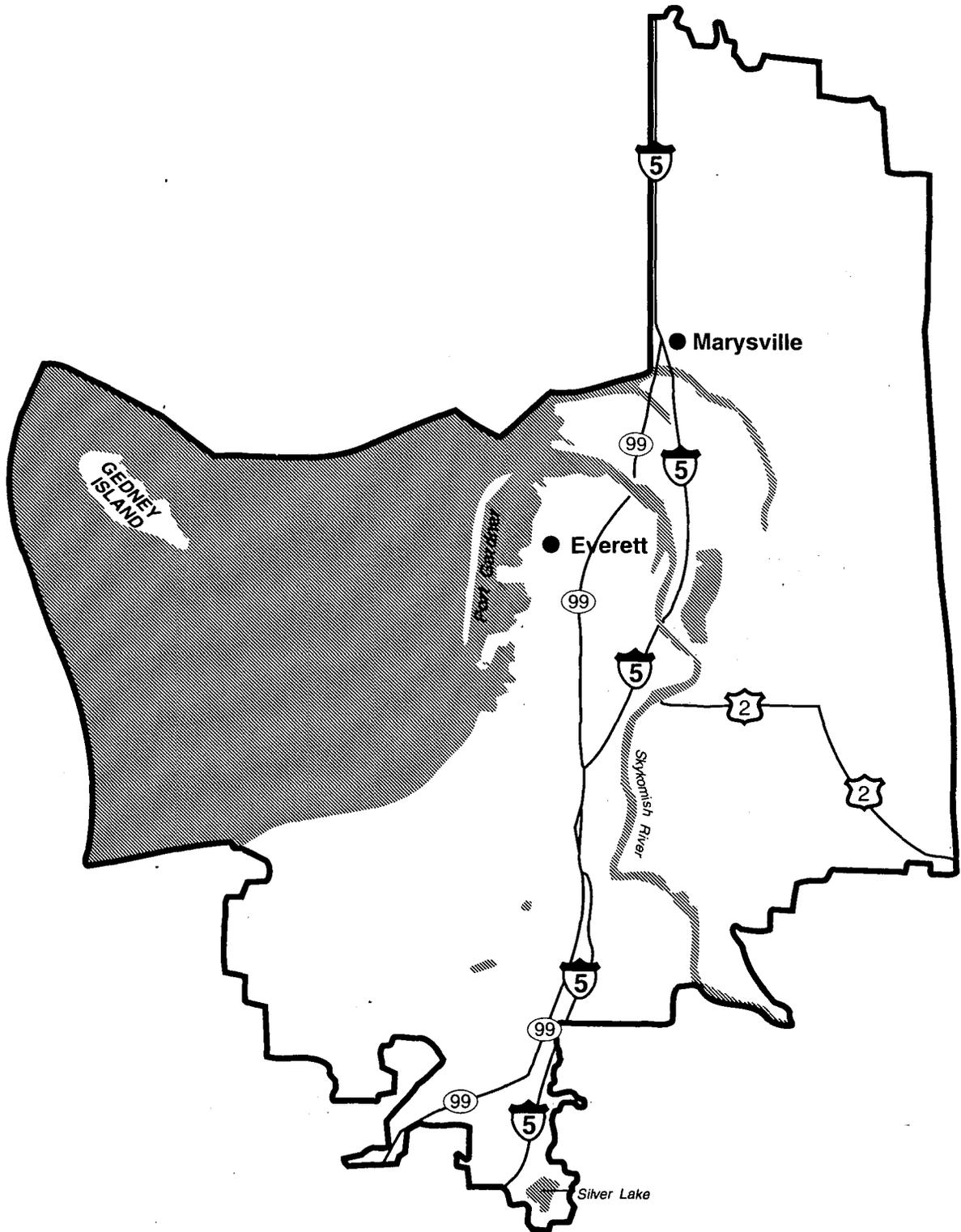
35th Legislative District



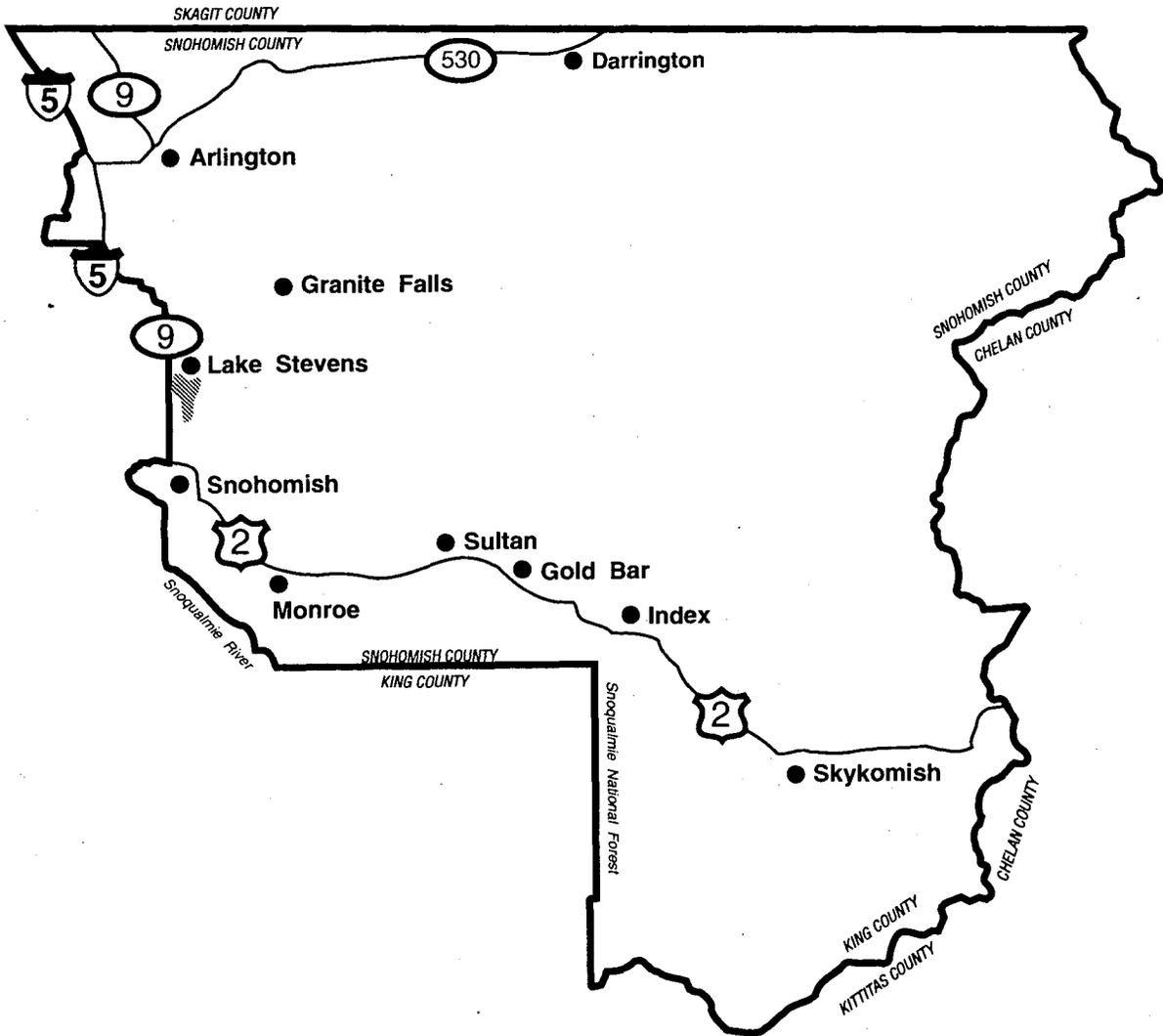
36th Legislative District



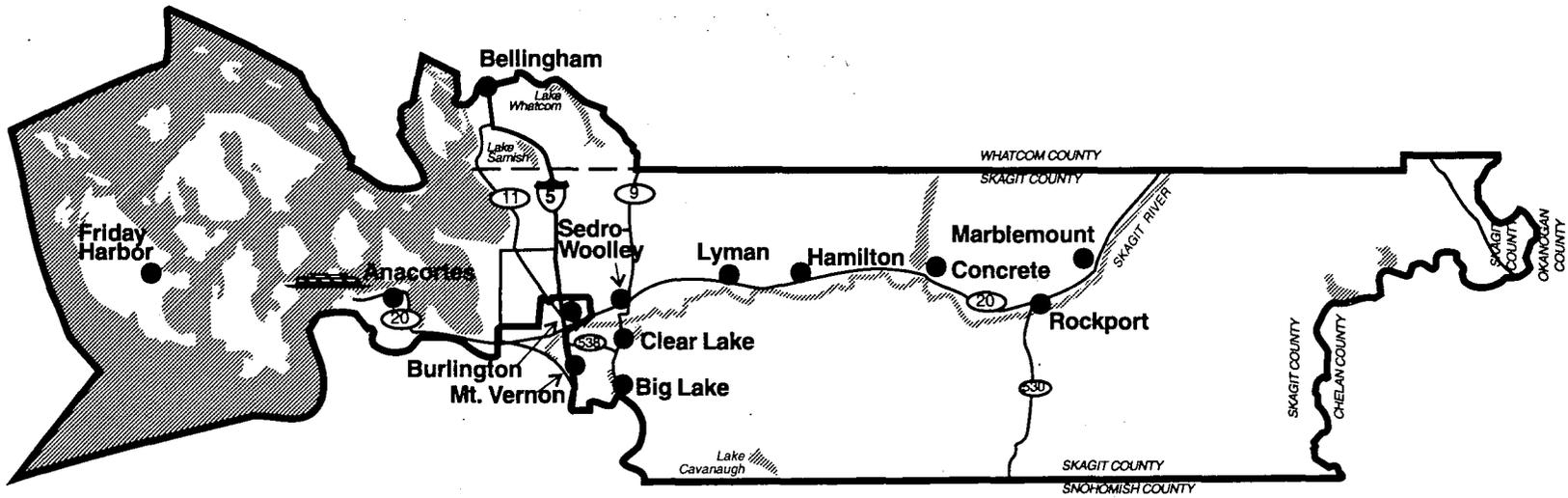
37th Legislative District



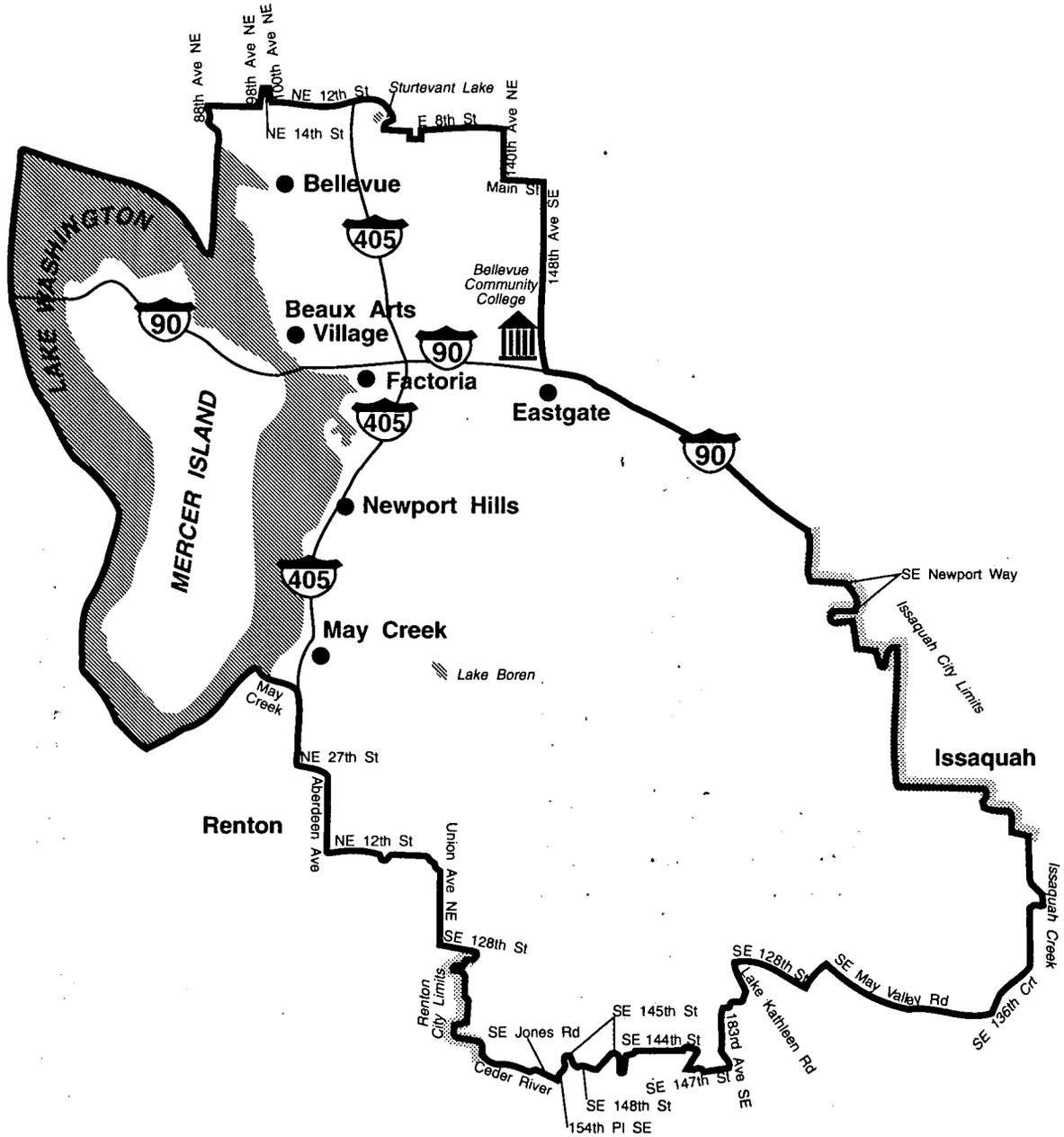
38th Legislative District



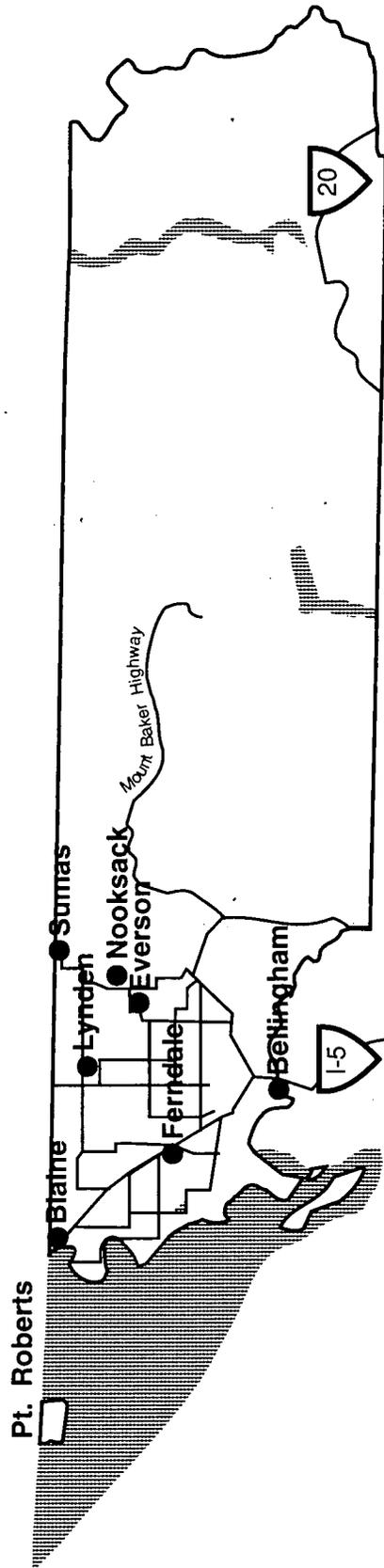
39th Legislative District



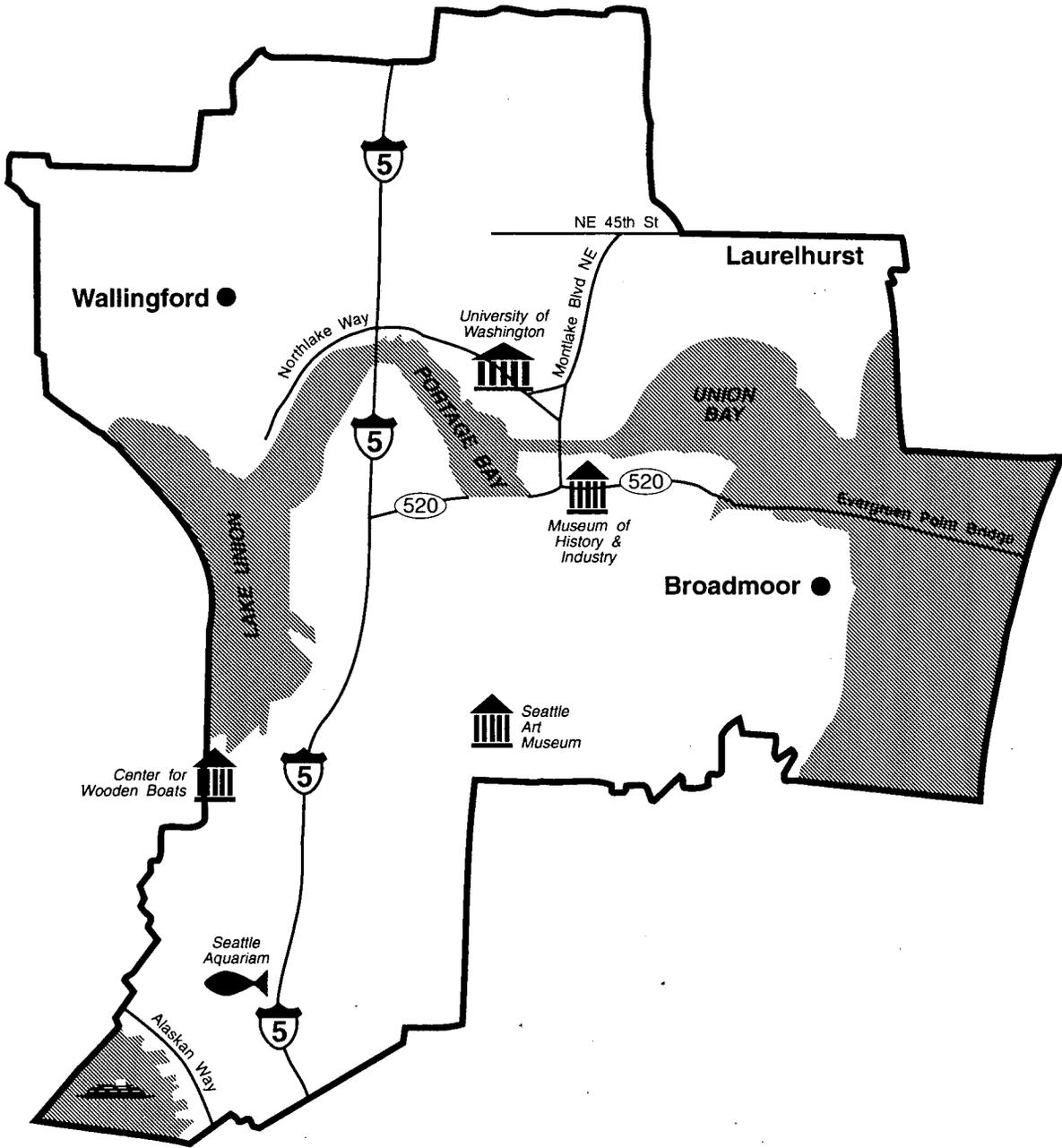
40th Legislative District



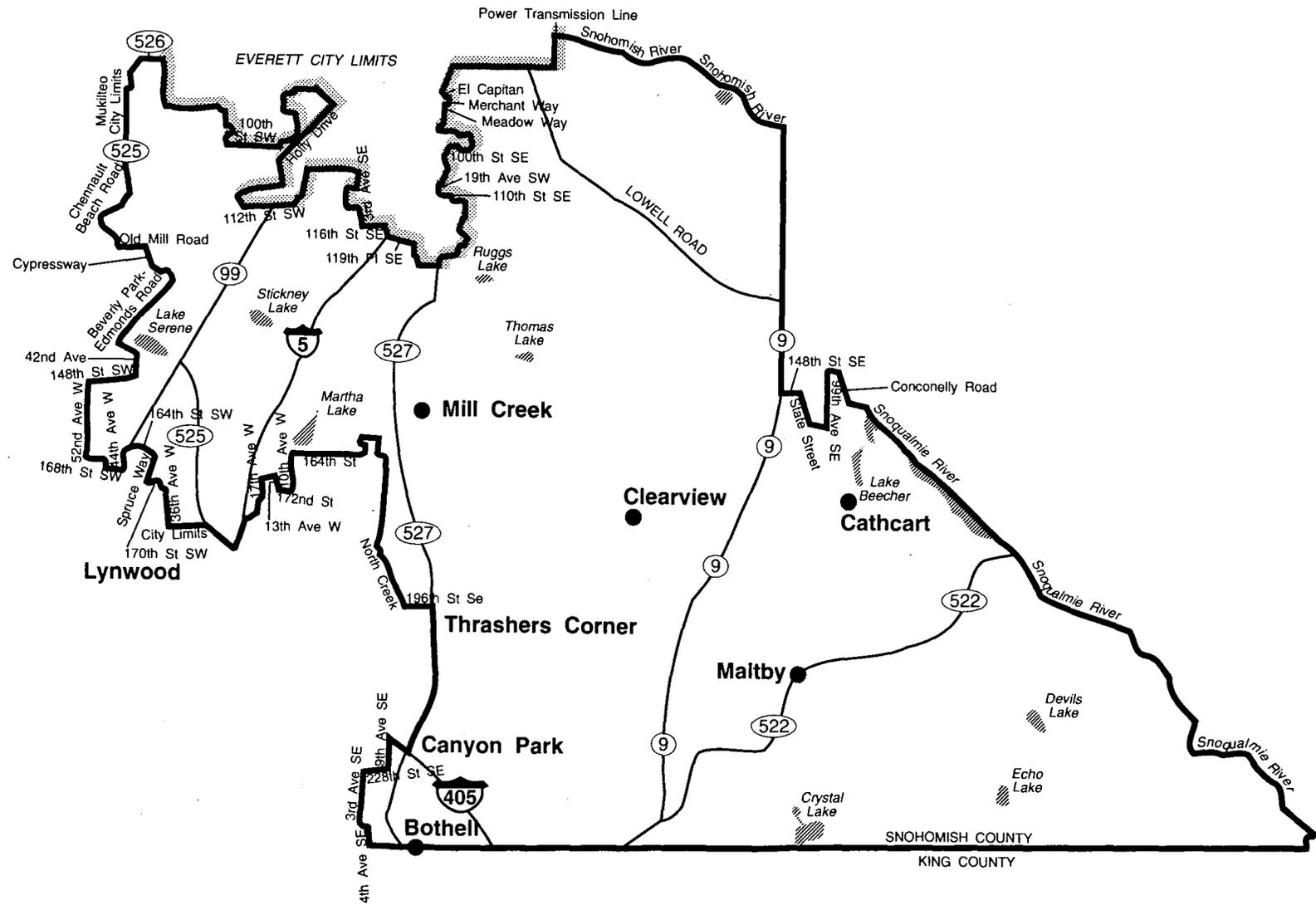
41st Legislative District



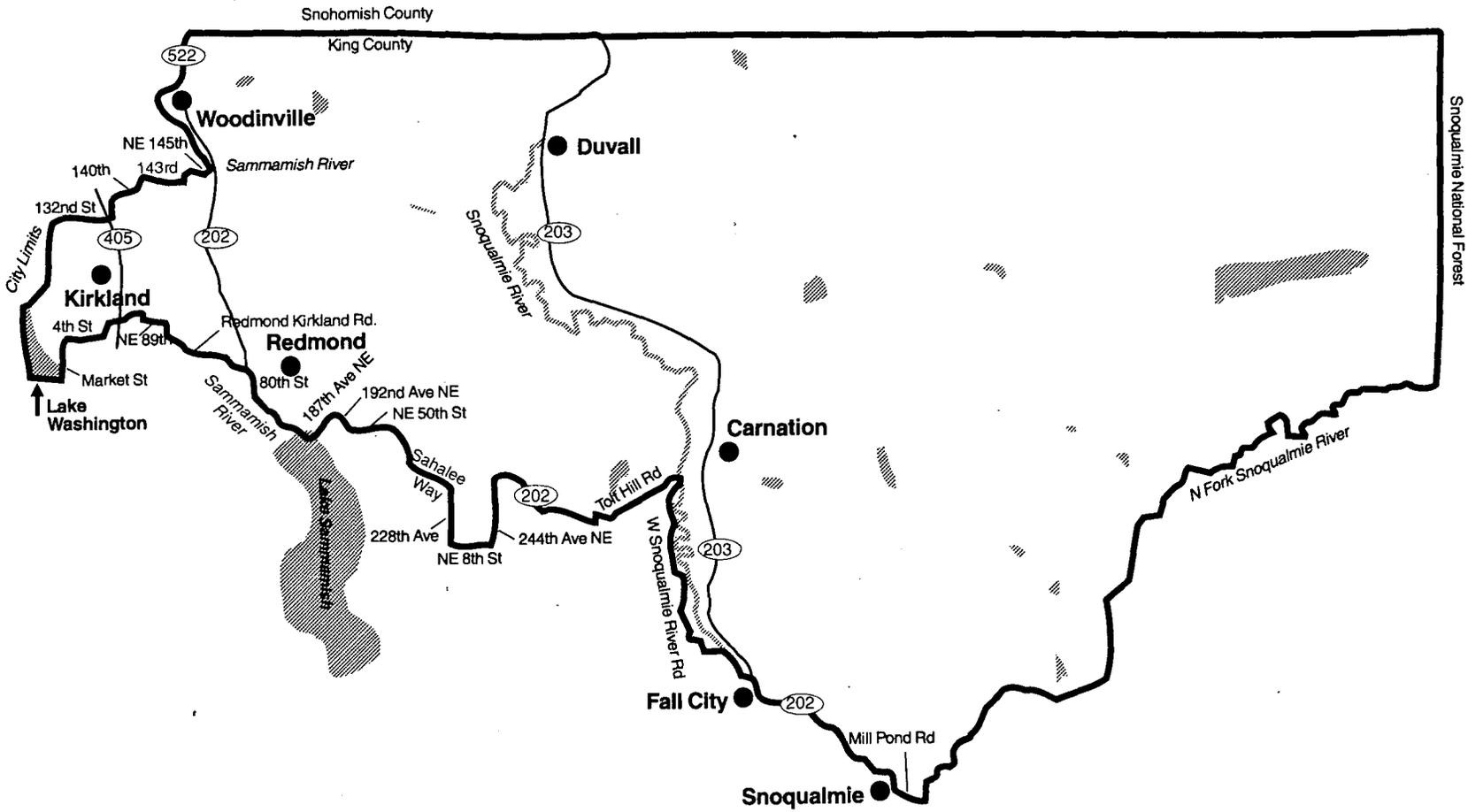
42nd Legislative District



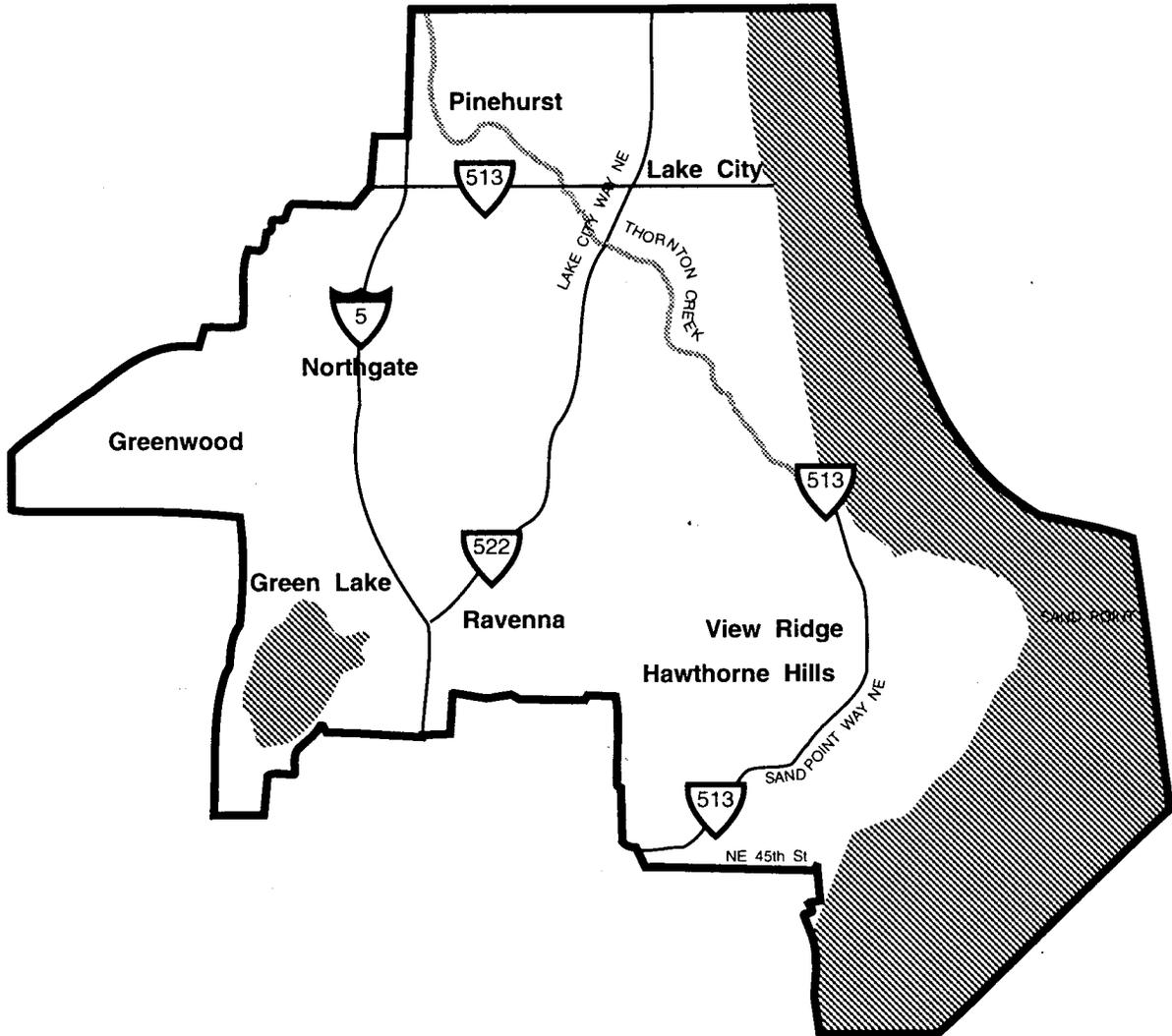
43rd Legislative District



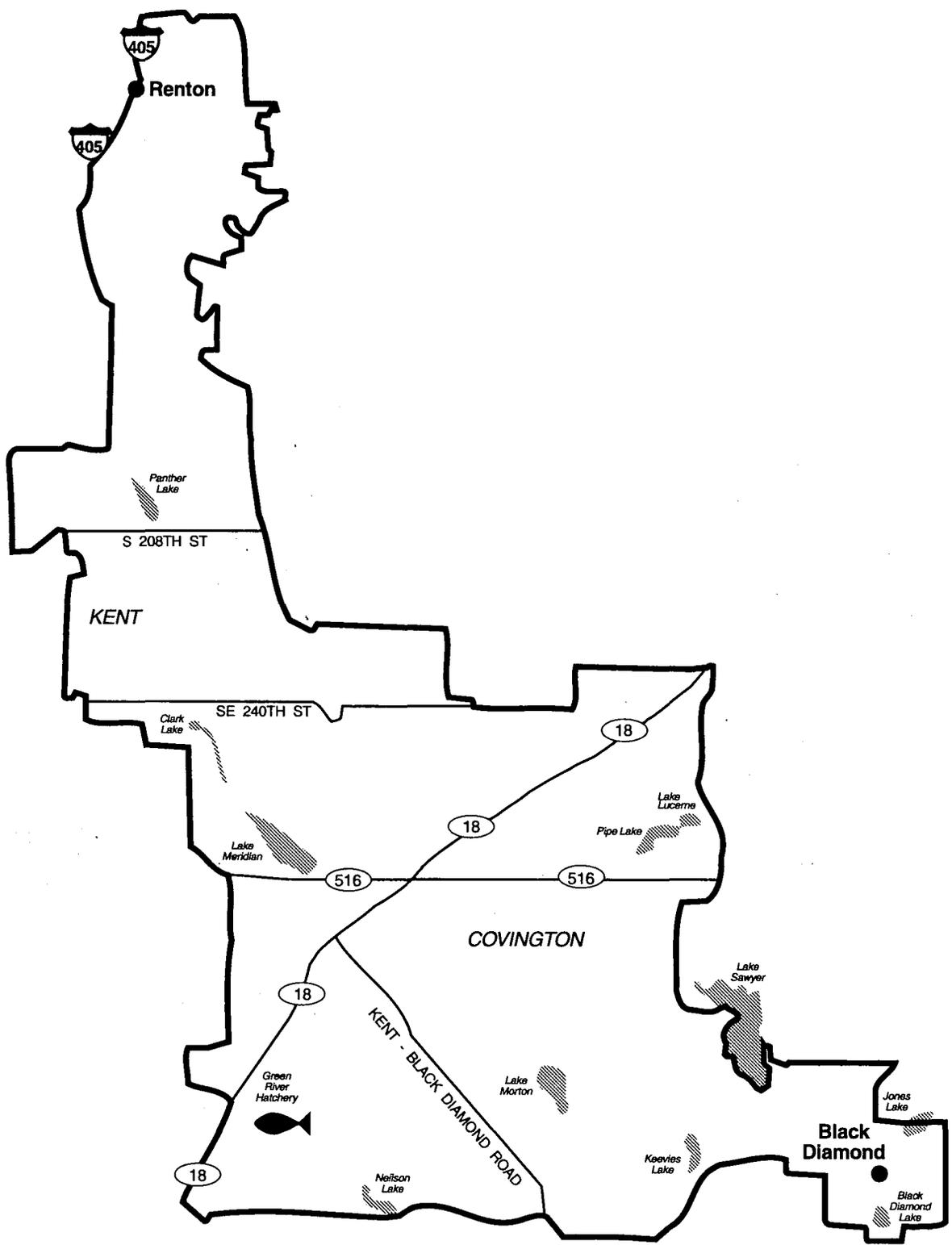
44th Legislative District



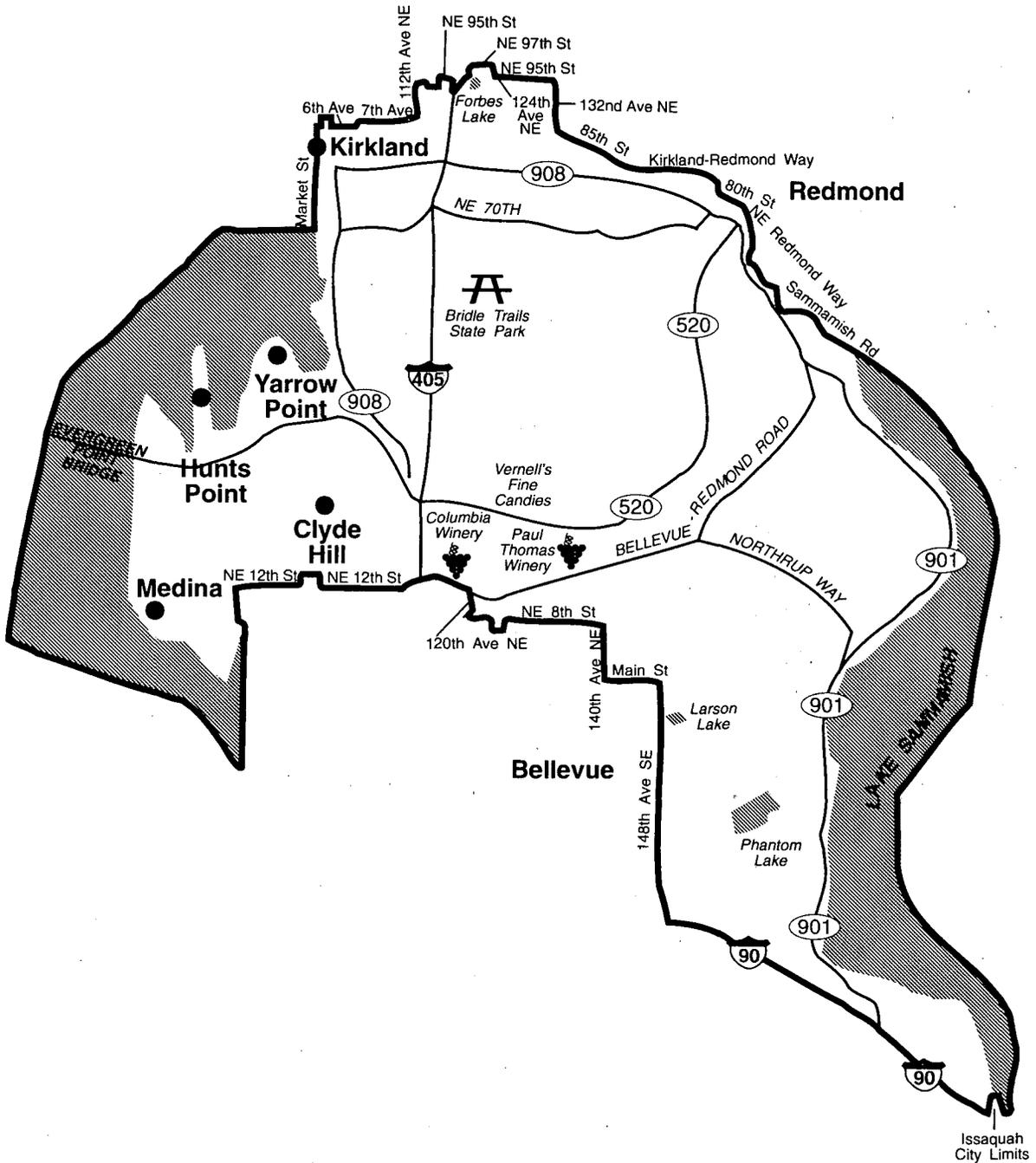
45th Legislative District



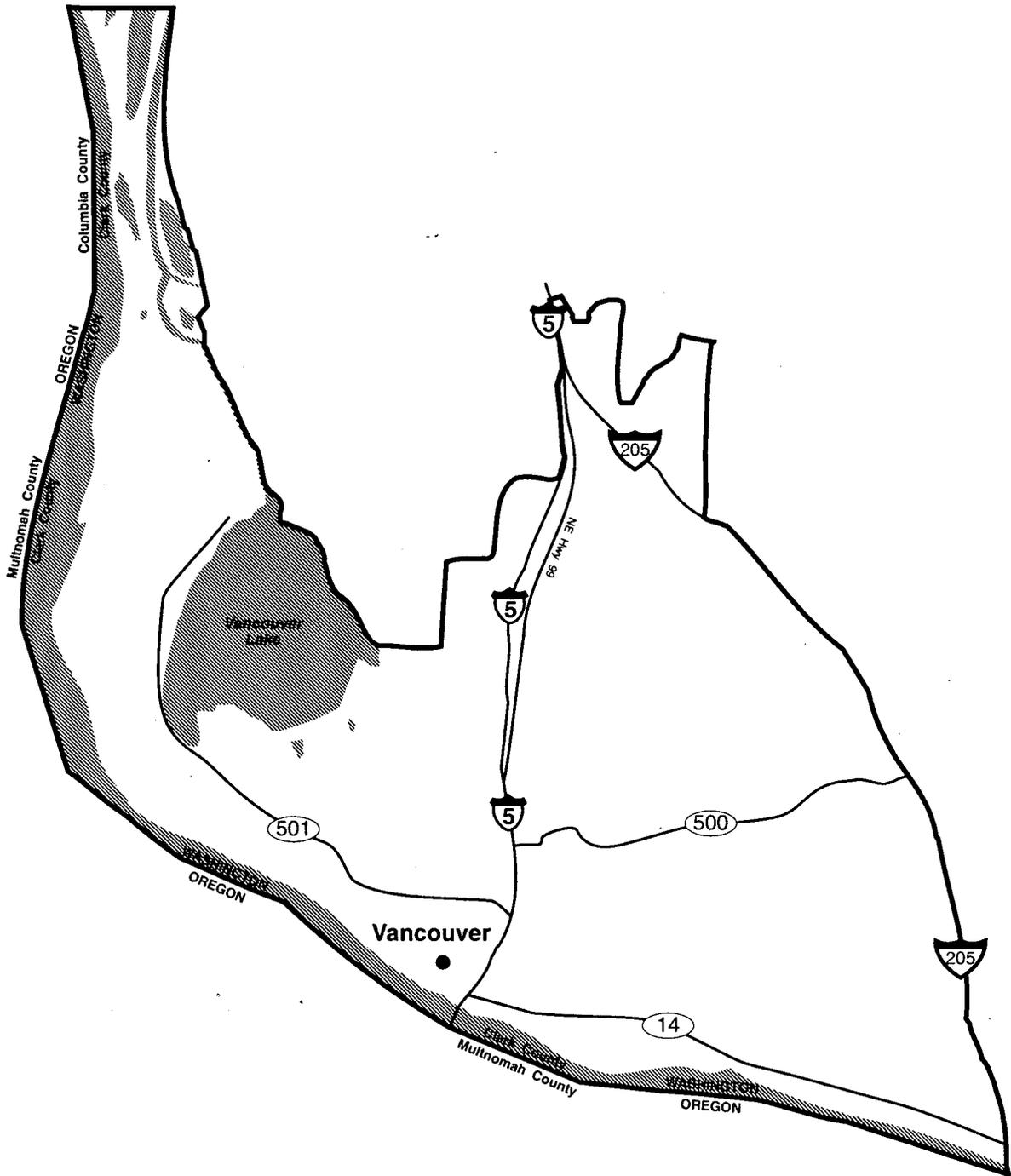
46th Legislative District



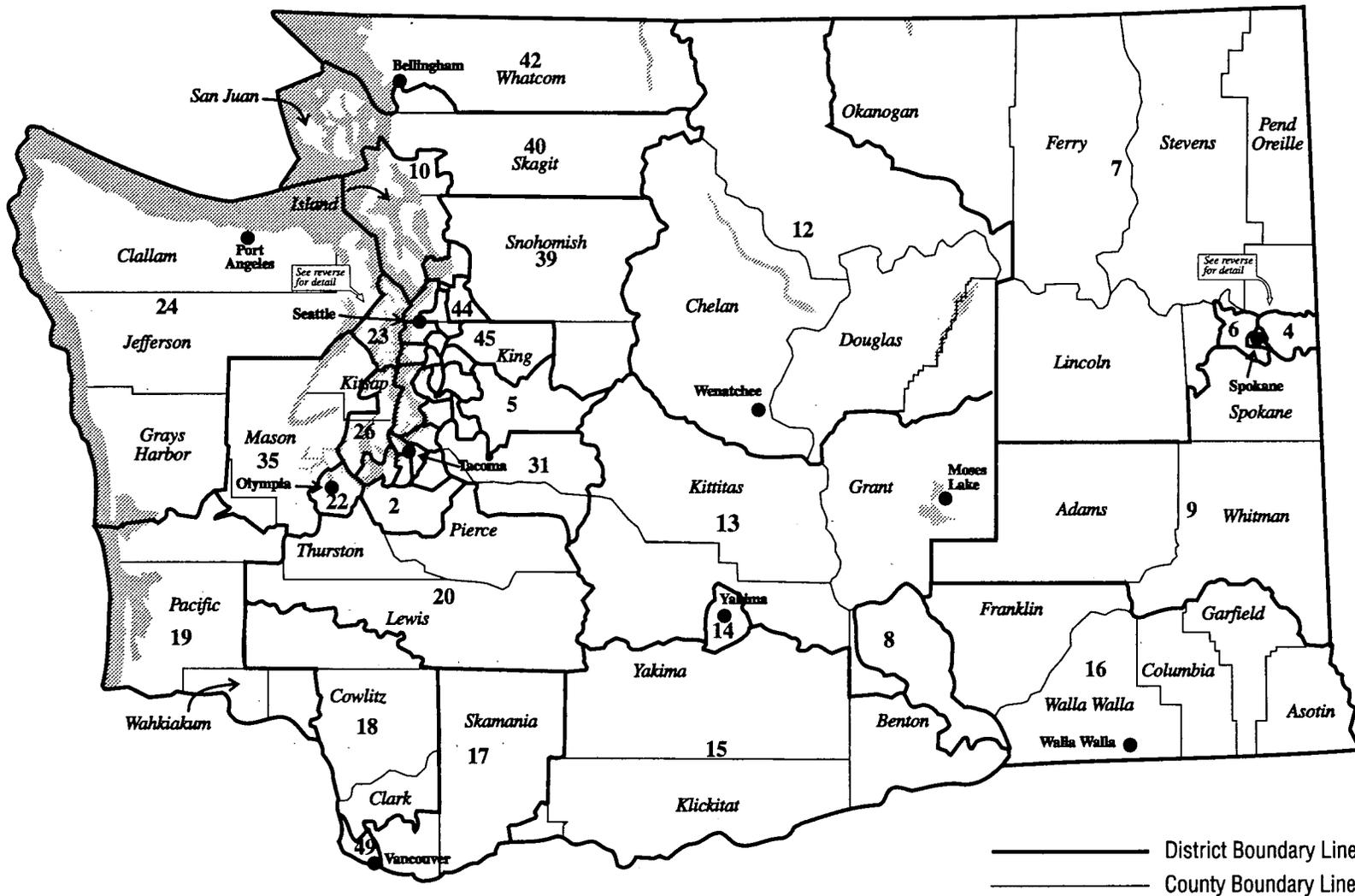
47th Legislative District



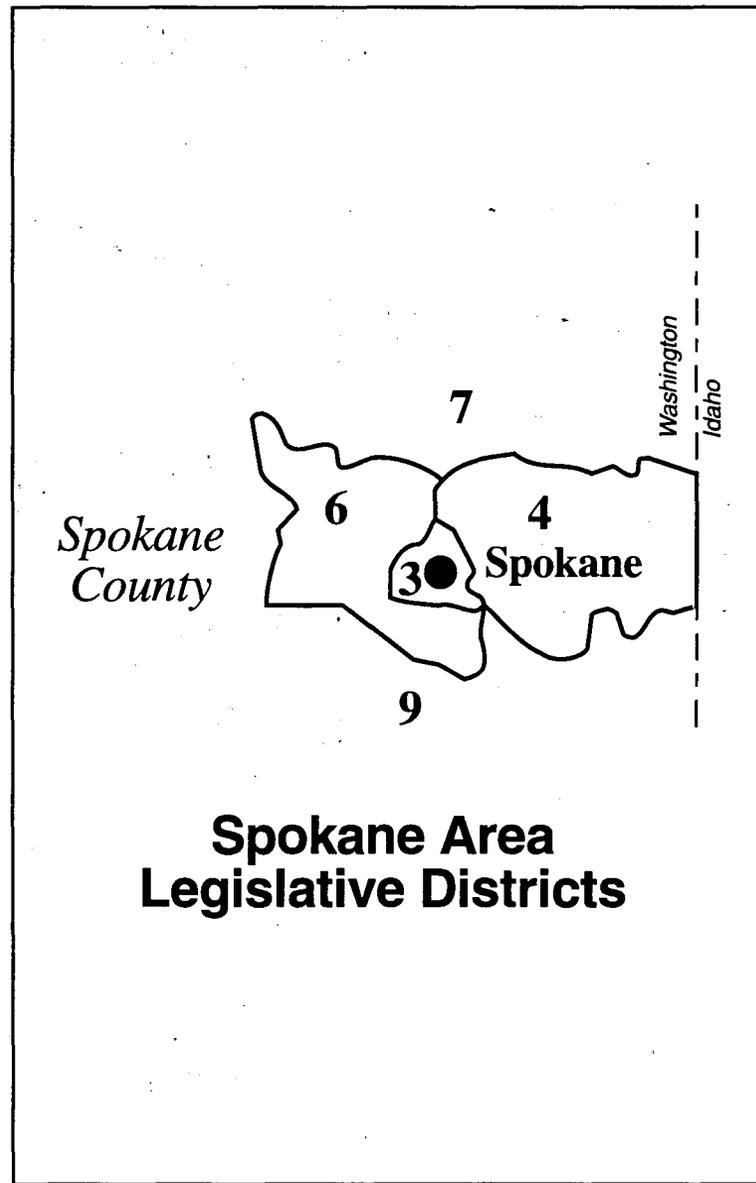
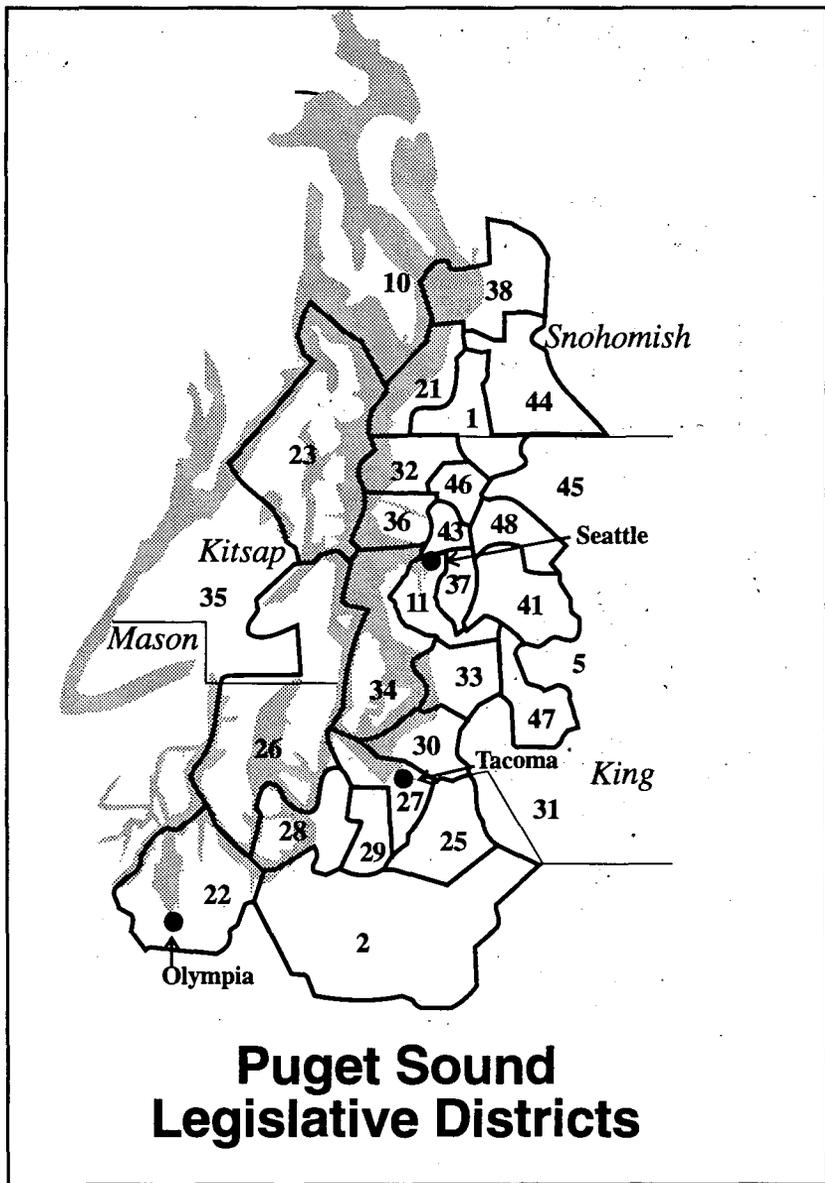
48th Legislative District

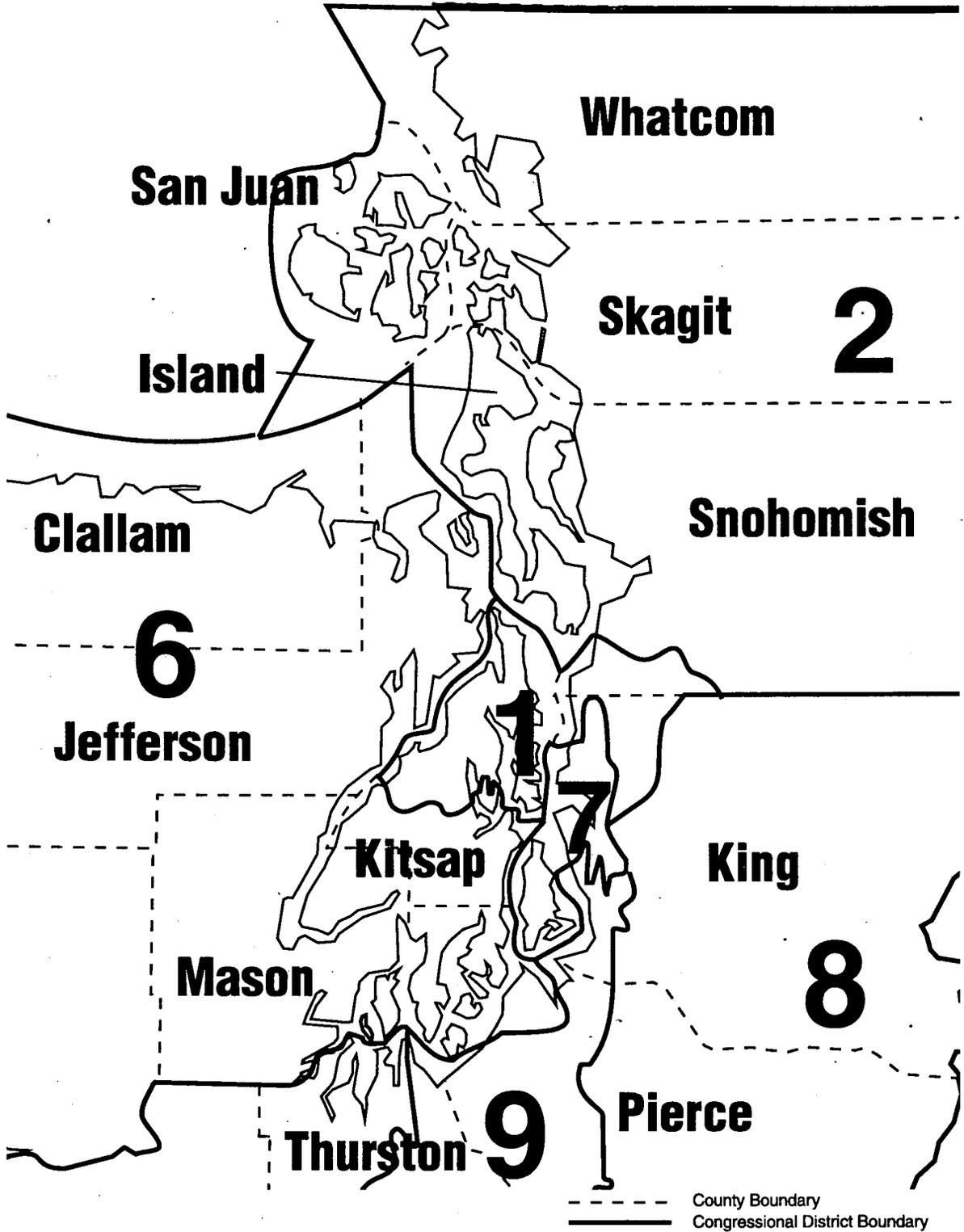


49th Legislative District



State-Wide Legislative District Map





Washington State Congressional Districts

**SENATE ROSTER
AND
COMMITTEE ASSIGNMENTS**

1992 SENATE ROSTER

Name of Member	District	Politics	County	Mailing Address	Year of Birth	Birthplace	Occupation	Previous Years Served Senate	Years Served House
Amondson, Neil	20	R	Lewis; Thurston, part	<u>MAIL:</u> 203 Institutions Bldg. Olympia 98504-0420 <u>HOME ADDRESS:</u> P. O. Box 945 Centralia 98531	1954	Washington	Businessman/Consultant	Elected 11/8/88-1990	1987-1988
Anderson, Ann	42	R	Whatcom, part	205 Institutions Bldg. Olympia 98504-0442	1952	Washington	Small Business Owner	1987-1990	
Bailey, Cliff	39	R	Snohomish, part	13019 99th Avenue S.E. Snohomish 98290 <u>DISTRICT OFFICE:</u> 21 Avenue A., Suite A. Snohomish 98290	1926	Washington	Farmer	1985-1990	
Barr, Scott	7	R	Ferry; Lincoln; Pend Oreille; Stevens; Okanogan, part; Spokane, part	409 Old Dominion Road Colville 99114	1916	Washington	Grain, Cattle and Timber Producer, Semi-Retired	1983-1990	1977-1982
Bauer, Albert	49	D	Clark, part	13611 N.E. 20th Avenue Vancouver 98686	1928	Montana	Retired Teacher - Farmer	1981-1990	1971-1980
Bluechel, Alan	45	R	King, part	9901 N.E. 124th #505 Kirkland 98034	1924	Alberta, Canada	President, Loctwall Corp.	1975-1990	1967-1974
Cantu, Emilio	41	R	King, part	4416 138th Avenue S.E. Bellevue 98006	1926	Texas	Engineering Supervisor	1985-1990	1981-1984
Conner, Paul H.	24	D	Clallam; Jefferson; Grays Harbor, part	195 Pinnell Road Sequim 98382	1925	Washington	Longshoreman, Electrician, Logger	Appt. 7/57-1959; Elected 11/77-1990	1959-1977
Craswell, Ellen	23	R	Kitsap, part	26510 Big Valley Road NE Poulsbo 98370	1932	Washington	Housewife	1981-1990	1977-1980
Erwin, Tim	44	R	King, part; Snohomish, part	15828 3rd Ave. SE Mill Creek 98012-5945	1957	Washington	King Co. Staff Member	1991	

1992 SENATE ROSTER

Name of Member	Dis- trict	Poli- tics	County	Mailing Address	Year of Birth	Birthplace	Occupation	Previous Years Served Senate	House
Gaspard, Marcus S.	25	D	Pierce, part	203 5th Avenue NW Puyallup 98371	1948	Washington	College Administrator & Property Mgmt.	1977-1990	1973-1976
Hansen, Wanda	13	D	Adams, part; Grant, part; Kittitas, part; Yakima, part	1963 Westshore Drive Moses Lake 98837	1921	Idaho	Retired Rancher	Appointed 1/29/92	
Hayner, Jeannette	16	R	Walla Walla; Benton, part; Franklin, part	Box 454 Walla Walla 99362	1919	Oregon	Lawyer	1977-1990	1973-1977
Jesernig, Jim	8	D	Benton, part	2407 E. 10th Kennewick 99337	1956	Washington	Attorney	Elected 11/6/90	1987-1990
Johnson, Stanley C.	28	R	Pierce, part	P. O. Box 1855 Tacoma 98401 (Note: Resigned 1/22/92)	1930	Minnesota	Pres. Gerrish Brg. & Indust. Supplies, Inc.	1985-1990; Resigned 1/22/92	Elected 11/4/80-1984
Kreidler, Mike	22	D	Thurston, part	425 John Cherberg Bldg. Olympia 98504-0422	1943	Washington	Optometrist	1985-1990	1977-1984
Madsen, Ken	2	D	Pierce, part; Thurston, part	P.O. Box 370 Roy 98580	1939	Idaho	Washington Natural Gas Company	Appt. 12/14/87-1990	1985-1987
Matson, Jim	14	R	Yakima, part	103 Institutions Bldg. Olympia 98504-0414	1927	Washington	Fruit Business	1969-1980; 1989-1990	
McCaslin, Bob	4	R	Spokane, part	105 Institutions Bldg. Olympia 98504-0404	1926	Ohio	Real Estate Broker	1981-1990	
McDonald, Dan	48	R	King, part	<u>MAIL</u> :300 John Cherberg Bldg. Olympia 98504-0448 <u>HOME ADDRESS</u> : 4650 92nd N.E. Bellevue 98004	1944	Washington	Mech. Engineer, Economist	Appt. 9/19/83-1990	1979-1983
McMullen, Patrick R.	40	D	San Juan; Skagit, part; Whatcom, part	P.O. Box 152 Sedro-Woolley 98284	1945	Washington	Attorney	Appt. 10/1/87-1990	1983-1987
Metcalf, Jack	10	R	Island; Skagit, part; Snohomish, part	3273 E. Saratoga Road Langley 98260	1927	Washington	Retired Teacher	1967-1974; 1981-1990	1961-1964

1992 SENATE ROSTER

Name of Member	Dis- trict	Poli- tics	County	Mailing Address	Year of Birth	Birthplace	Occupation	Previous Years Served Senate	House
Moore, Ray	36	D	King, part	431 Cherberg Bldg. Olympia 98504-0436	1912	Washington	Investments	1979-1990	
Murray, Patty	1	D	King, part; Snohomish, part	528 N.W. 203rd Place Seattle 98177	1950	Washington	Former Instructor at Shoreline Community College	1989-1990	
Nelson, Gary A.	21	R	Snohomish, part	9710 Wharf Street Edmonds 98020 <u>DISTRICT OFFICE</u> 18021 70th Place West Edmonds 98026	1936	Washington	Consulting Engineer	1987-1990	1973-1986
Newhouse, Irv	15	R	Benton, part; Yakima, part	1160 Murray Road Mabton 98935	1920	Washington	Farmer	Appt. 12/9/80-1990	1965-1979
Niemi, Janice	43	D	King, part	P. O. Box 20516 Seattle 98102	1928	Michigan	Attorney	Appt. 9/19/87-1990	1983-1987
Oke, Bob	26	R	Kitsap, part; Pierce, part	P.O. Box 323 Port Orchard 98366	1940	Washington	Retired Senior Chief - U.S. Navy	1991	
Owen, Brad	35	D	Mason; Grays Harbor, part; Kitsap, part; Thurston, part	419 John Cherberg Bldg. Olympia 98504-0435	1950	Washington	Small Businessman	1983-1990	Elected 11/2/76-1982
Patterson, E. G. "Pat"	9	R	Asotin; Columbia; Garfield; Whitman; Adams, part; Franklin, part	N.E. 400 Campus Pullman 99163	1919	Washington	Retired WSU Administrator	1981-1990	1973-1980
Pelz, Dwight	37	D	King, part	1137 32nd Avenue Seattle 98122	1951	Washington	Organizer	1991	
Rasmussen, A. L. "Slim"	29	D	Pierce, part	5415 "A" Street Tacoma 98408	1909	Washington	Retired	1961-1967; Appt. 10/71-1990	1945-1960
Rinehart, Nita	46	D	King, part	4515 51st Avenue N.E. Seattle 98105	1940	Texas	Legislator	1983-1990	Appt. 11/13/79-1982

1992 SENATE ROSTER

Name of Member	District	Politics	County	Mailing Address	Year of Birth	Birthplace	Occupation	Previous Years Served Senate	House
Roach, Pam	31	R	King, part; Pierce, part	22102 SE Green Valley Rd. Auburn 98002 <u>DISTRICT OFFICE</u> P. O. Box 650 Auburn 98071	1948	California	King County Council Legislative Staff	1991	
Saling, Gerald L. (Jerry)	5	R	Spokane, part	12515 N. Fairwood Drive Spokane 99218	1928	Washington	Retired Educator	1985-1990	1965-1971
Sellar, George L.	12	R	Chelan; Douglas; Grant, part; Kittitas, part; Okanogan, part	1324 Terrace Drive East Wenatchee 98802	1929	Illinois	Port of Chelan County, Marketing Director	Appt. 1/7/72-1990	
Skratek, Sylvia	47	D	King, part	26324 166th Pl. SE Kent 98042	1950	Michigan	Program Director	1991	
Smith, Adam	33	D	King, part	27030 47th Ave. S. Apt. 104 Kent 98032	1965	Washington, D.C.	Law Clerk	1991	
Smith, Linda A.	18	R	Clark, part; Cowlitz, part	10009 N.W. Ridgecrest Avenue Vancouver 98685	1950	Colorado	Tax Consultant	Elected 11/3/87-1990	Elected 11/8/83-1987
Snyder, Sid	19	D	Pacific; Wahkiakum; Cowlitz, part; Grays Harbor, part	P. O. Box 531 Long Beach 98631	1926	Washington	Supermarket Owner and Operator	Elected Secretary of Senate 5/12/69; 1969-1988; Appointed 10/2/90	Assistant Chief Clerk or Acting Chief Clerk 1957 to May, 1969
Stratton, Lois J.	3	D	Spokane, part	1724 West Mansfield Spokane 99205	1927	Washington	Retired	1985-1990	Appt. 1979-1984
Sumner, Susan Casey	28	R	Pierce, part	8409 61st Ct. W. Tacoma 98467 (Note: Appointed 2/12/92)	1958	Pennsylvania	Communications Specialist	Appointed 2/12/92	
Sutherland, Dean	17	D	Klickitat; Skamania; Clark, part	23503 N.E. 108th Street Vancouver 98682	1954	Minnesota	Electrician	Elected 11/8/88-1990	1983-1988

1992 SENATE ROSTER

Name of Member	Dis-trict	Poli-tics	County	Mailing Address	Year of Birth	Birthplace	Occupation	Previous Years Served Senate	House
Talmadge, Phil	34	D	King, part	P. O. Box 46877 Seattle 98146	1952	Washington	Attorney	1979-1990	
Thorsness, Leo K.	11	R	King, part	P.O. Box 356 Renton 98057 NOTE: The above address is the district office.	1932	Minnesota	Speaker, Investor	Elected 11/8/88-1990	
Vognild, Larry L.	38	D	Snohomish, part	1710 32nd Street Everett 98201	1932	Washington	Retired Everett Fire Dept., Small Business Owner (Retired)	1979-1990	
von Reichbauer, Peter	30	R	King, part; Pierce, part	P.O. Box 3737 Federal Way 98063-3737		Washington	Business	Elected 11/73-1990	
West, James E.	6	R	Spokane, part	P.O. Box 2744 Spokane 99220-2744	1951	Oregon	President/Manager JWAV, Ltd.	1987-1990	1983-1986
Williams, Al	32	D	King, part	4801 Fremont Avenue N. Seattle 98103	1930	North Dakota	Architect	Appt. 1/27/78-1990	1970-1977
Wojahn, R. Lorraine	27	D	Pierce, part	407A Legislative Bldg. Olympia 98504-0427	1920	Washington		1977-1990	1969-1976
Pritchard, Lt. Gov. Joel		R	President of Senate	304 Legislative Bldg. Olympia 98504-0400	1925	Washington	Lieutenant Governor	1967-1970 1989-1990	1959-1966
Golob, Gordon A.			Secretary of the Senate	306 Legislative Bldg. Olympia 98504-0482	1939	Idaho	Attorney	Elected 1/11/88-1990	
Naismith, W. D. "Nate"			Deputy Secretary of the Senate	5306 Aspinwall Ct. NW Olympia 98502	1951	Washington	Management	Appt. 12/1/87-1990	
Colwill, John E.			Sergeant at Arms	4805-34 Cushman Rd. NE Olympia 98506	1924	Washington		Elected 1/14/91	

**Membership of
Senate Standing Committees
1992**

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

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

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

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

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

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

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

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

HEALTH AND LONG-TERM CARE (7) -- West, Chair; L. Smith, Vice Chair; *Kreidler, Niemi, Roach, Sumner, Wojahn.

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

* - Ranking Minority Member

** - Assistant Ranking Member

*** - Lt. Gov. Pritchard is a voting member

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

SUBCOMMITTEE ON CORRECTIONS -- Thorsness, Chair.

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

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

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

* - Ranking Minority Member

** - Assistant Ranking Member

*** - Lt. Gov. Pritchard is a voting member

**Member Assignments to
Senate Standing Committees
1992**

Amondson, Neil -- Environment and Natural Resources; Rules; Ways and Means.

Anderson, Ann -- Agriculture and Water Resources, Vice Chair; Commerce and Labor, Vice Chair; Education; Rules.

Bailey, Cliff -- Education, Chair; Agriculture and Water Resources; Ways and Means.

Barr, Scott -- Agriculture and Water Resources, Chair; Environment and Natural Resources; Transportation.

Bauer, Albert -- Higher Education; Rules; Ways and Means.

Bluechel, Alan -- Commerce and Labor; Higher Education; Rules; Ways and Means.

Cantu, Emilio -- Higher Education; Rules; Ways and Means.

Conner, Paul H. -- Agriculture and Water Resources; Environment and Natural Resources; Transportation.

Craswell, Ellen -- Rules, Vice Chair; Ways and Means, Vice Chair; Children and Family Services; Education.

Erwin, Tim -- Education, Vice Chair; Financial Institutions and Insurance, Vice Chair; Law and Justice; Transportation.

Gaspard, Marcus S. -- Agriculture and Water Resources; *Rules; Ways and Means.

Hansen, Wanda -- *Agriculture and Water Resources; Transportation.

Hayner, Jeannette -- Law and Justice; Rules; Ways and Means.

Jesernig, Jim -- Energy and Utilities; *Higher Education.

Kreidler, Mike -- *Health and Long-Term Care; Law and Justice; Ways and Means.

Madsen, Ken -- *Governmental Operations; Law and Justice; **Transportation.

Matson, Jim -- Commerce and Labor, Chair; Financial Institutions and Insurance; Governmental Operations; Ways and Means.

* - Ranking Minority Member

** - Assistant Ranking Minority Member

- McCaslin, Bob** -- Governmental Operations, Chair; Commerce and Labor; Financial Institutions and Insurance.
- McDonald, Dan** -- Ways and Means, Chair; Commerce and Labor.
- McMullen, Patrick R.** -- Commerce and Labor; Rules; Transportation.
- Metcalf, Jack** -- Environment and Natural Resources, Chair; Education; Ways and Means.
- Moore, Ray** -- *Commerce and Labor; Financial Institutions and Insurance.
- Murray, Patty** -- Commerce and Labor; Education; Ways and Means.
- Nelson, Gary A.** -- Law and Justice, Chair; Transportation, Vice Chair; Energy and Utilities.
- Newhouse, Irv** -- Agriculture and Water Resources; Law and Justice; Rules; Ways and Means.
- Niemi, Janice** -- Health and Long-Term Care; *Ways and Means (Appropriations).
- Oke, Bob** -- Environment and Natural Resources, Vice Chair; Education; Rules; Transportation.
- Owen, Brad** -- *Environment and Natural Resources; Financial Institutions and Insurance; Ways and Means.
- Patterson, E. G. "Pat"** -- Transportation, Chair; Higher Education, Vice Chair; Energy and Utilities.
- Pelz, Dwight** -- Education; *Financial Institutions and Insurance.
- Rasmussen, A. L. "Slim"** -- Financial Institutions and Insurance; *Law and Justice; Rules.
- Rinehart, Nita** -- *Education; *Ways and Means (Capital).
- Roach, Pam** -- Children and Family Services, Chair; Governmental Operations, Vice Chair; Energy and Utilities; Health and Long-Term Care.
- Saling, Gerald L. (Jerry)** -- Higher Education, Chair; Energy and Utilities, Vice Chair; Ways and Means.
- Sellar, George L.** -- Financial Institutions and Insurance; Rules; Transportation.
- Skratek, Sylvia** -- Commerce and Labor; Higher Education; Transportation.
- Smith, Adam** -- Education; Law and Justice.

* - Ranking Minority Member

** - Assistant Ranking Minority Member

Smith, Linda A. -- Children and Family Services, Vice Chair; Health and Long-Term Care, Vice Chair; Rules; Ways and Means.

Snyder, Sid -- Environment and Natural Resources; Rules; Transportation.

Stratton, Lois J. -- *Children and Family Services; Energy and Utilities; Higher Education.

Sumner, Susan -- Environment and Natural Resources; Health and Long-Term Care.

Sutherland, Dean -- *Energy and Utilities; Environment and Natural Resources; Governmental Operations.

Talmadge, Phil -- Children and Family Services; Education; Ways and Means.

Thorsness, Leo K. -- Energy and Utilities, Chair; Law and Justice, Vice Chair; Subcommittee on Corrections, Chair; Transportation.

Vognild, Larry L. -- Financial Institutions and Insurance; Rules; *Transportation.

von Reichbauer, Peter -- Financial Institutions and Insurance, Chair; Transportation, Vice Chair; Higher Education.

West, James E. -- Health and Long-Term Care, Chair; Financial Institutions and Insurance; Ways and Means.

Williams, Al -- Energy and Utilities; Rules; Ways and Means.

Wojahn, R. Lorraine -- Health and Long-Term Care; Rules; Ways and Means.

* - Ranking Minority Member

** - Assistant Ranking Minority Member

GOVERNOR'S MESSAGES ON SENATE BILLS
SIGNED AFTER ADJOURNMENT

1992 REGULAR SESSION

MESSAGE FROM THE GOVERNOR

March 20, 1992

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

I have the honor to advise you that on March 20, 1992, Governor Gardner approved the following Senate Bills entitled:

Engrossed Senate Bill No. 6027

Relating to horticultural nurseries.

Engrossed Senate Bill No. 6028

Relating to municipal water conservation programs.

Senate Bill No. 6070

Relating to physicians's assistants.

Substitute Senate Bill No. 6076

Relating to rural health care facilities.

Senate Bill No. 6078

Relating to state route 901.

Senate Bill No. 6134

Relating to seals for district courts.

Substitute Senate Bill No. 6135

Relating to filing of name change orders in district court.

Substitute Senate Bill No. 6138

Relating to deleting obsolete references regarding district courts.

Senate Bill No. 6140

Relating to nonappearance by a traffic violator after a written promise to appear.

Senate Bill No. 6199

Relating to the boating offense compact.

Sincerely,

KALEEN COTTINGHAM, Legal Counsel to the Governor

MESSAGE FROM THE GOVERNOR

March 26, 1992

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

I have the honor to advise you that on March 26, 1992, Governor Gardner approved the following Senate Bills entitled:

Senate Bill No. 5105

Relating to collective bargaining for superior court employees.

Substitute Senate Bill No. 5425

Relating to taillights on old vehicles.

Substitute Senate Bill No. 5465

Relating to the required pharmacy assistant ratio.

Engrossed Substitute Senate Bill No. 5986

Relating to tenant duties under the landlord-tenant act.

Senate Bill No. 6010

Relating to the exemption of church-provided day care from the business and occupation tax.

Senate Bill No. 6032

Relating to the emergency medical services committee.

Senate Bill No. 6074

Relating to additional unemployment insurance benefits.

Substitute Senate Bill No. 6086

Relating to the advisory committee of the department of veterans affairs.

Engrossed Senate Bill No. 6103

Relating to using electronic monitoring as a condition of release or condition of probation.

Senate Bill No. 6133

Relating to state board of education size and terms.

Senate Bill No. 6155

Relating to state milk marketing orders.

Senate Bill No. 6212

Relating to the fruit commission.

Engrossed Senate Bill No. 6213

Relating to special elections.

Senate Bill No. 6221

Relating to western Washington pheasant hunting.

Senate Bill No. 6226

Relating to investment of the moneys of the firemen's pension fund.

Substitute Senate Bill No. 6241

Relating to life insurance for the benefit of certain tax exempt organizations.

Senate Bill No. 6276

Relating to district judges.

Senate Bill No. 6289

Relating to electronic transmission of comments to administrative rule-making hearings.

Engrossed Senate Bill No. 6292

Relating to on-premises sales by licensed brewers and domestic wineries.

Senate Bill No. 6295

Relating to penalties for driving or being in physical control of a motor vehicle while under the influence of intoxicating liquor or drugs.

Substitute Senate Bill No. 6306

Relating to the Puget Island ferry.

Substitute Senate Bill No. 6321

Relating to local government whistleblowers.

Engrossed Substitute Senate Bill No. 6326

Relating to the Washington award for excellence.

Substitute Senate Bill No. 6328

Relating to higher education purchasing.

Senate Bill No. 6329

Relating to obsolete sections in the Revised Code of Washington.

Senate Bill No. 6339

Relating to class F wine retailer's licenses.

Senate Bill No. 6351

Relating to obsolete sections in the Revised Code of Washington.

Engrossed Senate Bill No. 6427

Relating to unauthorized mailings.

Sincerely,
KALEEN COTTINGHAM, Legal Counsel to the Governor

MESSAGE FROM THE GOVERNOR

March 31, 1992

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to advise you that on March 31, 1992, Governor Gardner approved the following Senate Bills entitled:

Engrossed Substitute Senate Bill No. 5092

Relating to employee benefits while on active duty during operation of Desert Shield.

Reengrossed Substitute Senate Bill No. 5121

Relating to improper governmental action.

Substitute Senate Bill No. 5342

Relating to payment of annuity by self-insured employers.

Engrossed Senate Bill No. 6023

Relating to the center for international trade in forest products.

Engrossed Senate Bill No. 6033

Relating to emergency service medical personnel.

Substitute Senate Bill No. 6055

Relating to the crime laboratory system of the state patrol.

Engrossed Substitute Senate Bill No. 6069

Relating to bone marrow transplants.

Engrossed Senate Bill No. 6128

Relating to erosion of shoreline uplands used for residential purposes.

Engrossed Substitute Senate Bill No. 6132

Relating to the reduction of nonpoint source pollution in counties with shellfish growing tidelands.

Substitute Senate Bill No. 6141

Relating to venue for antiharassment petitions.

Senate Bill No. 6220

Relating to schools for the twenty-first century.

Substitute Senate Bill No. 6330

Relating to driving while license suspended or revoked.

Senate Bill No. 6357

Relating to technical corrections to solid waste and recycling laws.

Substitute Senate Bill No. 6386

Relating to radon testing required by the state building code council.

Engrossed Senate Bill No. 6441

Relating to construction liens.

Substitute Senate Bill No. 6451

Relating to insurance coverage.

Substitute Senate Bill No. 6460

Relating to for hire vehicles.

Substitute Senate Bill No. 6461

Relating to business licenses.

Sincerely,
KALEEN COTTINGHAM, Legal Counsel to the Governor

MESSAGE FROM THE GOVERNOR

April 1, 1992

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to advise you that on April 1, 1992, Governor Gardner approved the following Senate Bills entitled:

Substitute Senate Bill No. 5305

Relating to school suspension.

Reengrossed Senate Bill No. 6004

Relating to compacts negotiated under the Indian Gaming Regulatory Act of 1988.

Substitute Senate Bill No. 6085

Relating to boundary review boards.

Engrossed Senate Bill No. 6093

Relating to providing pesticide-sensitive individuals notification of urban pesticide applications.

Engrossed Substitute Senate Bill No. 6104

Relating to creating the crimes of first, second, and third degree assault against a child.

Substitute Senate Bill No. 6120

Relating to the relationship between a sales representative and the representative's principal.

Engrossed Senate Bill No. 6161

Relating to the disposition of real property by the commissioner of public lands.

Engrossed Senate Bill No. 6261

Relating to the well-being of children.

Senate Bill No. 6296

Relating to infant mortality reviews by local health departments.

Substitute Senate Bill No. 6377

Relating to the TDD state-wide relay system.

Substitute Senate Bill No. 6393

Relating to milk producers and distributors and food processors.

Senate Bill No. 6396

Relating to persons making contracts of insurance with unauthorized insurance providers.

Engrossed Senate Bill No. 6407

Relating to public works construction contracts.

Senate Bill No. 6444

Relating to television reception improvement districts.

Sincerely,

KALEEN COTTINGHAM, Legal Counsel to the Governor

MESSAGE FROM THE GOVERNOR

April 2, 1992

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to advise you that on April 2, 1992, Governor Gardner approved the following Senate Bills entitled:

Second Substitute Senate Bill No. 5318

Relating to money laundering.

Senate Bill No. 5510

Relating to Washington public employees' retirement system.

Engrossed Second Substitute Senate Bill No. 5724

Relating to water pollution control of chlorinated organic compound emissions.

Engrossed Substitute Senate Bill No. 5727

Relating to the imposition of moratorium or interim zoning by permit-granting agencies.

Engrossed Substitute Senate Bill No. 5728

Relating to the state environmental policy act.

Engrossed Senate Bill No. 5961

Relating to fiscal matters.

Engrossed Senate Bill No. 6008

Relating to the repeal of RCW 11.92.095.

Substitute Senate Bill No. 6042

Relating to condominiums.

Substitute Senate Bill No. 6111

Relating to family preservation services.

Engrossed Substitute Senate Bill No. 6174

Relating to family members of homicide victims.

Engrossed Substitute Senate Bill No. 6180

Relating to education programs.

Substitute Senate Bill No. 6193

Relating to stop loss insurance.

Engrossed Senate Bill No. 6284

Relating to the budget stabilization account.

Engrossed Senate Bill No. 6285

Relating to higher education tuition waivers.

Engrossed Substitute Senate Bill No. 6286

Relating to adjusting pension contribution rates to reflect the state actuary's 1990 valuations.

Substitute Senate Bill No. 6354

Relating to conditions of participation in the prospective cost-related reimbursement system.

Engrossed Senate Bill No. 6401

Relating to corridor designations.

Engrossed Senate Bill No. 6408

Relating to the use of locally imposed real estate excise tax proceeds for financing capital projects.

Senate Bill No. 6452

Relating to the allowed uses of the proceeds from the special excise tax on lodging.

Substitute Senate Bill No. 6483

Relating to weights and measures.

Substitute Senate Bill No. 6494

Relating to state lease of Hanford reservation land.

Sincerely,
KALEEN COTTINGHAM, Legal Counsel to the Governor

GOVERNOR'S MESSAGES ON SENATE BILLS
VETOED AND PARTIALLY VETOED

1992 REGULAR SESSION

PARTIALLY VETOED BILLS

MESSAGE FROM THE GOVERNOR
PARTIAL VETO MESSAGE ON SUBSTITUTE SENATE BILL NO. 5116

March 26, 1992

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 4, Substitute Senate Bill No. 5116 entitled:

"AN ACT Relating to transportation safety."

Substitute Senate Bill No. 5116 is the product of work by the task force on school bus safety. It includes several excellent provisions to assist law enforcement personnel in enforcing school bus stop laws and enhancing school bus safety. I applaud and fully support these provisions.

However, section 4 would change current Washington State Patrol rules to allow school buses to utilize their hazard strobe lamps regardless of whether it is warranted by hazardous conditions. Studies indicate that overuse of hazard warning lights ultimately diminishes their effectiveness. For this reason, I have vetoed section 4 of Substitute Senate Bill No. 5116.

With the exception of section 4, Substitute Senate Bill No. 5116 is approved.

Respectfully submitted,
BOOTH GARDNER, Governor

MESSAGE FROM THE GOVERNOR
PARTIAL VETO MESSAGE ON SUBSTITUTE SENATE BILL NO. 5557

March 31, 1992

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 2, Substitute Senate Bill No. 5557 entitled:

"AN ACT Relating to recording of surveys."

Section 1 of Substitute Senate Bill No. 5557 amends the Survey Recording Act of 1973 (RCW 58.09) by clearly specifying when a record of survey is not required. Section 2 requires the Department of Natural Resources to adopt rules and regulations limiting the exemptions when the public interest will be served.

I support the Legislature's desire to protect the public interest in matters related to land surveys. I am concerned, however, that section 2 authorizes the Department of Natural Resources to override policies established in statute by the adoption of rules. This provision not only creates the potential for confusion among the surveying community, but also raises questions about the

appropriateness of requiring a state agency to adopt rules which negate statutory exemptions to land survey recording requirements. I am satisfied that the public interest is sufficiently protected through the provisions of section 1.

For this reason, I have vetoed section 2 of Substitute Senate Bill No. 5557.

With the exception of section 2, Substitute Senate Bill No. 5557 is approved.

Respectfully submitted,
BOOTH GARDNER, Governor

MESSAGE FROM THE GOVERNOR
PARTIAL VETO MESSAGE ON ENGROSSED SENATE BILL NO. 5675

March 26, 1992

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 2, Engrossed Senate Bill No. 5675 entitled:

"AN ACT Relating to Skagit river salmon."

Engrossed Senate Bill No. 5675 calls for the Department of Fisheries to prepare a salmon recovery plan for the Skagit River. Section 2 directs that the plan be completed by December 31, 1992.

No funding was provided for the development of the salmon recovery plan. Therefore, the time-frame established in section 2 cannot be met. I am, however, directing the Department of Fisheries, within its budget, to complete a salmon recovery plan for the Skagit River by December 31, 1993.

For this reason, I have vetoed section 2 of Engrossed Senate Bill No. 5675.

With the exception of section 2, Engrossed Senate Bill No. 5675 is approved.

Respectfully submitted,
BOOTH GARDNER, Governor

MESSAGE FROM THE GOVERNOR
PARTIAL VETO MESSAGE ON SUBSTITUTE SENATE BILL NO. 5953

April 1, 1992

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to subsection 1 of section 202, Substitute Senate Bill No. 5953 entitled:

"AN ACT Relating to education."

Substitute Senate Bill No. 5953 sets our public education system on a new course by moving to a system that emphasizes excellence in student performance. It creates the Commission on Student Learning to establish the capacity to immediately begin implementation of the recommendations of the Governor's Council on Education Reform and Funding. Simultaneously, it creates a mechanism to waive a number of existing state rules that impede local restructuring activities. I strongly support these and other provisions in the bill and congratulate the Legislature for its far-sightedness in setting the stage for these important changes.

Section 202 establishes the Commission on Student Learning and defines its activities and timelines. Subsection 1 of section 202 creates a procedure which may eliminate not only the commission, but major revisions to the Basic Education Act as well. The continued viability of these sections of law rests on the passage or failure to pass a joint resolution in the future. This process is a legislative veto that violates basic constitutional checks and balances. Through this mechanism, one House of the Legislature is given the power to nullify constitutionally enacted legislation. Furthermore, the Legislature is given the power to amend the law by resolution without presenting it to the executive.

I have vetoed this subsection solely because it is an infringement on the constitutional doctrine of separation of powers. The Legislature is an equal partner in the creation of education policy, including student learning goals. This veto protects the integrity of the legislative process and assures adequate bicameral review, including public scrutiny and executive approval, before future enactments or amendments can occur. Notwithstanding this veto, it is important that the Legislature affirm the student learning goals put forward by the Governor's Council on Education Reform and Funding during the 1993 Legislature. I encourage you to do so.

For the reasons stated above, I have vetoed subsection 1 of section 202 of Substitute Senate Bill No. 5953.

With the exception of subsection 1 of section 202, Substitute Senate Bill No. 5953 is approved.

Respectfully submitted,
BOOTH GARDNER, Governor

MESSAGE FROM THE GOVERNOR
PARTIAL VETO MESSAGE ON ENGROSSED SENATE BILL NO. 6054

April 3, 1992

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

I am returning herewith, without my approval as to section 5, Engrossed Senate Bill No. 6054 entitled:

"AN ACT Relating to Chiropractic."

Section 5 of Engrossed Senate Bill No. 6054 implements this bill immediately. The language in the bill is ambiguous concerning the ability of chiropractors to treat problems originating in the extremities. The proponents of the bill assure me that the expansion in the scope of practice does not include disorders that originate in the extremities. I have asked the Chiropractic Disciplinary Board to clarify this issue in rule.

For these reasons, I have vetoed section 5 of Engrossed Senate Bill No. 6054.

With the exception of section 5, Engrossed Senate Bill No. 6054 is approved.

Respectfully submitted,
BOOTH GARDNER, Governor

MESSAGE FROM THE GOVERNOR
PARTIAL VETO MESSAGE ON ENGROSSED SENATE BILL NO. 6184 .

March 26, 1992

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 2, 3, and 4, Engrossed Senate Bill No. 6184 entitled:

"AN ACT Relating to real estate brokers and salespersons."

Engrossed Senate Bill No. 6184 provides greater specificity for the use of funds for real estate education activities. Several sections would create a nonappropriated account and as such would reduce budget oversight of the real estate education program. There has been an acceleration of the trend to create special funds, dedicated accounts and other budgetary techniques that reduce the ability to adapt resources to meet changing or emerging priorities. Despite my general concern with these types of special funds, I am willing to support the specific revenues being dedicated as long as there is adequate oversight. As written, there is inadequate oversight.

I have vetoed the sections referring to the nonappropriated account. I have retained the language that clearly defines the Department of Licensing's real estate education program and the director's role. I am directing the Department of Licensing to submit proposed legislation to the 1993 Legislature that would permanently dedicate for real estate education purposes the fund sources specified in the vetoed sections of Engrossed Senate Bill No. 6184. Such a dedication must, however, still be subject to legislative appropriation and budgetary oversight.

For this reason, I have vetoed sections 2, 3, and 4 of Engrossed Senate Bill No. 6184.

With the exception of sections 2, 3, and 4, Engrossed Senate Bill No. 6184 is approved.

Respectfully submitted,
BOOTH GARDNER, Governor

MESSAGE FROM THE GOVERNOR
PARTIAL VETO MESSAGE ON ENGROSSED SENATE BILL NO. 6319

April 2, 1992

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 4 and 7, Engrossed Senate Bill No. 6319 entitled:

"AN ACT Relating to the placement of people with disabilities."

Existing law mandates that regional support networks receive a portion of state mental hospital funds when they assume new responsibilities for short-term involuntary commitments. The Department of Social and Health Services and the regional support networks have been working for months to establish a formula to implement this funding change.

The language in section 4 creates a right to "any savings" achieved through reduction in use of hospital beds. This is not feasible to administer since it would require constant readjustment according to bed day use or some other factor. Neither regional support networks nor the state would retain any certainty as to their budgets. Unfair allocations between regions would be created.

The effect would be a potential for ongoing litigation and tension between mental health regional support networks and the Department of Social and Health Services.

I am pleased with the remarkable achievements of the regional support networks and the Department of Social and Health Services in implementing mental health reform. The type of mandate contained in section 4 of this bill could interfere with that collaborative effort.

Section 7 of the bill would repeal statutes intended to be addressed in section 4.

For these reasons, I have vetoed sections 4 and 7 of Engrossed Senate Bill No. 6319.

With the exception of sections 4 and 7, Engrossed Senate Bill No. 6319 is approved.

Respectfully submitted,
BOOTH GARDNER, Governor

MESSAGE FROM THE GOVERNOR
PARTIAL VETO MESSAGE ON SUBSTITUTE SENATE BILL NO. 6327

March 26, 1992

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 5, Substitute Senate Bill No. 6327 entitled:

"AN ACT Relating to the award for excellence in education program."

Substitute Senate Bill No. 6327 adds classified school employees to those eligible to receive recognition, and a stipend or tuition reimbursement, for outstanding performance and contribution to our public education system. The work of classified school staff is vital to an effective school program. They are deserving of this recognition.

Section 5 puts this recognition in jeopardy by providing that if specific funding is not included in the 1993 Appropriations Act, the act will become null and void. In recognition of the important service rendered by classified school employees, I am eliminating this "null and void" provision to ensure full participation in the award for excellence in education program. For this reason, I have vetoed section 5 of Substitute Senate Bill No. 6327.

With the exception of section 5, Substitute Senate Bill No. 6327 is approved.

Respectfully submitted,
BOOTH GARDNER, Governor

MESSAGE FROM THE GOVERNOR
PARTIAL VETO MESSAGE
ON ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6347

March 31, 1992

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 3, 5, and 13, Engrossed Second Substitute Senate Bill No. 6347 entitled:

"AN ACT Relating to domestic violence."

Sections 2 and 3 of Engrossed Second Substitute Senate Bill No. 6347 require the Office of the Administrator for the Courts to develop standardized forms, instructions, and informational

brochures for persons petitioning for protection under the state's Domestic Violence Protection Act. Section 5 requires records of incidents of domestic violence to be submitted to the Washington Association of Sheriffs and Police Chiefs for the purpose of collecting statewide crime data.

Section 13 declares sections 2, 3, and 5, null and void if funding is not provided in the Omnibus Appropriations Act referencing these sections by number.

Although funding has not been specifically provided in the 1992 Supplemental Appropriations Act, the Office of the Administrator for the Courts can accomplish the provisions of section 2 within available resources. In order to allow section 2 to go into effect without placing additional burdens on state agencies, I am vetoing section 3, which contains the date for completion, and section 13 which contains the null and void language.

I am further troubled by the lack of funding for the domestic violence incident reporting contained in section 5. The broad coverage of section 5 to include all reports of incidents of domestic violence (rather than just reports of felony incidents) is a cost which cannot be absorbed within the current budget of the Criminal Justice Training Commission. However, because RCW 10.99.030(7) and (8) require law enforcement agencies to maintain records of all domestic violence incidents reported, and to maintain such records identifiable by a specific code, I believe greater cooperation and coordination between law enforcement records of the various state and local jurisdictions is possible.

Many felonies (for which records are kept) characterized as rape, homicide, assault, arson, robbery, burglary, larceny and motor vehicle theft originate as acts of domestic violence. The lack of coordinated documentation tends to de-emphasize the explosion in domestic violence incidents. Failure to document will continue to impair our ability to control, prevent or adequately respond to such violence.

Despite the veto of section 5, I am directing the Office of Financial Management to work toward obtaining funding, through available grants or applicable federal or state funds, to assist the improvement of domestic violence data through coordinated reporting of domestic violence incidents pursuant to RCW 10.99.030(7). In the event such funding cannot be found, I encourage the Washington State Association of Sheriffs and Police Chiefs to work with interested groups to develop a request for funding to the 1993 Legislature.

With the exception of sections 3, 5, and 13, Engrossed Second Substitute Senate Bill No. 6347 is approved.

Respectfully submitted,
BOOTH GARDNER, Governor

MESSAGE FROM THE GOVERNOR
PARTIAL VETO MESSAGE ON SUBSTITUTE SENATE BILL NO. 6428

April 2, 1992

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

I am returning herewith, without my approval as to sections 12 and 13, Substitute Senate Bill 6428 entitled:

"AN ACT Relating to at-risk families."

Section 12 directs the Juvenile Issues Task Force to determine whether a network of local consortia may administer the program funds from state agencies serving children and families at-risk. Section 401 of Engrossed Substitute House Bill No. 2466 (the juvenile issues omnibus bill) directs the Joint Select Committee of Juvenile Issues to undertake a similar study of community-based services to children and families. Therefore, I have vetoed section 12 of Substitute Senate Bill No. 6428.

Section 13 requires that "implementation of council, consortia and the children's institute" be included in all federal and state plans affecting children, youth, and families. I believe there was an error in drafting this section because it is not clear what is meant by this requirement. To avoid confusion, I have vetoed section 13.

For the reasons stated above, I have vetoed sections 12 and 13 of Substitute Senate Bill No. 6428.

With the exception of sections 12 and 13, Substitute Senate Bill No. 6428 is approved.

Respectfully submitted,
BOOTH GARDNER, Governor

VETOED BILLS

MESSAGE FROM THE GOVERNOR VETO MESSAGE ON SUBSTITUTE SENATE BILL NO. 6146

March 31, 1992

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

I am returning herewith, without my approval, Substitute Senate Bill No. 6146 entitled: "AN ACT Relating to appropriations for projects recommended by the public works board." Substitute Senate Bill No. 6146 approves local public works projects recommended by the Public Works Board for low-interest loan financing from the dedicated Public Works Assistance Account.

Today, I signed Substitute House Bill No. 2302, which is identical to Substitute Senate Bill No. 6146.

For this reason, I have vetoed Substitute Senate Bill No. 6146 in its entirety.

Respectfully submitted,
BOOTH GARDNER, Governor

MESSAGE FROM THE GOVERNOR VETO MESSAGE ON SENATE BILL NO. 6270

March 26, 1992

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

I am returning herewith, without my approval Senate Bill No. 6270, entitled: "AN ACT Relating to municipal criminal justice account distributions based on city crime rates."

Senate Bill No. 6270 modifies the current statute related to municipal criminal justice account distributions by reducing funding eligibility criteria for high crime cities. The bill also clearly specifies that excess funds shall be distributed to cities with crime rates of one hundred twenty-five percent of the state-wide average.

Today, I signed House Bill No. 2655, which is identical to this legislation.
For this reason, I have vetoed Senate Bill No. 6270 in its entirety.

Respectfully submitted,
BOOTH GARDNER, Governor

MESSAGE FROM THE GOVERNOR
VETO MESSAGE ON ENGROSSED SENATE BILL NO. 6273

April 1, 1992

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval Engrossed Senate Bill No. 6273, entitled:
"AN ACT Relating to clarifying the department of agriculture's authority to regulate pesticides."

A recent United States Supreme Court decision (Casey v. Mortier) clarified that local governments are permitted under the federal Insecticide, Fungicide, and Rodenticide Act to regulate the use of pesticides. This court decision did not alter the ability of state government to limit local government's ability to regulate pesticide use. Engrossed Senate Bill No. 6273 seeks to address the Supreme Court decision by pre-empting, to a limited extent, the ability of local government to regulate pesticide use.

The concern giving rise to this legislation was that local regulation of pesticides could, over time, become complex, unreasonable or oppressive and could burden vital segments of Washington's timber and agricultural economy. I, too, want to avoid this outcome. However, the Supreme Court's action occurred only last June. Few examples of local pesticide regulations of concern exist.

I believe that insufficient information exists to conclude the degree to which pre-emption of local authority, if any, is necessary to ensure pesticide use is regulated in a balanced manner to meet agricultural, forest products and other economic needs as well as the needs of the environment. For this reason, it is not clear that the level of pre-emption set forth in Engrossed Senate Bill No. 6273, is a sufficient or appropriate interim measure.

To address my concern, I am hereby directing the Department of Agriculture to lead an inter-agency group including the Departments of Labor and Industries, Community Development, Health and Ecology. This group shall coordinate, among all affected interests, a process to review the issue of local pesticide regulation and develop a timely recommendation on the degree of pesticide regulation appropriate for state and local governments.

For the reasons stated above, I have vetoed Engrossed Senate Bill No. 6273 in its entirety.

Respectfully submitted,
BOOTH GARDNER, Governor

SENATE BILLS PASSED
BY BOTH SENATE AND HOUSE SHOWING THE
ACTION BY THE GOVERNOR THEREON

Fifty-Second Legislature
1992 Regular Session

Senate	No.	Relating To	Chapter No.		Effective Date
ESSB	5092	Employee benefits/active duty	119		3-31-92
SB	5105	Collective bargaining	36		6-11-92
SSB	5116	Student transportation	39	PV	6-11-92
RESSB	5121	Whistleblower protection Section 8	118		6-11-92 4-01-92
SSB	5305	Student suspension	155		6-11-92
2SSB	5318	Money laundering penalties	210		6-11-92
SSB	5342	Payment by annuity/self interest	124		6-11-92
SSB	5425	Old vehicle equipment	46		6-11-92
SSB	5465	Pharmacy assistant ratio	40		6-11-92
SB	5510	Retirement/withdrawn contributions Section 1	195		6-11-92 1-01-94
SSB	5557	Recording of surveys	106	PV	6-11-92
ESB	5675	Skagit river salmon restoration	88	PV	6-11-92
E2SSB	5724	Paper mill waste regulations	201		6-11-92
ESSB	5727	Interim zoning permits	207		6-11-92
ESSB	5728	Land use threshold determination Section 1	208		6-11-92 9-01-92
SSB	5953	Common schools improvements Sections 501 through 507	141	PV	6-11-92 9-01-98
ESB	5961	Fiscal matters	238		6-11-92
ESB	5986	Tenant duties expanded	38		6-01-92
RESB	6004	Indian gaming compact review	172		4-01-92
ESB	6008	Repeal RCW 11.92.095	224		6-11-92
SB	6010	Church day cares/B&O exemption	81		6-11-92
ESB	6023	International trade/forest products	121		6-11-92
ESB	6027	Horticultural research	23		7-01-92
ESB	6028	Water conservation revenue bonds	25		6-11-92
SB	6032	Emergency medical services committee	84		6-11-92
ESB	6033	Emergency med services certification	128		6-11-92
SSB	6042	Condominium act	220		6-11-92
ESB	6054	Chiropractic practice	241	PV	6-11-92
SSB	6055	Crime lab system/State Patrol	129		6-11-92
ESSB	6069	Bone marrow donor program	109		6-11-92
SB	6070	Supervisors/physician's assistants	28		6-11-92
SB	6074	Unemployment insurance benefits	47		3-26-92
SSB	6076	Rural health facilities certification.	27		6-11-92
SB	6078	State route 901	26		6-11-92
SSB	6085	Water/sewer extension review	162		6-11-92
SSB	6086	Vet affairs advisory committee	35		6-11-92
ESB	6093	Pesticide application	176		6-11-92
ESB	6103	Electronic monitoring	86		6-11-92
ESSB	6104	Creating crime of assault/child	145		6-11-92
SSB	6111	Family preservation services	214		6-11-92

Senate	No.	Relating To	Chapter No.		Effective Date
SSB	6120	Sales rep./rep. principal	177		6-11-92
ESB	6128	Erosion of shoreline uplands	105		6-11-92
ESSB	6132	Modifying shellfish protection	100		6-11-92
SB	6133	Board of education membership	56		6-11-92
SB	6134	District court seals	29		6-11-92
SSB	6135	Retention of name change orders	30		6-11-92
SSB	6138	District court references	31		3-20-92
SB	6140	Traffic violator nonappearance	32		6-11-92
SSB	6141	Antiharassment petition	127		6-11-92
SSB	6146	Public works board projects		Vetoed	
SB	6155	Milk marketing orders	58		6-11-92
ESB	6161	Nonpermanent disposition/public land	167		4-01-92
ESSB	6174	Counsel/homicide victims' family	203		6-11-92
ESSB	6180	Education programs	196		6-11-92
ESB	6184	Regarding real estate brokers	92	PV	7-01-93
SSB	6186	Providing service credits	3		6-11-92
SSB	6193	Stop-loss insurance	226		6-11-92
SB	6199	Boating offense compact	33		6-11-92
SB	6212	Relating to fruit commission	87		6-11-92
ESB	6213	Special election dates	37		3-26-92
SB	6220	Schools for 21st century	112		6-11-92
SB	6221	Regulating harvest of pheasants	41		1-01-93
SB	6226	Firemen's pension fund	89		6-11-92
SSB	6241	Nonprofit organization life insurance	51		6-11-92
ESB	6261	Child sexual exploitation	178		6-11-92
SB	6270	Municipal criminal justice account		Vetoed	
ESB	6273	Pesticide regulation		Vetoed	
SB	6276	District judges compensation	76		6-11-92
ESB	6284	Budget stabilization account	236		4-02-92
ESB	6285	Higher ed tuition/fee	231		7-01-92
ESSB	6286	Pension contribution rates	239		9-01-92
SB	6289	Fax/phone use at hearings	57		6-11-92
ESB	6292	Brewer and winery sales	78		6-11-92
SB	6295	Driving under influence	64		6-11-92
SB	6296	Infant mortality reviews	179		4-01-92
SSB	6306	Funding Puget Island ferry	82		6-11-92
ESB	6319	Mental illness/placement	230	PV	6-11-92
		Sections 1 and 2			4-02-92
		Section 5			7-01-95
SSB	6321	Whistleblower programs	44		6-11-92
		Sections 1 through 10			1-01-93
		Section 11			7-01-92
ESSB	6326	Award for excellence	83		4-30-92
SSB	6327	Excellence in education	50	PV	6-30-93
SSB	6328	Higher ed bid procedure	85		6-11-92
SB	6329	Repealing RCW obsolete sections	91		6-11-92
SSB	6330	Drivers' license suspension	130		3-31-92
SB	6339	Class F wine retailers licenses	42		6-11-92
E2SSB	6347	Domestic violence statutes	111	PV	6-11-92
SB	6351	Repealing RCW obsolete sections	90		6-11-92
SSB	6354	Nursing home/cert requirements	215		6-11-92
SB	6357	Solid waste/recycling statutes	131		6-11-92
SSB	6377	TDD state-wide relay system	144		6-11-92

SENATE BILLS PASSED BY BOTH HOUSES

1971

Senate	No.	Relating To	Chapter No.		Effective Date
SSB	6386	Radon testing in residences	132		3-31-92
SSB	6393	WSDA food safety inspection	160		6-11-92
SB	6396	Unauthorized insur brokers	149		6-11-92
ESB	6401	Corridor designations	227		6-11-92
ESB	6407	Public Works construction contracts	171		6-11-92
ESB	6408	Capital projects financing	221		6-11-92
ESB	6427	Unauthorized mailings	43		6-11-92
SSB	6428	At-risk children & families Sections 1 through 13	198	PV	6-11-92
ESB	6441	Construction lien rights Section 14	126		6-01-92 3-31-92
SB	6444	TV reception improvement district	150		6-11-92
SSB	6451	Surety liability limit	115		6-11-92
SB	6452	Special events funding	202		6-11-92
SB	6457	Convention/trade center	4		6-11-92
SSB	6460	For hire vehicle provisions	114		6-11-92
SSB	6461	Master license system Sections 5 and 7	107		6-01-92 7-01-92
SSB	6483	Weights and measures	237		7-01-92
SSB	6494	Hanford lease	228		6-11-92

**SENATE MEMORIALS AND RESOLUTIONS PASSED
BY BOTH SENATE AND HOUSE****Fifty-Second Legislature
1992 Regular Session**

Senate No.**Subject****SENATE JOINT MEMORIALS****SSJM 8024 Timber Salvage Sales****SENATE CONCURRENT RESOLUTIONS**

SCR 8420	Leg ready conduct business
SCR 8421	Redistricting
SCR 8422	Council on ed reform/funding
SCR 8427	High techonology education
SCR 8428	Amending HCR 4426
SCR 8429	Sentencing alternatives
SCR 8431	Adjournment sine die
SCR 8432	Return bills/house of origin

**HOUSE BILLS PASSED
BY BOTH SENATE AND HOUSE SHOWING THE
ACTION BY THE GOVERNOR THEREON**

Fifty-Second Legislature
1992 Regular Session

House	No.	Relating To	Chapter No.		Effective Date
ESHB	1150	Port commissioner elections	146		6-11-92
EHB	1185	Federal lien recording	133		7-01-92
SHB	1258	Nursing home administration	53		6-11-92
RESHB	1378	Superior court fees	54		4-01-92
SHB	1392	Acupuncturist licensing	110		6-11-92
SHB	1481	Natural death act amendment	98		6-11-92
ESHB	1495	Land development regulations	191	PV	6-11-92
ESHB	1631	African-American affairs commission	96		6-11-92
HB	1664	Sign language requirements	60		6-11-92
HB	1732	Warrant servers to police department	99		6-11-92
SHB	1736	Real property improvement	223		9-01-92
RESHB	1932	School excess levy limits	49		6-11-92
ESHB	2025	Employee payroll deductions	192		6-11-92
EHB	2053	Electrical licensing exemptions	240		6-11-92
SHB	2055	Criminal history background	104		6-11-92
SHB	2212	Encouraging study of Holocaust	24		6-11-92
HB	2259	Pension fund designation	212		6-11-92
EHB	2260	Technical corrections Ch. 35, 1991	72		6-11-92
HB	2261	Pension board membership	6		6-11-92
ESHB	2262	Community protection act	45		3-26-92
SHB	2263	Correctional facility references	7		6-11-92
SHB	2268	Inmate work programs	123		6-11-92
ESHB	2274	Employee privacy		Vetoed	
SHB	2281	Passenger train crew size	102		6-11-92
SHB	2284	County law libraries	62		4-01-92
EHB	2287	Port district creation	147		6-11-92
HB	2290	Fire sprinkler system contractors	116		3-31-92
ESH	2293	CPA licensing requirements	103		6-11-92
HB	2294	Coastal crab fishery study	9		3-20-92
HB	2295	Lake Wash Technical College	2		2-19-92
SHB	2299	Lease-purchase agreements	134		6-11-92
SHB	2302	Public works projects	135		3-31-92
ESHB	2305	Fire protection districts	74		6-11-92
HB	2314	Medical service provisions	8		6-11-92
EHB	2316	IMPACT sunset termination	95		6-11-92
SHB	2319	Election administration	163	PV	6-11-92
		Sections 5 through 13			7-01-93
SHB	2330	Forest land base maintenance	52		6-11-92
		Section 22			8-01-92
ESHB	2333	Guide and service dogs	10		6-11-92
ESHB	2337	Malpractice insurance/retired	113		6-11-92
SHB	2344	Criminal street gang activities		Vetoed	
EHB	2347	High voltage transmission	11		6-11-92
SHB	2348	Child victims of sexual abuse	188	PV	6-11-92

House	No.	Relating To	Chapter No.		Effective Date
HB	2350	General assistance programs	136		6-11-92
HB	2358	Psychologist disciplinary committee	12		6-11-92
SHB	2359	Academic & voc integration program	137	PV	3-31-92
EHB	2360	Fisheries informational materials	13		6-11-92
HB	2368	Deputy sheriffs to practice law	225		6-11-92
SHB	2370	Process servers registration	125		6-11-92
HB	2371	Conservation dist special assessment	70		6-11-92
SHB	2373	Concealed weapon permits	168		6-11-92
HB	2374	Funding senior volunteer programs	65	PV	6-11-92
ESHB	2389	Oil spill prevention/cleanup	73		3-26-92
		Sections 6,7,9 & 10			10-01-92
SHB	2391	Biomedical waste regulations	14		6-11-92
		Sections 2 and 3			3-20-92
		Section 4			10-01-92
SHB	2394	Limitations for jurors	93		6-11-92
HB	2398	Volunteer fire fighters	97		7-01-92
HB	2417	Disabled parking permits	148		6-11-92
HB	2448	Pesticide licensing laws	170		6-11-92
SHB	2457	Agricultural nuisances	151	PV	6-11-92
ESHB	2459	Superior court judges	189		7-01-93
		Sections 1, 3 and 5			7-01-92
SHB	2465	Telecommunications charges	68		6-11-92
ESHB	2466	Juvenile issues task force	205	PV	6-11-92
ESHB	2470	Supplemental operating budget	232	PV	4-02-92
SHB	2479	Medicare supplemental insurance	138		6-11-92
ESHB	2490	Community placement escape	75		6-11-92
SHB	2495	Rural hospital districts	161		6-11-92
SHB	2498	Regulatory fairness	197	PV	6-11-92
SHB	2501	Landlord claims/tenant property	211		6-11-92
SHB	2502	Organic agricultural products	71		6-11-92
HB	2514	Senior citizen/property tax relief	187		6-11-92
HB	2516	Unlawful bus conduct	77		6-11-92
ESHB	2518	School employees' background	159		6-11-92
HB	2543	Recreational boating code	15		6-11-92
SHB	2551	Special educ services projects	180		4-01-92
ESHB	2552	Supplemental capital budget	233	PV	4-02-92
ESHB	2553	Supplemental transportation budget	166	PV	4-01-92
HB	2554	Erotic sound recording	5		6-11-92
SHB	2555	Limited dental practices	59		6-11-92
SHB	2560	Senior environmental corps	63		3-26-92
SHB	2594	Wildlife/rec lands management	153		6-11-92
ESHB	2609	Airport expansions	190		4-02-92
ESHB	2610	Regional transportation council	101		7-01-92
HB	2633	Moderate-risk waste facilities	17		6-11-92
SHB	2635	Litter/recycling assessment	175		7-01-92
SHB	2639	Nonprofit homes for aging	213		6-11-92
ESHB	2640	Sludge management program	174		6-11-92
ESHB	2643	Vehicle licensing and registration	216		6-11-92
HB	2655	Municipal criminal justice account	55		3-26-92
SHB	2659	Public Works contracts		Vetoed	
SHB	2660	Vehicle license registration	222	PV	6-11-92
HB	2662	Disqualified candidate	181		7-01-92
SHB	2672	Cellular communications	218		4-02-92

HOUSE BILLS PASSED BY BOTH HOUSES

1975

House	No.	Relating To	Chapter No.		Effective Date
SHB	2673	Moved buildings	79		6-11-92
SHB	2676	Economic development projects		Vetoed	
EHB	2680	Tax assessment/collection Sections 7 and 8 Sections 9 through 12	206		7-01-92 1-01-93 6-01-92
HB	2681	Overpaid taxes refund	169		7-01-92
HB	2682	Unclaimed property recovery	48		6-11-92
SHB	2686	Contractor licensing	217		6-11-92
ESHB	2702	Harrassment offenses	186		6-11-92
SHB	2714	Public transportation benefit areas	16		3-20-92
SHB	2720	Longshore and harbor workers	209	PV	4-02-92
HB	2727	Transportation excises taxes	154		7-01-92
SHB	2735	Volunteerism/citizen services	66		6-11-92
SHB	2745	Protection/antiharassment	143		6-11-92
HB	2746	Tow truck impound charges	18		6-11-92
SHB	2747	Bottled water regulations	34		6-11-92
SHB	2766	Sheriff's services fee	164		6-11-92
SHB	2768	Ecology technical assistance	19		6-11-92
SHB	2784	Domestic relations amendments	229		6-11-92
SHB	2796	Water well construction	67		6-11-92
HB	2811	AIDS nursing supplies	182		6-11-92
EHB	2812	Aircraft maintenance training	183		4-01-92
EHB	2813	LEOFF retirement system	199		6-11-92
SHB	2814	State information resources	20		3-20-92
EHB	2821	Timber impact area community	21		3-20-92
SHB	2831	Pesticide records/posting Section 4	173		4-01-92 1-01-93
SHB	2833	Regulating reclaimed water	204		4-02-92
HB	2841	Unclaimed property act	122		6-11-92
ESHB	2842	System improvements mitigation	219		6-11-92
HB	2844	Impounded vehicle claims	200		6-11-92
SHB	2845	Auto salespersons overtime	94		6-11-92
SHB	2857	Retired sch employ health insurance	152		6-11-92
SHB	2865	Wild mushrooms harvest	184		6-11-92
SHB	2867	Law enforc/fire fighters insurance	22		6-11-92
SHB	2873	Radioactive waste disposal	61		6-11-92
SHB	2874	DSHS/Funeral expenses	108		6-11-92
ESHB	2876	Public disclosure laws	139		6-11-92
SHB	2887	Appellate court filing fees	140		4-01-92
HB	2896	Ferry bonds	158		6-11-92
ESHB	2928	Modifying open space laws	69	PV	1-01-93
HB	2932	Washington technology center	142		6-11-92
SHB	2937	Fire protection contracts	117		3-31-92
HB	2944	Consumer credit transactions	193	PV	4-02-92
ESHB	2947	PERS/TRS early retirement	234		4-02-92
ESHB	2950	General obligation bonds	235		4-02-92
HB	2961	Thurston Co. special excise tax	156		4-01-92
ESHB	2964	Traffic safety education Sections 1 through 3	194		1-01-93 6-01-92
SHB	2967	Intermediate care facilities	80		4-01-92
SHB	2983	Public assistance job training	165	PV	6-11-92
ESHB	2985	LEOFF past service credit Sections 3 and 4	157		6-11-92 4-01-92

PV - Partial Veto

House	No.	Relating To	Chapter No.	Effective Date
ESHB	2990	State trust lands purchase	185	4-01-92
SHB	2993	Rural health access account	120	6-11-92

1978

JOURNAL OF THE SENATE

HISTORY OF INITIATIVES

INITIATIVE NO. 120 (Recount of votes)	14
INITIATIVE NO. 134 (Certification)	17, 178

HISTORY OF SENATE BILLS

1979

HISTORY OF SENATE BILLS

SENATE BILL	Intro.& 1st Rdg.	Committee Report	2nd Rdg. Amendments	3rd Rdg. Final Passage	Other Action	Action by Governor
5009					12,66	
5031(Sub)*				168	1880	
5055(Sub)*				169	1880	
5062(Sub)*				312	1880	
5063*				600	1880	
5064*		255				
5067*				188	1880	
5069(Sub)*				230	1880	
5086(Sub)		208	437	438	12,66 1800	
5092(Sub)*			448	448,450	1230,1371(P) 1471(S)	C119 1958
5105*			191	191	874,874(P) 1399(S)	C36 1956
5116(Sub)*				146	1203,1207 1371(P),1471(S)	PV C39 1961
5118					13,67	
5121(Sub)*			424	424,431	1194,1417 1417(P),1470(S)	C118 1958
5135*				230	1880	
5139					12,66	
5140				170	1881	
5145					13,67	

(P) - Signed by the President; (S) - Signed by the Speaker

* - By resolution, reintroduced and retained in present status

1980

JOURNAL OF THE SENATE

SENATE BILL	Intro.& 1st Rdg.	Committee Report	2nd Rdg. Amendments	3rd Rdg. Final Passage	Other Action	Action by Governor
5149(Sub)					31,32	
5150*				206	1881	
5151*			300	300,301	1881	
5180*				267	1881	
5202(Sub)					12,66	
5203(Sub)		94			12,66,725	
5225(Sub)					12,66	
5237(Sub)*				147	1881	
5263(Sub)					12,66	
5269(Sub)					12,66	
5282*					725	
5300(Sub)*				189	1881	
5302*				146	1881	
5303(Sub)					12,67	
5305(Sub)*				145	1205,1371(P) 1471(S)	C155 1959
5318(Sub)		274			13,67	
5318(2Sub)			650	650	1371,1409(P) 1470(S)	C210 1959
5329(Sub)*				588	1881	
5335*		326				
5335(2Sub)			677	677	1881	
5342(Sub)*				192	1206,1371(P) 1471(S)	C124 1958

(P) - Signed by the President; (S) - Signed by the Speaker

* - By resolution, reintroduced and retained in present status

HISTORY OF SENATE BILLS

1981

SENATE BILL	Intro.& 1st Rdg.	Committee Report	2nd Rdg. Amendments	3rd Rdg. Final Passage	Other Action	Action by Governor
5345*				588	1881	
5346(Sub)*				269	1881	
5371*				171	1881	
5375*				132	1881	
5380(Sub)*				437	1881	
5386*		275				
5386(Sub)			675,686	687	676,1881	
5389*				127	1881	
5425*		175				
5425(Sub)			193	193	874,874(P) 1399(S)	C46 1956
5432					12,67	
5435(Sub)					12,67	
5438(Sub)*				312	1881	
5445*					725	
5457(Sub)		208	614	615	13,67,1881	
5465(Sub)*				148	874,874(P) 1399(S)	C40 1956
5480(Sub)					13,67	
5481(Sub)*				126	1881	
5510*				147	1207,1208 1213,1371(P) 1471(S)	C195 1960
5524*				203	1881	

(P) - Signed by the President; (S) - Signed by the Speaker
 * - By resolution, reintroduced and retained in present status

1982

JOURNAL OF THE SENATE

SENATE BILL	Intro.& 1st Rdg.	Committee Report	2nd Rdg. Amendments	3rd Rdg. Final Passage	Other Action	Action by Governor
5526(Sub)*			127	127	1208,1209 1420,1532 1881	
5534(2Sub)					13,67	
5554*					372	
5557*		269				
5557(Sub)			313	313	1209,1371(P) 1471(S)	PV C106 1961
5559(Sub)*				148	1881	
5560					32,33	
5564					13,67	
5566*				266	1881	
5572*		255				
5623					13,67	
5634(Sub)*				145	1881	
5644(Sub)*				227	1881	
5653(Sub)					13,67	
5661*				126	1881	
5666(Sub)*				130	1881	
5675*			170	170,171	1194,1417 1509,1531(P) 1602(S)	PV C88 1962
5680					13,67	
5682					13,67	

(P) - Signed by the President; (S) - Signed by the Speaker

* - By resolution, reintroduced and retained in present status

HISTORY OF SENATE BILLS

1983

SENATE BILL	Intro.& 1st Rdg.	Committee Report	2nd Rdg. Amendments	3rd Rdg. Final Passage	Other Action	Action by Governor
5699*			296	296	1881	
5702(Sub)*				189	1881	
5704					13,67	
5724(2Sub)*				149	1195,1519 1775,1786(P) 1872(S)	C201 1960
5727(Sub)*				131	1209,1211, 1412,1413 1479,1519(P) 1602(S)	C207 1960
5728*		208				
5728(Sub)			299	299	1378,1409(P) 1470(S)	C208 1960
5739					13,67	
5746*			190	190	1881	
5748(Sub)					13,67	
5753(2Sub)					13,67	
5759(Sub)*			128	128	1881	
5760					13,67	
5769		256			13,67	
5771*		222			725	
5780(2Sub)*			130	130,131	1881	
5807(Sub)*				622	1881	
5810(Sub)*				169	1881	
5812(Sub)*			129,310	129,311	130,1881	

(P) - Signed by the President; (S) - Signed by the Speaker

* - By resolution, reintroduced and retained in present status

1984

JOURNAL OF THE SENATE

SENATE BILL	Intro.& 1st Rdg.	Committee Report	2nd Rdg. Amendments	3rd Rdg. Final Passage	Other Action	Action by Governor
5841(Sub)					13,67	
5848*				149	1881	
5855*					13	
5872*		240				
5876(Sub)					13,67	
5913					13,67	
5923*		275	313	313	1881	
5929(Sub)*				168	1881	
5935*		185	308	309	1881	
5953*		741				
5953(Sub)			928	930	1384 1409(P) 1470(S)	PV C141 1962
5957*		238				
5961*			1776,1779	1785	1776,1872 1875(P),1878(S)	C238 1960
5985					32	
5986(Sub)*				295	1213,1371(P) 1471(S)	C38 1957
5993*		327			296	
6002*		256				
6004*			1633,1640	1633,1642	1771,1773(P) 1778(S)	C172 1959
6008*			204	204	1211,1371(P) 1471(S)	C224 1960

(P) - Signed by the President; (S) - Signed by the Speaker

* - By resolution, reintroduced and retained in present status

HISTORY OF SENATE BILLS

1985

SENATE BILL	Intro.& 1st Rdg.	Committee Report	2nd Rdg. Amendments	3rd Rdg. Final Passage	Other Action	Action by Governor
6010	2	185	294	294	874,874((P) 1399(S))	C81 1957
6011	2	132				
6011(Sub)			231	231	1881	
6012	2					
6013	2	103	293	293	1881	
6014	2					
6015	3	256				
6015(Sub)			314	314	1881	
6016	3					
6017	3					
6018	3					
6019	3					
6020	3					
6021	4					
6022	4	240	314	315	84,1881	
6023	4	275	315	317	84,1211 1371(P),1471(S)	C121 1958
6024	4					
6025	4					
6026	4					
6027	4	103	268	268	874,874(P) 1399(S)	C23 1956

(P) - Signed by the President; (S) - Signed by the Speaker
 * - By resolution, reintroduced and retained in present status

1986

JOURNAL OF THE SENATE

SENATE BILL	Intro.& 1st Rdg.	Committee Report	2nd Rdg. Amendments	3rd Rdg. Final Passage	Other Action	Action by Governor
6028	5	103	292	292	874,874(P) 1399(S)	C25 1956
6029	5					
6030	5	134	654		68,656,725	
6031	5	119	232	233	1881	
6032	5	119	232	232	903,932(P) 1399(S)	C84 1957
6033	5	119	309	309	1403,1416(P) 1470(S)	C128 1958
6034	6	175				
6035	6	209				
6035(Sub)			402	404	1881	
6036	6	240				
6037	6	175	385	387	1881	
6038	6	176			725	
6039	6	275				
6040	7					
6041	7	176,276,450			289,299	
6042	7	119				
6042(Sub)			291	291	1216,1371(P) 1471(S)	C220 1960
6043	7					
6044	7					
6045	7					

(P) - Signed by the President; (S) - Signed by the Speaker

* - By resolution, reintroduced and retained in present status

HISTORY OF SENATE BILLS

1987

SENATE BILL	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amendments	3rd Rdg. Final Passage	Other Action	Action by Governor
6046	7					
6047	8	209				
6047(Sub)			298	298	1881	
6048	8					
6049	8					
6050	8					
6051	8	176	418	419	1881	
6052	8	160	205	205	1881	
6053	8	256				
6054	9	222,327	601	604	1395,1396 1409(P) 1470(S)	PV C241 1963
6055	9	103				
6055(Sub)			227	227	1397,1409(P) 1470(S)	C129 1958
6056	9					
6057	9	103,276			725	
6057(Sub)			1092	1092	1881	
6058	56					
6059	56					
6060	56	160	267	267	1881	
6061	57					
6062	57					
6063	57	120				

(P) - Signed by the President; (S) - Signed by the Speaker
 * - By resolution, reintroduced and retained in present status

1988

JOURNAL OF THE SENATE

SENATE BILL	Intro.& 1st Rdg.	Committee Report	2nd Rdg. Amendments	3rd Rdg. Final Passage	Other Action	Action by Governor
6063(Sub)			319	319	1881	
6064	57	134				
6064(Sub)			234	234	1882	
6065	57					
6066	57					
6067	57	134				
6067(Sub)			679	679	1882	
6068	58					
6069	58	269				
6069(Sub)			387	388	1379, 1409(P) 1470(S)	C109 1958
6070	58	209	319	320	1082,1083(P) 1399(S)	C28 1956
6071	58					
6072	58					
6073	60	176	229	229	1882	
6074	60	241,327	667	667	874,875(P) 1399(S)	C47 1957
6075	60	241	688	688	1882	
6076	60	209				
6076(Sub)			389	389	874,875(P) 1399(S)	C27 1956
6077	60					

(P) - Signed by the President; (S) - Signed by the Speaker

* - By resolution, reintroduced and retained in present status

HISTORY OF SENATE BILLS

1989

SENATE BILL	Intro.& 1st Rdg.	Committee Report	2nd Rdg. Amendments	3rd Rdg. Final Passage	Other Action	Action by Governor
6078	61	185	681	681	839,839(P) 1399(S)	C26 1956
6079	61					
6080	61	195	320	320	1882	
6081	61					
6082	61	256				
6082(Sub)			321	321	1882	
6083	61	176				
6083(Sub)			322	322	1882	
6084	61	276				
6085	61	104				
6085(Sub)			193	193	1195,1421 1474(P),1480(S)	C162 1959
6086	62	206				
6086(Sub)			321	321	1217,1371(P) 1471(S)	C35 1957
6087	62	276				
6088	62	222				
					215,296,299 1016,1079 1080,1087 1381,1408 1418,1485	
6089	62	209,435	994,1020 1080,1086	1078,1086	1506	
6090	62					
6091	62					

(P) - Signed by the President; (S) - Signed by the Speaker

* - By resolution, reintroduced and retained in present status

1990

JOURNAL OF THE SENATE

SENATE BILL	Intro.& 1st Rdg.	Committee Report	2nd Rdg. Amendments	3rd Rdg. Final Passage	Other Action	Action by Governor
6092	63	257			725	
6093	63	160	228	229	1379,1409(P) 1470(S)	C176 1959
6094	63				77	
6095	63	241,327				
6095(Sub)			606	606	1882	
6096	63	257	592	593	1882	
6097	63					
6098	63	223				
6099	63	328				
6100	64	257			725	
6101	64					
6102	64					
6103	64	177	307,381	383	308,1079 1079(P),1399(S)	C86 1957
6104	64	177				
6104(Sub)			301	302	1218,1371(P) 1471(S)	C145 1959
6105	64					
6106	64	177			725	
6107	65					
6108	65					
6109	65	177			725	
6110	65					

(P) - Signed by the President; (S) - Signed by the Speaker

* - By resolution, reintroduced and retained in present status

HISTORY OF SENATE BILLS

1991

SENATE BILL	Intro.& 1st Rdg.	Committee Report	2nd Rdg. Amendments	3rd Rdg. Final Passage	Other Action	Action by Governor
6111	65	210				
6111(Sub)			297	297	1409,1416(P) 1470(S)	C214 1960
6112	65	186				
6113	65	257				
6113(Sub)			610	610	1882	
6114	66	276,328			84	
6115	66				77	
6116	70	195,270	405	405	1882	
6117	70					
6118	70					
6119	70	277				
6120	70	241				
6120(Sub)			647	647	1241,1371(P) 1471(S)	C177 1959
6121	70	241	340	340	1882	
6122	71	177	203	204	1882	
6123	71					
6124	71	223	400,421 840	840	400,407,422 725,840	
6125	73	242				
6125(Sub)			322	323	1882	
6126	73	257	323	323	1882	

(P) - Signed by the President; (S) - Signed by the Speaker

* - By resolution, reintroduced and retained in present status

1992

JOURNAL OF THE SENATE

SENATE BILL	Intro.& 1st Rdg.	Committee Report	2nd Rdg. Amendments	3rd Rdg. Final Passage	Other Action	Action by Governor
6127	73	277,328				
6128	73	210	605	605	1196,1507 1653,1773(P) 1872(S)	C105 1958
6129	73	326			725	
6130	73	242	323	324	1882	
6131	74					
6132	74	104				
6132(Sub)			617,680	681	621,903 932(P),1399(S)	C100 1958
6133	74	195	324	324	839,839(P) 1399(S)	C56 1957
6134	74	153	324	325	839,839(P) 1399(S)	C29 1956
6135	74	186				
6135(Sub)			325	325	839,839(P) 1399(S)	C30 1956
6136	74					
6137	74	120	338	338	1882	
6138	75	120				
6138(Sub)			338	338	865,865(P) 1399(S)	C31 1956
6139	75	120				
6140	75	120	339	339	865,865(P) 1399(S)	C32 1956

(P) - Signed by the President; (S) - Signed by the Speaker

* - By resolution, reintroduced and retained in present status

HISTORY OF SENATE BILLS

1993

SENATE BILL	Intro.& 1st Rdg.	Committee Report	2nd Rdg. Amendments	3rd Rdg. Final Passage	Other Action	Action by Governor
6141	75	121				
6141(Sub)			339	339	865,865(P) 1399(S)	C127 1958
6142	75	258			725	
6143	75					
6144	75	196				
6144(Sub)			305	305	1882	
6145	76	328			725	
6146	76	186				
6146(Sub)			617	617	932,932(P) 1399(S)	VETOED 1967
6147	79					
6148	79					
6149	79					
6150	79	153	300	300	1882	
6151	79	258				
6151(Sub)			667	667	1882	
6152	79	210				
6153	80	258				
6153(Sub)			668	668	1882	
6154	80					
6155	80	186	434	434	1200,1202 1419,1652 1773(P),1872(S)	C58 1957

(P) - Signed by the President; (S) - Signed by the Speaker

* - By resolution, reintroduced and retained in present status

1994

JOURNAL OF THE SENATE

SENATE BILL	Intro.& 1st Rdg.	Committee Report	2nd Rdg. Amendments	3rd Rdg. Final Passage	Other Action	Action by Governor
6156	80	186				
6157	80	277			725	
6158	80	258	656	656	1882	
6159	80	104	205	205	1882	
6160	81	258			725	
6161	81	210	340	340	1242,1371(P) 1471(S)	C167 1959
6162	81	259			725	
6163	81					
6164	81					
6165	81					
6166	82					
6167	82					
6168	82					
6169	82	277	586	586	1882	
6170	82					
6171	82					
6172	82	187	341	341	1882	
6173	83	242				
6174	83	242				
6174(Sub)			690	690	865,865(P) 1399(S)	C203 1960
6175	83					

(P) - Signed by the President; (S) - Signed by the Speaker

* - By resolution, reintroduced and retained in present status

HISTORY OF SENATE BILLS

1995

SENATE BILL	Intro.& 1st Rdg.	Committee Report	2nd Rdg. Amendments	3rd Rdg. Final Passage	Other Action	Action by Governor
6176	83					
6177	83	259			725	
6178	83	196,270				
6178(2Sub)			668	670	670,726 740	
6179	83					
6180	83	210			725	
6180(Sub)			160	1613	1860,1865 1876(P),1879(S)	C196 1960
6181	88	242	341	341	1882	
6182	89	243			725	
6183	89	243			194	
6184	89	270	621	622	932,932(P) 1400(S)	PV C92 1964
6185	89					
6186	89	277				
6186(Sub)			666	666	865,865(P) 1400(S)	C3 1647
6187	89	278				
6187(Sub)			342	342	1882	
6188	89	270				
6188(Sub)			432,433	433	432,1882	
6189	89					
6190	90					

(P) - Signed by the President; (S) - Signed by the Speaker

* - By resolution, reintroduced and retained in present status

1996

JOURNAL OF THE SENATE

SENATE BILL	Intro.& 1st Rdg.	Committee Report	2nd Rdg. Amendments	3rd Rdg. Final Passage	Other Action	Action by Governor
6191	90	271				
6191(Sub)			342	342	1882	
6192	90	271				
6192(Sub)			343	343	1882	
6193	90	278				
6193(Sub)			651	651	932,932(P) 1400(S)	C226 1960
6194	90	278			725	
6195	90	243			725	
6196	90					
6197	91	243,328				
6198	91	278			725	
6199	91	207	587	587	932,932(P) 1400(S)	C33 1956
6200	91					
6201	91	271,329	593	595	274,289 1882	
6202	91					
6203	91	223	344	344	1882	
6204	92					
6205	92					
6206	92					
6207	92	211				

(P) - Signed by the President; (S) - Signed by the Speaker

* - By resolution, reintroduced and retained in present status

HISTORY OF SENATE BILLS

1997

SENATE BILL	Intro.& 1st Rdg.	Committee Report	2nd Rdg. Amendments	3rd Rdg. Final Passage	Other Action	Action by Governor
6208	92	271				
6209	92					
6210	92	278,329				
6211	94	243,326			725	
6212	94	259	344	344	903,933(P) 1400(S)	C87 1957
6213	94	244	345	345	903,933(P) 1400(S)	C37 1957
6214	95					
6215	95					
6216	95					
6217	95					
6218	95				173	
6219	95					
6220	95	196	305	305	1243,1371(P) 1471(S)	C112 1958
6221	95	244	616	616	1336,1371(P) 1471(S)	C41 1957
6222	96					
6223	96	161	192	192	1882	
6224	96				112	
6225	96	244,329			725	
6226	96	153	293	294	903,933(P) 1400(S)	C89 1957
6227	96	238	439	439	1882	

(P) - Signed by the President; (S) - Signed by the Speaker
 * - By resolution, reintroduced and retained in present status

1998

JOURNAL OF THE SENATE

SENATE BILL	Intro.& 1st Rdg.	Committee Report	2nd Rdg. Amendments	3rd Rdg. Final Passage	Other Action	Action by Governor
6228	96	238				
6228(Sub)			346	346	1882	
6229	96				112	
6230	97					
6231	97					
6232	97	244			725	
6233	97					
6234	97	271				
6234(Sub)			662	663	1882	
6235	97					
6236	97					
6237	97					
6238	98					
6239	98	272				
6240	98	279				
6241	98	279				
6241(Sub)			347	347	903,933(P) 1400(S)	C51 1957
6242	98					
6243	98					
6244	99	279			132	
6244(Sub)			420	420	421 611,1882	

(P) - Signed by the President; (S) - Signed by the Speaker

* - By resolution, reintroduced and retained in present status

HISTORY OF SENATE BILLS

1999

SENATE BILL	Intro.& 1st Rdg.	Committee Report	2nd Rdg. Amendments	3rd Rdg. Final Passage	Other Action	Action by Governor
6245	99					
6246	99	279			112	
6246(Sub)			600	600	1882	
6247	99					
6248	99	259			725	
6249	99	259				
6250	99					
6251	99					
6252	100					
6253	100	279				
6254	100	260	591	592	1882	
6255	100	260,329				
6255(2Sub)			591	591	1882	
6256	100					
6257	100	244			726	
6258	100					
6259	101	280				
6260	106	280,329				
6261	106	245	691	692	1380,1409(P) 1470(S)	C178 1959
6262	106	245				
6262(Sub)			607,673 685	686	608,675 1882	

(P) - Signed by the President; (S) - Signed by the Speaker
 * - By resolution, reintroduced and retained in present status

2000

JOURNAL OF THE SENATE

SENATE BILL	Intro.& 1st Rdg.	Committee Report	2nd Rdg. Amendments	3rd Rdg. Final Passage	Other Action	Action by Governor
6263	107					
6264	107	280				
6265	107	272			726	
6266	107	280			726	
6267	107					
6268	107					
6269	107					
6270	108	330	596	596	903,933(P) 1400(S)	VETOED 1967
6271	108					
6272	108	245				
6272(Sub)			347	347	1882	
6273	108	238	612	613	1406 1416(P),1470(S)	VETOED 1968
6274	108	280				
6275	108					
6276	108	281	348	348	867,875(P) 1400(S)	C76 1957
6277	108	245			726	
6278	109	281			726	
6279	109	281			726	
6280	109					
6281	109					

(P) - Signed by the President; (S) - Signed by the Speaker

* - By resolution, reintroduced and retained in present status

HISTORY OF SENATE BILLS

2001

SENATE BILL	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amendments	3rd Rdg. Final Passage	Other Action	Action by Governor
6282	109,144				112	
6283	109					
6284	109		1776,1859	1860	1776,1871 1875(P),1879(S)	C236 1960
6285	110		1518,1614	1628	1518,1771 1773(P),1778(S)	C231 1960
6286	110	272				
6286(Sub)			1643 1777,1853	1643,1859	1644,1777 1872,1875(P) 1879(S)	C239 1960
6287	110					
6288	110					
6289	110	211	349	349	1358,1409(P) 1470(S)	C57 1957
6290	110					
6291	111					
6292	111	260	406	406	1359,1409(P) 1470(S)	C78 1957
6293	111	245	423	423	1882	
6294	111					
6295	114	260	349	349	903,933(P) 1400(S)	C64 1957
6296	115	260	350	350	1359,1409(P) 1471(S)	C179 1959
6297	115					
6298	115					

(P) - Signed by the President; (S) - Signed by the Speaker

* - By resolution, reintroduced and retained in present status

2002

JOURNAL OF THE SENATE

SENATE BILL	Intro.& 1st Rdg.	Committee Report	2nd Rdg. Amendments	3rd Rdg. Final Passage	Other Action	Action by Governor
6299	115	281,330				
6299(Sub)			689	689	1882	
6300	115				173	
6301	115					
6302	115					
6303	116					
6304	116	281				
6304(Sub)			662	662	1882	
6305	116	281				
6305(Sub)			652	652	1882	
6306	116	246				
6306(Sub)			350	351	903,932(P) 1400(S)	C82 1957
6307	116					
6308					119	
6309	116	211	351	351	1882	
6310	116	261			132	
6311	116					
6312	117					
6313	117					
6314	117					
6315	117	261	692,695	692,695	692,1882	
6316	117					

(P) - Signed by the President; (S) - Signed by the Speaker

* - By resolution, reintroduced and retained in present status

HISTORY OF SENATE BILLS

2003

SENATE BILL	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amendments	3rd Rdg. Final Passage	Other Action	Action by Governor
6317	117	330				
6318	117	261	391	396	1882	
6319	118	261	397	399	1677 1773(P) 1872(S)	PV C230 1964
6320	118					
6321	118	272				
6321(Sub)			431	431	1361,1409(P) 1471(S)	C44 1957
6322	118	282	682,684	685	683,1882	
6323	118				173	
6324	118					
6325	135	246			726	
6326	135	196				
6326(Sub)			306	307	1365,1409(P) 1471(S)	C83 1957
6327	135	196				
6327(Sub)			422	422	903,932(P) 1400(S)	PV C50 1965
6328	135	261				
6328(Sub)			352	352	1191,1192(P) 1400(S)	C85 1957
6329	135	262	352	352	903,933(P) 1400(S)	C91 1957

(P) - Signed by the President; (S) - Signed by the Speaker
 * - By resolution, reintroduced and retained in present status

2004

JOURNAL OF THE SENATE

SENATE BILL	Intro.& 1st Rdg.	Committee Report	2nd Rdg. Amendments	3rd Rdg. Final Passage	Other Action	Action by Governor
6330	136	246				
6330(Sub)			353	353	1079,1079(P) 1400(S)	C130 1958
6331	136					
6332	136					
6333	136	246	353	353	1882	
6334	136	282,330				
6335	136	262			726	
6336	136					
6337	137	282			726	
6338	137	282				
6338(Sub)			406	406	1882	
6339	137	272	587	587	1079,1079(P) 1400(S)	C42 1957
6340	137					
6341	137					
6342	137					
6343	137					
6344	137					
6345	138	283				
6345(Sub)			615	615	1883	
6346	138					
6347	138	283,331				

(P) - Signed by the President; (S) - Signed by the Speaker

* - By resolution, reintroduced and retained in present status

HISTORY OF SENATE BILLS

2005

SENATE BILL	Intro.& 1st Rdg.	Committee Report	2nd Rdg. Amendments	3rd Rdg. Final Passage	Other Action	Action by Governor
6347(2Sub)			689	690	1082,1083(P) 1400(S)	PV C111 1965
6348	138	283				
6348(Sub)			683	683	1883	
6349	138	283	684	684	1883	
6350	138	283,331			726	
6351	138	262	354	354	1079,1079(P) 1400(S)	C90 1957
6352	139					
6353	139	331				
6353(Sub)			664	664	1883	
6354	139	284				
6354(Sub)			665	665	1354,1370(P) 1471(S)	C215 1960
6355	139	262			726	
6356	139	262				
6357	139	178	354	354	867,875(P) 1400(S)	C131 1958
6358	139	178				
6359	140					
6360	140					
6361	140	263				
6361(Sub)			355	355	1883	
6362	140					

(P) - Signed by the President; (S) - Signed by the Speaker
 * - By resolution, reintroduced and retained in present status

2006

JOURNAL OF THE SENATE

SENATE BILL	Intro.& 1st Rdg.	Committee Report	2nd Rdg. Amendments	3rd Rdg. Final Passage	Other Action	Action by Governor
6363	140					
6364	140	246,331			173	
6364(2Sub)			657	657,658	1883	
6365	140					
6366	141	247				
6366(Sub)			355	355	1883	
6367	141					
6368	141					
6369	141	247			726	
6370	141					
6371	141					
6372	141	331				
6372(Sub)			679	679	1883	
6373	141	247				
6373(Sub)			356	356	1883	
6374	142					
6375	142					
6376	142					
6377	142	263				
6377(Sub)			417	417	1367,1409(P) 1471(S)	C144 1959
6378	142	332				

(P) - Signed by the President; (S) - Signed by the Speaker

* - By resolution, reintroduced and retained in present status

HISTORY OF SENATE BILLS

2007

SENATE BILL	Intro.& 1st Rdg.	Committee Report	2nd Rdg. Amendments	3rd Rdg. Final Passage	Other Action	Action by Governor
6379	142					
6380	155					
6381	155					
6382	155					
6383	156	273				
6383(Sub)			678	678	1883	
6384	156	284,332	390	390	1883	
6385	156					
6386	156	273				
6386(Sub)			647	648	1082,1083(P) 1400(S)	C132 1958
6387	156	284				
6388	156					
6389	156					
6390	157	284	356	357	1883	
6391	157	263			726	
6392	157					
6393	157	247,332				
6393(Sub)			597	597	1244,1420 1474(P),1480(S)	C160 1959
6394	157					
6395	157	197,332				
6395(Sub)			652	652	1883	

(P) - Signed by the President; (S) - Signed by the Speaker

* - By resolution, reintroduced and retained in present status

2008

JOURNAL OF THE SENATE

SENATE BILL	Intro.& 1st Rdg.	Committee Report	2nd Rdg. Amendments	3rd Rdg. Final Passage	Other Action	Action by Governor
6396	157	284	650	650	1354,1370(P) 1471(S)	C149 1959
6397	158	285				
6398	158					
6399	158					
6400	161					
6401	161	285	608	609	239,1370 1409(P),1471(S)	C227 1960
6402	161	273	678	678	1883	
6403	162					
6404	162	285	670	673	1883	
6405	162	247	653	653	1883	
6406	162					
6407	162	285	661	661	1202,1203 1207,1515 1654,1773(P) 1872(S)	C171 1959
6408	162	273	659	660	1675,1773(P) 1872(S)	C221 1960
6409	162	285	432	433	1883	
6410	162					
6411	163					
6412	163					
6413	163					
6414	163					

(P) - Signed by the President; (S) - Signed by the Speaker

* - By resolution, reintroduced and retained in present status

HISTORY OF SENATE BILLS

2009

SENATE BILL	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amendments	3rd Rdg. Final Passage	Other Action	Action by Governor
6415	163					
6416	163	286				
6416(Sub)			597	599	1883	
6417	163					
6418	164					
6419	164					
6420	164					
6421	164	248				
6422	164	286			726	
6423	164					
6424	164					
6425	165					
6426	165	333				
6427	165	263	357	358	1082,1083(P) 1400(S)	C43 1957
6428	180	286				
6428(Sub)			676	676	1422,1464 1507,1512 1692,1698 1699,1773(P) 1778(S)	PV C198 1966
6429	180					
6430	180	263	357	357	1883	
6431	180					
6432	180	264	359	359	1883	

(P) - Signed by the President; (S) - Signed by the Speaker
 * - By resolution, reintroduced and retained in present status

2010

JOURNAL OF THE SENATE

SENATE BILL	Intro.& 1st Rdg.	Committee Report	2nd Rdg. Amendments	3rd Rdg. Final Passage	Other Action	Action by Governor
6433	180	223				
6434	181	286			207	
6435	181					
6436	181					
6437	181					
6438	181					
6439	181					
6440	181					
6441	182	286	360	369	1665,1773(P) 1872(S)	C126 1958
6442	182	273				
6442(Sub)			589	590	1883	
6443	182					
6444	182	286	369	369	1354,1370(P) 1471(S)	C150 1959
6445	182					
6446	182					
6447	182					
6448	183	248	438	439	1883	
6449	183					
6450	187					

(P) - Signed by the President; (S) - Signed by the Speaker

* - By resolution, reintroduced and retained in present status

HISTORY OF SENATE BILLS

2011

SENATE BILL	Intro.& 1st Rdg.	Committee Report	2nd Rdg. Amendments	3rd Rdg. Final Passage	Other Action	Action by Governor
6451	187	287				
6451(Sub)			370	370	1354,1371(P) 1471(S)	C115 1958
6452	187	248	370	370	1382,1409(P) 1471(S)	C202 1960
6453	187					
6454	187					
6455	188					
6456	188	333			726	
6457	188	287	606	606	1079,1079(P) 1400(S)	C4 1647
6458	198	287				
6459	198	264			726	
6460	198	333				
6460(Sub)			1093	1093	1649,1649(P) 1772(S)	C114 1958
6461	198	1100	1518		1518	
6461(Sub)			1527	1527	1649,1649(P) 1772(S)	C107 1958
6462	198					
6463	198					
6464	198	333				
6465	199					
6466	199	287				
6466(Sub)			651	651	1883	

(P) - Signed by the President; (S) - Signed by the Speaker

* - By resolution, reintroduced and retained in present status

2012

JOURNAL OF THE SENATE

SENATE BILL	Intro.& 1st Rdg.	Committee Report	2nd Rdg. Amendments	3rd Rdg. Final Passage	Other Action	Action by Governor
6467	199					
6468	199					
6469	199	274				
6470	199	274	693	694	681,1883	
6471	200	274				
6471(Sub)			371	371	1883	
6472	200	287				
6472(Sub)			613	613	1883	
6473	200					
6474	200					
6475	217	288				
6475(Sub)			649	649	1883	
6476	218					
6477	218					
6478	218					
6479	218	288				
6480	225					
6481	225	288				
6482	225					
6483	225	288,1100	1518		1518	
6483(Sub)			1546	1546	1546,1547 1642,1772 1773(P),1778(S)	C237 1960

(P) - Signed by the President; (S) - Signed by the Speaker

* - By resolution, reintroduced and retained in present status

HISTORY OF SENATE BILLS

2013

SENATE BILL	Intro.& 1st Rdg.	Committee Report	2nd Rdg. Amendments	3rd Rdg. Final Passage	Other Action	Action by Governor
6484	225					
6485	225					
6486	226					
6487	226					
6488	226					
6489	249					
6490	249					
6491	249					
6492	249					
6493	249					
6494	249	288				
6494(Sub)			371	371	1383,1609 1630,1649(P) 1772(S)	C228 1960
6495	249					
6496	253					
6497	253					
6498	253					
6499	254					
6500	254					
6501	254					
6502	254					
6503	254					

(P) - Signed by the President; (S) - Signed by the Speaker
 * - By resolution, reintroduced and retained in present status

2014

JOURNAL OF THE SENATE

SENATE BILL	Intro.& 1st Rdg.	Committee Report	2nd Rdg. Amendments	3rd Rdg. Final Passage	Other Action	Action by Governor
6504	304					
6505	374					
6506	409					
6507	627	750				
6508	713	1100				
6509	723	750	864		761,864	

(P) - Signed by the President; (S) - Signed by the Speaker

* - By resolution, reintroduced and retained in present status

HISTORY OF SENATE JOINT MEMORIALS

2015

HISTORY OF SENATE JOINT MEMORIALS

SENATE NO.	Intro.& 1st Rdg.	Committee Report	2nd Rdg. Amendments	3rd Rdg. Final Passage	Other Action
8002*				173	1883
8008*				266	1883
8020*					725
8023	66				
8024	84	211			
8024(Sub)			306	306	1383,1409(P) 1471(S)
8025	101	238			
8026	111				
8027	158	264			
8028	183	248			726
8029	226	289	383	383	1883
8030	249				
8031	254	289	405	405	1883

(P) - Signed by the President; (S) - Signed by the Speaker

* - By resolution, reintroduced and retained in present status

HISTORY OF SENATE JOINT RESOLUTIONS

SENATE NO.	Intro.& 1st Rdg.	Committee Report	2nd Rdg. Amendments	3rd Rdg. Final Passage	Other Action
8217*				129	1883
8226		104			13,67,726
8230	84	264			
8231	142	239	295,318	295,318	295
8232	255				

(P) - Signed by the President; (S) - Signed by the Speaker

* - By resolution, reintroduced and retained in present status

HISTORY OF SENATE CONCURRENT RESOLUTIONS

SENATE BILL	Intro.& 1st Rdg.	Committee Report	2nd Rdg. Amendments	3rd Rdg. Final Passage	Other Action
8400*				384	1883
8405					13,67
8420	9		9	9	50,56(P) 106(S)
8421	143		144,150	150	179,184(P) 207(S)
8422	143		144,150	150	867,875(P) 1400(S)
8423	158	264	385	385	1883
8424	255				255,372
8425	255				255,372
8427	1466		1466	1466	1870,1876(P) 1879(S)
8428	1191		1191,1193	1193	1353,1371(P) 1471(S)
8429	1466		1466	1467	1772,1773(P) 1778(S)
8430	1530		1530,1691 1692	1692	1883
8431	1872		1872	1872	1875,1876(P) 1879(S)
8432	1872		1873	1873	1875,1876(P) 1879(S)

(P) - Signed by the President; (S) - Signed by the Speaker

* - By resolution, reintroduced and retained in present status

HISTORY OF SENATE FLOOR RESOLUTIONS

NUMBER	SUBJECT	Action
8707	Senate organized and ready to conduct business of 1992 regular session	2
8708	Cascade Bruins congratulated as class AAA state football champions	723
8709	Rev. Martin Luther King, Jr., work honored and ideals and teachings embraced	84
8710	Benevolent and Protective Order of Elks, recognized for service and programs	172
8711	National girls and women in sports day, February 6, 1992, designated	235
8712	Baseball franchise in Seattle, commissioner of major league baseball urged to remove barriers to sale	151
8713	School districts in partnership with community urged to help students learn saleable skills	236
8716	University of Washington Huskies, 1991 national collegiate football champions, honored for achievements	237
8719	University of Washington Huskies and Coach Don James honored as 1991 national football champions	345
8722	Child and adolescent nutrition, family policy council to develop comprehensive policy	1467
8723	Escrow agents, Committee on Financial Institutions and Insurance to review financial responsibility requirements of escrow agents	1690
8724	Japanese American internment during World War II, February 19, 1992, the fiftieth anniversary of the signing of federal Executive Order 9066, declared a Day of Remembrance to warn against the recurrence of past mistakes	707
8725	Central Washington State Fair Association saluted on maintaining one hundred year state fair tradition	708
8726	Dr. Z. J. Vozenilek, achievements, courage, and dedication recognized	1465
8727	Olympic High School Winterguard recognized	747
8728	Retail Bakers Week, February 23-29, designated	748
8730	Honoring Washington Scholars Program	1402
8731	Edward J. McLeary, contributions as private pilot and businessman recognized . . .	1533

HISTORY OF SENATE FLOOR RESOLUTIONS

2019

8733	Girl Scouts of America honored on eightieth anniversary, March 12, 1992	1878
8735	Armed forces acknowledged for positive impact on the state and support of Senate pledged during period of reduction in forces	796
8736	Bob Weissenfels, member of U.S. bobsled team in Olympic winter games, recognized for achievements	1689
8737	Boy Scouts of America recognized for service to youth	1401
8738	Marine cleanup, use of environmentally sound non-toxic materials manufactured in state urged	1690
8745	Interim work of Senate, organization, procedures, and delegations of authority . . .	1873
8746	Adjournment sine die, notice to House that Senate ready to adjourn	1874
8748	Cancer Pain Initiative	1877
8750	United States House of Representatives urged to require disclosure of names of all members identified by ethics committee as persons who wrote bad checks	1691
8752	Study - BIKE 520 Project	1877
8754	In memory of Sterling Munro	1876

HISTORY OF HOUSE BILLS

HOUSE BILL	Intro.& 1st Rdg.	Committee Report	2nd Rdg. Amendments	3rd Rdg. Final Passage	Other Action	Action by Governor
1003(Sub)	143				135,1883	
1015(Sub)	165				161,1883	
1037(Sub)	335	773	1093	1094	334,1870	
1061(Sub)	165	732			161,1883	
1073	143	710			135,1883	
1083	165				161,1883	
1085(Sub)	409	773			409,1883	
1090(Sub)	627	732			624,1884	
1102	143	751			135,1884	
1116	165				161,1884	
1122	143				135,1884	
1133	143				135,1884	
1150(Sub)	628	742	849	855	626,1354 1530(S),1531(P)	C146
1153(Sub)	335	732			334,1884	
1159	143	774			135,1884	
1183(Sub)	166	774			161,1884	
1185	335	774,804	1518,1521	1522	334,803 1518,1649 1772(S),1773(P)	C133
1186(Sub)	166	733			161,1884	
1191	166				161,1884	
1193	166	710			161,1884	
1198(Sub)	335				334,1884	

(P) - Signed by the President; (S) - Signed by the Speaker

HISTORY OF HOUSE BILLS

2021

HOUSE BILL	Intro.& 1st Rdg.	Committee Report	2nd Rdg. Amendments	3rd Rdg. Final Passage	Other Action	Action by Governor
1205(Sub)	374	763			373,1884	
1207(Sub)	183				179,1884	
1212(Sub)	111	751	969		106,971,1884	
1217	144	710			135,1884	
1218	713				712,1884	
1225	374	804			373,1884	
1234(Sub)	183	742			179,1884	
1246	183				179,1884	
1255(Sub)	144				135,372,1884	
1258(Sub)	184	774	919,1149	1150	179,924 1472,1602(S) 1609(P)	C53
1275(Sub)	410				409,1884	
1279	184				179,1884	
1280	375				373,1884	
1281	375				373,1884	
1285	144				135,1884	
1286	144				135,1884	
1298	335				334,1884	
1310(Sub)	336				335,1884	
1320(Sub)	111				106,1884	
1362	200				197,1884	
1378(Sub)	628	804	1700	1703	624,1778 1871(S),1873(P)	C54

(P) - Signed by the President; (S) - Signed by the Speaker

2022

JOURNAL OF THE SENATE

HOUSE BILL	Intro.& 1st Rdg.	Committee Report	2nd Rdg. Amendments	3rd Rdg. Final Passage	Other Action	Action by Governor
1392(Sub)	112	733	797	799	106,1354 1469(S),1474(P)	C110
1395	200	733,801			197,1884	
1409(Sub)	410				408,1884	
1448(Sub)	200	733			197,1884	
1455(Sub)	713	763			711,1884	
1457(Sub)	112	733			106,1884	
1462(Sub)	201	774			197,1884	
1463(Sub)	144				135,1884	
1464(Sub)	158				155,1884	
1466(Sub)	158	751			155,1884	
1481(Sub)	442	775	874,978	994	441,873 1400,1772(S) 1773(P)	C98
1495(Sub)	336	710	856	857	334,1416 1530(S) 1531(P)	PV C191
1501(Sub)	336				335,1884	
1552(Sub)	201	751			197,761 1884	
1573(Sub)	201				197,1884	
1598(Sub)	336				334,1884	
1610(Sub)	201				197,1884	
1616(Sub)	201	775			197,1884	
1627	201				197,1884	

(P) - Signed by the President; (S) - Signed by the Speaker

HISTORY OF HOUSE BILLS

2023

HOUSE BILL	Intro.& 1st Rdg.	Committee Report	2nd Rdg. Amendments	3rd Rdg. Final Passage	Other Action	Action by Governor
1631(Sub)	375	804	947	947	373,740 1190(S),1192(P)	C96
1634(Sub)	336	805			334,1884	
1636(Sub)	201	775			197,1884	
1638(Sub)	202				197,1884	
1651(Sub)	336				334,1884	
1655(Sub)	202				197,1884	
1664	218	751	1131	1131	217,1470(S) 1475(P)	C60
1676(Sub)	218				217,1885	
1689	410	763			409,1885	
1715(Sub)	218	711			217,1885	
1726(Sub)	218				217,1885	
1731(Sub)	700				699,1885	
1732	218	711	825	825	217,1354 1469(S),1474(P)	C99
1736(Sub)	375	775	957,1481	963,1484	373,1480 1518,1648(S) 1649(P)	C223
1737	700	775			699,1885	
1760	218	764			217,1885	
1787(Sub)	410				409,1885	
1797(Sub)	628	776			625,1885	
1816(Sub)	628	764			625,1885	
1825(Sub)	218				217,1885	

(P) - Signed by the President; (S) - Signed by the Speaker

2024

JOURNAL OF THE SENATE

HOUSE BILL	Intro.& 1st Rdg.	Committee Report	2nd Rdg. Amendments	3rd Rdg. Final Passage	Other Action	Action by Governor
1847(Sub)	218				217,1885	
1903(Sub)	218				217,1885	
1932(Sub)	713	752,805	1099	1099	711,1400(S) 1409(P)	C49
1939	218				217,1885	
1985	628	776			624,1885	
2013	713				712,1885	
2016(Sub)	713	776			711,1885	
2025(Sub)	700	742	829	830	698,1473 1650,1774 1778(S),1779(P)	C192
2028(Sub)	337				334,1885	
2053	112	776	1860,1861	1864,1871	106,1864 1875(S)(P)	C240
2055(Sub)	628	752	847,901	849 900,902	625,849 1355,1470(S) 1475(P)	C104
2090	220	711			217,1885	
2110(Sub)	628	752	1518		626,1518 1885	
2152(Sub)	220	721			217,1885	
2171(Sub)	337				335,1885	
2212(Sub)	442	776	971	971	441,1190(S) 1192(P)	C24
2220	112				106,1885	
2246(Sub)	442	728			441,1885	
2248(Sub)	629				624,1885	

(P) - Signed by the President; (S) - Signed by the Speaker

HISTORY OF HOUSE BILLS

2025

HOUSE BILL	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amendments	3rd Rdg. Final Passage	Other Action	Action by Governor
2251(Sub)	375	752			373,1885	
2255	629	764,805			626,1885	
2257	629				626,1885	
2259	375	728	1137	1137	373,1509 1649,1774 1871(S),1873(P)	C212
2260	376	728	1138	1138	373,1470(S) 1475(P)	C72
2261	376	729	817	817	373,1190(S) 1192(P)	C6
2262(Sub)	629	764	927	927	626,1355 1530(S),1531(P)	C45
2263(Sub)	410	752	933	934	408,1190(S) 1192(P)	C7
2264	629				626,1885	
2265	337	776			335,1885	
2266	376	777			373,1885	
2268(Sub)	629	764	1518,1534	1534	626,1518 1778(S),1779(P)	C123
2269	713				712,1885	
2270	376	777			373,1885	
2271(Sub)	376				373,1885	
2272(Sub)	700				699,1885	
2274(Sub)	630	753	868 1017,1084	1085	626,869,1019 1473,1631 1648,1778(S) 1779(P)	VETOED

(P) - Signed by the President; (S) - Signed by the Speaker

HOUSE BILL	Intro.& 1st Rdg.	Committee Report	2nd Rdg. Amendments	3rd Rdg. Final Passage	Other Action	Action by Governor
2275(Sub)	376				373,1885	
2278	376	753			373,1885	
2281(Sub)	410	801	869,891	891	408,870,1190(S) 1192(P)	C102
2284(Sub)	714	805	1522	1526	712,1778 1872(S),1873(P)	C62
2286	376	777			373,1885	
2287	700	721	1087	1089	699,1416 1530(S),1531(P)	C147
2290	411	777	1125 1168,1172	1173	408,1126 1168,1416 1602(S),1609(P)	C116
2291(Sub)	377	805			373,1885	
2293(Sub)	714	777,806	935	945	711,1400 1469(S),1474(P)	C103
2294	411	734	817	817	408,1190(S) 1192(P)	C9
2295	202	248	310	310	197 389(S)(P)	C2
2296(Sub)	714				712,1885	
2297(Sub)	411				409,1885	
2299(Sub)	337	778	1166	1166	335,1470(S) 1475(P)	C134
2300(Sub)	630	734			624,1885	
2301(Sub)	630				626,1885	
2302(Sub)	377	778	1148	1149	373,1470(S) 1475(P)	C135
2303(Sub)	411				409,1885	

(P) - Signed by the President; (S) - Signed by the Speaker

HISTORY OF HOUSE BILLS

2027

HOUSE BILL	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amendments	3rd Rdg. Final Passage	Other Action	Action by Governor
2305(Sub)	377	734	772	772	374,1190(S) 1192(P)	C74
2306(Sub)	377				373,1885	
2307(Sub)	714	734			712,1885	
2308(Sub)	377				373,1885	
2310(Sub)	411				409,1885	
2313	411				409,1885	
2314	411	742	799	799	409,1190(S) 1192(P)	C8
2315(Sub)	377				373,1885	
2316	378	729	890	890	373,1355 1469(S),1474(P)	C95
2318(Sub)	378				373,1885	
2319(Sub)	630	742,806	1133	1136	626,1416 1602(S),1609(P)	PV C163
2320	378	765			373,1885	
2322(Sub)	411				408,1886	
2323(Sub)	337				335,1886	
2326(Sub)	412				409,1886	
2327(Sub)	412				408,1886	
2328(Sub)	378	765			374,1886	
2329(Sub)	630				626,1886	
2330(Sub)	630	753	844	845	624,1190(S) 1192(P)	C52

(P) - Signed by the President; (S) - Signed by the Speaker

2028

JOURNAL OF THE SENATE

HOUSE BILL	Intro.& 1st Rdg.	Committee Report	2nd Rdg. Amendments	3rd Rdg. Final Passage	Other Action	Action by Governor
2333(Sub)	631	734	844	844	624,1190(S) 1192(P)	C10
2334(Sub)	378	765			374,1886	
2335	378				374,1886	
2337(Sub)	700	753	1120	1122	698,1417 1602(S),1609(P)	C113
2338(Sub)	631	721			626,1886	
2341(Sub)	378	735			374,1886	
2344(Sub)	631	778	1158,1168	1172	626,1159,1512 1514,1602(S) 1609(P)	VETOED
2345(Sub)	412	753			409,1886	
2346(Sub)	714	754			712,1886	
2347	379	729	772	773	374,1190(S) 1192(P)	C11
2348(Sub)	714	778	1161	1163	712,1470(S) 1475(P)	PV C188
2349(Sub)	442				441,1886	
2350	379	722	1165	1165	374,1470(S) 1475(P)	C136
2354(Sub)	631	778			626,1886	
2356(Sub)	715				712,1886	
2358	412	742	864	864	409,1190(S) 1192(P)	C12
2359(Sub)	412	743	841	843	408,1355 1470(S),1475(P)	PV C137

(P) - Signed by the President; (S) - Signed by the Speaker

HISTORY OF HOUSE BILLS

2029

HOUSE BILL	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amendments	3rd Rdg. Final Passage	Other Action	Action by Governor
2360	412	735	904	904	409,1190(S) 1192(P)	C13
2363(Sub)	631	735			624,1886	
2364(Sub)	379				374,1886	
2366	443				441,1886	
2368	443	754	800	800	441,1355 1469(S),1474(P)	C225
2369(Sub)	413				409,1886	
2370(Sub)	413	778	930	931	409,1518 1648(S),1649(P)	C125
2371	379	735	835	835	374,1190(S) 1192(P)	C70
2373(Sub)	413	743	827	828	409,1355 1469(S),1474(P)	C168
2374	631	735	968	969	624,1190(S) 1192(P)	PV C65
2375	443	736			441,1886	
2376(Sub)	443	765			441,1886	
2385	413	779			409,1886	
2386(Sub)	1083				1082,1886	
2387	715	806			712,761,1886	
2388(Sub)	413	779,806			409,803,1886	
2389(Sub)	632	736	1089,1101	1090,1102	624,1101 1471,1602(S) 1609(P)	C73
2390(Sub)	413				409,1886	

(P) - Signed by the President; (S) - Signed by the Speaker

HOUSE BILL	Intro.& 1st Rdg.	Committee Report	2nd Rdg. Amendments	3rd Rdg. Final Passage	Other Action	Action by Governor
2391(Sub)	414	736	816	816	408,435 1190(S),1192(P)	C14
2394(Sub)	443	779	1016	1016	441,1400(S) 1409(P)	C93
2396(Sub)	701				699,1886	
2397(Sub)	414				408,1886	
2398	443	729	862	863	441,1516 1665,1778(S) 1779(P)	C97
2399	414	729			408,1886	
2402(Sub)	379				374,1886	
2403	379				374,1886	
2405	715				712,1886	
2409(Sub)	632				626,1886	
2411(Sub)	443	779			441,1886	
2417	632	779	1132	1132	626,1470(S) 1475(P)	C148
2418(Sub)	632				626,1886	
2419	632	754			626,1886	
2420(Sub)	632				626,1886	
2423(Sub)	444	765			441,1886	
2426	632	722			624,1886	
2430(Sub)	444	780			441,1886	
2434(Sub)	633				624,1886	
2435	633				626,1886	

(P) - Signed by the President; (S) - Signed by the Speaker

HISTORY OF HOUSE BILLS

2031

HOUSE BILL	Intro.& 1st Rdg.	Committee Report	2nd Rdg. Amendments	3rd Rdg. Final Passage	Other Action	Action by Governor
2437(Sub)	379				374,1886	
2438(Sub)	715				711,1886	
2441(Sub)	414				408,1886	
2442(Sub)	633	806			626,1886	
2443	380	780			374,1886	
2448	444	743	823	823	441,1479 1722(S),1773(P)	C170
2450(Sub)	444	780			441,1886	
2453(Sub)	715				712,1886	
2454	444				441,1886	
2457(Sub)	444	722	812	813	441,1355 1469(S),1475(P)	PV C151
2459(Sub)	633	807	1105	1107	624,724 1417,1603(S) 1609(P)	C189
2460	444				441,1886	
2462(Sub)	715	765			711,1886	
2465(Sub)	414	743	796	796	408,1190(S) 1192(P)	C68
2466(Sub)	444	729	1543,1547	1601	441,1543 1648,1772(S) 1773(P)	C205
2467	380	780			374,1887	
2468	445				441,1887	
2470(Sub)	188	451	451	585	187,696,809 1786,1870 1875(S)(P)	C232

(P) - Signed by the President; (S) - Signed by the Speaker

HOUSE BILL	Intro.& 1st Rdg.	Committee Report	2nd Rdg. Amendments	3rd Rdg. Final Passage	Other Action	Action by Governor
2471(Sub)	633	743,807			624,1887	
2472(Sub)	633	754			624,1887	
2477(Sub)	701	754			699,1887	
2479(Sub)	716	780	1633	1633	712,1772(S) 1773(P)	C138
2480(Sub)	716	780			712,1887	
2481(Sub)	634				626,1887	
2486(Sub)	716	781			711,1887	
2487	634	766			624,1887	
2490(Sub)	701	781	1016	1017	699,809 1470(S),1475(P)	C75
2492	414	781			409,1887	
2493	445				441,1887	
2494	716	766			711,1887	
2495(Sub)	445	736	821	823	441,1355 1469(S),1475(P)	C161
2496(Sub)	445				441,1887	
2498(Sub)	634	755,807	1138,1513	1140,1514	626,1512 1602,1772(S) 1773(P)	PV C197
2499(Sub)	445	736			441,1887	
2501(Sub)	445	781	963,1603	967,1608	441,1516 1603,1648 1772(S),1773(P)	C211
2502(Sub)	446	781	974,1095	1095	441,977 1417,1530(S) 1531(P)	C71

(P) - Signed by the President; (S) - Signed by the Speaker

HISTORY OF HOUSE BILLS

2033

HOUSE BILL	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amendments	3rd Rdg. Final Passage	Other Action	Action by Governor
2505(Sub)	414	755			409,1887	
2506(Sub)	446				442,1887	
2514	446	755	834,855	856	442,835 1685,1772(S) 1774(P)	C187
2516	446	755	837	837	442,1190(S) 1192(P)	C77
2518(Sub)	716	782	906	909	711,1472 1603(S),1609(P)	C159
2519(Sub)	716				711,1887	
2520(Sub)	701				699,1887	
2526(Sub)	634	782			626,724,1887	
2527(Sub)	716				712,1887	
2528(Sub)	634				624,1887	
2529(Sub)	717				712,740,1887	
2532(Sub)	446				442,1887	
2533(Sub)	634	755			626,1887	
2534	446				442,1887	
2535	447				442,1887	
2537(Sub)	635				624,1887	
2538	447	766			442,1887	
2539	414				409,1887	
2541	717				712,1887	
2543	701	737	830	830	699,1190(S) 1192(P)	C15

(P) - Signed by the President; (S) - Signed by the Speaker

HOUSE BILL	Intro.& 1st Rdg.	Committee Report	2nd Rdg. Amendments	3rd Rdg. Final Passage	Other Action	Action by Governor
2544(Sub)	447	744			442,1887	
2546(Sub)	415	766			408,1887	
2547(Sub)	635	744			624,1887	
2548(Sub)	635				626,725,1887	
2549	717				711,1887	
2550	447				442,1887	
2551(Sub)	635	786	1151	1152	626,803 1471,1603(S) 1609(P)	C180
2552(Sub)	761	933	933,1260	1335	761,1413 1704,1870 1872(S),1873(P)	PV C233
2553(Sub)	723	801	1246 1335,1336	1353	722,1260 1336,1408 1480,1633 1648,1772(S) 1773(P)	PV C166
2554	635	756	826	826	626,1355 1469(S),1475(P)	C5
2555(Sub)	447	756	1129	1129	442,1470(S) 1475(P)	C59
2559	635	756			624,1887	
2560(Sub)	635	744	862	862	626,1190(S) 1192(P)	C63
2561(Sub)	636				626,696,1887	
2568(Sub)	701	782	968,1153		699,968 1157,1887	
2571(Sub)	415				409,1887	
2572	636	802			627,1887	

(P) - Signed by the President; (S) - Signed by the Speaker

HISTORY OF HOUSE BILLS

2035

HOUSE BILL	Intro.& 1st Rdg.	Committee Report	2nd Rdg. Amendments	3rd Rdg. Final Passage	Other Action	Action by Governor
2574(Sub)	447	766			442,1887	
2580	636				624,1887	
2583	636	802			627,1887	
2587(Sub)	447				442,1887	
2588(Sub)	702				699,1887	
2589(Sub)	636				624,1887	
2590(Sub)	740				739,1887	
2591	636				627,1887	
2594(Sub)	637	744	818	820	624,1356 1470(S),1475(P)	C153
2595	637	767			627,1887	
2598	637	782			624,1887	
2599	702	783			698,1887	
2602(Sub)	702	783			699,1888	
2603(Sub)	637				624,1888	
2609(Sub)	717	807	869 875,1476	876,1477	711,869 1475,1518 1772(S),1773(P)	C190
2610(Sub)	702	807	1174	1186	699,1149 1417,1603(S) 1609(P)	C101
2624(Sub)	702	767			699,1888	
2626(Sub)	637				626,1888	
2628(Sub)	637	783	892		626,893,1888	
2629(Sub)	638	783	893		626,896,1888	

(P) - Signed by the President; (S) - Signed by the Speaker

HOUSE BILL	Intro.& 1st Rdg.	Committee Report	2nd Rdg. Amendments	3rd Rdg. Final Passage	Other Action	Action by Governor
2630(Sub)	638				626,1888	
2631(Sub)	447	783			442,1888	
2633	717	737	905,925	925	712,906 1400(S),1409(P)	C17
2635(Sub)	717	737	813	816	712,1400 1530(S),1531(P)	C175
2636(Sub)	702	744			699,1888	
2637(Sub)	448				442,1888	
2639(Sub)	638	808	967	968	626,725 1190(S),1192(P)	C213
2640(Sub)	638	745,808	1535	1541	626,1648 1772(S),1773(P)	C174
2643(Sub)	638	767	876,889	889	626,886 1356,1469(S) 1475(P)	C216
2645	448	730			442,1888	
2655	703	756	905	905	700,1190(S) 1192(P)	C55
2659(Sub)	448	745	954	956	442,1400,1469(S) 1475(P)	VETOED
2660(Sub)	638	802	871	873	625,1356 1469(S),1475(P)	PV C222
2661	703				699,1888	
2662	638	756	820	820	625,1190(S) 1192(P)	C181
2671(Sub)	639	784			626,1888	
2672(Sub)	639	767	1019	1019	627,1400(S) 1409(P)	C218

(P) - Signed by the President; (S) - Signed by the Speaker

HISTORY OF HOUSE BILLS

2037

HOUSE BILL	Intro.& 1st Rdg.	Committee Report	2nd Rdg. Amendments	3rd Rdg. Final Passage	Other Action	Action by Governor
2673(Sub)	639	737	841	841	625,1190(S) 1192(P)	C79
2675(Sub)	639				625,1888	
2676(Sub)	717	767	1107,1166	1167	712,1109 1648,1772(S) 1773(P)	VETOED
2680	415	757	911	918	409,1416 1474,1658 1774,1871(S) 1873(P)	C206
2681	415	757	860	861	409,1471 1603(S),1609(P)	C169
2682	415	757	1122	1122	409,1470(S) 1475(P)	C48
2686(Sub)	448	767	1020	1020	442,1356 1470(S),1475(P)	C217
2690(Sub)	639				627,1888	
2694(Sub)	639	784			626,1888	
2695(Sub)	640	757	1102,1187	1188	625,1105,1174	
2702(Sub)	703	757	837	838	699,1470(S) 1475(P)	C186
2703(Sub)	718	768			712,1888	
2714(Sub)	640	802	886	886	627,1190(S) 1192(P)	C16
2719(Sub)	415	784			409,1888	
2720(Sub)	703	737	1127	1128	699,1356 1478,1506 1687,1774 1871(S),1873(P)	PV C209

(P) - Signed by the President; (S) - Signed by the Speaker

HOUSE BILL	Intro.& 1st Rdg.	Committee Report	2nd Rdg. Amendments	3rd Rdg. Final Passage	Other Action	Action by Governor
2722(Sub)	640				625,1888	
2726(Sub)	718				712,1888	
2727	703	758	845	847	699,1356,1469(S) 1475(P)	C154
2729(Sub)	867				865,1888	
2731(Sub)	416	784			409,1888	
2733(Sub)	640				626,1888	
2734(Sub)	640	738			625,1888	
2735(Sub)	703	745	824	824	699,1190(S) 1192(P)	C66
2745(Sub)	640	758	858	858	626,1191(S) 1192(P)	C143
2746	641	768	870	870	627,1191(S) 1192(P)	C18
2747(Sub)	641	768	896	899	627,1356 1469(S),1475(P)	C34
2750(Sub)	641				625,1888	
2763(Sub)	641				627,1888	
2764(Sub)	641				625,1888	
2765	641				625,1888	
2766(Sub)	641	745	910	911	625,1400 1469(S),1475(P)	C164
2768(Sub)	642	738	833	833	625,1191(S) 1192(P)	C19
2769(Sub)	718	784			711,1888	
2770(Sub)	703				699,1888	

(P) - Signed by the President; (S) - Signed by the Speaker

HISTORY OF HOUSE BILLS

2039

HOUSE BILL	Intro.& 1st Rdg.	Committee Report	2nd Rdg. Amendments	3rd Rdg. Final Passage	Other Action	Action by Governor
2771(Sub)	642	785			627,1888	
2772(Sub)	704	785			699,1888	
2774	642				625,1888	
2775(Sub)	704	785			699,1888	
2779	718				711,1888	
2780	642	745			625,1888	
2782	416	785			409,1888	
2784(Sub)	642	745	839,1515	840,1516	625,1515,1602 1772(S),1773(P)	C229
2791(Sub)	704	785			699,1888	
2792	642				625,1888	
2796(Sub)	718	768	900	900	712,1356 1470(S),1475(P)	C67
2809(Sub)	416				409,1888	
2810	642	746			625,1888	
2811	704	786	1164	1165	699,1472 1603(S),1609(P)	C182
2812	704	738	1090,1510	1092,1511	699,1510 1635,1865 1875(S)(P)	C183
2813	642	746	1083	1084	626,1470(S) 1475(P)	C199
2814(Sub)	643	802	948	953	626,1357 2772(S),2773(P)	C20
2817(Sub)	704	786,808	1109,1167		699,1120 1168,1888	
2819(Sub)	643				625,1888	

(P) - Signed by the President; (S) - Signed by the Speaker

HOUSE BILL	Intro.& 1st Rdg.	Committee Report	2nd Rdg. Amendments	3rd Rdg. Final Passage	Other Action	Action by Governor
2821	705	786	945	946	699,1191(S) 1192(P)	C21
2822	416				409,1888	
2823(Sub)	718				712,1888	
2830(Sub)	643				626,1888	
2831(Sub)	416	738	771	771	408,696,1357 1470(S),1475(P)	C173
2833(Sub)	643	768	887	888	625,1357 1469(S),1475(P)	C204
2834(Sub)	719	786			711,1888	
2835	705	786			699,1888	
2841	643	722	924	924	625,1191(S) 1192(P)	C122
2842(Sub)	719	758	946	946	711,1191(S) 1192(P)	C219
2843(Sub)	643	758			625,1888	
2844	705	769	836	836	699,1357 1469(S),1475(P)	C200
2845(Sub)	643	758	770	770	625,1191(S) 1192(P)	C94
2846(Sub)	644	759			625,1888	
2847(Sub)	719				712,1888	
2848(Sub)	705	787			699,1888	
2857(Sub)	644	787	1130	1131	625,1472 1603(S),1609(P)	C152
2860(Sub)	644				625,1889	

(P) - Signed by the President; (S) - Signed by the Speaker

HISTORY OF HOUSE BILLS

2041

HOUSE BILL	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amendments	3rd Rdg. Final Passage	Other Action	Action by Governor
2861(Sub)	719				712,1889	
2862	719				712,1889	
2865(Sub)	644	759	831	833	625,1357 1470(S),1475(P)	C184
2867(Sub)	705	787	925,934	934	699,927 1191(S),1192(P)	C22
2873(Sub)	719	787	1159	1159	712,1470(S) 1475(P)	C61
2874(Sub)	644	787	1160	1161	625,1471 2772(S),2773(P)	C108
2876(Sub)	719	788	1141	1148	712,1508 1648(S),1649(P)	C139
2886(Sub)	705	788			699,1889	
2887(Sub)	720	808	1527	1527	712,1648(S) 1649(P)	C140
2892	644	759			625,1889	
2894	720				712,1889	
2896	723	803	1246	1246	722,1470(S) 1475(P)	C158
2904(Sub)	645				625,1889	
2905	645				626,1889	
2924	706				699,1889	
2925(Sub)	706	759			699,1889	
2926	645	759			625,1889	
2928(Sub)	645	795	935	935	627,1357 1530(S),1531(P)	PV C69

(P) - Signed by the President; (S) - Signed by the Speaker

HOUSE BILL	Intro.& 1st Rdg.	Committee Report	2nd Rdg. Amendments	3rd Rdg. Final Passage	Other Action	Action by Governor
2930	645	760	859	859	625	
2931	706				699,1889	
2932	723	788	972,977	977	712,974,1414 1656,1774 1778(S),1779(P)	C142
2933	706	760			699,1889	
2937(Sub)	706	1100	1101,1543	1545	699,1648 1772(S),1773(P)	C117
2938	645				627,1889	
2939(Sub)	645	760			625,1889	
2940(Sub)	646	760			627,1889	
2941	706	808			699,1889	
2942	706				699,1889	
2944	646	788	1123	1125	627,1471 1603(S),1609(P)	PV C193
2945(Sub)	646	788			625,1889	
2947(Sub)	1517		1517,1637	1638	1382,1772(S) 1774(P)	C234
2950(Sub)	1775		1775,1777	1777	1771,1872(S) 1873(P)	C235
2954(Sub)	646	760			625,1889	
2961	646	803	1126	1127	626,1470(S) 1475(P)	C156
2964(Sub)	1189		1189,1542	1542	1188,1772(S) 1773(P)	C194
2967(Sub)	1517		1517 1519,1528	1519,1528	1381,1528 1602,1773(S)(P)	C80

(P) - Signed by the President; (S) - Signed by the Speaker

HISTORY OF HOUSE BILLS

2043

HOUSE BILL	Intro.& 1st Rdg.	Committee Report	2nd Rdg. Amendments	3rd Rdg. Final Passage	Other Action	Action by Governor
2977	707	803			699,1889	
2983(Sub)	1517		1517,1639	1639	1382 1773(S)(P)	PV C165
2985(Sub)	720	789	1096	1097	712,1472 1603(S),1609(P)	C157
2986(Sub)	867				866,1889	
2990(Sub)	1080		1080,1097	1098	1079 1400(S),1409(P)	C185
2993(Sub)	1517		1517,1520	1520	1382,1648(S) 1649(P)	C120

(P) - Signed by the President; (S) - Signed by the Speaker

HISTORY OF HOUSE JOINT MEMORIALS

HOUSE NO.	Intro.& 1st Rdg.	Committee Report	2nd Rdg. Amendments	3rd Rdg. Final Passage	Other Action
4010(Sub)	707				699,1889
4027	416				408,1889
4029	720	809			712,1889
4030	416	789			409,1889
4033(Sub)	646	769	1532	1533	625 1773(S)(P)
4034	646	769			625,1889

HISTORY OF HOUSE JOINT RESOLUTIONS

2045

HISTORY OF HOUSE JOINT RESOLUTIONS

HOUSE NO.	Intro.& 1st Rdg.	Committee Report	2nd Rdg. Amendments	3rd Rdg. Final Passage	Other Action
4205(Sub)	220	809			217,761 1889
4208	220				217,1889
4216(Sub)	220				217,1889
4227	380				374,1889
4234	707	769			699,1889

(P) - Signed by the President; (S) - Signed by the Speaker

HISTORY OF HOUSE CONCURRENT RESOLUTIONS

HOUSE NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amendments	3rd Rdg. Final Passage	Other Action
4424	50		50	50	50 106(S)(P)
4425	50		51	51	50 106(S)(P)
4426	76		76	76	56,88 106(S)(P)
4427	51		51	51	51 106(S)(P)
4428	647				625,1889
4429	707				700,1889
4440	1879		1879	1880	1879,1880(S) 1883(P)
4441	1636		1636	1637	1635 1773(S)(P)

(P) - Signed by the President; (S) - Signed by the Speaker

ABANDONED PROPERTY

Intangible property, when presumed abandoned and subject to state custody: *HB 2682, CH 48 (1992)
 Uncashed checks, local governments authorized to hold: SSB 5185

ABORTION

Reproductive privacy act, individual has right to choose or refuse birth control or abortion: *SI 120, CH 1 (1992)

ACCOUNTANCY, BOARD

Accountancy financial assistance account created to provide assistance to economically disadvantaged students in accountancy programs in their last thirty semester hours of college: SHB 2293
 Accounting students, fifteen percent surcharge to be made on license fee to be used for financial assistance for economically disadvantaged students in accounting programs in their last thirty semester hours of college: SHB 2293
 Certified public accountants account, all fees collected by the board of accountancy to be deposited in account beginning with the 1993-1995 biennium: *SHB 2293, CH 103 (1992)
 Certified public accountants, revised authority regarding: *SHB 2293, CH 103 (1992)
 Executive director, power to appoint director transferred from board to governor: *SHB 2293, CH 103 (1992)
 Membership of board increased from five to seven persons: *SHB 2293, CH 103 (1992)
 Review of publicly available professional work of licensees on a general and random basis authorized: *SHB 2293, CH 103 (1992)

ACCOUNTANTS AND ACCOUNTING

Accountancy financial assistance account created to provide assistance to economically disadvantaged students in accountancy programs in their last thirty semester hours of college: SHB 2293
 Accounting students, fifteen percent surcharge to be made on license fee to be used for financial assistance for economically disadvantaged students in accounting programs in their last thirty semester hours of college: SHB 2293
 Certified public accountant certificates and licenses, revised reciprocity provisions: *SHB 2293, CH 103 (1992)
 Certified public accountant examination, revised provisions relating to: *SHB 2293, CH 103 (1992)
 Certified public accountants account, all fees collected by the board of accountancy to be deposited in account beginning with the 1993-1995 biennium: *SHB 2293, CH 103 (1992)
 Certified public accountants, revised licensing requirements: *SHB 2293, CH 103 (1992)
 Quality review by review committees not affiliated with the board of accountancy, definitions and confidentiality provisions established: *SHB 2293, CH 103 (1992)

ACTIONS AND PROCEEDINGS

Attorney fees and costs, assessment against state when not prevailing party in civil action, necessary conditions: SSB 5289
 Attorney fees and costs, award when state is not prevailing party in civil action: SB 6249
 Attorney fees award to prevailing party in public works construction contract action: *SB 6407, CH 171 (1992)
 Attorney fees, award when, except for torts, state or subdivision is not prevailing party in civil action: SB 5289
 Certificate of merit to be filed within thirty days in professional negligence actions, requirements: SB 5386, SSB 5386
 Commencement of actions, times extended for actions regarding real property rights: SB 5362
 Commercial activities by government agencies, party may bring suit for violation, procedures: SB 6253
 Consumer protection laws, consumer may bring action for direct or indirect injuries caused by a violation of the: SB 5689, SSB 5689
 Damages for governmental actions adversely affecting real property, restrictions on actions removed: SB 5571
 Domestic relations, summary proceedings authorized in trials relating to: SB 5028, SSB 5028
 Domestic violence, temporary restraining orders extended from fourteen to twenty-one days: SB 5437
 Eminent domain, judgment review procedure: SB 6430
 Franchise relationships, discrimination prohibited in, civil action for specific performance of the franchise agreement and to recover damages and costs authorized: SHB 2954

- Invalid local laws, revision of, obligation to attempt to cure defect, burden of proof on locality in challenge to revised law: SB 5570
- Parental action for loss of services and support of child, revised provisions: SSB 5506
- Partial summary judgment allowed in civil actions for damages: SHB 1638
- Professional negligence actions, certificate of merit to be filed within thirty days, requirements: SB 5386, SSB 5386
- Property damage from increase in flow of natural watercourse, liability for damages of persons responsible: SSB 5145
- Public works construction contracts, award to prevailing party of attorneys' fees: *SB 6407, CH 171 (1992)
- Real property diminished in value for public purpose, action for compensation for diminution in value authorized: SB 5797
- Real property rights, actions regarding, times for commencement of actions extended: SB 5362
- Receivers to manage real property, civil action to appoint, when city may authorize action by private individual: SSB 5180
- Sports franchises, the state and its political subdivisions given cause of action for economic damages caused by wrongful removal of a professional sports franchise from state: HB 2977
- Survival of actions, revisions: SB 5506, SSB 5506
- Tax liability of resident for failure to pay out-of-state income tax on retirement or pension benefits, courts not to recognize claim: SB 5310
- Wrongful death, punitive damages for personal injuries or wrongful death resulting from: SHB 1676

ACUPUNCTURE AND ACUPUNCTURISTS

- Licensing requirements, revised provisions: *SHB 1392, CH 110 (1992)
- Quality assurance system revisions to professional practice act: SB 6029

ADAMS, TIMOTHY J.

Member, Eastern State Hospital Advisory Board, GA 9263 48

ADAMSON, KAY

Trustee, State School for the Deaf, GA 9285 239,811

ADMINISTRATIVE HEARINGS OFFICE

Judge David LaRose, Reappointed Chief Administrative
Law Judge, GA 9210 34

ADMINISTRATIVE PROCEDURE

- Administrative procedure act, local regulators bear burden of proof for reason for state standards variance: SB 5786
- Administrative procedure act, regulatory efficiency and equity practices: SB 5786
- Damages for governmental actions adversely affecting real property, restrictions on actions removed: SB 5571
- Ecology department technical assistance officers authorized for department to coordinate and assist with voluntary compliance with the regulatory laws: *SHB 2768, CH 19 (1992)
- Facsimile and recorded telephone comments at rule-making hearings, agency may allow: *SB 6289, CH 57 (1992)
- Infant mortality review, local health departments authorized to conduct, confidentiality of records provided by families, department officials and employees, and health care professionals participating in reviews established: *SB 6296, CH 179 (1992)
- Joint administrative rules review committee may review any rule to determine if it meets the regulatory fairness requirements of chapter 19.85 RCW: *SHB 2498, CH 197 (1992)
- Joint administrative rules review committee, conduct of hearings and reviews on small business economic impact statements: *SHB 2498, CH 197 (1992)
- Judges, administrative appeals, former employee not to act in any controversy involving agency for five years after leaving agency: SHB 1847
- Land purchase by state agency of more than one hundred acres in one county, three public hearings to be held prior to purchase and written finding of economic effect of purchase to be made: SB 6399
- Landowner rights restriction, less-restrictive alternative means, rule-making hearing, notice requirements: SB 5539
- Maritime commission assessments, proposed increases, revised filing requirements, administrator may reject

* - Passed Legislation

- unjustified increase prior to adoption as final rule: *SHB 2389, CH 73 (1992)
- Natural resources department resurvey, landowner right to challenge a resurvey and to receive compensation when bona fide rights were impaired: SB 6356
- Pilot rule procedure encouraged for agencies adopting rules to implement or establish new program: SB 6314
- Private property protection act adopted: SB 6201
- Regulatory takings of private property, owner or user right to compensation established, exceptions and alternatives set out: SB 6201
- Rule-making hearings, facsimile and recorded telephone comments may be allowed by agency at: *SB 6289, CH 57 (1992)
- Rules coordinator to be knowledgeable about agency rules affecting business and to provide specific lists of rules to business assistance center upon request: *SHB 2498, CH 197 (1992)
- Rules, agencies adopting rules to implement or establish new program, pilot rule procedure encouraged: SB 6314
- Small business economic impact statements, hearings and reviews by joint administrative rules review committee: *SHB 2498, CH 197 (1992)
- Small businesses, notification of proposed agency rule affecting small businesses required: *SHB 2498, CH 197 (1992)
- Taking of private property, establishes a process to determine when a taking has occurred: SB 5122, SB 5419
- Whistleblowers, retaliatory action against employee, hearing procedures: *SSB 6321, CH 44 (1992)
- Workers' compensation appeals, notice of appeal and copy of record before board of industrial insurance appeals to be served on either the worker or the beneficiary and to any other party: SHB 2496
- Workers' compensation, health care services, authority to deny payment or demand reimbursement for inappropriate charges by provider, appeals procedure: SB 6299
- Workers' compensation, vocational services, authority to deny payment or demand reimbursement for inappropriate charges by provider, appeals procedure: SB 6299

ADOPTION

- Advertisement of child for adoption, consumer protection violation: SSB 5299
- Consent form requirements: SSB 5299
- General assistance eligibility, extension for recipients who give up child for adoption: SB 5452, SSB 5452
- Medical report on child, requirements: SSB 5299
- Performance agreements to ensure permanent placements for dependent children: SB 5079
- Preplacement reports, requirements: SSB 5299

ADULT ENTERTAINMENT

- Adult entertainment tax imposed, revenues to be used to compensate victims of crimes: SB 5845
- Licensing requirements, ownership or operation of adult entertainment business: SSB 5644
- Local governments authorized to regulate adult entertainment businesses as to hours, locations, and operation of businesses: SSB 5644
- Local governments, authority to require additional licensing or registration of adult entertainment businesses and to charge fees or impose taxes: SSB 5644
- Performers, licensing requirements for performers who appear nude or semi-nude: SSB 5644

ADULT FAMILY HOMES

- Adult family home advisory council, membership, governance, organization, and duties: SHB 2861, SB 6506
- Multiple facility ownership, service providers to AIDS patients, developmentally disabled, or traumatic brain injured adults, allowed: SSB 5548
- Ombudsman program, funding from increased licensing fees for long-term care facilities: SB 6170
- Siting of home, notification requirements: SB 6243

ADVERTISING

- Admission tickets, price range of tickets must be included in advertising: SB 5763
- Beer and malt liquor industry urged to regulate itself and to adopt voluntary code of advertising standards: HCR 4428
- Broadcast media advertising volume levels enforcement urged: SJM 8014
- Constitutional amendments, print, radio, and television advertising requirements: SB 5603
- Crimes, false political advertising, penalties: SB 5171
- Outdoor advertising of tobacco and alcohol products prohibited, civil penalties: SB 5692

Political advertising undertaken as independent expenditure, required disclosures: SSB 5864
 Political advertising, accompanying statement of responsibility required: SHB 2376
 Political advertising, false advertising, penalties: SB 5171
 Public broadcast announcements, state employees and officials who have declared candidacy may not appear in official capacity in: SB 6207
 State employees and officials who have declared candidacy may not appear in public broadcast announcements in their official capacity: SB 6207
 Ticket resellers, commercial, required and unlawful practices defined, violations made a misdemeanor: SSB 5763

AFRICAN-AMERICANS

Commission on African-American affairs created, membership, powers, and duties: *SHB 1631, CH 96 (1992)
 Washington state commission on African-American affairs established in the office of the governor: SB 5740

AGRICULTURAL COOPERATIVE ASSOCIATIONS

Agricultural policy, joint select committee to study: SCR 8404

AGRICULTURE

Agricultural food products disparagement, action for damages: SB 6352
 Agricultural labor relations act adopted: SB 5867
 Agricultural labor relations board created, membership, powers, and duties: SB 5867
 Agricultural policy, joint select committee to study: SCR 8404
 Animal waste falling from vehicles carrying live farm animals while crossing a ferry capable of transporting fewer than twenty-five vehicles, exemption from load containment requirements: SHB 2457
 Animal waste pollution, conservation districts encouraged to contract with shellfish protection districts to control: *SSB 6132, CH 100 (1992)
 Animal waste pollution, conservation districts to contract with county watershed protection districts to control: SSB 6132
 Biological control agents, regulation of the use of: SB 5039, SSB 5039
 Center for sustaining agriculture and natural resources established, activities and duties: SB 5317, SSB 5317
 Commission merchants, licensing requirements and business practices, revised provisions: SB 5840
 Consignment of agricultural products by producer to handler confers only right to sell products on producer's behalf, any other disposition without producer's consent is automatically void: SSB 6416
 Crop liens for handlers, revised provisions and procedures: SSB 5841
 Dairy inspection program advisory committee created, membership and duties: SB 6393, *SSB 6393, CH 160 (1992)
 Disparagement of agricultural food products, action for damages: SB 6352
 Disposal of abandoned railroad rights of way, occupant of adjoining real property, right of first refusal, terms and conditions: SSB 5768
 Farm animal waste from vehicle on a ferry carrying less than twenty-five vehicles, penalties exemption: SB 6378, SSB 6378
 Farmworker housing, building standards for temporary farm worker housing: SB 6025
 Farmworker housing, committee for affordable farmworker housing created, membership and duties: SCR 8423
 Fish and wildlife habitat, development of agricultural and grazing practices to protect riparian-associated: SHB 2628
 Food and environmental quality laboratory established, duties: SB 5317, SSB 5317
 Fruit commission authorized to increase assessment on soft tree fruits and classifications of soft tree fruits: *SB 6212, CH 87 (1992)
 Handler lien created: SB 5537
 Handler, definition: SB 6416, SSB 6416
 Hazardous waste incinerator facilities, location within five mile of commercial agriculture site prohibited: SB 5569
 Horses, exemption from utilities and transportation commission regulation for farmer transporting horses to his property for rehabilitation: SB 5892
 Horticultural nursery research, nursery dealer license surcharge to support: SHB 2315, *SB 6027, CH 23 (1992)
 International marketing program for agricultural commodities and trade (IMPACT) continued: *HB 2316,

CH 95 (1992)

- International marketing program for agricultural commodities and trade at Washington State University, sunset date extended: SB 6022
- International marketing program for agricultural commodities and trade at Washington State University, sunset provisions repealed: SB 6022
- Irrigation equipment, tax exemptions for purchase and installation of water conserving equipment: SB 5736
- Liens, crop liens for handlers, revised provisions and procedures: SSB 5841
- Liens, handler's lien extended to all crops delivered to handler by the lien debtor or another handler: SSB 6416
- Liens, processor liens, aquaculture products included in definition of "agricultural product" for lien purposes: SSB 5098
- Liens, processor liens, extension to producers of milk and milk products: SB 5007, SSB 5098
- Liens, producer liens attached to products delivered to handler, procedure: SB 6416, SSB 6416
- Load containment requirements, exemption for animal waste falling from vehicles carrying live farm animals while crossing a ferry capable of transporting fewer than twenty-five vehicles: SHB 2457
- Meat products, adulteration or misbranding, provisions revised: SHB 2819
- Milk and milk products, processor liens, extension to producers of: SB 5007, SSB 5098
- Milk marketing, "milk" and "milk dealer" defined: *SB 6155, CH 58 (1992)
- Milk marketing, market area pooling plan with quotas, creation and participation in, participation in referendum and other conditions subjecting producer-dealer to regulation specified: *SB 6155, CH 58 (1992)
- Milk plants, license fee established: SB 6393, SSB 6393
- Milk, assessment imposed on milk processed in state to support dairy inspection program, rulemaking authority of director of agriculture: *SSB 6393, CH 160 (1992)
- Milk, assessment on milk produced in state to support dairy inspection program: SB 6393, SSB 6393
- Nuisances, agricultural activity in conformity with federal, state, and local laws and rules is not a nuisance and may not be restricted as to the hours of operation in which it may be conducted: *SHB 2457, CH 151 (1992)
- Nuisances, agricultural practices conforming to all laws and rules may not be restricted as to time of day or day of the week: SB 6222, SB 6223
- Nuisances, definitions relating to agricultural nuisances revised: SSB 5097
- Nursery dealer license, surcharge to support horticultural nursery research: SHB 2315, *SB 6027, CH 23 (1992)
- Open space corridors, identification of corridor not to restrict use or management of lands in corridor for agricultural or forest purposes unless city or county acquires sufficient interest to prevent control or development: *SB 6401, CH 227 (1992)
- Open space lands, farm and agriculture conservation land category created and eligibility requirements established: *SHB 2928, CH 69 (1992)
- Pesticides, minor uses advisory committee created in department, membership and duties: SB 5037
- Pesticides, recordkeeping and posting requirements modified: SB 5009
- Pesticides, registration assistance program, pesticides under federal insecticide, fungicide, and rodenticide act: SB 5037
- Plant protection products for minor crop uses, registration assistance coordination: SB 5037
- Processor liens, notice required before obligation to pay producer attaches: SSB 5098
- Salmon commodity commission, authority for Washington commercial salmon producers to elect to form commission: SHB 2275, SB 6335, SSB 6335
- Shellfish protection districts and programs, authority to create for protection of shellfish growing areas from animal waste and failing on-site sewage system pollution: *SSB 6132, CH 100 (1992)
- Shellfish protection districts, fees, charges, and rates, authority of county legislative authority to fix, alter, and control, confined animal feeding operations and other facilities exempted from: *SSB 6132, CH 100 (1992)
- Vocational agricultural education, emphasis on environmentally sound practices: 2SSB 5181, SSB 5919
- Washington agricultural labor relations act adopted: SB 5867
- Water conservation, agricultural water supply facilities using rate structures as incentives given priority in department of ecology projects: SHB 2629
- Water purveyors completing an application for proceeds from sale of bonds to identify whether and how rate structures could provide an incentive to water users to conserve water: SHB 2629
- Watershed protection programs, financing options including county taxes, fees, bond issues, and a high priority for state financial assistance, limitations on charges and fees to confined animal feeding

operations: SHB 2363

AGRICULTURE, DEPARTMENT OF

Agricultural policy, joint select committee to study: SCR 8404

Animal health certificates, certificates of veterinary inspection, or other health instrument of department, intentional false making of unlawful: SB 6274

Biological control advisory board created in department, membership and duties: SB 5039, SSB 5039

Biological control agents, regulation of the use of, duties: SB 5039, SSB 5039

Bottled water, health and manufacturing standards established regarding bottled water, departmental duties: *SHB 2747, CH 34 (1992), SB 6015, SSB 6015

Dairy inspection program advisory committee created, membership and duties: SB 6393, *SSB 6393, CH 160 (1992)

Exotic wild animals and native wildlife raised in captivity, director authorized to establish and enforce health rules regarding: SB 6274

Food processing inspection account created: SB 6393, *SSB 6393, CH 160 (1992)

Food processing plant licensing fee: SB 6393, *SSB 6393, CH 160 (1992)

Fruit commission authorized to increase assessment on soft tree fruits and classifications of soft tree fruits: *SB 6212, CH 87 (1992)

Horticultural nursery research, nursery dealer license surcharge to support: SHB 2315, *SB 6027, CH 23 (1992)

Meat products, adulteration or misbranding, provisions revised: SHB 2819

Milk marketing, "milk" and "milk dealer" defined: *SB 6155, CH 58 (1992)

Milk marketing, market area pooling plan with quotas, creation and participation in, participation in referendum and other conditions subjecting producer-dealer to regulation specified: *SB 6155, CH 58 (1992)

Milk plants, license fee established: SB 6393, SSB 6393

Milk, assessment imposed on milk processed in state to support dairy inspection program, rulemaking authority of director of agriculture: *SSB 6393, CH 160 (1992)

Milk, assessment on milk produced in state to support dairy inspection program: SB 6393, SSB 6393

Motor fuel testing and enforcement program, revised provisions: SB 5627

Nursery dealer license, surcharge to support horticultural nursery research: SHB 2315, *SB 6027, CH 23 (1992)

Organic food certification, program for producers, processors, and vendors: *SHB 2502, CH 71 (1992)

Organic food processors or vendors, certification requirements: *SHB 2502, CH 71 (1992)

Organic food producers, confidentiality of valuable trade information protected: *SHB 2502, CH 71 (1992)

Organic foods, department to establish list of approved substances in production, processing, and handling: *SHB 2502, CH 71 (1992)

Organic foods, labeling requirements: *SHB 2502, CH 71 (1992)

Pesticide applications in residential areas, owner option to post signs, requirements: SB 5913, SSB 5913

Pesticide licensing laws, revised provisions: *HB 2448, CH 170 (1992)

Pesticide regulation, authority given to department to regulate and local regulation prohibited: SB 6273

Pesticide regulation, local regulation of pesticides prohibited except as expressly authorized by legislature: SB 6273

Pesticide use education and information programs, responsibility: SB 5253

Pesticide-sensitive people, compilation and distribution of list to applicators: *SB 6093, CH 176 (1992)

Salmon, labeling by source and common name requirements: SHB 2369

Senior environmental corps created, powers and duties: *SHB 2560, CH 63 (1992)

Water, bottled, health and manufacturing standards established regarding bottled water, departmental duties: *SHB 2747, CH 34 (1992), SB 6015, SSB 6015

Weights and measures statutes revised: SB 5785

Weights and measures, appropriation for program: SB 6483

Weights and measures, consumer protection program to be funded by general fund and device inspections activities to be funded on a fee-for-service basis until office of financial management concludes study of: *SSB 6483, CH 237 (1992)

Weights and measures, inspection and testing fees, department to convene a task force to recommend the appropriate level of fees before setting or changing fees: *SSB 6483, CH 237 (1992)

Weights and measures, powers and duties of department or city sealer regarding enforcement of weights and measures provisions: *SSB 6483, CH 237 (1992)

AIDS

- AIDS/HIV and syphilis testing, proof of testing required as condition of issuance of a marriage license: SB 6045
- Class IV human immunodeficiency virus insurance program continued: SB 5642
- Criminal offenses, persons charged with, testing for HIV diseases: SSB 5086, 2SSB 5278
- HIV and sexually transmitted diseases, transmission of, penalties increased: 2SSB 5278
- HIV diseases, testing of persons charged with criminal offenses: SSB 5086, 2SSB 5278
- HIV testing of accused sex offenders after first court appearance: SSB 5086, SB 5236, SSB 5236, 2SSB 5236
- HIV testing of adult and juvenile offenders in sexual offense, prostitution, and drug offense cases required: SSB 5086
- HIV testing of juvenile offenders in sexual offense, prostitution, and drug offense cases required: SB 6092, SSB 6092
- HIV tests, authority of health care provider to conduct test on patient if test is needed to protect health of any provider: SSB 5457
- Health care professions, HIV infected person, notice to employer or facility administrator required, conditions and limitations: SSB 5457
- Health care professions, HIV infected person, public contact in course of employment, informed consent requirements: SSB 5457
- Incentives to discourage inappropriate placement of persons without primary diagnosis of mental disorder in state hospitals: SB 6319
- Mental illness, secretary of social and health services to develop system to discourage inappropriate placement of those with AIDS at state mental hospitals and to encourage care in a community setting: *SB 6319, CH 230 (1992)
- Pilot facility for persons living with AIDS, nursing supplies cost exempt from percentile reimbursement limit: *HB 2811, CH 182 (1992), SB 6225, SSB 6225
- Service providers, multiple family home ownership allowed: SSB 5548
- Specialized care programs, secretary of social and health services authorized to establish programs for persons with developmental disabilities, AIDS, or substance abuse: *SB 6319, CH 230 (1992)

AIR POLLUTION

- Air quality laws, comprehensive revision of: SB 5326
- Clean air act permits, fee increases limited to six percent per year: SB 5040
- Clean-fuel vehicles, state purchasing requirements: SB 5326
- Commute trip reduction, local government responsibilities: SB 5326
- Control authorities, revised powers and duties: SB 5326
- Economic incentives to reduce air pollution, department of ecology to conduct study on: SB 5326
- Enforcement of air quality laws, civil penalties: SB 5326
- Forest burning, emission reduction program: SB 5326
- Industrial and commercial sources, permits and emission reduction plan requirements: SB 5326
- Marine vessels, testing of repaired engines exempt from clean air act provisions: SB 6344
- Motor vehicle emission testing and inspections: SB 5326
- Order compliance factors beyond person's control, modification of requirements: SB 5746
- Outdoor burning prohibited in areas where particulate air quality standards were violated more than one day in preceding twelve months, exceptions: SB 6409
- Outdoor burning, emission reduction program: SB 5326
- Outdoor burning, local government regulation in urban growth areas where alternative disposal available at reasonable cost: SB 6409
- Outdoor burning, permits in rural areas, exemption provisions: SB 6304, SSB 6304
- Radon resistive construction requirements under RCW 19.27.190, compliance constitutes defense in civil action for damages for injury caused by indoor air pollution against builder or designer: *SSB 6386, CH 132 (1992)
- Radon testing requirements for new single and multifamily residences at time of final inspection: *SSB 6386, CH 132 (1992)
- Solid fuel burning devices, task force on testing and certification of, membership and duties: SB 6315
- Task force on the testing and certification of solid fuel burning devices created, membership and duties: SB 6315
- Transportation plans and programs must conform with state air quality implementation plan for approval or funding: SB 5901

Wood burning stoves and fireplaces, exemption from restrictions on use for persons over sixty-two when used for heating: SSB 5891

Woodstoves and fireplaces, emission reduction program: SB 5326

AIR TRANSPORTATION COMMISSION

Air transportation demand, aviation industry trends, and air capacity in Washington through 2020, commission to report on: *SHB 2609, CH 190 (1992)

Air transportation planning options in Washington, commission to conduct a transportation systems planning evaluation of: *SHB 2609, CH 190 (1992)

Air transportation, commission to evaluate the importance of air transportation in the economic and social vitality of the state including costs and effects of delaying air capacity expansion: *SHB 2609, CH 190 (1992)

Airport expansion to be consistent with air transportation policy plan, duties: SHB 2609

Airport siting policy issues, moratorium on Seattle-Tacoma airport expansion until studies completed and approved by legislature: SB 6371

Environmental, social, and economic costs associated with expansion and operation of state air transportation system, to conduct review of: *SHB 2609, CH 190 (1992)

Members, number of voting members increased: SB 6147

Puget Sound air transportation committee's flight plan report, to conduct review of final draft of: *SHB 2609, CH 190 (1992)

Runway construction of one thousand feet or more or runway expansion by any political subdivision or municipal corporation prohibited until air transportation commission submits final report: SHB 2609

Runway construction or expansion by any large political subdivision or municipal corporation in western Washington prohibited until commission presents its final report: *SHB 2609, CH 190 (1992)

AIRCRAFT

Aircraft maintenance vocational training, community or technical college program funding: *HB 2812, CH 183 (1992), SB 6350, SSB 6350

Aircraft noise abatement, programs of soundproofing structures executed if owner waives damages and conveys easement: HB 2375

Excise tax, payment of interest authorized when refund is made for overpayment of tax: *HB 2727, CH 154 (1992)

Excise tax, persons who register in another jurisdiction to avoid tax are liable for unpaid tax, penalties, and interest: *HB 2727, CH 154 (1992)

AIRPORTS

Air transportation demand, aviation industry trends, and air capacity in Washington through 2020, air transportation commission to report on: *SHB 2609, CH 190 (1992)

Air transportation planning options in Washington, air transportation commission to conduct a transportation systems planning evaluation of: *SHB 2609, CH 190 (1992)

Air transportation, air transportation commission to evaluate the importance of air transportation in the economic and social vitality of the state including costs and effects of delaying air capacity expansion: *SHB 2609, CH 190 (1992)

Aircraft noise abatement, programs of soundproofing structures executed if owner waives damages and conveys easement: HB 2375

Expansion to be consistent with state air transportation policy plan: SHB 2609

Moses Lake, assistance and support for application as international port of entry: SB 6371

Referendum approval for expansion of large commercial airports, procedures for placing question on ballot: SB 5826

Runway construction of one thousand feet or more or runway expansion by any political subdivision or municipal corporation prohibited until air transportation commission submits final report: SHB 2609

Runway construction or expansion by any large political subdivision or municipal corporation in western Washington prohibited until air transportation commission presents its final report: *SHB 2609, CH 190 (1992)

Runway construction, moratorium on Seattle-Tacoma airport expansion: SB 6371

ALCOHOL AND DRUG ABUSE

Alcoholic beverage violations, penalties increased: SB 6137

Chemical dependency programs, minor not meeting criteria for commitment, parent notification of right to

- petition and to other services: SB 6217
- Chemically dependent pregnant women, mothers, and infants, interagency coordination of service delivery required: SB 6051
- Deferred prosecution, waiver of jury trial right may be condition of granting: SB 6139
- Driving privileges, revocation, suspension, or denial of, summary procedures: SB 5064, SSB 5064
- Driving privileges, suspension, provisional license to participate in alcohol or drug abuse treatment program, conditions: SSB 5064
- Drug abuse resistance education fund created, expenditures authorized, additional tax imposed on beer, spirits, and wines: SB 5920
- Drug enforcement and education account, seizing agency to make reports to and remit portion of proceeds from property forfeitures to state treasurer for deposit in: *SSB 5318, CH 210 (1992)
- Drug exposed infants, program to assess and monitor: SSB 5193
- Emergency responses required because of person under influence of alcohol or drugs, authority to recover costs from convicted person: SHB 1636
- Family planning services, training for substance abuse counselors: SHB 2364
- Fetal alcohol syndrome and fetal alcohol effect included in definition of developmental disability: SB 6260, SSB 6260
- Incentives to discourage inappropriate placement of persons without primary diagnosis of mental disorder in state hospitals: SB 6319
- Infant drug exposure assessment and monitoring program established: SB 6051
- Intoxication, changing blood and breath standards: SSB 5069
- Intoxication, standard for measuring intoxication: SB 5067
- Involuntary commitment of persons suffering from chemical dependency authorized: SHB 2726
- Juvenile offenders, inpatient substance abuse treatment option: SB 6041, SSB 6041, 2SSB 6041
- Juveniles, inpatient substance abuse treatment option: SHB 2466
- Medical disciplinary board, authority to obtain driving record to assist in identifying impairment due to alcohol abuse: SB 5658
- Mental illness, secretary of social and health services to develop system to discourage inappropriate placement of those with substance abuse in state mental hospitals and to encourage care in a community setting: *SB 6319, CH 230 (1992)
- Minors not meeting criteria for commitment to chemical dependency program, parent notification of right to petition and to other services: SB 6217
- Minors under influence of alcohol in public guilty of misdemeanor: SHB 2296, SB 6158
- Negligent driving in the first degree defined, penalties, alcohol and drug evaluation and treatment requirements: SSB 5439
- Pregnant women, pretreatment pilot demonstration projects, project requirements: SB 5774
- Pregnant women, secondary prevention strategies to increase use of services by women before, during, and after pregnancy: SB 5774
- Prenatal drug or alcohol exposure, planning for learning project created to prepare strategies for teaching children with: SB 6366, SSB 6366
- School districts, parent and community involvement in drug and alcohol abuse prevention and intervention programs encouraged: SB 5822
- Sobriety checkpoint programs authorized: HB 2013, SB 5071
- Specialized care programs, secretary of social and health services authorized to establish programs for persons with developmental disabilities, AIDS, or substance abuse: *SB 6319, CH 230 (1992)
- State employees, elected officials, candidates must submit to testing: SB 5227
- Substance abuse counselors, training in family planning services: SHB 2364
- Vehicular homicide or assault, alcohol and drug evaluation and treatment as condition of community placement for persons convicted of: SHB 2388
- Vehicular homicide or assault, offenders subject to conditional community placement and must undergo alcohol and drug evaluation and treatment as condition of placement: SHB 2388
- Victims of sexual assault and domestic violence, provision of chemical dependency services to: SHB 2477

ALCOHOLIC BEVERAGES

- Alcohol server class 12 permit required, proof of completion of alcohol server training program required for permit: SB 6338, SSB 6338
- Awareness program for youth under legal drinking age, liquor control board to appoint advisory committee to provide guidance, membership requirements: SHB 2356
- Beer and malt liquor industry urged to regulate itself and to adopt voluntary code of advertising standards:

- HCR 4428
- Beer importer's license, applicant must establish a principal office within state before being granted license: SHB 2843
- Beer keg registration, size of keg raised to five and one-half gallons for registration purposes: SB 6265
- Beer, sale of beer on state ferries prohibited: SB 5330
- Beer, small brewers not required to state alcohol content on container labels: SB 5387
- Brewers and domestic wineries may obtain class A, B, or C license to sell beer or wine at retail: SB 6024
- Brewery or winery may be licensed as a retailer for the purpose of selling beer or wine at retail on the premises: *SB 6292, CH 78 (1992)
- Brewery or winery, beer or wine not produced by brewery or winery and sold at retail to be purchased from licensed wholesaler: *SB 6292, CH 78 (1992)
- Club license, class H, in civic centers, food service requirements at additional sites limited to times when event is being conducted: SHB 2843
- Drug abuse resistance education fund created, expenditures authorized, additional tax imposed on beer, spirits, and wines: SB 5920
- Ferries, sale of beer on state ferries prohibited: SB 5330
- Fortified wine, board may issue restricted class F wine retailer's license in any county if it finds that the sale of fortified wine would be against the public interest: *SB 6339, CH 42 (1992)
- Golf and country clubs discriminating on basis of gender not entitled to class H license: SB 6346
- Keg registration, size of keg raised to five and one-half gallons for registration purposes: SB 6265
- Liquor control board not to make rules impeding interstate commerce or requiring state-specific labeling: SB 5467
- Liquor control board not to make rules regarding liquor advertising without specific legislative direction: SB 5467
- Liquor control board, director of, office created, powers and duties: SB 5325
- Liquor licenses, class H, golf and country clubs discriminating on basis of gender not entitled to: SB 6346
- Liquor licenses, corporation ineligible for license if back taxes remain owing from defunct corporation holding a liquor license in which any current officer, director, or shareholder was an officer or director: SHB 2843
- Liquor revolving fund, governor may withhold revenues from county or city not in compliance with growth management planning requirements: SB 5369, SB 5809
- Minors, furnishing liquor to minors constitutes negligence per se in any civil action for damages resulting from a minor's consumption of liquor: SHB 2733
- Negligence per se, furnishing liquor to minors constitutes negligence per se in any civil action for damages resulting from a minor's consumption of liquor: SHB 2733
- Outdoor advertising of alcohol products prohibited, civil penalties: SB 5692
- Special occasion license, class G, permission to sell beer in unopened bottles and original containers for additional fee granted: SHB 2843
- Special occasion licensees with class G or class J licenses may purchase beer from a beer retailer licensed to sell for off-premises consumption or from licensed beer wholesaler: SHB 2843
- Special occasion licensees with class J license may purchase wine from a wine retailer licensed to sell for off-premises consumption or from licensed wine wholesaler: SHB 2843
- Violations, penalties increased: SB 6137
- Wine importer's license, applicant must establish a principal office within state before being granted license: SHB 2843
- Wine retailer's license class F, board may issue restricted license in any county if it finds that the sale of fortified wine would be against the public interest: *SB 6339, CH 42 (1992)
- Wine, Washington wine appreciation month, September 1992 and September of each year, proclaimed: HCR 4435
- Wineries, domestic, and licensed brewers may obtain class A, B, or C license to sell beer or wine at retail: SB 6024
- Winery or brewery may be licensed as a retailer for the purpose of selling beer or wine at retail on the premises: *SB 6292, CH 78 (1992)
- Winery or brewery, wine or beer not produced by winery or brewery and sold at retail to be purchased from licensed wholesaler: *SB 6292, CH 78 (1992)

ALDRICH, DEBBIE

Trustee, Skagit Valley Community College District No. 4,
GA 9000, Confirmed

* - Passed Legislation

AMBULANCES

- Ambulance operators and directors, licensing period reduced from three to two years: *SB 6033, CH 128 (1992)
- Certification requirements for ambulance driver modified: *SB 6033, CH 128 (1992)
- Uniform disciplinary act, application to physician's trained intravenous therapy technicians, airway management technicians, mobile intensive care paramedics, and ambulance operators, directors, and drivers: *SB 6033, CH 128 (1992)
- Vehicle licensing period changed from one to two years: *SB 6033, CH 128 (1992)

AMONDSO, SENATOR NEIL

- Appointed Committee on Way and Means 125

ANATOMIC GIFTS

- Uniform anatomical gift act, adoption: SHB 1787

ANDERSON, SENATOR ANN

- Personal Privilege, remarks on Senator Hansen's maiden speech 587
- Point of Order, question whether under 3-minute rule, SHB 1481 982
- Point of Order, pending amendment to committee amendment to ESHB 2274 1018

ANIMALS (See also DOGS)

- Animal control authorities, authority to regulate dangerous and potentially dangerous dogs: SHB 1462, SB 5038, SSB 5038
- Breeders, department of licensing to evaluate the need to license and regulate commercial breeding of pet animals: SB 6087
- Dogs, electronic locating collar to protect from loss allowed: SB 6183
- Dogs, guide and service dogs definition to include dogs in training: SHB 2333
- Dogs, judicial or administrative hearing to determine if dangerous, procedure established: SHB 1462
- Dogs, regulation of dangerous and potentially dangerous dogs: SHB 1462, SB 5038, SSB 5038
- Exotic wild animals and native wildlife raised in captivity, director of agriculture authorized to establish and enforce health rules regarding: SB 6274
- Guide and service dogs, governor's committee on disability issues and employment to study issues relating to the implementation of the white cane law: *SHB 2333, CH 10 (1992)
- Health certificates, certificates of veterinary inspection, or other animal health instrument of department of agriculture, intentional false making of unlawful: SB 6274
- Pet animals, restraint and control requirements for animals off owner's property, localities may enact enforcement ordinances: SB 6087, SSB 6087
- Pet animals, state preemption of local government authority to regulate: SSB 6087
- Pet deposits, deposit not to exceed initial one hundred dollars and monthly payments of thirty dollars until deposit paid: SB 5886
- Pet deposits, tenants in low-income, elderly, or handicapped housing, deposit not to exceed initial fifty dollars and monthly payments of ten dollars until deposit paid: SB 5886

APPLE BLOSSOM ROYALTY

- Princesses April Reid, Kirsten Ehlis, Kaley O'Kelley, Kristen Picard and Nicole Farrell introduced 747
- Queen Marcia Turner introduced and addressed Senate 747

APPRENTICES

- Prevailing rates, determination of rate when employed on public works project: SB 5556

APPRENTICESHIP COUNCIL

- Bruce F. Brennan, Member, GA 9295 811
- Small businesses, guidelines to mitigate economic impact of agency rules on: SB 6166

* - Passed Legislation

AQUACULTURE

- Aquatic animal health and disease training program: SB 5198
- Aquatic animal health diagnostic and extension laboratory and certification service: SB 5198
- Coho salmon enhancement floating pen project: SB 5014, SSB 5014
- Game fish, purchase of resident game fish from aquatic farmer allowed for stocking for mitigation purposes, requirements: SSB 5343
- Net pen waste disposal permits not required for pens producing less than twenty thousand pounds of fin fish annually: SSB 5269
- Pink salmon, department of fisheries to improve fishery through use of "Alaska" method: SB 5059
- Regional fisheries enhancement groups, participation in coho salmon enhancement floating pen project: SB 5014, SSB 5014
- Shoreline aquaculture appeals to be heard in superior court: SB 5011

ARBITRATION

- Alternative dispute resolution, provisions for: SB 5163
- Certificated employees contract negotiations, interest arbitration panel decision final and binding: SB 5738
- Certificated school employees contract negotiations, mediation and factfinding to be completed before July 15th of year contract will expire: SB 5738
- Fire protection contracts between state agencies and cities and towns, submission of contract impasses to binding arbitration, requirements and procedures: *SHB 2937, CH 117 (1992)
- Health care malpractice, mandatory arbitration of health care malpractice claims: SB 6029
- Mandatory, award cap set: SB 5063
- Mandatory, district court civil actions subject to same extent as superior court civil actions, exceptions: SHB 1825
- Mandatory, lien foreclosure, claim amount raised to fifty thousand dollars: SHB 1825
- Public transportation systems, mediation and arbitration provisions when collective bargaining agreement cannot be negotiated within time limits: SB 5594

ARCHAEOLOGY

- Oil and hazardous substances spill prevention and response, archaeological resources included among those resources to be protected by program: *SHB 2389, CH 73 (1992), SB 6013

ARCHITECTS

- Public contracts for services, negotiation policy not applicable to public works of less than fifteen thousand dollars: SB 5750
- Registration provisions revised: SB 5793

ARMIJO, FRANK

- Trustee, Columbia Basin Community College District No. 19., GA 9264 69,793

ARTS COMMISSION

- Art acquisition program, higher education capital construction funds set aside for program to remain with institution: SB 6227
- Art acquisition program, higher education institution participation optional and on a project-by-project basis: SB 6227

ASBESTOS

- Projects, fines may be waived if failure to comply was unintentional: SB 5741

ATHLETIC COMMISSION

- Athletic agents, licensing requirements, prohibited acts and practices: SB 5735

ATTORNEY GENERAL

- Charitable organizations and commercial fund raisers required to register with: SB 6246
- Charitable solicitations, authorized to conduct investigations of groups registered to make solicitations and to assess civil penalties for violations: SHB 2637, SB 6246, SSB 6246
- Civil rights division, establishment in the office of the attorney general, functions, powers, and duties: SB 5599

* - Passed Legislation

- Consumer and business dispute resolution act, duties: SB 5280, SSB 5280
- Consumer dispute resolution centers, duties regarding: SB 5280, SSB 5280
- Crime Stoppers assistance office created in attorney general's office: SSB 5031
- Crimes, authority to investigate and prosecute a crime at the victim's request when prosecuting attorney has declined to prosecute: SB 6108
- Fire protection sprinkler system contractors, authority to bring civil proceedings to enforce chapter: *HB 2290, CH 116 (1992)
- Gambling policy task force established, membership and duties: SCR 8430
- Initiative and referendum ballot titles, concise statement of nature of proposed law prepared by attorney general: SSB 5303
- Oil company pricing practices, regulation of, duties: SB 5313
- Petroleum industry acquisitions and mergers, notice to and review by the attorney general: SB 5547
- Petroleum marketing practices, regulation of unfair practices: SB 5547
- Public records, attorney general to publish pamphlet explaining provisions relating to: *SHB 2876, CH 139 (1992), SB 6411
- Public records, requestor may ask attorney general to review agency determination that a record is exempt from disclosure: *SHB 2876, CH 139 (1992)
- Taking of private property, establishes a process to determine when a taking has occurred, duties: SB 5122, SB 5419
- Tort claims against state, duty to prepare annual comprehensive summary of all cases closed in previous year: SSB 5721

ATTORNEYS

- Deputy sheriffs may practice law, conditions: *HB 2368, CH 225 (1992)
- Fees and costs, assessment against state when not prevailing party in civil action, necessary conditions: SSB 5289
- Fees, award when, except for torts, state or subdivision is not prevailing party in a civil action: SB 5289
- Fees, contingent fees in medical malpractice actions, limitations: SB 6398
- Fees, workers' compensation disability payments, amount subject to collection by office of support enforcement, inclusion of share of fees and costs: SB 5869
- Money laundering, class B felony, additional proof requirement imposed when case involves attorney who accepts fee for representing a client in criminal investigation or proceeding: *SSB 5318, CH 210 (1992)

AUCTIONS AND AUCTIONEERS

- Sales by lot, oral notification required before bidding commences: SB 5686

AUDITORS AND AUDITING

- State agencies, internal audit requirements: SB 5643, SSB 5643

AUTOPSIES

- Sudden infant death syndrome, autopsy required when suspected: SB 5542

AVIATION

- Air transportation demand, aviation industry trends, and air capacity in Washington through 2020, air transportation commission to report on: *SHB 2609, CH 190 (1992)
- Air transportation planning options in Washington, air transportation commission to conduct a transportation systems planning evaluation of: *SHB 2609, CH 190 (1992)
- State aviation plan, state-interest component of state-wide transportation plan to include, required elements set out: SHB 1816

BADAME, PETER

- Member, Board of Pilotage Commissioners, GA 9237 44

BAILOR AND BAILEE

- Appearance bonds, remittance to surety limited to cases not adjudicated: SB 6142
- Appearance bonds, surety must demand refund of bond prior to adjudication of case: SSB 6142

BALLOONS

- Release of lighter than air balloons prohibited: SB 5453

* - Passed Legislation

BANKING, SUPERVISOR

Supervisor of banking changed to supervisor of financial institutions: SB 5737

BANKS AND BANKING (See also FINANCIAL INSTITUTIONS)

- Acquisition of in-state bank, presumption that acquisition would lessen competition when specified conditions are met: SB 6281
- Acquisition of in-state financial institution, procedure established to determine whether acquisition would lessen competition: SB 6281
- Competition, presumption that acquisition of in-state bank would lessen competition when specified conditions are met: SB 6281
- Competition, procedure established to determine whether an acquisition of a in-state financial institution would lessen: SB 6281
- Division of financial institutions created to combine divisions of banking and savings and loan associations: SB 5737
- Document preparation for property sales or loans, repeal of obsolete RCW sections: *SB 6329, CH 91 (1992)
- Holdings of financial assets, duties of, repeal of RCW 11.92.095: *SB 6008, CH 224 (1992)
- Insurance services offered by bank allowed only for residents of city where bank is located: SB 5874
- Lender's security protection provision for real estate loans: SB 6389
- Money laundering, class B felony, additional proof requirement imposed when case involves a financial institution or its employees: *2SSB 5318, CH 210 (1992)
- Payroll deductions, state employees, deposit into bank or savings bank authorized, requirements: *SHB 2025, CH 192 (1992)
- RCW 11.92.095 repealed: *SB 6008, CH 224 (1992)
- Real estate loans, lender's security protection provision, requirements: SB 6389
- Records, reimbursement by requesting party for cost of providing: SB 6348
- Records, reimbursement by requesting party for cost of providing when cost exceeds twenty-five dollars: SSB 6348

BARNES, TRACY

Alternate Dairy Princess Introduced 166

BATES TECHNICAL COLLEGE

Carl R. Brown, Trustee, GA 9186, Confirmed 42,153,417
 Theresa Ceccarelli, Trustee, GA 9187, Confirmed 42,154,417
 Roland W. Dewhurst, Trustee, GA 9191, Confirmed 42, 154,435
 Robert E. Hunt, Jr., Trustee, GA 9201, Confirmed 43,791,1508
 John I. McGinnis, Trustee, GA 9213, Confirmed 43,154,436

BELL, AMY

Appointed Director, Washington State Energy Office,
 GA 9294 811

BELLEVUE COMMUNITY COLLEGE DISTRICT NO. 8

Sally Jarvis, Trustee, GA 9086 123
 R. C. Strauss, Trustee, GA 9267 70, 793
 Dennis Uyemura, Trustee, GA 9043 123

BELLINGHAM TECHNICAL COLLEGE

James H. Freeman, Trustee, GA 9195 38,212
 F. Murray Haskell, Trustee, GA 9199 38
 Mary L. Nichols, Trustee, GA 9216 38,212
 Melanie Prinsen, Trustee, GA 9219 39,212
 Art Runestrand, Trustee, GA 9223 39,213

BENDER, CAROL

Trustee, Lake Washington Technical College,
 GA 9238, Confirmed 44,124,748

* - Passed Legislation

BICYCLES

- Helmets, wearing of state patrol approved helmet required for riders and passengers under the age of sixteen: SB 6030
- Safety instruction required in grades kindergarten through six: SB 5115, SSB 5115
- State bicycle plan, identification of needs on state transportation systems, facilities funding: SHB 1816
- State bicycle transportation and pedestrian walkways plan, state-interest component of state-wide transportation plan to include, required elements set out: SHB 1816

BIDS AND BIDDING

- Colleges and universities, exemption from bidding requirements for purchases funded from research grant, contract, or other nonstate funds of fifteen thousand dollars or less, record of price competition required for audit purposes: *SSB 6328, CH 85 (1992)
- Colleges and universities, procedures for purchases not requiring competitive bids: SB 6328, SSB 6328
- In-state contractors, to receive preference for public works contracts: SB 5176
- Municipalities, provisions revised: SHB 2505
- Public works, preference for resident contractors based on preference given nonresident contractors bidding for contracts in their own state: SB 5233
- School districts, competitive bids required on building or improvement contracts costing in excess of fifty thousand dollars: SHB 1212
- School districts, competitive bids required on purchases or improvements costing in excess of fifteen thousand dollars: SHB 1212
- State building leases to be let in compliance with lowest responsible bidder statutes: SB 5230

BIOMEDICAL WASTE (See HAZARDOUS WASTE)**BIRTH CERTIFICATES (See VITAL RECORDS)****BLIND**

- Guide and service dogs, governor's committee on disability issues and employment to study issues relating to the implementation of the white cane law: *SHB 2333, CH 10 (1992)
- White cane law, governor's committee on disability issues and employment to study issues relating to the implementation of the: *SHB 2333, CH 10 (1992)

BLIND, STATE SCHOOL FOR

- Cynthia L. Roney, Trustee, GA 9031, 810
- John F. Naddy, III, Reappointed Trustee, GA 9280 224
- Ruby N. Ryles, Reappointed Trustee, GA 9281 225,810

BLUECHEL, SENATOR ALAN (See also VICE PRESIDENT PRO TEMPORE, RULINGS AND REPLIES BY THE VICE PRESIDENT PRO TEMPORE, PARLIAMENTARY INQUIRIES)**BLOOD**

- Directed blood donations, blood donor programs to honor request of donors, procedure: SB 5283

BOARDING HOMES

- Parking, department of licensing authorized to issue special disabled parking permits and license plates to boarding homes: *HB 2417, CH 148 (1992)

BOATS (See also COMMERCIAL VESSELS AND SHIPPING)

- Boat trailer, travel trailer, and motor vehicle combinations authorized: SB 6017
- Boat waste reduction efforts, revised funding provisions and consideration of portable pumpout facilities: SB 6059
- Boating offense compact adopted: *SB 6199, CH 33 (1992)
- Capacity ratings, operation of a vessel loaded or powered beyond its person, weight, or horsepower capacity constitutes a class 2 civil infraction: SHB 2544, SB 6248
- Certificate of title, vessel dealer required to possess title or other evidence of ownership for each new or used vessel: SB 6332
- Excise tax, payment of interest authorized when refund is made for overpayment of tax: *HB 2727, CH 154 (1992)

Excise tax, persons who register in another jurisdiction to avoid tax are liable for unpaid tax, penalties, and interest: *HB 2727, CH 154 (1992)
 Intoxication, changing blood and breath standards: SSB 5069
 Intoxication, standard for measuring intoxication: SB 5067
 Marine vessels, testing of repaired engines exempt from clean air act provisions: SB 6344
 Recreational boating code recodified: *HB 2543, CH 15 (1992)
 Recreational boating, reorganization of statutory references: *HB 2543, CH 15 (1992), SB 6159
 Violation of certain regulations classified as civil infractions: SB 6298
 Waste entering state waters, parks and recreation commission to consider funding for portable pumpout facilities: SHB 2363, SB 6132, *SSB 6132, CH 100 (1992)

BOCOCK, GLEN

Reappointed Trustee, State School for the Deaf, GA 9277 224

BOGUCH, PHIL

Reappointed Member, Lottery Commission, GA 9183 49,1415,1416

BOLTON, THEODORE

Trustee, Clover Park Technical College District No. 29,
 GA 9250, Confirmed 47,213,1531

BONDS

Agricultural water purveyors completing an application for proceeds from sale of bonds to identify whether and how rate structures could provide an incentive to water users to conserve water: SHB 2629
 Challenges to elections that concern bonds or levies must commence within thirty days of election: SB 5502
 Cities and towns authorized to issue revenue bonds to finance water conservation programs: *SB 6028, CH 25 (1992)
 Counties authorized to issue revenue bonds to finance water conservation programs: *SB 6028, CH 25 (1992)
 Escrow agents, bond required for protection of customers of agent: SB 6012
 Ferry system vessel and terminal acquisition, construction, and improvements, bond issue authorized to fund: *HB 2896, CH 158 (1992), SB 6450
 Ferry vessel and terminal acquisition, construction, and materials, bond issuance authorized: HB 2896, SB 6450
 Fire protection districts, maturity date of general obligation bonds issued by districts extended from six to fifteen years: HB 2426
 General obligation bonds, authority to issue to fund projects authorized in the 1991-93 capital and operating budgets: *SHB 2950, CH 235 (1992), SB 5393, SB 6488
 Insurers, restrictions placed on investments by domestic insurers in medium and lower grade obligations: HB 2443
 Irrigation districts authorized to include in local improvement district bond issues amount to maintain local improvement guarantee fund: SHB 2345
 Professional sports franchise in King county, bonds issuance authorized: SB 6165
 School district's authority to contract indebtedness and issue bonds without voter approval extended: SB 5192
 State convention and trade center, appropriation to partly refund parking garage revenue note issued to Industrial Indemnity company: HB 2930, *SB 6457, CH 4 (1992)
 Water conservation or more efficient use of water, cities may issue bonds for purposes of: SB 6258
 Water conservation programs, cities and counties authorized to issue bonds to finance: SHB 2561
 Watershed protection districts, creation, abolition, powers, and funding provisions and procedures established: SHB 2363
 Watershed protection programs, financing options including county taxes, fees, bond issues, and a high priority for state financial assistance, limitations on charges and fees to confined animal feeding operations: SHB 2363

BONE MARROW TRANSPLANTATION (See also ANATOMIC GIFTS)

Bone marrow donor recruitment and education program created: SB 6069, *SSB 6069, CH 109 (1992)

BOOSE, DALE

Member, Work Force Training and Education Coordinating Board, GA 9255 46,214

BORDER AREAS

Border areas account created, department of community development to distribute funds to border areas: HB 2539

BOSMA, JOHN AND DONNA

1992 Dairy Family of the Year Introduced 166

BOUNDARY REVIEW BOARDS

Abolishment in county when specified conditions occur: SHB 1015

Dissolution of, county may disband when it has adopted a comprehensive plan and consistent development regulations: SB 5809, SB 5941

Election of members required: SB 5133

Elimination of boundary review boards: SB 5138

Members to be chosen by election: SB 5133

Members, per diem compensation increased: SSB 5020

Urban growth areas, duty to evaluate whether annexation or incorporation is consistent with local designations and plans: SB 5369, SB 5809

Waiver by county legislative authority of review of water and sewer extensions by boundary review board: SB 6085, *SSB 6085, CH 162 (1992)

BOWER, MITCHELL, JR.

Reappointed Member, State Board for Community and Technical Colleges, GA 9184, Confirmed 37,790,1473

BOY SCOUTS

Eagle Scouts Jesse David Chaquette and Billy Lee Jackson presented Colors 1399

Boy Scouts in Gallery introduced, SFR 1992-8730 1402

Eagle Scout Michael Clayton McKennedy introduced and addressed Senate 1402

BREENAN, BRUCE F.

Member, Apprenticeship Council, GA 9295 811

BRIDGES

Hood Canal bridge, Puget Sound capital construction and ferry operations accounts, removal of provisions relating to: SB 5945

BRIGHTON, DALE

Trustee, Wenatchee Valley Community College District No. 15, GA 9185 36,790

BRISBOIS, AL

Member, Work Force Training and Education Coordinating Board, GA 9256 46,214

Reappointed Trustee, Eastern Washington University, GA 9289 334

BROWN, CARL R.

Trustee, Bates Technical College, GA 9186, Confirmed 42,153,417

BROWN, DELORES I.

Trustee, Lake Washington Technical College, GA 9239, Confirmed 44,124,730

BUDGET

Budget stabilization account, appropriations, conditions: SB 5970

- Budget stabilization account, transfer of funds into emergency reserve fund: SB 6470
- Budget stabilization account, transfer of one hundred sixty million dollars to general fund: *SB 6284, CH 236 (1992)
- Budget stabilization account, transfer of two hundred sixty million dollars to general fund: SB 6284
- Capital budget, fiscal biennium 1991-93: SB 5394
- Capital budget, proposed spending plan to include at least four fiscal periods succeeding next fiscal period: SB 5610
- Capital budget, supplemental, for the 1989-91 biennium: SB 5392
- Capital budget, supplemental, for the 1991-1993 biennium: *SHB 2552, CH 233 (1992), SB 6287
- Civil penalties, legislators and governor subject to penalties for each day beyond deadline for adopting budget that no budget has been adopted: SB 6291
- Cutoff dates for consideration of legislation during 1992 regular session, Engrossed House Concurrent Resolution 4426 amended: SCR 8428
- General obligation bonds, authority to issue to fund projects authorized in 1991-93 capital and operating budgets: *SHB 2950, CH 235 (1992), SB 5393, SB 6488
- Goals, objectives, and desired outcomes to be included in budget proposals and appropriations bills by each state agency: SHB 2462
- Health services budget created identifying all funds for health services provided through health services act: SHB 2590
- Higher education budget process created: SB 5709
- Higher education tuition waivers reductions reduced from 7.9 million dollars to 4 million dollars: *SB 5961, CH 238 (1992)
- Higher education, state operating budget for to be increased by minimum of one percent until percent at or above eighteen percent: SB 5957
- K-12 education, state operating budget for to be increased by minimum of one percent until percent at or above fifty percent: SB 5956
- Operating budget for K-12 education to be increased by minimum of one percent until percent at or above fifty percent: SB 5956
- Operating budget for higher education to be increased by minimum of one percent until percent at or above eighteen percent: SB 5957
- Operating budget, fiscal biennium 1991-93: SB 5396
- Operating budget, supplemental, fiscal biennium 1991-1993: *SHB 2470, CH 232 (1992), SB 6288, SB 6499
- Social and health services department vendors, additional rate increases authorized in 1992 and 1993: *SB 5961, CH 238 (1992)
- Transportation budget, 1992 supplemental budget: *SHB 2553, CH 166 (1992), SB 6237

BUILDING CODE COUNCIL

- Building technologies advisory board, council to provide information to state and local regulators: SB 5786
- Building technologies advisory board, duties: SB 5786
- Farmworker housing, building standards for temporary farm worker housing, authority to adopt: SB 6025
- Fire protection standards for high or extreme hazard areas as determined by department of natural resources, duty to develop guidelines for counties in adopting ordinances and resolutions: SHB 2519
- Fire protection standards for high or extreme hazard risk levels in wildland/urban interface areas, incorporation into uniform building code: SB 6202
- Local amendments to building codes, review of, to develop criteria for: SB 6402
- Radon testing requirements for new single and multifamily residences at the time of final inspection, duty to develop and distribute instructions for: SHB 2690, SB 6386, *SSB 6386, CH 132 (1992)
- Residential construction codes, council to study methods to simplify and clarify: SB 6495
- Stand-alone ordinances of cities and counties, review of, to develop criteria for: SB 6402
- Water conservation performance standards, plumbing fixtures to meet standards, testing and identification requirements: SB 5690, SB 5736
- Water conservation performance standards, rate of water use required on fixture labels: SB 6258
- Wildland/urban interface areas, duty to develop guidelines for counties in adopting fire protection standards for high or extreme hazard areas by ordinance or resolution: SHB 2519

BUILDING CODES/PERMITS

- County auditor, building permits for construction or alteration work in excess of five hundred dollars, copy to be transmitted to auditor in county where property is located: HB 2494
- Farmworker housing, building standards for temporary farm worker housing: SB 6025

- Fire protection standards for high or extreme hazard risk levels in wildland/urban interface areas, incorporation into uniform building code: SB 6202
- Landowner's rights vested at issuance of approved building permit: SB 6368
- Residential buildings moved into or within city or county not required to comply with all building code requirements if occupancy classification of building not changed: *SHB 2673, CH 79 (1992)
- Residential construction codes, building council to study methods to simplify and clarify: SB 6495
- Stand-alone ordinances of cities and counties, submission to building code council for review: SB 6402
- Verification that all necessary building permits have been issued, duties of county assessor and title insurer: HB 2494
- Water and electrical services, proof of adequate service required before permit will be issued: SB 5328

BUSES

- Municipal transit stations, provisions of unlawful bus conduct law extended to acts committed in: *HB 2516, CH 77 (1992)
- School buses, single hazard strobe lamp allowed, requirements and conditions for use: SB 6481
- Unlawful bus conduct law, provisions extended to acts committed in municipal transit station: *HB 2516, CH 77 (1992)

BUSINESS ASSISTANCE CENTER (See TRADE AND ECONOMIC DEVELOPMENT DEPARTMENT)**BUSINESS LICENSES**

- Delays in the conduct of inspections necessary to obtain business permits or licenses, director of fire protection to assure that delays do not occur: SB 6068

BUSINESSES

- Basic health plan, employees of small businesses eligible to enroll in plan: SHB 2590
- Boycotts or blacklists, right to engage in commerce free from: SHB 2954
- Business and occupation tax, registration not required for business until gross income is one thousand dollars per month: SB 6471, SSB 6471
- Business and occupation tax, small business innovation research program awards exempted from tax: SB 6290
- Business assistance program grants, tax deferrals, loans, bonds, or tax abatements, participation rules of conduct: SHB 1731
- Business-school partnerships, employers encouraged to give release time for, annual award to be established: SSB 5234, 2SSB 5234
- Closures and employee layoffs prohibited until sixty days after written notice issued, penalties and exceptions established: SHB 2441
- Commerce, right to engage in commerce free from discriminatory boycotts or blacklists, definition of boycott or blacklist expanded: SHB 2954
- Consumer and business dispute resolution act: SB 5280, SSB 5280
- Credit card users, merchants prohibited from obtaining personal identification information from: SB 5002
- Discriminatory boycotts or blacklists, right to engage in commerce free from, definition of boycott or blacklist expanded: SHB 2954
- Disposal of abandoned railroad rights of way, occupant of adjoining real property, right of first refusal, terms and conditions: SSB 5768
- Economic adjustment and assistance act adopted: SHB 2441
- Employee layoffs and business closures prohibited until sixty days after written notice issued, penalties and exceptions established: SHB 2441
- Employee noncompetition agreements, requirements to create enforceable agreement: SSB 5526
- Excise tax, registration not required for business until gross income is one thousand dollars per month: SB 6471, SSB 6471
- Goods not considered solicited unless specifically requested: SB 6427
- Goods or services not considered solicited unless specifically requested: *SB 6427, CH 43 (1992)
- Health care insurance, to be allowed to enroll as group in plan without medical underwriting except as specifically provided: SHB 2590, SB 6089
- Health insurance coverage for small employers, insurance commissioner to conduct study and develop legislation to promote the availability of: SHB 2817
- Joint administrative rules review committee, conduct of hearings and reviews on small business economic impact statements: *SHB 2498, CH 197 (1992)

- Master license system, application, handling, renewal, and delinquent renewal fees set for new and renewal master applications processed by the department of licensing to make program self-funding: SB 6461, *SSB 6461, CH 107 (1992)
- Merchants prohibited from obtaining personal identification information from credit card users: SB 5002
- Motor vehicle dealers, waiver of dealer license plate issuance requirements, conditions: *SHB 2660, CH 222 (1992), SB 6333
- Oil companies, price regulation: SB 5313
- Private enterprise review commission created, membership and duties: SB 5507, SSB 5507
- Regulatory agency to recognize existing industry practices that satisfy all or part of regulatory goal: SB 5786
- Sales representatives and principals, regulation of contractual relationship between representatives and principals including payment of wages and commissions: *SSB 6120, CH 177 (1992)
- Sales representatives, principal's obligations for commission payment: SB 6120, SSB 6120
- Small business economic impact statements, hearings and reviews by joint administrative rules review committee: *SHB 2498, CH 197 (1992)
- Small business financing expanded: SB 5787
- Small businesses, government regulation of, study to review impact on small businesses: SB 5700
- Small businesses, guidelines to mitigate economic impact of agency rules on: SB 6166
- Small businesses, health benefit plan committee, membership and duties: SB 6384
- Small businesses, notification of proposed agency rule affecting small business required: *SHB 2498, CH 197 (1992)
- Small businesses, regulatory agencies to assist small businesses in understanding basis for agency actions: SB 5786
- Small businesses, small employer health insurance availability act: SB 6384
- Small employer health insurance coverage, issuers of health insurance required to provide workers equal access to health care coverage through their employers without regard to the size of the enterprise: SB 6384
- Sports collectibles, sale regulated: SB 6123
- State agency competition with private enterprise prohibited: SB 5507, SSB 5507
- State employees, former employees prohibited from accepting employment or compensation from company when that employee provided substantial professional advice in contract negotiations with the company while a state employee: SB 6291
- Urban/rural economic partnerships project created to encourage transfer of excessive Puget Sound business growth to rural areas: SB 6279
- Washington technology center, revised organization and duties: *HB 2932, CH 142 (1992)
- Weights and measures statutes revised: SB 5785
- Women and minority businesses, requirements for the solicitation and employment of by contractors with first class cities: SHB 2481

CALL OF THE SENATE

- Senators Newhouse, Amondson and von Reichbauer Demand Call of Senate 1081
- Senators Newhouse, von Reichbauer and Hayner Demand Call of Senate 1418
- Senator Newhouse, Dispense with Call of Senate 1419

CAMPAIGNS

- Advertising, political, accompanying statement of responsibility required: SHB 2376
- Campaign contribution limitations: SSB 5864
- Candidates' pamphlet to indicate which candidates signed and abided by spending limits and those who did not agree to spending limits: SHB 2986
- Contribution and expenditure reporting for candidates for state elective office, penalties for violations: SHB 2986
- Contribution limits and reporting requirements: SB 5895
- Contributions to candidate for state legislative or executive office limited to one thousand dollars per contributor: SB 6043
- Contributions, listing or report of contributions to be given candidate or group supporting or opposing ballot proposition named in report: SB 5617
- Contributions, spending limits, and partial public financing of campaigns for state office: SB 5883
- Contributions, state elected officials and legislators prohibited from soliciting or accepting during legislative session: SB 5424
- Crimes, false political advertising, penalties: SB 5171

- Drug testing required for state elective office candidates: SB 5227
- Expenditure limitation agreement or alternative contribution limits, spending limits for candidates for state office, penalties for violations: SHB 2986
- Fair campaign practices, violations, penalties increased and extended to consultants employed by candidate: SB 5312
- Filing fees, candidate without sufficient assets to pay, submission of information supporting claim, review procedures: SB 5619
- Filing period, reopening when incumbent withdraws and only relatives or business associates remain as candidates: SB 6291
- Finance reporting requirements, revised provisions: SB 5150
- Financing of, limitations on campaign contributions and spending: SHB 2986
- Franking privilege, restriction on use by legislator during campaign: SHB 2986
- Honoraria, prohibition on accepting certain honoraria: SHB 2986
- Independent expenditures, reporting to public disclosure commission, local elections officer, and candidates, requirements: SHB 2986
- Loans, considered as contribution and subject to limitations on contributions, required conditions: SSB 5864
- Local office candidates, campaign contribution and spending limits apply to candidates for local office beginning July 1, 1995, exceptions: SHB 2986
- Mobile home parks, political meetings and candidate forums for tenants allowed in community halls: HB 2335
- Multicandidate political committees, annual report filing requirements, required contents: SHB 2986
- Personal funds of candidate agreeing to spending limits, candidate must also limit expenditure of personal funds in campaign: SHB 2986
- Political action committees, total of contributions that candidate receives from committees cannot exceed twenty-five percent of all contributions candidate receives by end of election: SHB 2986
- Political advertising undertaken as independent expenditure, required disclosures: SSB 5864
- Political advertising, accompanying statement of responsibility required: SHB 2376
- Political advertising, false advertising, penalties: SB 5171
- Political contributions, limiting contributions to provide fair and equal opportunity to participate in government and elections: SSB 5864
- Political expenditures and contribution reporting, revised provisions: SSB 5864
- Public broadcast announcements, state employees and officials who have declared candidacy may not appear in official capacity in: SB 6207
- Public disclosure commission, campaign financing limits for candidates for state elective office, authority to revise dollar amounts and to conduct audits and investigations: SHB 2986
- Reopening of candidate filing period to occur when incumbent withdraws and only relatives or business associates remain as candidates: SB 6291
- Senate Bill 5149, amending the cutoff resolution, House Concurrent Resolution 4402, to allow consideration of: SCR 8406
- Solicitation of campaign contributions, limitations on: SSB 5864
- Solicitation of contributions during legislative session, limits on, penalties for violations: SHB 2986
- Spending limits for candidates for state office entering into expenditure limitation agreement or under alternative contribution limits, penalties for violations: SHB 2986
- Spending limits, candidate for state office limited in total expenditures that may be made during two or four year election cycle for the office sought, reporting requirements: SHB 2986
- State elective office, limitations on campaign contributions and spending for, penalties for violations: SHB 2986
- State employees and officials who have declared candidacy may not appear in public broadcast announcements in their official capacity: SB 6207
- Surplus funds, transfer of, transfer may be made only to a political party organization or to a caucus of the state legislature: SHB 2986
- Terms of office of governor, lieutenant governor, legislature, and United States congress, limitation: SB 6468

CANCER

- Law enforcement officers and fire fighters, heart disease and cancer presumed to be occupational diseases: SB 5044

CANTU, SENATOR EMILIO

- Statement for the Journal, Roll Call Vote Missed on SJM 8008, Feb. 7, 1992 266

CAPITAL PROJECTS

- Capital budget, supplemental, for the 1991-1993 biennium: *SHB 2552, CH 233 (1992)
- City or county budget to identify capital projects funded from real estate excise tax where it is to be indicated that tax is intended to be in addition to other available funds: *SB 6408, CH 221 (1992)
- General obligation bonds, authority to issue to fund projects authorized in the 1991-93 capital and operating budgets: *SHB 2950, CH 235 (1992)
- Limitation on use of revenues from real estate excise tax by city or county to finance capital projects revised: *SB 6408, CH 221 (1992)
- Public works assistance account, authority to make project loans recommended by public works board: *SHB 2302, CH 135 (1992)
- System improvements to public facilities, credits to be provided when impact fees are imposed or mitigation measures are required under state environmental policy act: SHB 2842
- System improvements to public facilities, duplication of mitigation and impact fees on the same system improvements prohibited: *SHB 2842, CH 219 (1992), SB 6400

CARLSON, LUCILLE

Reappointed Member, Board of Tax Appeals, GA 9172 289

CARTER, JOHN

Member, Work Force Training and Education Coordinating Board, GA 9257 46,214

CARTER, KAREN

Member, Work Force Training and Education Coordinating Board, GA 9258 47,215

CASCADE BRUINS

Championship Football Team Introduced, SFR 1992-8708 724

CASEY, THE HONORABLE PAULA

Thurston County Superior Court Judge Introduced and Administered Oath of Office to Senator Susan Sumner 381

CASON, JIMMY

Reappointed Member, Investment Board, GA 9274 105

CAVEZZA, LT. GENERAL CARMEN J.

Commander, I (1st) Corps and Commander, Fort Lewis, Introduced and Addressed Senate, SFR 1992-8735 797

CECCARELLI, THERESA

Trustee, Bates Technical College, GA 9187, Confirmed 42,154,417

CEMETERIES

- License and regulatory fees, director to set, with cemetery board consent, and department of licensing to collect all fees: HB 2468
- National cemetery in Washington state, congress requested to establish: SJM 8019

CENSUS

Municipal annexation, population determination of area may be derived from previous year's census data, conditions: SB 5550

CENTRAL WASHINGTON UNIVERSITY

- Ronald Dotzauer, Reappointed Trustee, GA 9243 39
- Sterling Munro, Reappointed Trustee, GA 9283 223
- Rosalind Y. Woodhouse, Reappointed Trustee, GA 9284 224
- Enrollment, state-funded enrollment level increased: SSB 5174
- Enrollment, state-funded enrollment level increased, funding provisions: SB 5814
- Trustees, one student member to be appointed to the board of trustees: HB 1218, SB 6418

CENTRALIA COMMUNITY COLLEGE DISTRICT NO. 12

James E. Sherrill, Reappointed Trustee, GA 9224 41,792

CHANG, KI-HO

Guest from Korean Embassy, Washington D.C. Introduced (Expo '93) 172

CHAPLAINS

Employment by health care facilities, constitutional amendment to allow: SSJR 8208

Employment by public health care facilities, constitutional amendment to allow: SHJR 4216

Public hospital district employment: SHB 1651, SB 5241

CHAQUETTE, JESSE DAVID

Eagle Scout Presented Colors 1399

CHARITABLE DONATIONS

Attorney general authorized to conduct investigations of groups registered to make solicitations and to assess civil penalties for violations: SHB 2637, SB 6246, SSB 6246

Attorney general, all charitable organizations and commercial fund raisers to register with: SB 6246

Charitable organizations and commercial fund raisers, registration, regulatory, and fee setting requirements, authority of secretary of state to set: SHB 2637

Commercial fund raisers, requirements for contracts with charitable organization for any fund raising service or activity: SHB 2637, SB 6246, SSB 6246

Disclosures to be made at the time solicitation is made, requirements for charitable organizations and commercial fund raisers: SHB 2637, SB 6246, SSB 6246

Law enforcement or fire fighter support, false claim of, class C felony: SHB 2637, SB 6246, SSB 6246

Life insurance, donor permitted to transfer ownership interest in life insurance policy to certain tax-exempt organizations: SHB 2306

Secretary of state, all charitable organizations and commercial fund raisers to register with: SSB 6246

Secretary of state, registration, regulatory, and fee requirements for charitable organizations and commercial fund raisers, authority to set: SHB 2637

Veterans' organizations, written authorization required from organization for use of name to solicit contributions: SSB 6246

Veterans, director of veterans' affairs to be notified of application for registration from entity purporting to raise funds to benefit, may advise secretary and attorney general regarding such entity: SHB 2637

CHARITABLE ORGANIZATIONS

Attorney general authorized to conduct investigations of groups registered to make solicitations and to assess civil penalties for violations: SHB 2637, SB 6246, SSB 6246

Charitable gaming events allowed when conducted by gaming management company in accordance with this law and the rules of the gambling commission: SB 6504

Commercial fund raisers, requirements for contracts with charitable organization for any fund raising service or activity: SHB 2637, SB 6246, SSB 6246

Disclosures to be made at the time solicitation is made, requirements for charitable organizations and commercial fund raisers: SHB 2637, SB 6246, SSB 6246

Fund raising events, reference to fund raising events removed from list of gambling games authorized for these groups to conduct: SB 5772, SB 5940

Law enforcement or fire fighter support, false claim of, class C felony: SHB 2637, SB 6246, SSB 6246

Life insurance, certain nonprofit organizations allowed to be named as owner and beneficiary of individual life insurance policy, terms and conditions for joint application for or transfer of policy: SB 6241, *SSB 6241, CH 51 (1992)

Life insurance, donor permitted to transfer ownership interest in life insurance policy to certain tax-exempt organizations: SHB 2306

Nonprofit organization may be named as owner and beneficiary of individual life insurance policy, terms and conditions for joint application for or transfer of policy: SB 6241, *SSB 6241, CH 51 (1992)

Property tax exemption for charitable fund-raising organizations, real and personal property exempt when organization meets specified conditions: HB 2892

Registration of charitable organizations and commercial fund raisers, regulatory, and fee setting requirements, authority of secretary of state to set: SHB 2637

Registration, all charitable organizations and commercial fund raisers to register with attorney general: SB

* - Passed Legislation

6246

Registration, all charitable organizations and commercial fund raisers to register with secretary of state: SSB 6246

Secretary of state, registration, regulatory, and fee requirements for charitable organizations and commercial fund raisers, authority to set: SHB 2637

Veterans' organizations, written authorization required from organization for use of name to solicit contributions: SSB 6246

CHECK CASHING

Sale of checks, drafts, or money orders, bond required before license may be issued for: SHB 2731

CHILD ABUSE

Financial responsibility for treatment of person removed from home, offender's responsibility for payment: SB 5942

Interview of child in abuse and neglect cases by social and health services department to be recorded by audio or videotape when law enforcement officer is not present, admissibility of tape as evidence: SSB 6084

Interviews of child in abuse and neglect cases by department of social and health services to be videotaped when law enforcement officer is not present: SB 6084

Interviews with child in abuse and neglect cases by department of social and health services to be recorded by audio or videotape or written transcript when a law enforcement officer is not present: SB 6084

Residential time and visitation rights of parents who sexually abuse their children, third party supervision required: SHB 2529

School staff, professional practices unit to investigate suspected acts of child abuse or neglect by certificated staff: SSB 5543

School staff, professional standards unit to investigate suspected acts of child abuse or neglect by: SB 5543

Sexual abuse victims, dissemination of identifying information by authorities or press prohibited: SHB 2348

Sexual abuse victims, information revealing identity of child victims of sexual assault confidential and not subject to public disclosure, courts authorized to seal information identifying child victim: *SHB 2348, CH 188 (1992)

Sexual abuse victims, video testimony of victimized children under ten allowed: SJR 8217

Sexual abuse, clarification of the application of the statute of limitations to cases involving: SB 5811

Sexual abuse, definition of "corroborative evidence" for admission of child's hearsay statement regarding: SB 6107

Teacher certification, professional preparation program in child abuse issues required for: HB 1985

CHILD CUSTODY

Modification of a parenting plan or custody decree, revised provisions: *SHB 2784, CH 229 (1992)

Parenting plan that provides child most contact with both parents to be preferred: SB 5742

Parenting plans, mutual decision-making authority, revised provisions relating to: SB 5847

Parenting plans, preference for joint parenting to encourage cooperation between parents and contact by both parents with child: SB 5847

Parenting plans, revised provisions relating to determination of more fit parent, relocation with children, and tax exemptions: SB 5847

Residential time and visitation rights of parents who sexually abuse their children, third party supervision required: SHB 2529

CHILD SUPPORT

Birth expenses, department of social and health services to enforce support obligation to reimburse state for prenatal, delivery, and postnatal costs: SB 6114, SSB 6114, 2SSB 6114

Dependent children, reunification efforts to be considered in determining parent's income and support obligation for entry of order or decree: HB 2550

Determination of child support amount, revised provisions: *SHB 2784, CH 229 (1992)

Double amendments, correction of double amendments relating to support obligations: SHB 2251

Food stamps, income exempted by federal law not to be considered in determining need or eligibility: SB 5921

Forms, development and use of mandatory forms, revised provisions including development of form for financial affidavits for integration into the worksheets: *SHB 2784, CH 229 (1992)

Medical care costs, department of social and health services to enforce obligation to reimburse state for

prenatal, delivery, and postnatal costs: SB 6114, SSB 6114, 2SSB 6114
 Modification of order or decree of child support, revised provisions: *SHB 2784, CH 229 (1992)
 Orders and decrees, dependent children, reunification efforts to be considered in determining parent's income and support obligation: HB 2550
 Reunification efforts to be considered in determining parent's income and support obligation for dependent child for entry of order or decree: HB 2550
 Stepparent obligation to stepchildren ended: SB 5866
 Support obligations, correction of double amendments relating to: SHB 2251
 Worker's compensation disability payments, amount subject to collection by the office of support enforcement, inclusion of share of fees and costs: SB 5869

CHILDREN

Abuse reporting, requirements: SB 5087
 Adolescents, community-based program for teen success established, pilot projects authorized: SB 5885, SSB 5885
 Alcohol awareness program for youth under legal drinking age, liquor control board to appoint advisory committee to provide guidance, membership requirements: SHB 2356
 Alcohol, minors under the influence of alcohol in public guilty of misdemeanor: SHB 2296
 Assault against a child in the first, second, and third degree, crimes created and penalties set: SHB 2532, SB 6104, *SSB 6104, CH 145 (1992)
 Background checks for workers having access to children or vulnerable adults, merger of double amendments to provisions concerning: SB 6102
 Background checks on applicants for employment and volunteers who may have unsupervised access to children, revised provisions: SB 5931
 Birth-to-six interagency coordinating council created to coordinate and enhance existing early intervention services for infants and toddlers with disabilities: SB 6432
 Birth-to-six interagency coordinating council created to ensure coordination of and collaboration in delivery of early intervention services to infants and toddlers with disabilities: *SSB 6428, CH 198 (1992)
 Birth-to-six interagency coordinating council, governor to appoint for agencies providing early intervention services to disabled infants and toddlers: SHB 1090
 Center for children, youth, and families created, responsibilities: SB 6238
 Chemical dependency programs, minor not meeting criteria for commitment, parent notification of right to petition and to other services: SB 6217
 Chemically dependent pregnant women, mothers, and infants, interagency coordination of service delivery required: SB 6051
 Child labor law education office created to assist employers in meeting child labor law standards: SB 5517
 Child labor, employer records requirements: SB 6442, SSB 6442
 Child labor, employment of children under age sixteen, hours and conditions: SB 6442, SSB 6442
 Child labor, joint select committee on nonagricultural child labor established: SB 6442, SSB 6442
 Child labor, prohibited employment: SB 6442, SSB 6442
 Child poverty assessment and assistance act: SB 5854
 Child poverty project coordinating council created, development, implementation, and assessment of project: SB 5854
 Child poverty project, child poverty project coordinating council to commission assessment: SSB 5854
 Child welfare cases, citizen review board to review periodically: SB 5749
 Child welfare cases, citizens' oversight board to review periodically: SSB 5749
 Children's investment trust act adopted: SHB 2471
 Children, youth, and families, council on, establishment in governor's office, membership and duties: SSB 6428, SB 6467
 Children, youth, and families, state institute for, established as clearinghouse for information about innovations regarding children, youth, and family issues: SSB 6428
 Citizen review board to review child welfare cases, membership and responsibilities: SB 5749
 Citizens' review board to review child welfare cases periodically: SSB 5749
 Community child poverty project created, state assistance and funding: SB 5854
 Comprehensive approach to protective services for at-risk children and their families at the community level, children's investment trust account created as funding source for: SHB 2471
 Consortia on children, youth, and families, juvenile issues task force to study the establishment and role of a network of consortia and the need for an institute on children and family services: SSB 6428
 Crimes against, assault against a child in the first, second, and third degrees, crimes created and penalties

- set: SHB 2532, SB 6104, *SSB 6104, CH 145 (1992)
- Crimes against, child molestation in the first degree, perpetrator must be at least twenty-four months older than victim: SB 5275
- Crimes against, communication with a minor for immoral purposes: SSB 5346
- Crimes against, exploitation of minors by sexual conduct or materials: SB 5166
- Crimes against, matter harmful to minors, gross misdemeanor to display, sell, or present any matter, including live performance, that is harmful to minors: SB 6262, SSB 6262
- Crimes against, sexual assault, program to provide additional protection to children: SB 5361, SSB 5361
- Crimes against, sexually explicit films, publications, and devices, gross misdemeanor to display, sell, or present to children: SB 6262, SSB 6262
- Crisis residential centers, license limitations: SB 6219
- Crisis residential centers, limitation on child's stay before alternative placement: SB 6219
- Crisis residential centers, number increased: SB 6219
- Cultural awareness retreats, labor and industries' juvenile rehabilitation division to develop: SB 6433
- Deaf youth, pilot project for troubled deaf youth, advisory board to oversee: SB 5179
- Dependent children, performance agreements to ensure permanent placements for: SB 5079
- Dependent children, transitional living services for: SB 5201, SSB 5201
- Disabled infants and toddlers, early intervention services for: SHB 1090
- Disabled infants and toddlers, governor to appoint a state birth-to-six interagency coordinating council for agencies providing early intervention services: SHB 1090
- Disabled or special needs infants and toddlers, early intervention services for: SB 5538, SSB 5538
- Disposable diapers, sale and disposal of banned: SB 5687
- Dropouts, high school dropouts prohibited from obtaining or keeping drivers' permits or licenses: SB 5129
- Drug exposed infants, program to assess and monitor: SSB 5193
- Drug exposure assessment and monitoring of infants, program establishment: SB 6051
- Early childhood education, availability to eligible children not served by federal program: SB 5095
- Early childhood education, preschool education assistance: SB 5279
- Early childhood interagency coordinating councils, state and county, membership and duties: SB 5538, SSB 5538
- Early intervention services for disabled infants and toddlers, governor to appoint birth-to-six interagency council for agencies providing: SHB 1090
- Early intervention services for infants and toddlers with disabilities: SHB 1090
- Early intervention services for infants and toddlers with disabilities or special needs: SB 5538, SSB 5538
- Early intervention services for infants and toddlers with disabilities, birth-to-six interagency coordinating council created to coordinate and enhance existing services: SB 6432
- Early intervention services for infants and toddlers with disabilities, interagency agreements to define responsibilities: SB 6432
- Early intervention services for infants and toddlers with disabilities, use of funds: SB 6432
- Employment, hours of work, child labor standards enforcement: SB 5404
- Employment, safety and health, child labor standards enforcement, penalties: SB 5405
- Employment, wage payments, child labor standards enforcement, penalties: SB 5405
- Erotic sound recordings, "adults only" labeling required: *HB 2554, CH 5 (1992)
- Evidence, admission of child's statement regarding attempted acts of sexual contact: SB 5065, SSB 5065
- Family policy council created to solicit proposals to facilitate greater flexibility and responsiveness of service to families at the community level, duties, requirements for consideration of proposals: SHB 2846, SB 6428, *SSB 6428, CH 198 (1992)
- Fetal alcohol syndrome and fetal alcohol effect included in definition of developmental disability: SB 6260, SSB 6260
- Foster care, placement with relative may not be denied for relative's belief or disbelief in criminal acts or convictions of child's parent: SB 6345, SSB 6345
- Foster care, visitation with relative may not be denied for relative's belief or disbelief in criminal acts or convictions of child's parent: SB 6345, SSB 6345
- Galactosemia, screening of newborn infants for: SB 5455
- Gang risk prevention and intervention pilot programs, department of community development to contract with school districts to implement: SB 6433
- Homeless children, specialized child care and respite care authorized for children of homeless parents: SSB 5653
- Housing discrimination against families with children or containing a disabled person prohibited: HB 2598
- Immunization for vaccine preventable diseases, demonstration projects and required immunizations for

- children of state service recipients and state employee benefit recipients: SB 6034, SSB 6034
- Infant mortality review by local health department authorized, confidentiality of records: SHB 2571, *SB 6296, CH 179 (1992)
- Juvenile serious habitual offender program established, provisions: SB 5739, SSB 5739
- Labor laws, enforcement, penalties for violations: SB 5154
- Long-term care of children pilot project, two facilities to be established: SB 5495
- Long-term care of children, policy to incorporate family resource options and involvement: SSB 5820
- Long-term care policy for special needs child and family to be developed: SSB 5748
- Mental health, county-designated mental health professional's duties when evaluating minor not meeting criteria for involuntary admission to evaluation and treatment center, parent's petition for review: SB 6218
- Minors under influence of alcohol in public guilty of misdemeanor: SHB 2296, SB 6158
- Minors, county-designated mental health professional's duties when evaluating minor not meeting criteria for involuntary admission to mental health evaluation and treatment center, parent's petition for review: SB 6218
- Minors, erotic sound recordings' ready accessibility to minors prohibited: *HB 2554, CH 5 (1992)
- Minors, failure to meet criteria for commitment to chemical dependency program, parent notification of right to petition and to other services: SB 6217
- Murder when victim sixteen years old or younger basis for charge of murder in the first degree: SB 5781
- Nutrition for children and adolescents, family policy council to develop comprehensive policy: SFR 8722
- Out-of-home placements, monitoring requirements: SB 5061
- Parental action for loss of services and support of child, revised provisions: SSB 5506
- Performance agreements to ensure permanent placements for dependent children: SB 5079
- Permanent placements for dependent children, goal of placement with biological or adoptive family as soon as possible: SSB 5665
- Prenatal drug or alcohol exposure, planning for learning project created to prepare strategies for teaching children with: SB 6366, SSB 6366
- Preschool state education and assistance program, revised provisions and appropriation to fund: SB 5382, SSB 5382
- Preventive services for at-risk children and their families, children's investment trust account created to fund: SHB 2471
- Regional interagency councils for children, youth, and families created, purpose and implementation: SB 6238
- Removal from home, circumstances warranting, "manifest danger" defined: SB 5320
- School pathway and bus stop improvement program and council established, council membership and duties set out: HB 2780
- Sexual abuse victims, video testimony of victimized children under ten allowed: SJR 8217
- Sexual abuse, monitoring of conversations regarding sexual abuse of child authorized, procedure: SB 5905
- Sexual contact, admission of child's statement regarding attempted acts of: SB 5065, SSB 5065
- Sexually explicit films, publications, and devices, gross misdemeanor to display, sell, or present to children: SB 6262, SSB 6262
- Sudden infant death syndrome and other sudden, unexplained child deaths, training of first responders, coroners, and others: SSB 5542
- Sudden infant death syndrome, autopsy required when suspected: SB 5542
- Termination of parental rights, conditions warranting permanency plan that seeks termination: SSB 5665
- Tobacco, prevention of tobacco-caused disease, programs to reduce use by youth and to promote tobacco use reduction: SB 5567, SSB 5567
- Transitional living services for minors: SB 5201, SSB 5201
- Youth recreation account created: SB 6164
- Youth recreation advisory committee created, membership and duties: SB 6164
- Youth recreational activities, injury prevention and sports medicine research funded by surcharge on professional sports tickets: SB 6164
- Youth recreational activities, training for referees, umpires, and coaches funded by surcharge on professional sports tickets: SB 6164
- Youth recreational facilities, increased number and hours of operation funded by surcharge on professional sports tickets: SB 6164

CHILLBERG, D. E.

Reappointed Member, Housing Finance Commission, GA 9188 42

CHIROPRACTIC DISCIPLINARY BOARD

Review of chiropractic health care requested by third-party payors to be conducted only by registered chiropractic physicians, board to set registration standards: HB 2774

CHIROPRACTORS

Chiropractic treatment and care, revision of definitions in chiropractic practice act: SHB 2329, *SB 6054, CH 241 (1992)

Health care authority to establish pilot projects to contract with organizations of chiropractors for prepaid capitated amount: SB 6054

Peer review committee established, membership and duties: SB 5792, SSB 5792, 2SSB 5792

Quality assurance system revisions to professional practice act: SB 6029

Review of chiropractic health care requested by third-party payors to be conducted only by registered chiropractic physicians, chiropractic disciplinary board to set registration standards: HB 2774

Service and fee limitations, state health care purchasers authorized to establish: *SB 6054, CH 241 (1992)

Workers' compensation, chiropractic services included in services provided: HB 1627

CHLOROFLUOROCARBONS

Polystyrene products, use in food service and packaging prohibited on ferries and in ferry terminals: SB 5855, SSB 5855

Refrigerant and other uses restricted: SB 5326

Uses restricted: SB 5032, SSB 5032, 2SSB 5032

CHURCHES

Day care services, business and occupation tax exemption for church-provided day care services: *SB 6010, CH 81 (1992)

CIGARETTES

Cigarette sales enforcement fund, licensing fees deposited in: SB 5259

Enforcement of cigarette and tobacco laws, powers and duties transferred to liquor control board: SB 5560, SB 6469

Outdoor advertising of tobacco products prohibited, civil penalties: SB 5692

Sale below cost in wholesale and retail trade prohibited: SB 5259

Tobacco education program targeting youth and stressing dangers and problems of use, additional cigarette tax to fund: SB 6331

Tobacco, prevention of tobacco-caused disease, programs to reduce use by youth and to promote tobacco use reduction: SB 5567, SSB 5567

CITIES AND TOWNS

Above-ground tanks not distributing fuel to general public, exemption from fire code provisions: SB 6425

Actions against city may not be commenced until sixty days after claim has been presented to governing body: SB 6101

Administrative procedure act, local regulators bear burden of proof for reason for state standards variance: SB 5786

Affordable housing, zoning variance to allow second-family residential units on existing single-family lots, conditions: SSB 5810

Animals, authority to enact ordinances to enforce restraint and control requirements for pet animals off owner's property: SB 6087, SSB 6087

Annexation, population determination of area may be derived from previous year's census data, conditions: SB 5550

Bidding practices for municipalities revised: SHB 2505

Building codes, residential buildings moved into or within city or county not required to meet all building code requirements if occupancy classification of building is not changed: *SHB 2673, CH 79 (1992)

Building codes, stand-alone ordinances, submission to building code council for review: SB 6402

Capital projects funded from real estate excise tax to be identified in city or county budget where it is to be indicated that tax is intended to be in addition to other available funds: *SB 6408, CH 221 (1992)

Capital projects, limitations on use of revenues from real estate excise tax to finance capital projects revised: *SB 6408, CH 221 (1992)

City sealers, appointment of sealer and deputies: SB 6483, *SSB 6483, CH 237 (1992)

City sealers, weights and measures provisions, enforcement powers and duties: SB 6483, *SSB 6483, CH

- 237 (1992)
- Claims against local governmental entities, requirements: SHB 2499
- Community councils, town, village, or neighborhood community councils within cities, annexation powers: SB 6424
- Community councils, town, village, or neighborhood community councils within cities, community comprehensive plans: SB 6424
- Community councils, town, village, or neighborhood community councils within cities, establishment authorized: SB 6424
- Community councils, town, village, or neighborhood community councils within cities, membership and election procedures: SB 6424
- Community councils, town, village, or neighborhood community councils within cities, procedures for creating: SB 6424
- Community municipal corporations, organization in conjunction with the consolidation of two or more cities: HB 1760
- Commute trip reduction, local government responsibilities: SB 5326
- Consolidation of two or more cities, organization of community municipal corporation in conjunction with: HB 1760
- Contracts, interest rate of one percent per month payable on amounts due when public body fails to make timely payment: *SHB 1736, CH 223 (1992)
- Councilmembers pro tem, third class cities and towns authorized to appoint in cases of extended unexcused absence or disability of a councilmember: SHB 1275
- Councilmembers, salaries and compensation, revised provisions: SHB 2809
- Councilmembers, service as reserve law enforcement officers allowed: SB 6498
- Councilmembers, waiver of compensation by filing of written waiver: SHB 2809
- Criminal justice assistance, "criminal justice purposes" defined for local government assistance purposes: SSB 5185
- Criminal penalties set by cities and counties to be the same as those set by state law: SHB 1186
- Desert Shield, health and retirement coverage continued for employees called to active service: SSB 5092
- Economic development related projects of regional or state significance, identification and requests for assistance: SHB 2676
- Electric transmission lines, removal of trees or vegetation that constitute a hazard, procedures: SB 6473
- Electric utilities, revised provisions relating to municipal utilities access to high voltage transmission lines: *HB 2347, CH 11 (1992), SB 6064, SSB 6064
- Electrical facilities, placement of, procedures: SHB 1198, SB 5714
- Electrical substations, procedures for obtaining permit to locate: SHB 1198, SB 5714
- Employees of a third class city or a town serve at the pleasure of the mayor and may be removed by the mayor subject to any applicable civil service laws: SHB 1275
- Employees, council of a third class city or a town to establish duties and compensation of all employees: SHB 1275
- Energy facility site certification, applicant to furnish information requested by city: SB 5884
- Energy facility site certification, applicant to pay city's cost of processing: SB 5884
- Environmental impact statements, threshold determination on completed application to be made within ninety days although applicant may request an additional thirty days for determination: *SSB 5728, CH 208 (1992)
- Family day-care provider, home is permitted use in all areas zoned for residential or commercial purposes: SB 6491
- Farmworker housing, building standards for temporary farm worker housing, authority to adopt: SB 6025
- Festivals, lodging tax proceeds may be used for the promotion of community-oriented festivals: SB 5930
- Fire code, above-ground tanks not distributing fuel to general public, exemption from fire code provisions: SB 6425
- Fire protection services to state-owned facilities, cities and towns may enter into contracts with state agencies requiring that agencies provide a share of the jurisdiction's fire protection funding: *SHB 2937, CH 117 (1992)
- Fire protection, separate contract between city or town and state agency allowed: SB 5947
- Firemen's pension fund, investment policies revised: *SB 6226, CH 89 (1992)
- First class cities, solicitation and employment of women and minority businesses by contractors with, revised requirements: SHB 2481
- Flood control maintenance and enhancement, options expanded: SB 5817
- Flood plain management, local governments to adopt a plan by October 31, 1991, that equals federal

- program requirements: SB 5704
- Fuel tanks, above-ground tanks not distributing fuel to general public, exemption from fire code provisions: SB 6425
- Growth management act, development regulations adoption deadline delayed: SB 6443
- High capacity transportation systems, regional transportation planning and interlocal agreements, revised provisions: SB 5948
- Home heating assistance for low-income persons extended to June 30, 1995: SB 5904
- Impact fees, new growth and development may pay proportionate share of cost of new child care facilities and services needed as result of growth: SB 5408
- Incorporation elections, three-year ban on new elections when incorporation is not approved, application limited: SB 5139
- Interlocal agreements, revised provisions relating to filing, approval, scope, and form of agreements: *SHB 2495, CH 161 (1992)
- Invalid local laws, revision of, obligation to attempt to cure defect, burden of proof on locality in challenge to revised law: SB 5570
- Jail industries, comprehensive work programs for inmates: SHB 2334, SB 6341
- Jail industries, inmate compensation for work in: SHB 2334, SB 6341
- Jail industries, state-wide board of directors to develop guidelines and provide technical assistance for implementing: SHB 2334, SB 6341
- Lodging tax, use for special events or festivals and promotional infrastructures authorized: *SB 6452, CH 202 (1992)
- Mining, surface mining subject to local regulation to prevent or mitigate environmental and social impacts of mining operations: SB 6066
- Mobile home parks, land use requirements, application to certain cities and counties: SB 5186
- Moratoria or interim zoning, state standards established to minimize impacts and avoid litigation: SSB 5727
- Municipal corporations, community, organization in conjunction with the consolidation of two or more cities: HB 1760
- Municipal court judges, salary to equal that of district court judge: SB 6486
- Municipal criminal justice account, revised distribution procedures: *HB 2655, CH 55 (1992), SB 6270
- Municipal research council, city and town clerks required to provide a copy of regulatory and other ordinances to council when requested by council after adoption: SHB 1275
- Nonpartisan elections, removal of disqualified candidate from ballot: *HB 2662, CH 181 (1992), SB 6309
- Northern Ireland, investment of pension funds in United States corporations operating in, standards for corporate activity: SB 5649
- Officials, reimbursement provisions revised: SHB 2809
- Open space corridors not to include private land unless interest is acquired to prevent development and control resource management: SB 6401
- Open space corridors, identification of corridor not to restrict authorized development, uses, and management of private property in corridor unless city acquires sufficient interest to prevent or control development: SB 6401
- Open space corridors, identification of corridor not to restrict use or management of lands in corridor for agricultural or forest purposes unless city acquires sufficient interest to prevent control or development: *SB 6401, CH 227 (1992)
- Patients and clients of public emergency medical service, confidentiality of personal information: SHB 1275
- Pesticide regulation, local regulation of pesticides prohibited except as expressly authorized by legislature: SB 6273
- Police department, warrant officer position to be maintained by the city within the police department, revised nomenclature, powers, and duties: *HB 1732, CH 99 (1992)
- Police department, warrant officer to be maintained within: SB 6156, SSB 6156
- Police department, warrant server may be maintained within: HB 1732
- Private property protection act adopted: SB 6201
- Property tax, tax on conveyance of real property, revised provisions: SB 6503
- Public transit, fare revenue use as match for motor vehicle excise tax funds authorized: HB 2942, SB 6465
- Public transportation benefit areas, city annexation of territory within benefit area boundaries, inclusion of that territory in benefit area: SB 6426, SSB 6426
- Public works, award of contract for, criteria for making award, revised provisions: SHB 2409
- Public works, lowest responsible bidder, additional criteria for determination of: SHB 2409
- Public works, notice required for projects costing more than thirty thousand dollars: SB 6256
- Puget Sound water quality management plan, incorporation into comprehensive plan of elements consistent

- with management plan: SSB 5355
- Radio antennas, amateur, city and county ordinances must conform to limited federal preemption contained in federal communications commission guidelines: SB 6480
- Radon testing requirements for new single and multifamily residences at the time of final inspection, building inspector's duties: SHB 2690, SB 6386, *SSB 6386, CH 132 (1992)
- Real estate excise tax, cities and counties authorized to use for financing capital facilities only if growth management plan and regulations enacted: SB 6408
- Real estate excise tax, city or county budget to identify capital projects funded from tax and to indicate that tax is intended to be in addition to other available funds: *SB 6408, CH 221 (1992)
- Real estate excise tax, limitations on use of revenues from tax for financing capital projects revised: *SB 6408, CH 221 (1992)
- Receivers to manage real property, civil action to appoint, when city may authorize action by private individual: SSB 5180
- Recycled products, increased purchase and use of: SB 5829
- Regional planning commission, treasurer or auditor may be other than county treasurer or county auditor: SB 5908
- Regulatory takings of private property, owner or user right to compensation established, exceptions and alternatives set out: SB 6201
- Remote hydroelectric generating facilities, additional privilege tax imposed on facilities owned by cities in certain counties: SB 5832
- Rental cars, municipalities imposing local motor vehicle excise tax authorized to impose a sales and use tax at a rate equal to the motor vehicle excise tax with revenues distributed in the same way: *SHB 2964, CH 194 (1992)
- Residential buildings moved into or within city or county not required to comply with all building code requirements if occupancy classification of building not changed: *SHB 2673, CH 79 (1992)
- Retirement, portability of benefits for Seattle, Spokane, and Tacoma employees, cities to pay additional cost of coverage: SB 6233
- Revenue bonds, authority to issue to finance water conservation programs: *SB 6028, CH 25 (1992)
- Saltwater tidelands, cooperation with county to establish watershed protection districts and implement programs: SSB 6132
- Shellfish habitat protection, action under watershed action plan, local government duties: SB 6059
- Shellfish protection districts, cooperation with county to establish districts and implement programs: *SSB 6132, CH 100 (1992)
- Small works rosters, process for municipalities to award contracts on works estimated to cost less than one hundred thousand dollars: SHB 2505
- Snoqualmie river management program, North Bend and Snoqualmie participation in development of: SB 5872
- Special election held during month of presidential preference primary to be set for the same day as the primary election: SHB 2402, *SB 6213, CH 37 (1992)
- Special meetings called by third class cities and towns required to conform to the special meetings provisions of the open public meetings act: SHB 1275
- Sports franchises, cities, code cities, and counties authorized to own an interest in a professional sports franchise: SHB 2722
- Storm water facilities are public facilities for which cities and counties may impose impact fees: SSB 5145
- Storm water facilities, city planning requirements: SSB 5145
- Storm water management program, prerequisite to receipt of state grants or loans: SB 5074, SB 5145, SB 5355
- Surface mining within jurisdiction, operating standards: SB 6119, SSB 6119
- Surface mining, regulation of operation when conducted wholly within city: SB 5513
- Tax revenues, municipal tax expenditure limitations by state removed: SB 6307
- Third class cities and towns, revised provisions relating to employment, meetings, and councilmembers pro tem: SHB 1275
- Towns and third class cities, revised provisions relating to employment, meetings, and councilmembers pro tem: SHB 1275
- Towns authorized to dispose of property by lease, sublease, or conveyance: SHB 1275
- Transit services, six-year transit development plan to address land-use patterns and state-wide transit goals and policies: SHB 2940
- Transportation benefit areas, addition of territory to area when city annexation extends city boundaries into a public transportation benefit area: *SHB 2714, CH 16 (1992)

- Tropical hardwoods, government purchase of products made from prohibited, exceptions: SB 6310, SSB 6310
- Utility service charges, collections, deposits, and discontinuance of service for nonpayment, required procedures: SB 5771, SSB 5771
- Veterans credit on civil service examinations for police officers and fire fighters: SHB 1275
- Warrant officer may be maintained within police department: SB 6156, SSB 6156
- Warrant officer position to be maintained by the city within the police department, revised nomenclature, powers, and duties: *HB 1732, CH 99 (1992)
- Warrant server, terminology changed to warrant officer: SB 6156, SSB 6156
- Waste transportation, minimum fees imposed on load without cover, duty to adopt ordinance: SHB 2397
- Wastewater discharge fees, permit fee schedule for municipalities modified: SB 5700
- Water and sewer utilities, restrictions on taxes imposed for the privilege of operating: SB 5298, SB 5595
- Water conservation or more efficient use of water, bonds authorized: SB 6258
- Water conservation programs, authority to issue revenue bonds to finance: *SB 6028, CH 25 (1992)
- Water conservation programs, cities and counties authorized to issue bonds to finance: SHB 2561
- Water conservation, evaluation of delivery rate structures to encourage: SHB 2629
- Water conservation, program must be implemented to qualify for public works board loans: SB 6258
- Water conservation, rate techniques to encourage: SB 6258
- Water conservation, water-efficient landscaping encouraged: SB 6258
- Water discharge fees, revised provisions: SB 5608
- Water supply system, nonresident customers, restrictions on consideration of location in setting rates for service: SB 5595
- Water supply system, not to charge nonresident customers a higher rate for service without county approval: SB 5298, SB 5595
- Weights and measures, city sealer's powers and duties regarding enforcement of weights and measures provisions: SB 6483, *SSB 6483, CH 237 (1992)
- Wetlands, criteria in United States army corps of engineers delineation manual to be used to designate and regulate: SB 6254
- Wetlands, grants to map wetlands in anticipated urban growth areas: SSB 6255
- Wetlands, inventory map of land to be prepared before adopting development regulations, notice requirements: SB 6255, SSB 6255, 2SSB 6255
- Whistleblower program establishment encouraged, auditor approval: SB 6321
- Whistleblowers, policy and procedures for reporting improper governmental action: *SSB 6321, CH 44 (1992)
- Whistleblowers, retaliatory action against employee who provides information in good faith prohibited, adjudicative hearing procedures: *SSB 6321, CH 44 (1992)
- Women and minority businesses, requirements for the solicitation and employment of by contractors with first class cities: SHB 2481
- Zoning, adoption of moratorium or interim zoning map, ordinance, or official control, requirements concerning public hearings, findings of fact, and effective period: *SSB 5727, CH 207 (1992)
- Zoning, family day-care provider's home is permitted use in all areas zoned for residential or commercial purposes: SB 6491

CIVIL INFRACTIONS

- Littering made class 1 or 4 infraction depending on the volume of litter involved and made subject to monetary penalties: SHB 1153

CIVIL PROCEDURE

- Agricultural food products disparagement, action for damages: SB 6352
- Alternative dispute resolution, provisions for: SB 5163
- Arbitration, mandatory, award cap set: SB 5063
- Attorney fees and costs, assessment against state when not prevailing party in civil action, necessary conditions: SSB 5289
- Attorney fees and costs, award when state is not prevailing party in civil action: SB 6249
- Attorney fees, award to prevailing party in action arising from public works construction contract to which a public body is a party, procedural requirements established: *SB 6407, CH 171 (1992)
- Attorney fees, award when, except for torts, state or subdivision is not prevailing party in a civil action: SB 5289
- Certificate of merit to be filed within thirty days in professional negligence actions, requirements: SB 5386,

- SSB 5386
Challenges to jurors, revision of general causes of challenge to a juror: *SHB 2394, CH 93 (1992), SB 6112, SSB 6112
Childhood sexual abuse, clarification of the application of the statute of limitations to cases involving: SB 5811
Claims against local governmental entities, requirements: SHB 2499
Commencement of actions, times extended for actions regarding real property rights: SB 5362
Consumer protection laws, consumer may bring action for the direct or indirect injuries caused by a violation of the: SB 5689, SSB 5689
Damages for governmental actions adversely affecting real property, restrictions on actions removed: SB 5571
Disparagement of agricultural food products, action for damages: SB 6352
Domestic relations, summary proceedings authorized in trials relating to: SB 5028, SSB 5028
Domestic violence, temporary restraining orders extended from fourteen to twenty-one days: SB 5437
Driving while intoxicated, punitive damages for personal injuries or wrongful death resulting from: SHB 1676
Economic damages, joint and several liability of multiple defendants for, revised provisions: SB 5584
Employment discrimination, individuals may bring private action against employers: SB 6167
Evictions, landlord may recover costs of moving and storing tenant's property following an eviction: *SSB 5986, CH 38 (1992)
Fire protection sprinkler system contractors, attorney general or county prosecuting attorney authorized to bring civil proceedings to enforce chapter: *HB 2290, CH 116 (1992)
Food products delivery guarantee, penalty for guarantee that results in injury to another or another's property: SB 6466, SSB 6466
Franchise relationships, discrimination prohibited in, civil action for specific performance of the franchise agreement and to recover damages and costs authorized: SHB 2954
Health care services practice parameters and risk management protocols, compliance as affirmative defense to professional negligence claim: SB 6029
Housing, disabled persons with guide or service dogs, discrimination against prohibited, remedies: SB 6431
Housing, families with children, discrimination against prohibited, remedies: SB 6431
Indigent persons, funding of qualified legal aid program civil representation for indigent persons from public safety and education account authorized: *SHB 1378, CH 54 (1992)
Indigent persons, representation in superior court by qualified legal aid programs, waiver of filing fees: *SHB 1378, CH 54 (1992)
Infant mortality review, local departments authorized to conduct, confidentiality of records provided by families, department officials and employees, and health care professionals participating in reviews established: *SB 6296, CH 179 (1992)
Infant mortality review, local health departments authorized to conduct, confidentiality of records provided by families, department officials and employees, and health care professionals participating in reviews established: *SB 6296, CH 179 (1992)
Joint and several liability of multiple defendants for economic damages, revised provisions: SB 5584
Judges, revised procedures concerning time for filing of motion to establish prejudice of judge: SB 6100, SSB 6100
Judgments, assignment of judgment, recording of: SSB 5202
Judgments, recording of judgment or memorandum of judgment: SSB 5202
Jurors, revision of general causes of challenge to a juror: *SHB 2394, CH 93 (1992), SB 6112, SSB 6112
Liquor, furnishing liquor to minors constitutes negligence per se in any civil action for damages resulting from a minor's consumption of liquor: SHB 2733
Local government entities, claims against, establishment of single uniform system to pursue: SHB 2499
Local governments, action against local government may not be commenced until sixty days after claim has been presented to governing body: SB 6101
Minors, furnishing liquor to minors constitutes negligence per se in any civil action for damages resulting from a minor's consumption of liquor: SHB 2733
Name change orders, district court to collect fee for filing and transmit fee and order to county auditor for filing and recording: *SSB 6135, CH 30 (1992)
Name change orders, permanent retention required: SB 6135
Parental action for loss of services and support of child, revised provisions: SSB 5506
Parental liability for child's act resulting in property destruction or personal injury, maximum amount of damages recoverable raised to five thousand dollars: SB 6294

- Partial summary judgment allowed in civil actions for damages: SHB 1638
- Professional negligence actions, certificate of merit to be filed within thirty days, requirements: SB 5386, SSB 5386
- Property damage from increase in flow of natural watercourse, liability for damages of person responsible: SSB 5145
- Public hazards, courts may not enter judgment which has purpose or effect of concealing information from the public: SHB 1320, SB 5388
- Public works construction contracts to which a public body is a party, award of attorney fees to prevailing party in action arising from contract authorized, procedural requirements established: *SB 6407, CH 171 (1992)
- Radon resistive construction requirements under RCW 19.27.190, compliance constitutes defense in civil action for damages for injury caused by indoor air pollution against builder or designer: *SSB 6386, CH 132 (1992)
- Real property rights, actions regarding, times for commencement of action extended: SB 5362
- Receivers to manage real property, civil action to appoint, when city may authorize action by private individual: SSB 5180
- Service of process against marital community by serving either spouse allowed: SB 6187
- Service of process against marital community, separate service required if spouses do not reside together: SSB 6187
- Sports franchises, the state and its political subdivisions given cause of action for economic damages caused by wrongful removal of a professional sports franchise from state: HB 2977
- Warrant officer position to be maintained by the city within the police department, revised nomenclature, powers, and duties: *HB 1732, CH 99 (1992)
- Whistleblower actions based on reprisal or retaliation, court may award costs as well as reasonable fees to prevailing party: *SSB 5121, CH 118 (1992)
- Workers' compensation appeals, notice of appeal and copy of record before board of industrial insurance appeals to be served on either the worker or the beneficiary and to any other party: SHB 2496
- Workers' compensation, health care services provider repayment of sums deemed owing: SB 6299, SSB 6299
- Workers' compensation, vocational services provider repayment of sums deemed owing: SB 6299, SSB 6299

CLACK, DAVID A.

Member, Spokane Joint Center Board of Governors, GA 9189, Confirmed 34,86,265

CLAMS

Enhanced food fish tax imposed on: SB 5016, SSB 5016

CLARK COMMUNITY COLLEGE DISTRICT NO. 14

Victor H. Clausen, Trustee, GA 9291 388
 William G. Morris, Reappointed Trustee, GA 9290 388
 Sally G. Schaefer, Reappointed Trustee,
 GA 9033, Confirmed 122,795

CLARK COUNTY

Public assistance eligibility for students under twenty-one years of age, pilot program established to demonstrate improved school completion rates: SSB 6098

CLARKE, CHUCK

Appointed Director, Department of Ecology, GA 9270 104

CLAUSEN, VICTOR H.

Trustee, Clarke Community College District No. 14,
 GA 9291 388

CLEMENCY AND PARDONS BOARD

Samuel R. Johnston, Reappointed Member, GA 9206 40

CLINICAL LABORATORY SCIENCE PRACTITIONERS

Clinical laboratory board created, membership, powers, and duties: SB 5907

* - Passed Legislation

Licensing requirements: SB 5907

CLOVER PARK TECHNICAL COLLEGE

Theodore Bolton, Trustee, GA 9250, Confirmed	47,213,1531
Phil Hayes, Trustee, GA 9251, Confirmed	48,213,1647
Lieutenant Colonel Janet Kovatch, Trustee, GA 9252, Confirmed	48,213,1687
Tom Ryan, Trustee, GA 9253	48,214
Arnold Wright, Trustee, GA 9254	48,214

CLUBS

Liquor licenses, class H, golf and country clubs discriminating on basis of gender not entitled to: SB 6346

COLLECTION AGENCIES'

Public debts, state and local governments authorized to assess collection costs for amounts paid agencies making collections: SB 5902

COLLECTIVE BARGAINING

Agricultural labor relations act adopted: SB 5867

Ferry system employees, revised provisions: SB 5378

Public transportation systems, mediation and arbitration provisions when agreement cannot be negotiated within time limits: SB 5994

School districts, subjects not subject to collective bargaining: SB 5851, SSB 5919

State employees granted right to organize and bargain, conditions and procedures: SHB 1655, SB 5545

State employees' relations commission, membership and duties: SHB 1655, SB 5545

Superior court employees, definitions revised to include: HB 1286, *SB 5105, CH 36 (1992)

Uniformed personnel, law enforcement officers and fire fighters of all cities, towns, and counties included: HB 1362, SB 5384

Washington agricultural labor relations act adopted: SB 5867

COLLEGES AND UNIVERSITIES

Accountancy financial assistance account created to provide assistance to economically disadvantaged students in accountancy programs in their last thirty semester hours of college: SHB 2293

Accounting students, fifteen percent surcharge to be made on accountant license fee to be used for financial assistance for economically disadvantaged students in accounting programs: SHB 2293

Admission requirements, study of Indian language to meet any requirement for instruction in a language other than English: HB 2541

American sign language course satisfies college foreign language admission requirement: *HB 1664, CH 60 (1992)

Art acquisition program, capital construction funds set aside for program to remain with institution: SB 6227

Art acquisition program, participation optional and on a project-by-project basis: SB 6227

Bond debt service retirement account, reservation of funds in account for four-year institutions: SB 5952

Branch campuses, appropriation reversion if enrollment level is more than two percent below amount authorized: SB 5784

Budget, single higher education budget for operation and capital support, higher education coordinating board to prepare: SB 5709

Children, youth, and families, state institute for, establishment as clearinghouse for information about innovations regarding children, youth, and family issues: SSB 6428

Civil service employees, personnel files exempt from public records disclosure provisions: SB 6252

College career entry program created: SB 5337

College mascot license plates, fee to go to participating four-year institutions for nonathletic scholarships: SB 6490

College promise, higher education coordinating board to develop a comprehensive system of higher education financial assistance to be known as, goals and requirements: SHB 2729

Commercial activities, institution engaging in prohibited, exceptions: SB 6253

Community service placements, higher education coordinating board to define and set salary matching requirements for community service employers: SHB 2729

Desert Shield, health and retirement coverage continued for employees called to active service: SSB 5092

Education construction account created, emergency reserve fund earnings to be transferred to: SB 6470

Educational loan program, state-appropriated financial aid moneys, with some exceptions, to go to: SB 5853
 Educational opportunity grant program changed to educational opportunity loan program: SB 5853
 Emergency services volunteers, paid leave granted employees in training or on call as: SB 5417
 English proficiency required of persons appointed to faculty or as graduate assistants with teaching duties: SSB 5350
 Enrollment level, appropriation reversion if level is more than two percent below amount authorized: SB 5784
 Enrollment, state-funded enrollment levels increased: SSB 5174
 Enrollment, state-funded enrollment levels increased, funding provisions: SB 5814
 Faculty and other designated members, mandatory retirement eliminated after July 1, 1991: SB 5498
 Faculty and other designated members, mandatory retirement eliminated after July 1, 1992: SHB 1409
 Faculty or graduate assistants with teaching duties, English proficiency required of persons appointed as: SSB 5350
 Faculty, teacher educators required to teach one hundred eighty hours in the public schools every five years: SB 5525
 Financial aid programs, state educational loan program, state-appropriated moneys, with some exceptions, to go to: SB 5853
 Financial aid, institutions to match state funds with grant funds from private sources: SHB 2729
 Forest products workers, tuition waiver for unemployed workers: SB 5208
 Future teacher conditional scholarship program, enhancement and revised provisions: SHB 1598
 Hard-to-fill positions, procedures to fill: SB 5337
 Health personnel resource plan, state-wide, higher education health training and education programs, changes in requirements for institutional plans: *SB 5985, CH 27 EX (1991)
 Health training and education programs, changes in requirements for institutional plans: *SB 5985, CH 27 EX (1991)
 High-technology education, study committee to identify issues related to leadership in: SCR 8427
 Higher education opportunity act of 1991: SSB 5174
 Higher education opportunity act of 1991, funding provisions: SB 5814
 Higher education, state operating budget for to be increased by minimum of one percent until percent at or above eighteen percent: SB 5957
 Indian culture, history, and government, required teacher education course in state or Northwest history to include information on: HB 2541
 Indian language study to meet any admission requirement for instruction in a language other than English: HB 2541
 Law enforcement, branch campus law enforcement is responsibility of institution's president: SB 6189
 Law enforcement, fully commissioned police force required at each institution: SB 6189
 Loans, state educational loan program, state-appropriated moneys, with some exceptions, to go to: SB 5853
 Minority criminal justice education loan program created, eligibility and repayment provisions: SB 5857
 Misrepresentation by president during hiring process, board of trustees to remove for: SB 5553
 Musical arts graduate students, tuition and fee waivers authorized for talented students: SB 5660
 Needy first generation college students, higher education coordinating board to design demonstration project to assist: SHB 2729
 Nonresident tuition differential, exemption for nonresident dependents of residents employed in Washington: SB 5484
 Northern Ireland, investment of state funds in United States corporations operating in, standards for corporate activity: SB 5649
 Operating budget for higher education to be increased by minimum of one percent until percent at or above eighteen percent: SB 5957
 Operating fees account to be established for each four-year institution and one to be established for the community colleges as a whole: *SB 6285, CH 231 (1992)
 Pacific Rim language scholarship, provisions expanded: SB 5505
 Personnel management, Washington management service created, purposes and duties: SB 5337
 President of state institution to be removed for misrepresentation during hiring process: SB 5553
 Private, state-funded financial aid to students attending, students to be provided information on amount: SHB 2671
 Purchases, exemption from bidding requirements for purchases funded from research grant, contract, or other nonstate funds of fifteen thousand dollars or less, record of price competition required for audit purposes: *SSB 6328, CH 85 (1992)
 Purchases, procedures for purchases not requiring competitive bids: SB 6328, SSB 6328

- Regents, two student members to be appointed to the board of regents at University of Washington and at Washington State University: HB 1218
- Regional universities, one undergraduate student to be a member of the board of trustees of each university: HB 1218
- Remedial higher education classes, process established to charge school districts for part of the cost of classes for recent high school graduates: SB 6302
- Retirement service credit, employees employed incidentally to their education may obtain credit by paying cumulative contributions plus interest on past waived credit: SB 6388
- Retirement, mandatory retirement of faculty and other designated members eliminated after July 1, 1991: SB 5498
- Retirement, mandatory retirement of faculty and other designated members eliminated after July 1, 1992: SHB 1409
- Revenues, reservation of portion of increased debt capacity to: SB 5324
- Scholarships, college mascot license plate fee to go to participating four-year institutions for nonathletic scholarships: SB 6490
- Sick leave to be provided for academic and other exempt personnel: SB 5351
- Sign language, American sign language course to satisfy any foreign language requirement that the higher education coordinating board or an institution establishes as a general undergraduate admissions requirement: *HB 1664, CH 60 (1992)
- Single parents, long-term loans to needy single parents for educational expenses: HB 1191
- Spouses of students, retirement service credit for employment at college or community college, conditions: SB 5468
- State support of education, students to be provided information on amount: SHB 2671
- State, workers' compensation, temporary total disability, dates for which compensation will be received: SB 5200
- Teacher education, required course in state or Northwest history to include information on Indian culture, history, and government: HB 2541
- Teacher educators required to teach one hundred eighty hours in the public schools every five years: SB 5525
- Teachers, conditional scholarships authorized for teachers seeking master's degree required for continuing certification: SHB 2729
- Timber impact areas, provision of upper division higher education opportunities to students in: SB 6021
- Tribally controlled colleges included in definitions of higher education institutions: SHB 1726
- Trustees of the regional universities, one undergraduate student to be a member of the board at each university: HB 1218
- Tuition and fee waivers, mandatory waivers made permissive: SHB 2729, *SB 6285, CH 231 (1992)
- Tuition and fee waivers, records of students receiving maintained separately and not included in enrollment reports: SB 6297
- Tuition and fee waivers, responsibility for granting given to higher education institutions: SB 6297
- Tuition and fee waivers, students receiving not included in determination of state-funded enrollment totals: SB 6297
- Tuition and fees, percentages of cost revised: SB 6297
- Tuition and fees, resident tuition rate granted nonresident dependents of residents employed in Washington: SB 5484
- Tuition and services and activities fees, minimum and maximum fees, revised provisions relating to setting of: SHB 2729
- Tuition credit for Vietnam veterans in lieu of payment for service in Vietnam combat zone: SB 5429
- Tuition waivers reductions reduced from 7.9 million dollars to 4 million dollars: *SB 5961, CH 238 (1992)
- Tuition waivers, inclusion of public school employees among those eligible for: SB 5412
- Tuition, funds retained locally not to be used for salary increases, one-time bonus allowed: SB 6297
- Upper division higher education opportunities for students in timber impact areas, provision of: SB 6021
- Vietnam veterans, tuition credit in lieu of payment for service in Vietnam combat zone: SB 5429
- Washington technology center, revised organization and duties: *HB 2932, CH 142 (1992)

COLUMBIA BASIN COMMUNITY COLLEGE DISTRICT NO. 19

Frank Armijo, Trustee, GA 9264	69,793
Janice Ludwig, Reappointed Trustee, GA 9020	121,226
Dr. Erik Pearson, Reappointed Trustee, GA 9266	69

* - Passed Legislation

COLUMBIA RIVER

Minimum water flow levels for declining salmonid stock, department of ecology to determine if water withdrawals or diversions are potentially hazardous: SHB 2629
 Sturgeon, recreational or commercial fishing prohibited in the Beacon Rock area from April 1 to June 30 of each year: SB 6048

COMMERCIAL VESSELS AND SHIPPING

Ballast water, coast guard requested to prohibit dumping in United States waters: SJM 8002
 Marine vessels, testing of repaired engines exempt from clean air act provisions: SB 6344
 Maritime commission assessments, proposed increases, revised filing requirements, administrator may reject unjustified increase prior to adoption as final rule: *SHB 2389, CH 73 (1992)
 Maritime safety advisory commission, membership and duties: SB 5183
 Negligent operation of vessel, class C felony: SB 5183
 Oil and hazardous substances spills, financial responsibility requirements for vessels transporting: SB 5183
 Operation under influence of liquor or drugs, class C felony: SB 5183
 Passenger vessels, definition made consistent for all statutes governing oil spill prevention and response: *SHB 2389, CH 73 (1992)
 Pilotage requirements, vessels exempt from: SB 5183
 Property tax on ships and vessels, listing requirements and payment procedures: SHB 2110
 Tank vessels, owner or operator may be required to prove membership in international protection and indemnity mutual organization providing oil pollution risk coverage: *SHB 2389, CH 73 (1992)
 Vessels hauling primarily freight required to have certificate of public necessity: SB 6449
 Violation of certain regulations classified as civil infractions: SB 6298

COMMISSION MERCHANTS

Licensing requirements and business practices, revised provisions: SB 5840

COMMITTEES, STANDING

Change, Senator Sellar Replaces Senator Patterson, Committee on Environment and Natural Resources 77
 Changes in Assignments (4 Changes), Senator Newhouse to Committee on Health and Long-Term Care; Senator Amondson to Committee on Ways and Means; Senator Oke to Committee on Rules; Senator Erwin to Committee on Financial Institutions and Insurance 125
 Assignments, Senator Hansen to Committees on Agriculture and Water Resources and Transportation 173
 Assignments, Senator Sumner to Committees on Health and Long-Term Care (replaces Senator Newhouse) and Environment and Natural Resources (replaces Senator Sellar) 434

COMMUNITY ACTION AGENCIES

Nutrition programs authorized by the U.S. department of agriculture, solicitation of participation by schools, day care centers, and other eligible organizations: SB 5921
 School breakfast and lunch programs, funding assistance from department of community development: SB 5921

COMMUNITY AND TECHNICAL COLLEGES

Aircraft maintenance vocational training, program funding: *HB 2812, CH 183 (1992), SB 6350, SSB 6350
 Bellevue community college district to develop a plan for creation of new campus in northwestern part of district: SB 5894
 Bond debt service retirement account, reservation of funds in account for community colleges: SB 5952
 Budget, single higher education budget for operation and capital support, higher education coordinating board to prepare: SB 5709
 Capital construction needs, revenue from management of state forest lands to fund: SSB 5445
 College promise, higher education coordinating board to develop a comprehensive system of higher education financial assistance to be known as, goals and requirements: SHB 2729
 Commercial activities, institution engaging in prohibited, exceptions: SB 6253
 Community service placements, higher education coordinating board to define and set salary matching requirements for community service employees: SHB 2729

* - Passed Legislation

- Court reporting schools, graduates entitle to certification upon graduation: SB 6406
- Education association officials, retirement service credit authorized for periods of unpaid leave while serving as elected official: SHB 2418, SB 6186, *SSB 6186, CH 3 (1992)
- Education construction account created, emergency reserve fund earnings to be transferred to: SB 6470
- Enrollment, state-funded enrollment level increased, funding provisions: SB 5814
- Enrollment, state-funded enrollment levels increased: SSB 5174
- Faculty appointments, applications from persons wishing to share a job to be considered in making full-time faculty appointments: SB 6053
- Financial aid, institutions to match state funds with grant funds from private sources: SHB 2729
- Forest products workers, tuition waiver for unemployed workers: SB 5208
- Health personnel resource plan, state-wide, higher education health training and education programs, changes requirements for institutional plans: *SB 5985, CH 27 EX (1991)
- Health training and education programs, changes in requirements for institutional plans: *SB 5985, CH 27 EX (1991)
- Job sharing, applications from persons wishing to share a job to be considered in making full-time faculty appointments: SB 6053
- Job sharing, task force created to explore issues relating to, membership and duties: SSB 6053
- Job sharing, task force to study issues that deter job sharing in community and technical college system: SHB 2301
- Lake Washington Technical College, capital appropriation for: *HB 2295, CH 2 (1992), SB 6072
- Needy first generation college students, higher education coordinating board to design demonstration project to assist: SHB 2729
- Northern Ireland, investment of state funds in United States corporations operating in, standards for corporate activity: SB 5649
- Operating fees account to be established for each four-year institution and one to be established for the community colleges as a whole: *SB 6285, CH 231 (1992)
- Property tax, authority to levy excess levies: SB 5937
- Purchases, exemption from bidding requirements for purchases funded from research grant, contract, or other nonstate funds of fifteen thousand dollars or less, record of price competition required for audit purposes: *SSB 6328, CH 85 (1992)
- Purchases, procedures for purchases not requiring competitive bids: SB 6328, SSB 6328
- Remedial higher education classes, process established to charge school districts for part of the cost of classes for recent high school graduates: SB 6302
- Retirement service credit, employees employed incidentally to their education may obtain service credit by paying cumulative contributions plus interest on past waived credit: SB 6388
- Revenues, reservation of portion of increased debt capacity to: SB 5324
- Sick leave to be provided for academic and other exempt personnel: SB 5351
- Spouses of students, retirement service credit for employment at college or community college, conditions: SB 5468
- State support of education, students to be provided information on amount: SHB 2671
- Teachers' retirement system, service credit authorized for periods of unpaid leave as elected official of a Washington education association: SHB 2418, SB 6186, *SSB 6186, CH 3 (1992)
- Technical colleges, funds for high school students enrolled in technical colleges to be allocated to the serving technical college rather than the school district: SHB 2602
- Tenure, job sharing to be considered a faculty appointment for tenure purposes: SB 6053
- Timber impact areas, designation of additional socially and economically integrated communities as timber impact areas by economic recovery board authorized: *HB 2821, CH 21 (1992)
- Tuition and fee waivers, mandatory waivers made permissive: SHB 2729, *SB 6285, CH 231 (1992)
- Tuition and fee waivers, records of students receiving maintained separately and not included in enrollment reports: SB 6297
- Tuition and fee waivers, responsibility for granting given to higher education institutions: SB 6297
- Tuition and fee waivers, students receiving not included in determination of state-funded enrollment totals: SB 6297
- Tuition and fees, percentages of cost revised: SB 6297
- Tuition and services and activities fees, minimum and maximum fees, revised provisions related to setting of: SHB 2729
- Tuition waivers reductions reduced from 7.9 million dollars to 4 million dollars: *SB 5961, CH 238 (1992)
- Tuition, funds retained locally not to be used for salary increases, one-time bonus allowed: SB 6297

COMMUNITY AND TECHNICAL COLLEGES, STATE BOARD FOR

Mitchell Bower, Jr., Reappointed Member,

GA 9184, Confirmed	37,790,1473
Beverly Freeman, Member, GA 9275	105,794
Clyde H. Hupp, Member, GA 9202, Confirmed	37,154,867
Richard R. Sonstelie, Member, GA 9227, Confirmed	37,155,436
Educational progress oversight panel created to report annually on progress of education reform, panel membership and report content requirements established: SSB 5953	
Job sharing, task force created to explore issues relating to, membership and duties: SSB 6053	
Job sharing, task force to study issues that deter job sharing in community and technical college system: SHB 2301	
Public disclosure reporting, "executive state officer" redefined to include board members: SB 6228, SSB 6228	
State support of education, students at private and public schools to be provided information on amount: SHB 2671	

COMMUNITY COLLEGE EDUCATION BOARD

Bellevue community college district to develop a plan for creation of new campus in northwestern part of district, duties: SB 5894

COMMUNITY CORRECTIONS

Community placement, sex and violent offenders required to obtain department approval of living arrangements and residence location during period of: *SHB 2490, CH 75 (1992)

Escape from community placement or supervision, class C felony: *SHB 2490, CH 75 (1992)

Firearms, community corrections officers authorized to carry: SB 5321

Mentally disordered offenders, sentencing guidelines commission to identify and suggest appropriate sentencing options for, required elements: SHB 2847

Nonviolent first-time offenders, community-based punishment alternatives: SSB 6210, 2SSB 6210

Nonviolent offenders, community-based punishment alternatives for, imposition in form of up to one hundred twenty punishment units: SB 6210

Retirement provisions, early retirement for corrections officers: SB 5415

Sex and violent offenders required to obtain department approval of living arrangements and residence location during period of community placement: *SHB 2490, CH 75 (1992)

Subsistence account to be used in search for employment upon release, portion of prison earnings to be allocated to account: SB 5949

Vehicular homicide or assault, offenders subject to conditional community placement and must undergo alcohol and drug evaluation and treatment as condition of placement: SHB 2388

Violent offenders, additional community placement authorized: SHB 2354

COMMUNITY DEVELOPMENT, DEPARTMENT OF

Barbara Gooding, Appointed Director, GA 9271	105
911 coordination office, funding priorities for state-wide implementation of enhanced 911: SB 6376	
911 coordination office, private branch exchange equipment enhanced 911 capability required, enforcement duties: SB 6375	
Adolescents, community-based program for teen success established, department duties: SB 5885, SSB 5885	
Arbitrators, mediators, and conciliators, to adopt rules of professional conduct for nonlawyers: SB 5163	
Border areas account created, department to distribute funds to border areas: HB 2539	
Building technologies advisory board, department duties: SB 5786	
Center for volunteerism and citizen service act, center for voluntary action renamed and its duties enhanced: *SHB 2735, CH 66 (1992)	
Children's investment trust act, departmental duties under: SHB 2471	
Community assessment process on impact of proposed major transportation corridors, requirements and procedures: SB 5890, SB 5901	
Community child poverty project, assistance to community action agencies through community services block grants, duties: SB 5854	
Community partnership program established to assist community-based organizations, advisory committee created, duties: SSB 5581	
Community-based long-term care and support system, department powers and duties: SB 5917	

- Community-based long-term care policy advisory committee, membership and duties: SB 5917
- Crime victims' advocacy office created, crime victims' ombud created within office, powers and duties, confidentiality of records: SHB 2734, SB 6387, SSB 6387
- Criminal justice plan, local governments required to file with department as a condition of receiving state funds: SB 5304
- Developmentally disabled and mentally ill persons, protection and advocacy of rights of, duties relating to federal funding requirements: HB 2591
- Earthquake preparedness committee created, membership and duties: SHB 2791
- Earthquake preparedness policy in schools, department duties: SHB 2791, SB 5238
- Earthquake preparedness, duties of director regarding promotion and supervision of improvement of state's preparedness: SHB 2791
- Family policy council created to solicit proposals to facilitate greater flexibility and responsiveness of service to families at the community level, duties, requirements for consideration of proposals: SHB 2846, SB 6428, *SSB 6428, CH 198 (1992)
- Fire protection services to state-owned facilities, department duties in regard to valuation procedures and arbitration of contract impasses: *SHB 2937, CH 117 (1992)
- Fire protection, director of, to assure that no delays occur in the conduct of inspections necessary to obtain business permits and licenses: SB 6068
- Fire services mobilization plan, state fire defense board to develop and maintain plan containing required elements, duties of director and state fire marshal when plan is mobilized: SHB 2624, *SHB 2937, CH 117 (1992)
- Fiscal notes, powers, functions, and duties relating to fiscal note preparation transferred to fiscal note council: SSB 6188
- Gang risk prevention and intervention pilot programs, department to contract with school districts to implement: SB 6433
- Habitual juvenile offenders, serious habitual offender grant program established to assist in early identification, recordkeeping, prosecution, and supervision activities: SB 6115
- Indigent persons, representation in superior court by qualified legal aid programs, duties: *SHB 1378, CH 54 (1992)
- Juvenile serious habitual offender program, financial assistance program: SB 5739, SSB 5739
- Local government review process and community assessment process, to administer grants to local jurisdictions to conduct: SB 5890, SB 5901
- Local government service agreements, duties and rulemaking authority in regard to: SHB 1015
- Long-term care information system, department to design and administer: SB 5917
- Long-term care ombudsman in counties over five hundred thousand, department duties: SB 6124
- Long-term care ombudsman program, funding: SB 6170
- Manufactured home installers, certification requirements and procedures established, penalties set for violations: SHB 2764
- Minority and women-owned businesses loan fund committee, membership: SHB 1737
- Preschool state education and assistance program, revised provisions and appropriation to fund: SB 5382, SSB 5382
- Regional interagency councils for children, youth, and families created, department duties: SB 6238
- Retired senior citizen volunteer programs, funds distribution: *HB 2374, CH 65 (1992), SB 6181
- School breakfast and lunch programs, funding assistance through community action agencies: SB 5921
- Search and rescue grant program established, duties: SB 5206
- Senior environmental corps coordinating council, membership and duties: *SHB 2560, CH 63 (1992)
- Senior environmental corps created, department duties: *SHB 2560, CH 63 (1992)
- Sexual assault prosecution assistance program: SB 5361, SSB 5361
- Sexual assault, prevention programs for persons at-risk of becoming victims of sex offenders, grant application requirements: SHB 2734, SB 6387
- Urban/rural economic partnerships project created to encourage transfer of excessive Puget Sound business growth to rural areas: SB 6279
- Wetlands, department to study feasibility of contracting with federal, state, and private agencies to expedite development of maps for use by local governments: SSB 6255, 2SSB 6255
- Wetlands, grants to counties and cities to map wetlands in anticipated urban growth areas: SSB 6255
- Yakima County criminal justice facility, appropriation to fund construction of: SB 5479
- Yakima county criminal justice enhancement, appropriation to provide grant for: SB 5091
- Youth recreation advisory committee, membership and duties: SB 6164
- Youth recreation facilities and activities, department duties: SB 6164

COMMUNITY ECONOMIC REVITALIZATION BOARD

Business, financial, and commercial information submitted to board, exemption from public disclosure: HB 2595

Timber impact areas, designation of additional socially and economically integrated communities as timber impact areas by economic recovery board authorized: *HB 2821, CH 21 (1992)

COMMUNITY PROPERTY

Age and health of parties, factors to be considered in division of community property following dissolution or legal separation: SB 5715

Intangible property to be considered in division of community property following dissolution or legal separation: SB 5715

Joint tenancy, either husband or wife may sever tenancy and the property or proceeds will be considered community property: HB 2538

COMMUNITY SERVICE

Center for volunteerism and citizen service act, center for voluntary action renamed and its duties enhanced: *SHB 2735, CH 66 (1992)

Child poverty assessment and assistance act: SB 5854

Child poverty project coordinating council created, development, implementation, and assessment of project: SB 5854

Child poverty project, child poverty project coordinating council to commission assessment: SSB 5854

Children's investment trust act adopted to provide funding for protective services programs for at-risk children and their families at the community level: SHB 2471

Community child poverty project created, state assistance and funding: SB 5854

Community outreach for health pilot programs, establishment and duties: SB 6034, SSB 6034

Community outreach health programs, assistance in establishing pilot local programs using volunteers: SSB 5650

Community partnership program established to assist community-based organizations, advisory committee created, duties: SSB 5581

Community work experience program to be implemented for general assistance recipients not expected to be eligible for supplemental security income and capable of doing public service work: *SHB 2983, CH 165 (1992)

Family policy council created to solicit proposals to facilitate greater flexibility and responsiveness of service to families at the community level, duties, requirements for consideration of proposals: SHB 2846, SB 6428, *SSB 6428, CH 198 (1992)

Gatekeeper outreach program established to assist impaired elderly persons living in their own homes: SB 6034, SSB 6034

Student suspension, superintendent of public instruction to encourage school districts to utilize community service as alternative to suspension, minimum requirements set: *SSB 5305, CH 155 (1992)

COMPUTERS

Planning, acquisition, and management of state information systems and services: SB 6006

CONCURRENT RESOLUTIONS (See also HISTORY OF SENATE AND HOUSE CONCURRENT RESOLUTIONS)

Adjournment sine die, 1992 regular session of the Fifty-second Legislature: HCR 4440

Adjournment sine die, 1992 regular session of the Fifty-second Legislature, governor notified: SCR 8431

Agricultural policy, joint select committee to study: SCR 8404

Beer and malt liquor industry urged to regulate itself and to adopt voluntary code of advertising standards: HCR 4428

Council on education reform and funding, goals and mission endorsed: SCR 8422

Cutoff dates for consideration of legislation during 1992 regular session amended: HCR 4441

Cutoff dates for consideration of legislation during 1992 regular session of legislature: HCR 4426

Cutoff dates for consideration of legislation during 1992 regular session, Engrossed House Concurrent Resolution 4426 amended: SCR 8428

Education reform and funding, endorsement of charge and plan of work of council on education reform and funding: HCR 4429

Education reform and funding, goals and mission of council on education reform and funding endorsed: SCR 8422

Education summit to address issues pertaining to immediate and long-term needs of basic education, legislature to convene: SCR 8412

Environmental information, print and electronic media commended for providing: SCR 8401

Farmworkers, affordable farmworker housing committee created, membership and duties: SCR 8423

Fishery patrol and wildlife officers, commensurate salaries recommended: SCR 8410

Gambling policy task force established, membership and duties: SCR 8430

High-technology education, study committee to identify issues related to leadership in: SCR 8427

Lake Roosevelt national recreation area, joint select committee on, membership and duties: SCR 8417

Legislature organized and ready to conduct business, committee appointed to notify governor: SCR 8420

Legislature prepared to conduct business, notification of governor: SCR 8420

Measures returned to house of origin before adjournment sine die of 1992 regular session of the Fifty-second Legislature: SCR 8432

Northwest interstate compact on low-level radioactive waste management, joint select committee formed to review: SCR 8403

Public assistance and employment self-sufficiency, joint task force to develop implementation plan: SCR 8405

Redistricting commission plan, amendments to: SCR 8421, SCR 8424, SCR 8425

Redistricting plans, amends joint rule 16 to allow amendments to redistricting plans by concurrent resolution: HCR 4427

Reintroduction of bills, resolutions, and memorials from 1991 regular and special sessions for consideration in 1992 session: HCR 4424

School employees, housing assistance programs for classified and certificated employees encouraged: SSCR 8402

Senate Bill 5149, amending the cutoff resolution, House Concurrent Resolution 4402, to allow consideration of: SCR 8406

Sentencing alternatives, sentencing guidelines commission to continue development of alternatives to confinement for nonviolent offenders: SCR 8429

State of the state message, joint session on January 13, 1992, to receive message from governor: HCR 4425

Teachers, housing assistance programs for, establishment encouraged: SCR 8402

Vision: Education 2001 statement endorsed: SCR 8400

Washington wine appreciation month, September 1992 and September of each year, proclaimed: HCR 4435

Water rates, joint select committee to study procedures for setting rates: SCR 8411

Wildlife and fishery patrol officers, commensurate salaries recommended: SCR 8410

Wildlife department, joint select committee created to study: SCR 8409

Work force training and retraining finance, task force on to study funding structure and sources: HCR 4433

CONDEMNATION

Compensation to be paid when private property is diminished in value for a public purpose: SB 5797

Diminution in value for a public purpose, compensation to be paid when private property suffers diminution: SB 5797

Eminent domain, judgment review procedure: SB 6430

Private property protection act adopted: SB 6201

Public utility districts, valuation of system to be purchased to include property assets contributed by customers and system improvements: SB 6453

Regulatory takings of private property, owner or user right to compensation established, exceptions and alternatives set out: SB 6201

Taking of private property, establishes a process to determine when a taking has occurred: SB 5122, SB 5419

Water districts, valuation of system to be purchased to include property assets contributed by customers and system improvements: SB 6453

CONDOMINIUMS

Binding site plans, revised provisions relating to: SB 6042, *SSB 6042, CH 220 (1992)

Condominium act, revised provisions: SB 6042, *SSB 6042, CH 220 (1992)

Contracts of sale or transfer by financial institutions deemed unconscionable when fifteen percent below highest appraised value of similar unit: SB 5850

Declarants and declarations, revised provisions relating to: SB 6042, *SSB 6042, CH 220 (1992)

Development rights, revised provisions relating to: SB 6042, *SSB 6042, CH 220 (1992)

Rental property, conversion of occupied property to condominium prohibited: SB 5648

Subassociations, delegation of powers to and exercise of powers by, conditions for: SB 6042, *SSB 6042, CH 220 (1992)
Unit owners' associations, revised provisions relating to: SB 6042, *SSB 6042, CH 220 (1992)

CONGRESS

Congressional pay raises to take effect only after intervening House of Representatives election, constitutional amendment ratified: SJR 8215
Twelve year limit on service in one house of Congress or any one level of the federal judiciary, Congress requested to propose constitutional amendment to require: SJM 8001

CONNER, MARIANNE

Congratulations on Upcoming Marriage to Dannie Ledgerwood (Senate Staff Members) 748

CONSERVATION

Areas, real estate excise tax for acquisition of eliminated: SB 5436
Cities and towns authorized to issue revenue bonds to finance water conservation programs: *SB 6028, CH 25 (1992)
Counties authorized to issue revenue bonds to finance water conservation programs: *SB 6028, CH 25 (1992)
Earth day, Washington state, third Saturday in September designated: SB 5693

CONSERVATION DISTRICTS

Animal waste pollution, districts encouraged to contract with shellfish protection districts to control: *SSB 6132, CH 100 (1992)
Animal waste pollution, districts to contract with county watershed protection districts to control: SSB 6132
Special assessment authority modified: *HB 2371, CH 70 (1992)

CONSTITUTION, STATE

Advertising of constitutional amendments, print, radio, and television advertising requirements: SB 5603

CONSTITUTIONAL AMENDMENTS (See JOINT RESOLUTIONS)

CONSUMER PROTECTION

Admission tickets sale and resale, advertising must include range of prices: SB 5763
Admission tickets sale and resale, price and name of person conducting event to be printed on ticket: SB 5763
Admission tickets sale and resale, price not to exceed advertised price: SB 5763
Adoption, advertisement of child for adoption, consumer protection violation: SSB 5299
Automobile adjustment programs, manufacturer required to inform consumer of any applicable program and to make service bulletins available to consumer: SB 6194
Automobile repair, customers' rights notice to be printed on bill, form: SB 5509
Automobile warranty extension, manufacturer required to inform consumer of applicable adjustment program and to make service bulletins available to consumer: SB 6194
Bottled water, health and manufacturing standards established regarding bottled water: *SHB 2747, CH 34 (1992), SB 6015, SSB 6015
Charitable solicitations, regulation of charitable organizations and commercial fund raisers engaged in any fund raising activity or service: SHB 2637, SB 6246, SSB 6246
Consumer and business dispute resolution act: SB 5280, SSB 5280
Consumer credit, joint select committee on consumer credit created, membership and duties: HB 2944
Consumer dispute resolution centers, attorney general's duties: SB 5280, SSB 5280
Consumer protection commission created, membership, powers, and duties: SB 5688
Consumer reporting agencies, regulation of content, release, and consumer disclosure requirements of consumer credit reports, procedure for correction of information established: SB 6275
Credit card users, merchants prohibited from obtaining personal identification information from: SB 5002
Credit cards, penalty for late payment of balance limited: SB 6477
Credit transactions, joint select committee on consumer credit transactions created, membership and duties: HB 2944
Debt adjusting, prohibition on debt adjusting activities and businesses: SB 5293
Dental prosthesis, removable, purchase agreement disclosure requirements and rights of purchaser to rescind

* - Passed Legislation

- transaction: SB 6487
- Direct or indirect injuries to consumer from violation of consumer protection laws, right to bring action on:
SB 5689, SSB 5689
- Disclaimer stating that gasoline containing alcohol may be unsuitable as fuel for some engines required on
fuel pumps: SB 5927
- Discriminatory practices committed in the course of trade or commerce, unfair practices broadened to include
all: SHB 1255
- Drinking water quality, federal environmental protection agency given primary responsibility for regulation
of safe drinking water act: SB 6493
- Escrow agents, bond required for protection of customers of agent: SB 6012
- Fair credit reporting act enacted: SB 6275
- Fair credit reporting act, accuracy of reports, denial of credit, civil penalties for violations: SB 5516, SSB
5516
- Fire retardant requirements for mattresses, upholstered furniture, and furniture filling materials: SHB 2318
- Franchise classification, requirements for different classes: SB 6117
- Franchise rescission, exploitation of franchisee for lack of education, business experience, or English
language skills, court may grant: SB 6117
- Furniture, fire retardant requirements, exceptions: SHB 2318
- Gasoline, federal price discrimination act applicable to motor fuel sale in state: SB 6392
- Goods not considered solicited unless specifically requested: SB 6427
- Goods or services not considered solicited unless specifically requested: *SB 6427, CH 43 (1992)
- Health care malpractice, mandatory arbitration of health care malpractice claims: SB 6029
- Health care professionals, duty to disclose financial interest in entity to which a patient is referred to patient
and the patient's insurer: SB 6038
- Health care professionals, duty to disclose life-threatening communicable disease or infection to patient: SB
5294
- Health care quality assurance system, establishment of practice and conduct standards and mediation and
arbitration alternative for settlement of malpractice claims: SB 6029
- Health care services practice parameters and risk management protocols, development and use of,
requirements: SB 6029
- Heat pump noise levels, warning label required regarding: SB 6014
- Home owner association terms and conditions to be included in land developer's public offering statement
with other required contents: *SHB 1495, CH 191 (1992)
- Housing, disabled persons with guide or service dogs, discrimination against prohibited, remedies: SB 6431
- Housing, families with children, discrimination against prohibited, remedies: SB 6431
- Investment adviser, use of CHFC as designation exempted from definition: SB 6485
- Job lists, business providing lists to state in advertising that it is not employment agency and does not offer
employment services: SB 6440
- Land development act applicable to developments of twenty-six or more lots, additional exemptions from
compliance with act established: SHB 1495
- Land development, delivery of public offering statement to purchaser prior to closing of sale, contents
requirements and penalties for violations established: *SHB 1495, CH 191 (1992)
- Lease-purchase agreement act: *SHB 2299, CH 134 (1992)
- Manufactured home installation by certified manufactured home installer required after July 1, 1993,
certification requirements and procedures established, penalties set for violations: SHB 2764
- Mattresses, fire retardant requirements: SHB 2318
- Meat products, adulteration or misbranding, provisions revised: SHB 2819
- Mobile home parks, park owner prohibited from transferring maintenance responsibility for permanent
structures to tenants: SHB 2327
- Motor fuel testing and enforcement program, revised provisions: SB 5627
- Motor vehicles, warranties on sale or lease of used vehicle to include at least minimum written warranty,
enforcement provisions established: SB 6196
- Organic foods, department of agriculture to establish list of approved substances in production, processing,
and handling: *SHB 2502, CH 71 (1992)
- Organic foods, labeling requirements: *SHB 2502, CH 71 (1992)
- Paint and coating applicators, education, testing, and licensing requirements established, penalties set for
violations: SB 6300
- Patient right to know act of 1991: SB 5294
- Petroleum industry acquisitions and mergers, notice to and review by the attorney general: SB 5547

- Petroleum marketing practices, regulation of unfair practices: SB 5547
- Physicians, referral of patient to laboratory in which physician has financial interest prohibited: SB 6049
- Polyurethane foam, fire retardant requirements: SHB 2318
- Referral of patients, duty of health care professional to disclose financial interest in entity to which a patient is referred to patient and the patient's insurer: SB 6038
- Removable dental prosthesis, purchase agreement disclosure requirements and rights of purchaser to rescind transaction: SB 6487
- Retail installment sales, penalty for late payment of balance limited: SB 6477
- Retail installment sales, service charge not to exceed schedule or rate agreed to by contract: *HB 2944, CH 193 (1992), SB 6305, SSB 6305
- Salmon, labeling by source and common name requirements: SHB 2369
- Sports collectibles, sale regulated: SB 6123
- Ticket resellers, commercial, required and unlawful practices defined, violations made a misdemeanor: SSB 5763
- Toxic household products, addition of nontoxic bittering agent required unless packaged with child-resistant safety closures: SB 6247
- Vision care consumer assistance act enacted to encourage competition in the optical industry: SB 6239
- Warranties for used motor vehicles, sale or lease of vehicle to include at least minimum written warranty, enforcement provisions established: SB 6196
- Water, bottled, health and manufacturing standards established regarding bottled water: *SHB 2747, CH 34 (1992), SB 6015, SSB 6015
- Weights and measures, consumer protection program to be funded by general fund and device inspections activities to be funded on a fee-for-service basis until office of financial management concludes study of: *SSB 6483, CH 237 (1992)
- Weights and measures, revised provisions: SB 6483, *SSB 6483, CH 237 (1992)

CONSUMER REPORTING AGENCIES

- Fair credit reporting act enacted: SB 6275
- Regulation of content, release, and consumer disclosure requirements of consumer credit reports, procedure for correction of information established: SB 6275

CONTACT LENSES

- Pharmacists authorized to dispense prescriptions for: SB 5469
- Vision care consumer assistance act enacted to encourage competition in the optical industry: SB 6239

CONTRACTORS

- "Residential contracting" defined: SB 5152
- Construction contracts, indemnity clauses, limitations on enforceability: SB 5566
- Construction contracts, restrictions on allowable clauses regarding contractor liability insurance conditions: SB 5566
- Construction liens, technical amendments to revised act: *SB 6441, CH 126 (1992)
- Electrical contractor licenses, unlawful practices, revised provisions: SHB 2396
- Electrical contractors, information to be supplied in application for license, revised requirements: *SHB 2686, CH 217 (1992)
- Electrical utilities and contractors exempted from licensing requirements, conditions and limitations: HB 2053, SB 5725, SSB 5725
- Electrical utilities and contractors retained by utilities, journeyman electrician certificate not required for employee registered with or graduated from state-approved lineman apprenticeship course: *HB 2053, CH 240 (1992)
- Electrical, private contractors authorized to install services for which public utility district would assess a direct service installation charge: SB 6208, SSB 6208
- Fair pay act: SHB 1736, SB 5430
- Improvements to real property, moneys to be held in trust for benefit of those making payment and those providing materials or labor: SHB 1736, SB 5430
- Out-of-state, workers' compensation coverage in state of domicile required: SHB 2686
- Public improvement contracts, moneys held in trust for payment of claims or taxes arising from contract: *SHB 1736, CH 223 (1992)
- Public improvement contracts, timely payment of subcontractor by contractor: *SHB 1736, CH 223 (1992)
- Public works, contractor's duty to pay subcontractors within ten days of receiving payment, interest penalties

- for failure to do so authorized: SB 6404
- Public works, preference for resident contractors based on preference given nonresident contractors bidding for contracts in their own state: SB 5233
- Public works, prompt payment requirements for public owners and for contractors established and remedies set for violations: SB 6404
- Public works, retainage of moneys in trust until completion of work of improvement: SB 6404
- Public works, retainage requirements revised in regard to amount, release, and placement of funds in interest bearing account or securities at contractor's request: SB 6404
- Registration or license application to include information on workers' compensation coverage including coverage in state of domicile for workers employed in Washington: *SHB 2686, CH 217 (1992)
- Registration, information seminar on laws and practices, department may require attendance as condition of: SHB 1207, SB 5152
- Registration, workers' compensation coverage in applicant's state of domicile required: SHB 2686
- Unlicensed, penalties increased for criminal violations: SB 5175
- Women and minority businesses, requirements for the solicitation and employment of by contractors with first class cities: SHB 2481
- Work of improvement, retainage of moneys in trust until completion: SB 6404
- Workers' compensation coverage information required as part of application for registration or license including coverage in state of domicile for workers employed in Washington: *SHB 2686, CH 217 (1992)
- Workers' compensation, actions for damages by injured workers against contractors with joint supervision and control of premises prohibited: SSB 5858

CONTRACTS

- Condominiums, contracts of sale or transfer by financial institutions deemed unconscionable when fifteen percent below highest appraised value of similar unit: SB 5850
- Construction contracts, restrictions on allowable clauses regarding contractor liability insurance conditions: SB 5566
- Employee noncompetition agreements, requirements to create enforceable agreement: SSB 5526
- Health studios, contracts for services, cancellation clauses, revised provisions: SB 5719
- Lease-purchase agreement act: *SHB 2299, CH 134 (1992)
- Municipalities, provisions revised: SHB 2505
- Personal services contracts between state agencies and legislators, approval procedures: SHB 1133
- Public improvement contracts, moneys held in trust for payment of claims or taxes arising from contract: *SHB 1736, CH 223 (1992)
- Public improvement contracts, timely payment of subcontractor by contractor: *SHB 1736, CH 223 (1992)
- Public improvement, retainage held in trust for claims arising under contract: SHB 2659
- Public works, contractor's duty to pay subcontractors within ten days of receiving payment, interest penalties for failure to do so authorized: SB 6404
- Public works, prompt payment requirements for public owners and for contractors established and remedies set for violations: SB 6404
- Public works, retainage of moneys in trust until completion of work of improvement: SB 6404
- Public works, retainage requirements revised in regard to amount, release, and placement of funds in interest bearing account or securities at contractor's request: SB 6404
- Public, "timely payment" defined: *SHB 1736, CH 223 (1992)
- Public, architectural and engineering services negotiation policy not applicable to works of less than fifteen thousand dollars: SB 5750
- Public, construction contract action, award to prevailing party of attorneys' fees: *SB 6407, CH 171 (1992)
- Public, interest rate of one percent per month payable on amounts due when public body fails to make timely payment: *SHB 1736, CH 223 (1992)
- Public, withheld payments for unsatisfactory performance or failure to meet contract requirements: *SHB 1736, CH 223 (1992)
- Retail installment contracts, service charge of one and one-half percent per month may be charged on balances for contracts entered into between July 1, 1992, and July 1, 1994: HB 2944
- Retail installment sales, service charge not to exceed schedule or rate agreed to by contract: *HB 2944, CH 193 (1992)
- Sales representatives and principals, regulation of contractual relationship between representatives and principals including payment of wages and commissions: *SSB 6120, CH 177 (1992)
- Sales representatives, principal's obligations for commission payment: SB 6120, SSB 6120

School district officers in second class districts with fewer than 200 students, authority to hire spouse of officer as certificated or classified employee, conditions: HB 2559

School district officers in second class districts, authority to hire spouse of officer as substitute teacher when board has found there to be a shortage of substitute teachers in district: HB 2559

School district officers, contract with officer's spouse for certificated or classified employment, conditions: HB 2559

State, personal services contracts, approval by office of financial management required before contracts become binding: SHB 1133

State, personal services contracts, review and approval procedures: SHB 1133

Work of improvement, retainage of moneys in trust until completion: SB 6404

CONVENTION AND TRADE CENTERS

Convention, tourism, and economic development promotions, business and occupation tax exemption for payments and contributions by public entities to nonprofit corporations for: SB 5661

State, completion costs to include construction litigation settlement costs: SB 5601

State, parking garage revenue note issued to Industrial Indemnity company, appropriation to partially refund note obligations: HB 2930, *SB 6457, CH 4 (1992)

CORPORAL PUNISHMENT

Schools required to adopt policy prohibiting: HB 1159

CORPORATIONS

Liquor licenses, corporation ineligible for license if back taxes remain owing from defunct corporation holding a liquor license in which any current officer, director, or shareholder was an officer or director: SHB 2843

Mail receipt allowed at commercial mail receiving agency that rents private mailboxes in same city: SB 5544

Nonprofit corporations incorporated by state authorized to joint interlocal cooperation agreements: HB 2269

Nonprofit corporations, fees for nonprofit corporation filings increased: SB 5607

Northern Ireland, investment of state funds in United States corporations operating in, standards for corporate activity: SB 5649

Professional services corporation, revised requirements relating to corporate name of: SB 6063, SSB 6063

Unemployment compensation, exclusion of corporate officers from eligibility for benefits, revised provisions: SB 6063, SSB 6063

CORRECTIONS, DEPARTMENT OF

Boot camp program for adult offenders established: SB 5286

Community placement, sex and violent offenders required to obtain department approval of living arrangements and residence location during period of: *SHB 2490, CH 75 (1992)

Correctional facilities, correction of references to state correctional facilities: *SHB 2263, CH 7 (1992)

Correctional industries board of directors, number of voting members increased: SB 6147

Criminally insane, clarification of references to responsibilities of departments and corrections officers regarding criminal procedure for the: HB 2265

Electronic monitoring, day reporting, and telephone reporting, offender to pay cost of services rendered when able to do so: HB 2266

Harassment, department required to notify the victim and law enforcement of release from prison or mental hospital of person who was charged or convicted of felony harassment: *SHB 2702, CH 186 (1992)

Health care coverage for corrections employees who are retired early from an on the job injury, state to pay full cost of premiums: SHB 2770

Inmate work programs, operation and management of employer model and customer model free venture industries, revised provisions: *SHB 2268, CH 123 (1992), SB 6026

Inmate work programs, wage standards for inmates working in tax reduction industries and community work industries, revised provisions: *SHB 2268, CH 123 (1992), SB 6026

Mentally disordered offenders, sentencing guidelines commission to identify and suggest appropriate sentencing options for, departmental cooperation in study: SHB 2847

Monetary fines for criminal offenders, pilot program, administrative duties of secretary: SB 5623, SSB 5623, 2SSB 5623

Monetary fines, to study feasibility in conjunction with sentencing guidelines commission: SB 5623, SSB 5623, 2SSB 5623

Partial confinement, department authority to substitute for total confinement, conditions: SB 5623

- Prison industries, twenty-five percent participation in class I and II industries to be achieved by December 30, 1996, and fifty percent participation by December 30, 1998, application of inmate wages to incarceration costs: SHB 2834
- Prisons, new construction expedited by general contractor/construction manager method of awarding contracts, limitations: SB 5529
- Recidivism, secretary to file annual report with legislature on: SB 5623, SSB 5623, 2SSB 5623
- Sex and violent offenders required to obtain department approval of living arrangements and residence location during period of community placement: *SHB 2490, CH 75 (1992)
- Sexual offenders, notice to be given police chief prior to release when future residence unknown, requirements: *SHB 2262, CH 45 (1992)
- Sexual offenders, notice to be given to sheriff and state patrol prior to release when future residence unknown, requirements: *SHB 2262, CH 45 (1992)
- Sexually violent predator, notice to prosecuting attorney of anticipated release of, requirements: *SHB 2262, CH 45 (1992)
- Special services for offenders, offender to pay for services when financially able to do so: HB 2266
- Subsistence account to be used for expenses upon release, portion of prison earnings to be deposited in: SB 6125, SSB 6125
- Subsistence account to be used in search for employment upon release, portion of prison earnings to be allocated to account: SB 5949

COSMETOLOGY

- Managers of salon/shops, revised licensing requirements: HB 2286
- Vocational students, hours earned not to be credited unless license applicant has graduated from high school or received educational competence certificate: SB 6230

COUNSELORS AND COUNSELING

- Families of homicide victims, counseling provided: SB 6174, *SSB 6174, CH 203 (1992)
- Homicide victims, counseling provided for families: SB 6174, *SSB 6174, CH 203 (1992)
- Homicide victims, families of homicide victims to receive counseling benefits: HB 2255
- Nonprofit and charitable organizations, services performed for, exemption from licensing requirements: SB 5483
- Quality assurance system revisions to professional practice act: SB 6029
- Registration requirements, termination provisions repealed: HB 2467

COUNTIES

- Above-ground tanks not distributing fuel to general public, exemption from fire code provisions: SB 6425
- Actions against county may not be commenced until sixty days after claim has been presented to governing body: SB 6101
- Administrative procedure act, local regulators bear burden of proof for reason for state standards variance: SB 5786
- Affordable housing, zoning variance to allow second-family residential units on existing single-family lots, conditions: SSB 5810
- Animals, authority to enact ordinances to enforce restraint and control requirements for pet animals off owner's property: SB 6087, SSB 6087
- Bidding practices for municipalities revised: SHB 2505
- Boot camp program for juvenile offenders, authority to establish: SB 5287
- Boundary review board, abolishment in county when specified conditions occur: SHB 1015
- Building codes, residential buildings moved into or within city or county not required to meet all building code requirements if occupancy classification of building is not changed: *SHB 2673, CH 79 (1992)
- Building codes, stand-alone ordinances, submission to building code council for review: SB 6402
- Capital projects funded from real estate excise tax to be identified in city or county budget where it is to be indicated that tax is intended to be in addition to other available funds: *SB 6408, CH 221 (1992)
- Capital projects, limitations on use of revenues from real estate excise tax to finance capital projects revised: *SB 6408, CH 221 (1992)
- Chemical dependency programs, minor not meeting criteria for commitment, parent notification of right to petition and to other services: SB 6217
- Claims against local governmental entities, requirements: SHB 2499
- Commissioner office vacancy, nomination procedures revised: SJR 8231
- Commissioners, per diem compensation increased: SSB 5020

Commute trip reduction, local government responsibilities: SB 5326
 Conservation districts, special assessment authority modified: *HB 2371, CH 70 (1992)
 Contracts, interest rate of one percent per month payable on amounts due when public body fails to make timely payment: *SHB 1736, CH 223 (1992)
 County research services account created to fund government research and services: SHB 2338
 County-designated mental health professional's duties when evaluating minor, parent's petition for review: SB 6218
 Criminal justice assistance, "criminal justice purposes" defined for local government assistance purposes: SSB 5185
 Criminal penalties set by cities and counties to be the same as those set by state law: SHB 1186
 Deputy sheriffs may practice law, conditions: *HB 2368, CH 225 (1992)
 Desert Shield, health and retirement coverage continued for employees called to active service: SSB 5092
 Disabled infants and toddlers, early intervention services for, health department duties: SHB 1090
 Early childhood interagency coordinating councils, membership and duties: SB 5538, SSB 5538
 Early intervention services for infants and toddlers with disabilities, health department duties: SHB 1090
 Economic development related projects of regional or state significance, identification and requests for assistance: SHB 2676
 Electrical substations, procedures for obtaining permit to locate: SHB 1198
 Energy facility site certification, applicant to furnish information requested by county: SB 5884
 Energy facility site certification, applicant to pay county's cost of processing: SB 5884
 Environmental impact statements, threshold determination on completed application to be made within ninety days although applicant may request an additional thirty days for determination: *SSB 5728, CH 208 (1992)
 Family day-care provider, home is permitted use in all areas zoned for residential or commercial purposes: SB 6491
 Farmworker housing, building standards for temporary farm worker housing, authority to adopt: SB 6025
 Festivals, lodging tax proceeds may be used for the promotion of community-oriented festivals: SB 5930
 Fire code, above-ground tanks not distributing fuel to general public, exemption from fire code provisions: SB 6425
 Fire protection standards for high or extreme hazard areas as determined by department of natural resources, duty to adopt by ordinance or resolution, required elements: SHB 2519
 Fire protection, regional fire defense boards created, membership and duties: *SHB 2937, CH 117 (1992)
 Flood control maintenance and enhancement, options expanded: SB 5817
 Flood control, permit required prior to placing wooded debris in a stream channel or flood way: SB 5411
 Flood plain management, local governments to adopt a plan by October 31, 1991, that equals federal program requirements: SB 5704
 Growth management act, county with population under one hundred thousand allowed to discontinue planning: SB 6365, SB 6448
 Growth management act, county with population under two hundred thousand allowed to discontinue planning: SB 6448
 Growth management act, county-wide planning policy, adoption deadline delayed: SB 6443
 Growth management act, development regulations adoption deadline delayed: SB 6443
 Health care facilities, chaplain employment by county, constitutional amendment to allow: SHJR 4216
 Health department, early intervention services for infants and toddlers with disabilities, duties: SHB 1090
 High capacity transportation systems, regional transportation planning and interlocal agreements, revised provisions: SB 5948
 Hospitals, appointment of trustees to county hospital boards of trustees, revised provisions: SHB 2771
 Hospitals, county hospital boards, membership and duties: SB 6152
 Hospitals, six-year capital plan to be submitted to county legislative authority annually: SHB 2771
 Impact fees, new growth and development may pay proportionate share of cost of new child care facilities and services needed as result of growth: SB 5408
 Interlocal agreements, revised provisions relating to filing, approval, scope, and form of agreements: *SHB 2495, CH 161 (1992)
 Invalid local laws, revision of, obligation to attempt to cure defect, burden of proof on locality in challenge to revised law: SB 5570
 Jail industries, comprehensive work programs for inmates: SHB 2334, SB 6341
 Jail industries, inmate compensation for work in: SHB 2334, SB 6341
 Jail industries, state-wide board of directors to develop guidelines and provide technical assistance for implementing: SHB 2334, SB 6341

- Land purchase by state agency of more than one hundred acres in one county, three public hearings to be held prior to purchase and written finding of economic effect of purchase to be made: SB 6399
- Land use-transportation benefit districts, establishment allowed for creating local transportation systems: SB 6484
- Land use-transportation benefit districts, powers and duties: SB 6484
- Law libraries, filing fee amount deposited in library fund for each superior court or district court filing increased: *SHB 1378, CH 54 (1992)
- Law libraries, governance and maintenance of, revised provisions relating to: *SHB 2284, CH 62 (1992)
- Locomotive bells and whistles, certain counties allowed to adopt ordinance restricting the ringing of bells and sounding of whistles at certain railway crossings: SB 6353, SSB 6353
- Lodging tax, use for special events or festivals and promotional infrastructures authorized: *SB 6452, CH 202 (1992)
- Long-term care ombudsman in counties over five hundred thousand required: SB 6124
- Mental health programs, department of social and health services and state hospitals to provide support services for: SB 6318
- Mental health regional support networks, funding for programs that provide periods of stable community living: SB 6318
- Mental health regional support networks, savings from reduction in use of state-reimbursed hospitals to be retained by network: SB 6318
- Mental health, population threshold for forming regional support network reduced to twenty thousand persons: SB 6044
- Metropolitan municipal corporation function, assumption by county, revised provisions: HB 2830
- Metropolitan park districts, election procedures in counties with population of five hundred thousand or more: SSB 6277
- Mining, surface mining subject to local regulation to prevent or mitigate environmental and social impacts of mining operations: SB 6066
- Minors not meeting criteria for commitment to chemical dependency program, parent notification of right to petition and to other services: SB 6217
- Minors not meeting criteria for involuntary admission to mental health evaluation and treatment center, county-designated professional's responsibilities, parent's petition for review: SB 6218
- Minors requiring mental health treatment and care, department of social and health service duty to ensure that counties apply provisions in consistent and uniform manner: SB 6041, SSB 6041, 2SSB 6041
- Mobile home parks, annual inspection and certification duties: SB 5911
- Mobile home parks, land use requirements, application to certain cities and counties: SB 5186
- Moratoria or interim zoning, state standards established to minimize impacts and avoid litigation: SSB 5727
- Motor vehicle license fees, county authority to impose fees repealed: SB 5663
- Motor vehicle license fees, exemption for persons qualifying for senior citizen property tax exemption: SHB 2660
- Motor vehicle title and registration fees, reimbursement of county for operational losses in collecting fees: SB 5758
- Municipal research council duties expanded to include contracting for county research services: SHB 2338
- Noxious weed control board may classify land as range or scab land for weed control purposes: SB 5755
- Open space corridors not to include private land unless interest is acquired to prevent development and control resource management: SB 6401
- Open space corridors, identification of corridor not to restrict authorized development, uses, and management of private property in corridor unless county acquires sufficient interest to prevent or control development: SB 6401
- Open space corridors, identification of corridor not to restrict use or management of lands in corridor for agricultural or forest purposes unless county acquires sufficient interest to prevent control or development: *SB 6401, CH 227 (1992)
- Pesticide regulation, local regulation of pesticides prohibited except as expressly authorized by legislature: SB 6273
- Port districts, creation of less than county-wide district authorized in county bordering on saltwater which already has such a district, procedures established: *HB 2287, CH 147 (1992)
- Private property protection act adopted: SB 6201
- Property tax, assessment to be at one hundred percent of true and fair value unless legislative authority sets a lower rate: SSB 5818
- Property tax, tax on conveyance of real property, revised provisions: SB 6503
- Prosecuting attorneys salary increase, state to reimburse county for additional costs incurred: SB 5695, SSB

5695

- Public works, award of contract for, criteria for making award, revised provisions: SHB 2409
- Public works, lowest responsible bidder, additional criteria for determination of: SHB 2409
- Public works, notice required for projects costing more than thirty thousand dollars: SB 6256
- Puget Sound water quality management plan, incorporation into comprehensive plan of elements consistent with management plan: SSB 5355
- Radio antennas, amateur, city and county ordinances must conform to limited federal preemption contained in federal communications commission guidelines: SB 6480
- Radon testing requirements for new single and multifamily residences at the time of final inspection, building inspector's duties: SHB 2690, SB 6386, *SSB 6386, CH 132 (1992)
- Real estate excise tax, cities and counties authorized to use for financing capital facilities only if growth management plan and regulations enacted: SB 6408
- Real estate excise tax, city or county budget to identify capital projects funded from tax and to indicate that tax is intended to be in addition to other available funds: *SB 6408, CH 221 (1992)
- Real estate excise tax, limitations on use of revenues from tax for financing capital projects revised: *SB 6408, CH 221 (1992)
- Recycled products, increased purchase and use of: SB 5829
- Regional planning commission, treasurer or auditor may be other than county treasurer or county auditor: SB 5908
- Regional transit authority, authority of certain counties to establish, governance, financing, powers, and duties of authority: *SHB 2610, CH 101 (1992)
- Regulatory takings of private property, owner or user right to compensation established, exceptions and alternatives set out: SB 6201
- Rental cars, counties imposing local motor vehicle excise tax authorized to impose a sales and use tax at a rate equal to the motor vehicle excise tax with revenues distributed in the same way: *SHB 2964, CH 194 (1992)
- Research services, municipal research council duties expanded to include contracting for county research services: SHB 2338
- Residential buildings moved into or within city or county not required to comply with all building code requirements if occupancy classification of building not changed: *SHB 2673, CH 79 (1992)
- Revenue bonds, authority to issue to finance water conservation programs: *SB 6028, CH 25 (1992)
- Road maintenance materials, awards may be made to multiple bidders when haul distance considered: SB 5816
- Roads, vacation of, resale of property to party from which the county obtained it made a valid reason: SB 5679
- Sales and use tax equalization account, additional distribution in place of department of wildlife in-lieu tax distribution: SHB 2520
- Saltwater tidelands within boundaries, watershed protection districts and programs to protect shellfish authorized: SHB 2363, SB 6132, SSB 6132
- Service agreements, meeting required to consider establishment of local government service agreements in counties with one hundred thousand or more in population: SHB 1015
- Shellfish habitat protection, action under watershed action plan, local government duties: SB 6059
- Shellfish protection districts, creation and operation of district, revised procedures and deadlines, powers of county legislative authority revised: *SSB 6132, CH 100 (1992)
- Shellfish protection districts, fees, charges, and rates, authority of county legislative authority to fix, alter, and control, confined animal feeding operations and other facilities exempted from: *SSB 6132, CH 100 (1992)
- Shellfish tidelands, plans and programs to protect: SHB 2363, SB 6132, *SSB 6132, CH 100 (1992)
- Small works rosters, process for municipalities to award contracts on works estimated to cost less than one hundred thousand dollars: SHB 2505
- Solid waste disposal facilities, to give two weeks notice before making final siting decision in open public meeting: SB 5932
- Special election held during month of presidential preference primary to be set for the same day as the primary election: SHB 2402, *SB 6213, CH 37 (1992)
- Sports franchises, cities, code cities, and counties authorized to own an interest in a professional sports franchise: SHB 2722
- State wildlife and recreation lands management, task force to report on funding needed to assist counties with local service to protect state-owned lands: *SHB 2594, CH 153 (1992)
- Storm water facilities are public facilities for which cities and counties may impose impact fees: SSB 5145

- Storm water facilities, county planning requirements: SSB 5145
- Storm water management program, prerequisite to receipt of state grants or loans: SB 5145, SB 5355
- Superior court, reimbursement to county for costs of transfer of jurisdiction of offenders from indeterminate sentence review board to sentencing court: SHB 2834
- Surface mining areas reclamation, county notification and plan review required, permit issuance: SB 5513
- Surface mining within jurisdiction, operating standards: SB 6119, SSB 6119
- Surface mining, authority to regulate the conduct of surface mining activities: SB 5868
- Surface mining, regulation of operation: SB 5513
- Tax foreclosed property, sale by private negotiation, when authorized: SHB 2271
- Tax revenues, county tax expenditure limitations by state removed: SB 6307
- Television reception improvement districts, board membership: *SB 6444, CH 150 (1992)
- Transit services, six-year transit development plan to address land-use patterns and state-wide transit goals and policies: SHB 2940
- Transit, authority of certain counties to establish regional transit authority, governance, financing, powers, and duties of authority: *SHB 2610, CH 101 (1992)
- Tropical hardwoods, government purchase of products made from prohibited, exceptions: SB 6310, SSB 6310
- Vacancies in offices, constitutional amendment to revise provisions to fill: HJR 4227
- Waste transportation, minimum fees imposed on load without cover, duty to adopt ordinance: SHB 2397
- Water conservation programs, authority to issue revenue bonds to finance: *SB 6028, CH 25 (1992)
- Water conservation programs, cities and counties authorized to issue bonds to finance: SHB 2561
- Water conservation, evaluation of delivery rate structures to encourage: SHB 2629
- Water conservation, program must be implemented to qualify for public works board loans: SB 6258
- Water conservation, rate techniques to encourage: SB 6258
- Water conservation, water-efficient landscaping encouraged: SB 6258
- Water management, areas without significant water resource problems designation, duties: SSB 5765
- Water rights, reservation by counties, issuance of permit and protection of senior water rights and minimum flow levels, revised provisions: SB 6050
- Water well construction enforcement authority, delegation to local government agencies authorized: *SHB 2796, CH 67 (1992)
- Watershed financial assistance program created in department of ecology to assist counties to form and implement watershed protection districts: SHB 2363
- Watershed financial assistance program created in department of ecology, qualifications for grants and loans: SSB 6132
- Watershed management areas, authority and procedure to create for the purpose of funding water resource protection programs: SB 6059
- Watershed protection districts to contract with conservation districts to control animal waste pollution: SSB 6132
- Watershed protection districts, creation, abolition, powers, and funding provisions and procedures established: SHB 2363
- Watershed protection programs, financing options including county taxes, fees, bond issues, and a high priority for state financial assistance, limitations on charges and fees to confined animal feeding operations: SHB 2363
- Wetlands, criteria in United States army corps of engineers delineation manual to be used to designate and regulate: SB 6254
- Wetlands, grants to map wetlands in anticipated urban growth areas: SSB 6255
- Wetlands, inventory map of land to be prepared before adopting development regulations, notice requirements: SB 6255, SSB 6255, 2SSB 6255
- Whistleblower program establishment encouraged, auditor approval: SB 6321
- Whistleblowers, policy and procedures for reporting improper governmental action: *SSB 6321, CH 44 (1992)
- Whistleblowers, retaliatory action against employee who provides information in good faith prohibited, adjudicative hearing procedures: *SSB 6321, CH 44 (1992)
- Wildland/urban interface areas, duty to adopt fire protection standards for high or extreme hazard areas by ordinance or resolution, required elements: SHB 2519
- Wiring requirements, county authority and powers: SB 5744
- Youth offender discipline program to provide intensive educational, physical, and rehabilitative program for appropriate children: SHB 2466, 2SSB 6041
- Zoning, adoption of moratorium or interim zoning map, ordinance, or official control, requirements

concerning public hearings, findings of fact, and effective period: *SSB 5727, CH 207 (1992)
 Zoning, family day-care provider's home is permitted use in all areas zoned for residential or commercial purposes: SB 6491

COUNTY ASSESSORS

1989 valuations and assessments, use for 1991 property taxes, authorization: SB 5195
 Assessment based on use not permitted by zoning law authorizes use of the property in the manner assumed by the assessment: SSB 5137
 Assessment of new construction or remodelled owner-occupied homes: SB 5368
 Assessment rolls, corrections involving revaluation of property, conditions to be met in order for correction to be made: SHB 2925
 Assessments to be at lesser of true value or most recent assessment plus six percent annually: SB 5368
 Building permits, duty of county assessor to verify that all necessary building permits have been issued: HB 2494
 Current use valuation, compensating taxes on land removed from classification, variable rate of interest on additional tax set: SB 6099, SSB 6099
 Forest land classification withdrawal or removal, notice requirements: *SHB 2330, CH 52 (1992), SB 5616, SB 6160, SSB 6160
 Low-income housing, current use valuation of: HB 1225
 Open space lands, classification and current use valuation of, revised definitions and procedures: *SHB 2928, CH 69 (1992)
 Open space lands, farm and agriculture conservation land category created and eligibility requirements established: *SHB 2928, CH 69 (1992)
 Property assessments, revised duties: SSB 5818
 Revaluation of property, physical inspection and interim adjustments, requirements: SB 5250
 Revaluation of real property annually, duties in development of implementation plan for: HB 2924
 Revaluation of real property to be conducted annually beginning no later than January 1, 1999: HB 2924
 Wetlands, land designated as or that may be subject to regulation as wetland, revaluation request: SSB 6255, 2SSB 6255

COUNTY AUDITORS

Building permits for construction or alteration work in excess of five hundred dollars, copy to be transmitted to auditor in county where property is located: HB 2494
 Certificate of occupancy issued on completion of construction or alteration work on residential building, copy to be transmitted to auditor in county where property is located: HB 2494
 Election policies, procedures, and practices, review by election review staff of secretary of state's office: *SHB 2319, CH 163 (1992)
 Elections assistants or deputies, qualifications and appointment: *SHB 2319, CH 163 (1992)
 Federal tax liens on real property, recording duties, auditor to bill internal revenue service or other federal agency monthly for document filing fees: *HB 1185, CH 133 (1992)
 Flood insurance documents, inclusion in real estate deed or mortgage recording: SB 6163
 Licensing department agents, appointment as, standard contract with department, disclosure of costs and revenues: SB 5760
 Licensing department subagents, recommendation for appointment, service fee amounts set, costs and revenues reporting: SSB 5760
 Motor vehicle licensing activities, counties that do not cover expenses of conducting may submit request to department of licensing for cost-coverage moneys with payment to be made from licensing services account: *SHB 2643, CH 216 (1992)
 Motor vehicle licensing activities, department of licensing to define and standardize allowable costs that counties may charge to: *SHB 2643, CH 216 (1992)
 Motor vehicle licensing agents and subagents, director to provide standard contracts containing minimum provisions to appointee as agent or subagent: *SHB 2643, CH 216 (1992)
 Motor vehicle licensing fees, revision of amounts to be collected by agents and subagents and of remittance procedures: *SHB 2643, CH 216 (1992)
 Motor vehicle licensing subagents, auditor may request the director of licensing to appoint subagents in the county, procedure established for soliciting vendors to be submitted for appointment: *SHB 2643, CH 216 (1992)
 Name change orders, district court to collect fee for filing and transmit fee and order to auditor for filing and recording: *SSB 6135, CH 30 (1992)

Name change orders, permanent retention required: SB 6135
 Process servers, registration procedures: *SHB 2370, CH 125 (1992)
 Property tax, waiver of delinquent tax interest and penalties when mortgage lien removed but county has not notified owner of taxes owed: SHB 2326
 Regional planning commission may designate an auditor other than county auditor: SB 5908
 School district excess levy and bond elections, mail balloting allowed: SB 5893
 Subagents, motor vehicle licensing and permit fees collected by, rate adjustment: SB 5910
 Vote by mail primary or special election may be held under specified conditions, voting and canvassing procedures established: SHB 1501
 Voter registration by mail, duties: SHB 1310
 Voter registration, fraudulent documents or false information, registrar notice to applicant that use is class C felony: SB 6364, SSB 6364, 2SSB 6364
 Voter registration, precinct identification card not valid for identification purposes: SB 6364, SSB 6364, 2SSB 6364
 Voting by mail, auditor may determine if nonpartisan special election may be conducted by mail in precincts with less than two hundred voters: SHB 1501, SB 5600

COUNTY CLERKS

Jury duty, excuse from for financial hardship, clerks association requested to conduct study of appropriate standards: SB 5026, SSB 5026
 Process servers, registration procedures: SHB 2370, SB 6264, SSB 6264

COUNTY COMMISSIONERS

Boundary review boards, county may waive review of water and sewer extensions by: SB 6085, *SSB 6085, CH 162 (1992)
 Property tax, 1989 valuations and assessments, use for 1991 property taxes, authorization: SB 5195
 Property tax, assessment to be at one hundred percent of true and fair value unless legislative authority sets a lower rate: SSB 5818
 Shellfish protection districts, creation and operation of district, revised procedures and deadlines, powers of county legislative authority revised: *SSB 6132, CH 100 (1992)
 Shellfish protection districts, fees, charges, and rates, authority of county legislative authority to fix, alter, and control, confined animal feeding operations and other facilities exempted from: *SSB 6132, CH 100 (1992)
 Solid waste disposal facilities, to give two weeks notice before making final siting decision in open public meeting: SB 5932
 Vacancies, nomination procedures revised: SJR 8231
 Vacancies, revised procedures for filling: SHB 2171
 Waiver by county of review of water and sewer extensions by boundary review board: SB 6085, *SSB 6085, CH 162 (1992)

COUNTY TREASURERS

Property tax, interest and penalties may be paid to local governments in monthly installments: SB 5078
 Property tax, waiver of delinquent tax interest and penalties when mortgage lien removed but county has not notified owner of taxes owed: SHB 2326
 Regional planning commission may designate a treasurer other than county treasurer: SB 5908
 Tax notices, county treasurer to send notices to vested owner of property, at the owner's request, when name on tax roll is that of a lienholder: SB 6079

COURT OF APPEALS

Appointment of judges with retention vote thereafter: SJR 8218
 Filing fees increased: *SHB 2887, CH 140 (1992)
 Salary of judges to be prescribed by legislature in biennial budget: SB 6001

COURT REPORTERS

Court reporting schools, graduates of community and technical college court reporting schools and of schools approved by the national court reporters association entitled to certification upon graduation: SB 6406

COURTS (See also COURT OF APPEALS, DISTRICT COURT, MUNICIPAL COURT, SUPERIOR COURT, SUPREME COURT)

- Antiharassment petition may be filed in judicial district where event occurred or respondent resides: SB 6141, *SSB 6141, CH 127 (1992)
- Appearance bonds, remittance to surety limited to cases not adjudicated: SB 6142
- Appearance bonds, surety must demand refund of bond prior to adjudication of case: SSB 6142
- Child sexual abuse victims, dissemination of identifying information obtained during proceedings prohibited: SHB 2348
- Child sexual abuse victims, information revealing identity of child victims of sexual assault confidential and not subject to public disclosure, courts authorized to seal information identifying child victim: *SHB 2348, CH 188 (1992)
- Fees, courts organized under Title 3 or 35 RCW authorized to impose fees under RCW 3.62.060 and to allow those fees as court costs whenever a judgment for costs is awarded: *SHB 2284, CH 62 (1992)
- Firearm or other weapon, misdemeanor for persons to possess in courtroom or judge's chambers, weapon of violator may be forfeited: SHB 2310
- Firearms prohibited in building or room used to conduct judicial proceedings: SB 5123
- Limited jurisdiction, waiver of jury trial right may be condition of granting deferred prosecution: SB 6139, SSB 6139
- Public hazards, courts may not enter judgment which has purpose or effect of concealing information from the public: SHB 1320, SB 5388
- Weapons, court administrator to designate restricted areas in which firearms and other weapons are prohibited, exceptions for judges, attorneys, and court employees with written permission: SB 6106, SSB 6106

COURTS, OFFICE OF THE ADMINISTRATOR

- Child support forms, development and use of mandatory forms, revised provisions including development of form for financial affidavits for integration into the worksheets: *SHB 2784, CH 229 (1992)
- Domestic violence, forms and informational brochures for petitioners, preparation responsibilities: SB 6347, SSB 6347, 2SSB 6347
- Monetary fines, pilot program: SB 6343
- Process servers registration form: SB 6264, SSB 6264
- Process servers, registration form: *SHB 2370, CH 125 (1992)

COWLITZ COUNTY

- Public assistance eligibility for students under twenty-one years of age, pilot program established to demonstrate improved school completion rates: SSB 6098

CRASWELL, SENATOR ELLEN (See also PRESIDENT PRO TEMPORE, RULINGS AND REPLIES BY THE PRESIDENT PRO TEMPORE, PARLIAMENTARY INQUIRIES)

Point of Order, Number of Votes Needed to Pass ESSB 6180 1613

CREDIT

- Consumer credit transactions, joint select committee on consumer credit transactions created, membership and duties: HB 2944
- Consumer credit, joint select committee on consumer credit created, membership and duties: HB 2944
- Consumer reporting agencies, regulation of content, release, and consumer disclosure requirements of consumer credit reports, procedure for correction of information established: SB 6275
- Fair credit reporting act enacted: SB 6275
- Fair credit reporting act, accuracy of reports, denial of credit, civil penalties for violations: SB 5516, SSB 5516
- National competitive retail credit market task force created, membership and duties: SSB 6305
- Prescreened credit transactions not initiated by consumer, restrictions on providing consumer report for purposes of: SB 6275
- Retail installment sales, penalty for late payment of balance limited: SB 6477
- Retail installment sales, service charge not to exceed schedule or rate agreed to by contract: *HB 2944, CH 193 (1992), SB 6305, SSB 6305

CREDIT CARDS

- Debiting of obligor's account not to occur until obligor has actually taken delivery of goods obtained through

* - Passed Legislation

use of the card and approved them: SB 6090
 Factoring of transaction, class C felony: SB 6349
 Factoring, definition: SB 6349
 Late payment of balance, penalty limitation: SB 6477
 Merchants prohibited from obtaining personal identification information from credit card users: SB 5002
 Personal identification information, merchants prohibited from obtaining from credit card users: SB 5002

CREDIT UNIONS

Directors and officers, fiduciary duty to credit union: SHB 1085
 Examination requests to be made available to credit union members on request: SB 5033
 Payroll deductions, requirement removed that credit union participating in authorized deduction program be organized solely for public employees: *SHB 2025, CH 192 (1992)
 Records, reimbursement by requesting party for cost of providing: SB 6348
 Records, reimbursement by requesting party for cost of providing when cost exceeds twenty-five dollars: SSB 6348

CRIME PREVENTION

Crime Stoppers assistance office created in attorney general's office: SSB 5031

CRIMES

Aggravated murder, murder committed in the course of a controlled substance violation defined as: SB 5048
 Aggravated murder, murder of member of indeterminate sentence review board defined as: SB 5048
 Alcohol server permits and training program, violations constitute a misdemeanor, penalties set: SB 6338, SSB 6338
 Alcohol, minors under the influence of alcohol in public guilty of misdemeanor: SHB 2296
 Assault against a child in the first, second, and third degrees, crimes created and penalties set: SHB 2532, SB 6104, *SSB 6104, CH 145 (1992)
 Assault, on coach, referee, or umpire of organized sporting activity, class C felony: SB 6164
 Assault, on staff at state hospitals for the mentally ill, class C felony: SSB 5199
 Assault, transmission of HIV and sexually transmitted diseases, penalties increased: 2SSB 5278
 Bigotry or bias crimes, malicious harassment based on perceived race and sexual orientation included in definition: SHB 1037, SB 5360
 Bigotry or bias crimes, monitoring and collection of information relating to: SHB 1037, SB 5360
 Bus conduct, provisions of unlawful bus conduct law extended to acts committed in municipal transit stations: *HB 2516, CH 77 (1992)
 Charitable solicitations, false claim of law enforcement or fire fighter support, class C felony: SHB 2637, SB 6246, SSB 6246
 Child labor laws, serious violations constitute gross misdemeanor: SB 5154
 Child molestation in the first degree, perpetrator must be at least twenty-four months older than victim: SB 5275
 Child sixteen years old or younger, murder of, basis for charge of murder in the first degree: SB 5781
 Child, crimes of assault against a child in the first, second, and third degrees created and penalties established: SHB 2532, SB 6104, *SSB 6104, CH 145 (1992)
 Children, matter harmful to minors, gross misdemeanor to display, sell, or present any matter, including live performance, that is harmful to minors: SB 6262, SSB 6262
 Children, sexual exploitation of, defenses to prosecutions for, revised provisions: *SB 6261, CH 178 (1992)
 Communication with a minor for immoral purposes: SSB 5346
 Community placement or supervision, escape from, class C felony: *SHB 2490, CH 75 (1992)
 Concealed weapons permit, ineligibility of person convicted of certain crimes: SHB 2373
 Concealed weapons permit, ineligibility of person convicted of certain crimes, eligibility for permit restored one year after successful completion of sentence: *SHB 2373, CH 168 (1992)
 Contractors, penalties increased for crimes by unlicensed contractors: SB 5175
 Controlled substances, selling for profit, penalties increased: SB 5875
 Correctional institutions, consecutive sentences for offenders committing serious violent crimes while incarcerated in state correctional institutions: SHB 2834
 Courthouse, possession of weapon in restricted area of courthouse, class C felony: SB 6106, SSB 6106
 Courtroom or judge's chamber, misdemeanor for person to possess firearm or other weapon in, weapon of violator may be forfeited: SHB 2310
 Credit cards, factoring of transaction, class C felony: SB 6349

Credit union directors and officers, violation of fiduciary duty to credit union, gross misdemeanor: SHB 1085
 Criminal profiteering, asset forfeiture procedures: SB 5881
 Criminal street gang activities, behavior defined, imposition of exceptional sentences: SHB 2344, SB 6205
 Display of matter harmful to minors: SB 5166
 Domestic violence, fines prohibited in any domestic violence crime: SB 6000
 Driving under the influence of alcohol or drugs, penalties may include attending victims' panel: SHB 2675, *SB 6295, CH 64 (1992)
 Driving while suspended or revoked but eligible to reinstate license defined as driving while license suspended or revoked in the third degree, a misdemeanor: SB 6330, *SSB 6330, CH 130 (1992)
 Drunk or intoxicated drivers may be required to attend educational program focusing on the emotional, physical, and financial suffering of victims: *SB 6295, CH 64 (1992)
 Erotic sound recordings, "adults only" labeling required: *HB 2554, CH 5 (1992)
 Escape from community placement or supervision, class C felony: *SHB 2490, CH 75 (1992)
 Exploitation of minors by sexual conduct or materials: SB 5166
 Explosives, classification of unlawful uses: SB 6153, SSB 6153
 Felonies, seizure and forfeiture of property involved in commission of a felony: SHB 1616
 Fire protection sprinkler system contractors, conduct of business without contractor's license, gross misdemeanor: *HB 2290, CH 116 (1992)
 Fire protection sprinkler system contractors, installation or maintenance of system that threatens safety of occupant or user, class C felony: *HB 2290, CH 116 (1992)
 Firearm or dangerous weapon, possession on school premises, law enforcement officer authorized to make warrantless arrest: SSB 6041, 2SSB 6041
 Firearms possession by person committed for treatment of mental illness, class C felony: SB 6369
 Firearms, dealers, importers, manufacturers, and others convicted of certain federal felonies may have right to possess firearms restored when granted relief from disabilities by secretary of the treasury: *SHB 2373, CH 168 (1992)
 Firearms, penalties and restrictions for use of firearm by juvenile in commission of offense increased: *SHB 2466, CH 205 (1992), SB 6041
 Firearms, penalties increased for crimes committed while armed: SB 5054
 Firearms, possession in state capitol buildings, misdemeanor: SB 5051
 Firearms, storage of loaded firearm where child is able to gain access to it: SB 5164
 Firearms, unlawful possession of a firearm by a mentally ill or insane person, class C felony: *SHB 2373, CH 168 (1992)
 Firearms, unlawful possession provisions extended to juvenile adjudications involving crime of violence or use or display of firearm: SSB 6041, 2SSB 6041
 Fraudulent documents or false information for voter registration purposes, class C felony: SB 6364, SSB 6364, 2SSB 6364
 Gang activities, criminal street gang behavior defined and imposition of exceptional sentences authorized: SHB 2344
 Gasoline containing alcohol, disclaimer stating that it may be unsuitable as fuel for some engines required on fuel pumps, violation is a misdemeanor: SB 5927
 Harassment, class C felony when harasser threatens to kill person threatened or any other person: *SHB 2702, CH 186 (1992)
 Harassment, new crime of stalking included as form of harassment: *SHB 2702, CH 186 (1992)
 Harassment, notification of the victim and law enforcement of release from prison or mental hospital of person who was charged or convicted of felony harassment required: *SHB 2702, CH 186 (1992)
 Homicide, counseling provided for families of victims: SB 6174, *SSB 6174, CH 203 (1992)
 Impersonation of law enforcement officer, misdemeanor: SHB 2506
 Initiative and referendum, paid solicitation of signatures restricted, violation a gross misdemeanor: SB 6325
 Interference with school activities, misdemeanor: SB 6182
 Juveniles, penalties and restrictions for use of firearm in commission of offense increased: *SHB 2466, CH 205 (1992), SB 6041
 Law enforcement officer impersonation, misdemeanor: SHB 2506
 Law enforcement officer, criminal impersonation of defined: SB 6082, SSB 6082
 Littering, fines imposed: SHB 1153
 Littering, minimum fine increased to one thousand dollars for each offense: SB 5934
 Live performances harmful to minors: SB 5166
 Malicious harassment based on perceived race and sexual orientation included in definition of bigotry or bias crimes: SHB 1037

- Malicious harassment, cross burning and defacement of property with hate symbols constitutes prima facie evidence of: SHB 1037
- Mentally ill, assault on staff of hospitals for the mentally ill, class C felony: SSB 5199
- Minors under the influence of alcohol in public guilty of misdemeanor: SHB 2296
- Minors, communication with a minor for immoral purposes: SSB 5346
- Minors, erotic sound recordings, ready accessibility to minors prohibited: *HB 2554, CH 5 (1992)
- Minors, sexual exploitation by sexual conduct or materials: SB 5166
- Money laundering, class B felony, definition and penalties, proceeds subject to seizure and forfeiture: *SSB 5318, CH 210 (1992)
- Money laundering, first degree is class B felony, second degree is class C felony, penalties: SSB 5318
- Motor vehicle violations, failure to comply with promise to appear is gross misdemeanor: *SB 6140, CH 32 (1992)
- Municipal transit stations, provisions of unlawful bus conduct law extended to acts committed in: *HB 2516, CH 77 (1992)
- Murder committed in the course of a controlled substance violation defined as aggravated murder: SB 5048
- Murder of member of the indeterminate sentence review board defined as aggravated murder: SB 5048
- Murder, first degree, when victim was sixteen years old or younger: SB 5781
- Murder, sentence reduction for defendant convicted of murder prior to July 23, 1989, when victim subjected defendant or defendant's children to continuing sexual or physical abuse and the murder was in response to that abuse: SHB 2703
- Negligent driving in the first degree defined, penalties, alcohol and drug evaluation and treatment requirements: SSB 5439
- Penalties set by cities and counties to be the same as those set by state law: SHB 1186
- Physicians, referral of patient to laboratory in which physician has financial interest prohibited and constitutes a gross misdemeanor and unprofessional conduct: SB 6049
- Political advertising, false advertising, penalties: SB 5171
- Property, market value of stolen property or service redefined: SHB 2323
- Rape, second conviction for rape in the first degree or rape of a child in the first degree, death sentence to be imposed: SB 5173
- Rental or leased property, fraudulent means to obtain or use, penalties: SB 6415
- Rural mailboxes, damage or destruction of, malicious mischief in the second degree: SB 5935
- School activities, interference with, defined and made misdemeanor, protection of RCW 28A.635.020 extended to approved private schools: SSB 6182
- School premises, prohibition on possession on school premises extended to all persons, exemption and penalty provisions established: SHB 2537, SB 6157, SSB 6157
- Seaweed, maximum daily wet weight harvest or possession limit set at ten pounds per person for seaweed taken from private and state tidelands and state bedlands for personal use, violation is a misdemeanor: SHB 1455
- Senior citizens, penalties increased for crimes against: SB 6236
- Services of service providers, fraudulent means to obtain or use, penalties: SB 6415
- Sexual assault committee, state-wide, membership and duties: SB 5361, SSB 5361
- Sexual assault of children, program to provide additional protection to children: SB 5361, SSB 5361
- Sexual conduct or materials harmful to minors, display of: SB 5166
- Sexual exploitation of children, defenses to prosecutions for, revised provisions: *SB 6261, CH 178 (1992)
- Sexually explicit films, publications, and devices, gross misdemeanor to display, sell, or present to children: SB 6262, SSB 6262
- Sound amplification, unreasonable sound amplification from vehicles prohibited, repeated violations constitute a misdemeanor: SB 6081
- Stalking, crime of stalking defined and penalties set, gross misdemeanor or class C felony: *SHB 2702, CH 186 (1992)
- State employees, former employees prohibited from accepting employment or compensation from company when that employee provided substantial professional advice in contract negotiations with the company while a state employee: SB 6291
- Stolen property values increased for determining degree of theft: SSB 5438
- Telephone threats, class C felony when harasser threatens to kill person threatened or any other person: *SHB 2702, CH 186 (1992)
- Theft, stolen property values increased for determining degree of theft: SSB 5438
- Ticket resellers, commercial, required and unlawful practices defined, violations made a misdemeanor: SSB 5763

Uniform controlled substances act, comprehensive revision and update, penalties increased for violations: SHB 2028
 Vehicular assault, definition and defenses: SB 5068
 Vehicular homicide or assault, alcohol and drug evaluation and treatment as condition of community placement for persons convicted of: SHB 2388
 Vehicular homicide or assault, offenders subject to conditional community placement and must undergo alcohol and drug evaluation and treatment as condition of placement: SHB 2388
 Vehicular homicide under influence of intoxicating liquor or any drug, penalties increased: SB 6476
 Vehicular homicide, definition and defenses: SB 5068
 Vessel dealers, conducting business without a current registration, gross misdemeanor: SB 6332
 Vessel operation under influence of liquor or drugs, class C felony: SB 5183
 Vessels, negligent operation of, class C felony: SB 5183
 Weapons possession in restricted area of a courthouse, class C felony: SB 6106, SSB 6106
 Weapons, prohibition on possession of dangerous weapons on school premises extended to all persons, exemption and penalty provisions established: SHB 2537, SB 6157, SSB 6157
 Wildlife, illegal commercial trafficking in, penalties increased: HB 2535

CRIMINAL JUSTICE SERVICES

"Criminal justice purposes" defined for local government criminal justice assistance purposes: SSB 5185
 "Criminal justice purposes" defined for municipal criminal justice assistance account: SB 5989
 Assistance, "criminal justice purposes" defined for local government criminal justice assistance purposes: SSB 5185
 Local governments required to file criminal justice plan as a condition of receiving state funds: SB 5304
 Minority criminal justice education loan program created, eligibility and repayment provisions: SB 5857
 Municipal criminal justice account, revised distribution procedures: *HB 2655, CH 55 (1992), SB 6270
 Sales and use taxes for criminal justice purposes, revised provisions relating to eligible counties and ballot title requirements: SB 6094
 Yakima County criminal justice facility, appropriation to fund construction of: SB 5479

CRIMINAL JUSTICE TRAINING COMMISSION

Bigotry or bias crimes, training in identifying, responding to, and reporting: SB 6423
 Domestic violence, records of incidents required in annual crime report: SB 6347, SSB 6347, 2SSB 6347
 Sexual assault cases, training for prosecuting attorneys, duties: SB 5361, SSB 5361

CRIMINAL OFFENDERS

Community placement, sex and violent offenders required to obtain department approval of living arrangements and residence location during period of: *SHB 2490, CH 75 (1992)
 Crime laboratory system, forensic evidence analysis fee: SHB 2349
 Criminal street gang activities, behavior defined, imposition of exceptional sentences: SHB 2344, SB 6205
 Defendant pleading guilty by reason of insanity and found incompetent may not refuse treatment: SB 6410
 Domestic violence, fines prohibited in any domestic violence crime: SB 6000
 Gang activities, criminal street gang behavior defined and imposition of exceptional sentences authorized: SHB 2344
 HIV testing of adult and juvenile offenders in sexual offense, prostitution, and drug offense cases required: SSB 5086
 Mentally disordered offenders, sentencing guidelines commission to identify and suggest appropriate sentencing options for, required elements: SHB 2847
 Parole periods established for sex and violent offenders and for all other offenders, terms, conditions, sanctions for violations, and final discharge provisions established: SHB 2834
 Property forfeiture, procedures: SB 5881
 Rehabilitation, use of criminal history background check to determine status of prospective employee or volunteer: SHB 2055
 Sex and violent offenders required to obtain department approval of living arrangements and residence location during period of community placement: *SHB 2490, CH 75 (1992)
 Sexual offenders, notice to sheriff and state patrol prior to release when future residence unknown, requirements: *SHB 2262, CH 45 (1992)
 Sexually violent predator, notice to prosecuting attorney of anticipated release of, requirements: *SHB 2262, CH 45 (1992)
 Sexually violent predators, civil commitment may occur when term of confinement is complete or nearly

complete, criteria for release from commitment revised: *SHB 2262, CH 45 (1992)
 Subsistence account to be used for expenses upon release, portion of prison earnings to be deposited in: SB 6125, SSB 6125
 Treatment of defendant pleading guilty by reason of insanity and found incompetent required: SB 6410
 Violent offenders, additional community placement authorized: SHB 2354
 Vulnerable adults, employment involving provision of services to, disqualification for three to five years of certain offenders depending on gravity of offense: *SHB 2055, CH 104 (1992)

CRIMINAL PROCEDURE

Antiharassment petition may be filed in judicial district where event occurred or respondent resides: SB 6141, *SSB 6141, CH 127 (1992)
 Appearance bonds, remittance to surety limited to cases not adjudicated: SB 6142
 Appearance bonds, surety must demand refund of bond prior to adjudication of case: SSB 6142
 Attorney general authorized to investigate and prosecute a crime at the victim's request when prosecuting attorney has declined to prosecute: SB 6108
 Bonds to keep the peace, district court power to require repealed: SB 6138, *SSB 6138, CH 31 (1992)
 Child sexual abuse victims, dissemination of identifying information about victim prohibited without consent of victim or victim's legal guardian other than as specifically allowed: SHB 2348
 Child sexual abuse victims, information revealing identity of child victims of sexual assault confidential and not subject to public disclosure, courts authorized to seal information identifying child victim: *SHB 2348, CH 188 (1992)
 Child sexual abuse victims, video testimony of victimized children under ten allowed: SJR 8217
 Children, sexual exploitation of, defenses to prosecutions for, revised provisions: *SB 6261, CH 178 (1992)
 Courts of limited jurisdiction, waiver of jury trial right may be condition of granting deferred prosecution: SB 6139, SSB 6139
 Crime laboratory analysis fee to be levied on persons found guilty to pay costs associated with analysis of forensic evidence by state crime laboratory: SB 6057, SSB 6057
 Crime laboratory, certified copy of analytical report admissible in evidence in controlled substances prosecutions, criminologist may be subpoenaed to testify: *SSB 6055, CH 129 (1992)
 Crime laboratory, certified copy of analytical report admissible in evidence in controlled substances prosecutions, defendant may subpoena the criminologist to testify: SSB 6055
 Crime laboratory, reports by or testimony of criminologists admissible as evidence in controlled substances prosecutions: SB 6055
 Crime laboratory, reports by or testimony of forensic scientists admissible as evidence in controlled substances prosecutions: SHB 2303
 Criminally insane, clarification of references to responsibilities of departments and corrections officers regarding criminal procedure for the: HB 2265
 Defendant pleading guilty by reason of insanity and found incompetent may not refuse treatment: SB 6410
 Defenses to prosecutions for sexual exploitation of children, revised provisions: *SB 6261, CH 178 (1992)
 Deferred prosecution, waiver of jury trial right in courts of limited jurisdiction may be condition of granting: SB 6139, SSB 6139
 Discovery materials, defendant entitled to receive copies of discovery materials that court rules require be disclosed to defendant: SB 6105
 Domestic violence protection orders and antiharassment orders, permanent orders, one year orders, or uncontested renewal orders, revised grounds and procedures for granting, service by publication permitted in specified circumstances: *SHB 2745, CH 143 (1992)
 Evidence, certified copy of analytical report admissible in controlled substances prosecutions, defendant may subpoena the criminologist to testify: SSB 6055
 Evidence, certified copy of crime laboratory analytical report admissible in evidence in controlled substances prosecutions, criminologist may be subpoenaed to testify: *SSB 6055, CH 129 (1992)
 Evidence, reports by or testimony of criminologists at state crime laboratory admissible in controlled substances prosecutions: SB 6055
 Evidence, reports by or testimony of forensic scientists at state crime laboratory admissible in controlled substances prosecutions: SHB 2303
 Firearm or dangerous weapon, possession on school premises, law enforcement officer authorized to make warrantless arrest: SSB 6041, 2SSB 6041
 HIV diseases, testing of persons charged with criminal offenses: SSB 5086, 2SSB 5278
 Hearsay, definition of "corroborative evidence" for admission of child's hearsay statement regarding acts of sexual contact: SB 6107

- Indigent defense task force reinstated: SSB 5072
- Infant mortality review, local health departments authorized to conduct, confidentiality of records provided by families, department officials and employees, and health care professionals participating in reviews established: *SB 6296, CH 179 (1992)
- Interview of child in abuse and neglect cases by social and health services department to be recorded by audio or videotape when law enforcement officer is not present, admissibility of tape as evidence: SSB 6084
- Intruder in a dwelling, use of force, including deadly force against, conditions justifying, immunity from civil and criminal liability: SB 5140
- Jurors, right to judge on law and facts of case, jurors must be informed of that right: SB 5356
- Malicious harassment, cross burning and defacement of property with hate symbols constitutes prima facie evidence of: SHB 1037
- Money laundering, additional proof requirements when case involves an attorney who accepts a fee for representing a client in a criminal matter or a financial institution or its employees: *2SSB 5318, CH 210 (1992)
- Sentence reduction for defendant convicted of murder prior to July 23, 1989, when victim subjected defendant or defendant's children to continuing sexual or physical abuse and the murder was in response to that abuse: SHB 2703
- Sexual contact with child, admission of child's statement regarding attempted acts of: SB 5065, SSB 5065
- Sexual exploitation of children, defenses to prosecutions for, revised provisions: *SB 6261, CH 178 (1992)
- Treatment of defendant pleading guilty by reason of insanity and found incompetent required: SB 6410
- Vehicular assault, definition and defenses: SB 5068
- Vehicular homicide, definition and defenses: SB 5068
- Warrant officer position to be maintained by the city within the police department, revised nomenclature, powers, and duties: *HB 1732, CH 99 (1992)

CUTOFF RESOLUTION

HCR No. 4426 76

DAIRY PRINCESSES

Alternate Princesses Tracey Barnes and Erin Woodside introduced 166
 Princess Karen McKay introduced and addressed Senate 166
 1992 Dairy Family of the Year, John and Donna Bosma of Outlook, introduced 166
 Dairy Ambassadors in Gallery introduced 166

DAMAGES

Driving while intoxicated, punitive damages for personal injuries or wrongful death resulting from: SHB 1676
 Economic damages, joint and several liability of multiple defendants for, revised provisions: SB 5584
 Human rights commission, noneconomic damages awarded for humiliation and emotional suffering, limit increased: SHB 1255
 Joint and several liability of multiple defendants for economic damages, revised provisions: SB 5584

DAMS

Clear Creek dam rebuilding project, funding for: SB 5160
 Elwha river dams, requests that dams be removed, anadromous fish runs be restored, and dams not be relicensed: SJM 8010

D.A.R.E. PROGRAM

Drug abuse resistance education fund created, expenditures authorized, additional tax imposed on beer, spirits, and wines: SB 5920

DAVIS, AUBREY

Member, Transportation Commission, GA 9276 161

DAVIS, RICHARD A.

Member, Spokane Joint Center Board of Governors, GA 9190, Confirmed 34, 86,265

* - Passed Legislation

DAY CARE

- "Family day-care provider" defined: SB 6491
- Background checks for workers having access to children or vulnerable adults, merger of double amendments to provisions concerning: SB 6102
- Before-and-after-school care program, plan to implement to be submitted to legislature by December 1, 1992: SSB 6259
- Before-and-after-school child care facility grant program established, promotion of programs in or near public schools established as state policy: SHB 2528
- Business and occupation tax exemption for church-provided day care services: *SB 6010, CH 81 (1992)
- Child and family care, employer-assisted programs to include fair share from new growth and development for additional facilities and services: SB 5408
- Child care coordinating committee appropriation: SB 5377
- Child care coordinating committee, membership increased by one member each from department of personnel and department of health: SHB 2308, SB 6131
- Child care facilities, business and occupation tax credit for employer-sponsored facilities: SB 5915
- Child care partnership expanded to include family care: SB 5408
- Child care resources coordinator, revised duties: SSB 5580
- Church-provided day care services, exemption from business and occupation tax: *SB 6010, CH 81 (1992)
- Community-based child care resource and referral programs, application for funding to establish: SSB 5580
- Employer-assisted child and family care: SB 5404
- Family day-care provider, home is permitted use in all areas zoned for residential or commercial purposes: SB 6491
- Foundation for families act enacted: SB 5404
- Homeless children, specialized child care and respite care authorized for children of homeless parents: SSB 5653
- Nonprofit state employee organizations to contract for the provision of child care services authorized: SHB 2308, SB 6131
- State employee child care advisory subcommittee to child care coordinating committee established, duties set out: SHB 2308
- State employee child care program and policy development, requirements and conditions: SHB 2308, SB 6131

DEAF PERSONS

- Advisory committee for state programs for the deaf created: SSB 5458
- Advisory committees or councils required by federal law to receive federal funds, secretary authorized to appoint: SSB 5458
- Regional service centers established: SSB 5458
- Telecommunications devices for the deaf advisory committee, progress reports: SB 6377, SSB 6377
- Telecommunications devices for the deaf, contract award procedures revised: SB 6377, SSB 6377
- Telecommunications devices for the hearing and speech impaired, department of social and health services to develop program to provide for eligible persons: SB 6492
- Telecommunications relay service excise tax, utilities and transportation commission to determine amount of tax necessary to fund program based on information provided by the office of deaf services: *SSB 6377, CH 144 (1992)
- Telecommunications relay system advisory committee to make progress reports at least four times a year to administrators and operators of system, required elements of report established: *SSB 6377, CH 144 (1992)
- Telecommunications relay system and text telephone, department to maintain program for the hearing and speech impaired, revised requirements: SHB 2769, *SSB 6377, CH 144 (1992)
- Telecommunications relay system, department of social and health services to apply to federal communications commission to have a state-controlled program by October 1, 1992: SHB 2769
- Telecommunications relay system, department of social and health services to apply to federal communications commission for certification of the state-wide relay service: *SSB 6377, CH 144 (1992)
- Telecommunications relay system, discounted long distance rates for service in conjunction with system required: *SSB 6377, CH 144 (1992)
- Telecommunications relay system, operation and maintenance of system, requirements for award of contract for provision of service commencing July 26, 1993: *SSB 6377, CH 144 (1992)
- Telecommunications relay system, operation of system to be bid out to a qualified contractor: SHB 2769
- Telephone excise tax ceiling raised to fourteen cents per month per telephone line to fund telephone relay

system program: SHB 2769

Troubled deaf youth, pilot project for, advisory board to oversee: SB 5179

DEAF, STATE SCHOOL FOR

Kay Adamson, Trustee, GA 9285	239,811
Glen Bocock, Reappointed Trustee, GA 9277	224
Dr. Ronald LaFayette, Trustee, GA 9279	224,810
Katherine Steiner, Trustee, GA 9282	239,811
Troubled deaf youth, pilot project for, duties of state school: SB 5179	

DEATH INVESTIGATIONS COUNCIL

Sudden infant death syndrome and other sudden, unexplained child deaths, training of first responders, coroners, and others: SSB 5542

DEATH PENALTY

Aggravated murder, murder committed in the course of a controlled substance violation defined as: SB 5048
 Aggravated murder, murder of member of indeterminate sentence review board defined as: SB 5048
 Lethal injection to be means of execution: SB 5151
 Mentally retarded person may not be sentenced to death: SHB 1234
 Rape, second conviction for rape in the first degree or rape of a child in the first degree: SB 5173
 Sentencing proceedings, victims and survivors of victims entitled to make victim impact statements at: SB 6245

DEATH WITH DIGNITY ACT

Legislative alternative: SB 5839

DEBATE LIMITED

Motion by Senator Newhouse 591

DEBT ADJUSTING

Prohibition on debt adjusting activities and businesses: SB 5293

DEBT MANAGEMENT

Debt limit raised from seven to eight percent, reservation of additional revenues to specified uses: SB 5324

DECEDENTS' ESTATES

Slayers denied state retirement system beneficiary benefits, considered to have predeceased decedent for purposes of distribution: SHB 2246

DEEDS

Flood insurance documents, inclusion in real estate deed or mortgage recording: SB 6163

DEFERRED COMPENSATION

Health care providers who are independent contractors with department of social and health services to provide care to medical assistance recipients, considered employees only for participation in deferred compensation program: SSB 6507

Health care providers, independent contractors providing services to medicaid recipients, eligibility for deferred compensation plan participation: SB 6507

DENTAL DISCIPLINARY BOARD

Sterilization of equipment and infection control requirements, rulemaking duties and authority of board: SSB 5634

DENTAL HYGIENISTS

Dental hygiene services, experienced hygienists may perform without dentist's supervision: SB 5754

Licensing extended to those licensed in another state, conditions: SB 6234, SSB 6234

Two-tier system of licensure, dental hygienist I and dental hygienist II, established: SB 5694

DENTISTS AND DENTISTRY

- Dental prosthesis, removable, purchase agreement disclosure requirements and rights of purchaser to rescind transaction: SB 6487
- Limited license for University of Washington postgraduate dental residents authorized: *SHB 2555, CH 59 (1992)
- Quality assurance system revisions to professional practice act: SB 6029
- Removable dental prosthesis purchase agreement, disclosure requirements and rights of purchaser to rescind transaction: SB 6487
- Removable dental prosthesis, definition: SB 6487
- Sterilization of equipment and infection control requirements, dentists' offices to comply with: SSB 5634
- University of Washington postgraduate dental residents, limited license authorized: *SHB 2555, CH 59 (1992)

DENTON, FREDRICA

- Trustee, Lake Washington Technical College, GA 9240, Confirmed 44,124,730

DENTURISTS

- Board of dentistry created, membership, powers, and duties: SB 5897
- Certification required, fields of practice specified: SB 5813
- Certification requirements, regulation of the practice of dentistry: SB 5897
- Dental prosthesis, removable, purchase agreement disclosure requirements and rights of purchaser to rescind transaction: SB 6487
- Denturist certification act: SB 5897
- Removable dental prosthesis purchase agreement, disclosure requirements and rights of purchaser to rescind transaction: SB 6487
- Removable dental prosthesis, definition: SB 6487

DEPENDENT ADULTS

- Abuse reporting, requirements: SB 5087

DEVELOPMENT LOAN FUND COMMITTEE

- Forest products, fifteen percent of loan dollars to go to firms manufacturing: SB 5207

DEVELOPMENTAL DISABILITIES

- Fetal alcohol syndrome and fetal alcohol effect included in definition of developmental disability: SB 6260, SSB 6260

DEVELOPMENTALLY DISABLED

- Abuse reporting, requirements: SB 5087
- Background checks on applicants for employment and volunteers who may have unsupervised access, revised provisions: SB 5931
- Birth-to-six interagency coordinating council, governor to appoint for agencies providing early intervention services to disabled infants and toddlers: SHB 1090
- Children, long-term care policy for special needs child and family to be developed: SSB 5748
- Complaint resolution process to be created for persons applying for or receiving services from the department of social and health services: SB 6097
- Consolidation of state and federal medical and health services and programs, legislative budget committee to determine feasibility and desirability of: SHB 2590
- Early intervention services for disabled infants and toddlers, governor to appoint birth-to-six interagency council for agencies providing: SHB 1090
- Employment, regional disabilities employment function to provide school to employment transition services for high school students: 2SSB 5780
- Employment, regional disabilities employment function to provide services for high school graduates established: 2SSB 5780
- Fetal alcohol syndrome and fetal alcohol effect included in definition of developmental disability: SB 6260, SSB 6260
- Fircrest school, appropriation to bring school into compliance with federal requirements: SB 5315
- Incentives to discourage inappropriate placement of persons without primary diagnosis of mental disorder in state hospitals: SB 6319

- Infants and toddlers, governor to appoint a state birth-to-six interagency coordinating council for agencies providing early intervention services: SHB 1090
- Institutional trust lands in Thurston County, management plan to allow its use for housing developmentally disabled persons: SB 5331
- Mental illness, secretary of social and health services to develop system to discourage inappropriate placement of those with developmental disability in state mental hospitals and to encourage care in a community setting: *SB 6319, CH 230 (1992)
- Mentally ill developmentally disabled persons, pilot projects authorized to provide alternatives to hospitalization: SB 5856
- Protection and advocacy of rights of developmentally disabled persons, governor to appoint agency to implement program of: HB 2591
- Regional disabilities employment function to provide school to employment transition services for high school students: 2SSB 5780
- Regional disabilities employment function to provide services for high school graduates established: 2SSB 5780
- Residential habilitation centers, Frances Haddon Morgan Children's Center corrected to Frances Haddon Morgan Center: SB 5530
- Rights of developmentally disabled persons, governor to appoint agency to implement protection and advocacy program: HB 2591
- Service providers, multiple family home ownership allowed: SSB 5548
- Specialized care programs, secretary of social and health services authorized to establish programs for persons with developmental disabilities, AIDS, or substance abuse: *SB 6319, CH 230 (1992)

DEWHURST, ROLAND W.

Member, Trustee, Bates Technical College, GA 9191, Confirmed 42,154,435

DIABETES

Sales and use tax exemption for prescribed supplies and equipment: SB 5161

DIAPERS

Disposable diapers, sale and disposal of banned: SB 5687

DIETITIANS AND NUTRITIONISTS

Quality assurance system revisions to professional practice act: SB 6029

DIKING DISTRICTS

Commissioners, per diem compensation increased: SSB 5020

DISABLED PERSONS

- Birth-to-six interagency coordinating council created to ensure coordination of and collaboration in delivery of early intervention services to infants and toddlers with disabilities: *SSB 6428, CH 198 (1992)
- Birth-to-six interagency coordinating council, governor to appoint for agencies providing early intervention services to disabled infants and toddlers: SHB 1090
- Children, long-term care policy for special needs child and family to be developed: SSB 5748
- Community-based long-term care and support services pilot projects: SB 5917
- Community-based long-term care and support services system for functionally disabled, establishment and administration: SB 5917
- Community-based long-term care secured benefit program policy advisory committee, membership and duties: SB 5917
- Early intervention services for disabled infants and toddlers, governor to appoint birth-to-six interagency council for agencies providing: SHB 1090
- Housing discrimination against families with children or containing a disabled person prohibited: HB 2598
- Infants and toddlers, birth-to-six interagency coordinating council created to coordinate and enhance existing early intervention services for those with disabilities: SB 6432
- Infants and toddlers, early intervention services for those with disabilities: SHB 1090
- Infants and toddlers, early intervention services for those with disabilities or special needs: SB 5538, SSB 5538
- Infants and toddlers, early intervention services for those with disabilities, use of funds: SB 6432
- Infants and toddlers, governor to appoint a state birth-to-six interagency coordinating council for agencies

providing early intervention services: SHB 1090
 Medically fragile children, evaluation of short and long-term residential care options: SSB 5748
 Parking, department of licensing authorized to issue special disabled parking permits and license plates to boarding homes: *HB 2417, CH 148 (1992)
 Parking, fines increased for improper parking in spaces for the disabled: SHB 1634
 Parking, free parking in designated areas allowed: SB 5995
 Property tax, exemption from and deferral of: SB 5085, SB 5162, SB 5368
 Specialized transportation services for, provision of: SB 5427
 State employees, disabled, exempted from automobile license fees: SB 5076
 Statutory references to handicapped changed to disabled: SB 5582

DISCRIMINATION

African-American affairs, commission on, created, membership, powers, and duties: *SHB 1631, CH 96 (1992)
 Age discrimination, any employment discrimination based on age prohibited: SB 5056
 Age discrimination, employment discrimination against person over age of forty prohibited: SB 5080
 Age discrimination, upper limit on application of age discrimination statute removed: SHB 1255
 Bigotry or bias crimes, malicious harassment based on perceived race or sexual orientation included in definition: SHB 1037, SB 5360
 Bigotry or bias crimes, monitoring and collection of information relating to: SHB 1037, SB 5360
 Boycotts or blacklists, right to engage in commerce free from: SHB 2954
 Civil rights act, chapter on discrimination renamed: SB 5599
 Civil rights division, establishment in the office of the attorney general, functions, powers, and duties: SB 5599
 Commerce, right to engage in commerce free from discriminatory boycotts or blacklists, definition of boycott or blacklist expanded: SHB 2954
 Consumer protection act, unfair practices broadened to include all discriminatory practices committed in the course of trade or commerce: SHB 1255
 Discriminatory boycotts or blacklists, right to engage in commerce free from, definition of boycott or blacklist expanded: SHB 2954
 Employer discrimination against employee for consumption of lawful products off premises during nonworking hours prohibited: SHB 2274, SB 6266, SSB 6266
 Employer discrimination, employer of one or more persons subject to provisions of the freedom from discrimination statute: HB 2264
 Employment discrimination, age discrimination against person over forty prohibited: SB 5080
 Employment discrimination, any discrimination based on age prohibited: SB 5056
 Employment discrimination, individuals may bring private action against employers: SB 6167
 Family leave for employee to care for family member, discrimination against employee exercising rights prohibited: SB 5407
 Family leave to meet family care responsibilities, employer may not discriminate against employee: HB 2220, SB 5990
 Family, employer policy, may not limit or discourage use of leave rights: SB 5404
 Franchise relationships, discrimination prohibited in, civil action for specific performance of the franchise agreement and to recover damages and costs authorized: SHB 2954
 Gender discrimination, golf and country club access to services and facilities on basis of gender, complaint procedure: SB 6346
 Holocaust instruction, high schools encouraged to include in their curriculum, course may also use other examples from ancient and modern history: *SHB 2212, CH 24 (1992)
 Housing, disabled persons with guide or service dogs, discrimination against prohibited, remedies: SB 6431
 Housing, discrimination against families with children or containing a disabled person prohibited: HB 2598
 Housing, families with children, discrimination against prohibited, remedies: SB 6431
 Identity of agency employee seeking advice regarding a possible unfair practice under the discrimination laws and requesting that information not be disclosed exempt from public disclosure: *SHB 2876, CH 139 (1992)
 Juvenile justice system, independent study of racial disproportionality in, submission date of report modified: *SHB 2466, CH 205 (1992), SB 6041, SSB 6041, 2SSB 6041
 Juvenile offenders, economic or racial disparity in processing of juvenile offenders, department of social and health services to make annual report: SHB 2466
 Legislature included in coverage of discrimination laws: SB 6291

Malicious harassment based on perceived race and sexual orientation included in definition of bigotry or bias crimes: SHB 1037
 Malicious harassment, cross burning and defacement of property with hate symbols constitutes prima facie evidence of: SHB 1037
 Minority criminal justice education loan program created, eligibility and repayment provisions: SB 5857
 Nursing homes prohibited from discriminating against patients based on the source of payment for their care: SB 6088
 Overtime work, employment discrimination for refusal to work prohibited: SB 5409
 Protection of some statutes pertaining to discrimination extended to some persons not previously included: SHB 1255, SB 5599
 Racial disproportionality in the juvenile justice system, submission date of report modified: *SHB 2466, CH 205 (1992), SB 6041, SSB 6041, 2SSB 6041
 Technical revisions to statutes pertaining to discrimination: SHB 1255, SB 5599

DISLOCATED WORKERS

Natural resource worker project in Skagit county: SB 5674
 Steel workers and salaried employees of steel mills, unemployed compensation period extended for unemployed: SB 5987
 Training pilot project for dislocated timber industry workers in Skagit county: SB 5673

DISSOLUTION OF MARRIAGE

Community property, age and health of parties, factors to be considered in making property settlement following dissolution or legal separation: SB 5715
 Community property, intangible property to be considered in division of property following dissolution or legal separation: SB 5715
 Contract to allow dissolution only on a showing of fault by one party permitted, requirements: SB 5707, SSB 5707
 Debts, payment may be obtained only from person assigned responsibility in dissolution order: SB 6143
 Marital misconduct, consideration in dissolution: SB 5706
 Parent plan that provides child most contact with both parents to be preferred: SB 5742
 Residential time and visitation rights of parents who sexually abuse their children, third party supervision required: SHB 2529
 Statutory grounds for dissolution established: SB 5705

DISTRESSED AREAS

Timber impact areas, designation of additional socially and economically integrated communities as timber impact areas by economic recovery board authorized: *HB 2821, CH 21 (1992)
 Timber impact areas, public works loans authorized to local governments in: SB 5656, SSB 5656
 Timber supply impact areas, public facility loans and grants authorized in: SB 5602, SSB 5602
 Timber workers fairness act, congress urged to pass act to provide benefits to timber workers affected by federal decisions: SJM 8020

DISTRICT COURT

Bonds to keep the peace, power to require repealed: SB 6138, *SSB 6138, CH 31 (1992)
 Clerks to collect new and increased fees for providing official services: *SHB 2284, CH 62 (1992)
 Deferral of determination that a traffic infraction was committed, limitations and standards: SHB 1552, SB 6190
 Fees, clerks to collect new and increased fees for providing official services: *SHB 2284, CH 62 (1992)
 Harassment actions, jurisdiction over civil actions and proceedings to be in district court: SB 5922
 Judges, compensation determination: SB 5909
 Judges, remuneration for unused leave or sick leave when vacating office, limited to thirty days' monetary compensation: *SB 6276, CH 76 (1992)
 Jurisdictional amount, not to exceed twenty-five thousand dollars: SB 5922
 Law libraries, filing fee amount deposited in library fund for each superior court or district court filing increased: *SHB 1378, CH 54 (1992)
 Mandatory arbitration, civil actions subject to same extent as superior court civil actions, exceptions: SHB 1825
 Name change orders, court to collect fee for filing and transmit fee and order to county auditor for filing and recording: *SSB 6135, CH 30 (1992)

Name change orders, permanent retention required: SB 6135
 Reallocation of number of judges, provision repealed: *SSB 6138, CH 31 (1992)
 Salary of judges to be prescribed by legislature in biennial budget: SB 6001
 Seals required: *SB 6134, CH 29 (1992)
 Weighted caseload determination for judges, obsolete references deleted: SB 6136

DIVERS, RECREATIONAL

License to take food fish by diving required, restrictions and fees: SB 6154

DIVINE, ARDITH

Member, Gambling Commission, GA 9278 224,1415,1416

DOCHNAHL BERNADENE

Member, Personnel Board, GA 9292 741

DOGS (See also ANIMALS)

Dangerous and potentially dangerous dogs, revised provisions relating to classification and control of: SB 6087, SSB 6087
 Dangerous and potentially dangerous dogs, state preemption of local government to regulate: SSB 6087
 Dangerous dogs, judicial or administrative hearing procedure to determine established: SHB 1462
 Dangerous dogs, regulation of dangerous and potentially dangerous dogs: SHB 1462, SB 5038, SSB 5038
 Electronic locating collar to protect from loss allowed: SB 6183
 Guide and service dogs, definition to include dogs in training: SHB 2333
 Guide and service dogs, governor's committee on disability issues and employment to study issues relating to the implementation of the white cane law: *SHB 2333, CH 10 (1992)
 Hunting dog training, workout, field trial, and show area to be developed by department of wildlife: SB 5211

DOMESTIC RELATIONS

Debts of marital community, payment may be obtained only from person assigned responsibility in dissolution order: SB 6143
 Domestic violence protection orders and antiharassment orders, permanent orders, one year orders, or uncontested renewal orders, revised grounds and procedures for granting, service by publication permitted in specified circumstances: *SHB 2745, CH 143 (1992)
 Fingerprinting of all persons convicted under Title 26 RCW required: SB 6056
 Summary proceedings authorized in trials relating to: SB 5028, SSB 5028

DOMESTIC VIOLENCE

Education for professional working in field, review and report authorized: SB 6347, SSB 6347, *2SSB 6347, CH 111 (1992)
 Electronic monitoring authorized in cases where no-contact order has been issued, defendant may be required to bear monitoring costs: *SB 6103, CH 86 (1992)
 Fines prohibited in any domestic violence crime: SB 6000
 Incident reporting, law enforcement agencies to report to Washington association of sheriffs and police chiefs for inclusion in the annual report of crime produced by the association: 2SSB 6347
 Persons sixteen years of age and older may petition as family or household member: SB 6347, SSB 6347, *2SSB 6347, CH 111 (1992)
 Petitioner forms and informational brochures, administrator of the courts to prepare: SB 6347, SSB 6347, 2SSB 6347
 Protection order, notice and hearing: SB 6347, SSB 6347, *2SSB 6347, CH 111 (1992)
 Protection orders and antiharassment orders, permanent orders, one year orders, or uncontested renewal orders, revised grounds and procedures for granting, service by publication permitted in specified circumstances: *SHB 2745, CH 143 (1992)
 Records of incidents, criminal justice training commission requirements: SB 6347, SSB 6347, 2SSB 6347
 Rental agreement, expedited termination allowed when tenant has valid protection order which has been violated, has been threatened by another tenant, or has been threatened with a weapon by the landlord: SHB 2297, *SSB 5986, CH 38 (1992)
 Temporary restraining orders extended from fourteen to twenty-one days in duration: SB 5437
 Victims of sexual assault and domestic violence, provision of chemical dependency services to: SHB 2477

DOTZAUER, RONALD

Reappointed Trustee, Central Washington
University, GA 9234

39

DRAINAGE DISTRICTS

Commissioners, per diem compensation increased: SSB 5020

DRIVER TRAINING SCHOOLS

Recreational vehicle drivers' training, minimum curriculum for commercial driver training schools and traffic safety organizations to be established: SHB 2453

DRIVERS' LICENSES

- Applicant identification requirements: SB 6364, SSB 6364, 2SSB 6364
- Driving while suspended or revoked but eligible to reinstate license defined as driving while license suspended or revoked in the third degree, a misdemeanor: SB 6330, *SSB 6330, CH 130 (1992)
- Dropouts, high school dropouts prohibited from obtaining or keeping drivers' permits or licenses: SB 5129
- Grade point average of two and five-tenths on a four-point scale for applicants under eighteen: SB 5515
- Highway safety fund, all drivers' license fees to be deposited in: SB 5431
- Implied consent law, reversal of revocation when cause was nonalcohol or nondrug-related medical condition, expungement: SB 5399
- Instruction permits, nonresident who is at least fifteen and who hold a valid instruction permit may drive in Washington: SB 6073
- Jury source list, merger of list of persons issued a driver's license and list of all registered voters, plan requirements: SB 5026, SSB 5026
- Nonresident who is at least fifteen and who holds a valid instruction permit may drive in Washington: SB 6073
- Revocation or suspension, provisional license to participate in alcohol or drug abuse treatment program, conditions: SSB 5064
- Revocation, suspension, or denial of driving privileges, summary procedures: SB 5064, SSB 5064
- Vehicle registration required before driver's license issued to new resident: SB 6129, SSB 6129
- Vehicle registration, new residents informed of obligation when applying for license: SB 6130

DRIVING WHILE INTOXICATED

- Driving under the influence of intoxicants victims' panel, violator may be required to attend: *SB 6295, CH 64 (1992)
- Intoxication, changing blood and breath standards: SSB 5069
- Intoxication, standard for measuring intoxication: SB 5067
- Negligent driving in the first degree defined, penalties, alcohol and drug evaluation and treatment requirements: SSB 5439
- Negligent driving in the first degree, defined and penalties established: SHB 1183
- Punitive damages for personal injuries or deaths resulting from driving while intoxicated: SHB 1676
- Revocation, suspension, or denial of driving privileges, summary procedures: SB 5064
- Vehicle homicide or assault, offenders subject to conditional community placement and must undergo alcohol and drug evaluation and treatment as condition of placement: SHB 2388
- Victims of drunk or intoxicated drivers, offender may be required to attend educational program focusing on the emotional, financial, and physical suffering of victims: *SB 6295, CH 64 (1992)
- Victims' panel, violator may be required to attend driving under the influence of intoxicants victims' panel: SHB 2675

DRUGS

- "Dispensing drug outlet" defined, board of pharmacy authority regarding: SB 6417
- Aggravated murder, murder committed in the course of a controlled substance violation defined as: SB 5048
- Capsule nonprescription drugs, secure storage required, inspection by pharmacist upon request: SB 5946
- Chemically dependent pregnant women, mothers, and infants, interagency coordination of service delivery required: SB 6051
- Confiscated property, violations of controlled substances law, landlord's claims for damage to property: *SHB 2501, CH 211 (1992)
- Confiscated property, violations of controlled substances law, recordkeeping requirements of seizing agency: *SHB 2501, CH 211 (1992)

* - Passed Legislation

- Controlled substances, analogs of controlled substances to be treated as schedule I substances: SHB 2587, SB 6191, SSB 6191
- Controlled substances, authority of board of pharmacy to control, revised provisions: SHB 2587, SB 6191, SSB 6191
- Controlled substances, certified copy of crime laboratory analytical report admissible in evidence in controlled substances prosecutions, criminologist may be subpoenaed to testify: *SSB 6055, CH 129 (1992)
- Controlled substances, certified copy of crime laboratory analytical report admissible in evidence in prosecutions involving analysis of, defendant may subpoena criminologist to testify: SSB 6055
- Controlled substances, reports by and testimony of criminologists at state crime laboratory admissible as evidence in prosecutions involving analysis of: SB 6055
- Controlled substances, reports by and testimony of forensic scientists at state crime laboratory admissible as evidence in prosecutions involving analysis of: SHB 2303
- Controlled substances, revision of schedules of drugs under control of the board of pharmacy: SHB 2587, SB 6191, SSB 6191
- Controlled substances, selling for profit, penalties increased: SB 5875
- Drug enforcement and education account, seizing agency to and remit portion of proceeds from property forfeitures to state treasurer for deposit in: *2SSB 5318, CH 210 (1992)
- Drug testing required for state elected officials, candidates, state employees: SB 5227
- HIV testing of adult and juvenile offenders in sexual offense, prostitution, and drug offense cases required: SSB 5086
- HIV testing of juvenile offenders in sexual offense, prostitution, and drug offense cases required: SB 6092, SSB 6092
- Infant drug exposure assessment and monitoring program established: SB 6051
- Infants exposed to drugs, program to assess and monitor: SSB 5193
- Juvenile offenders, inpatient substance abuse treatment option: SB 6041, SSB 6041, 2SSB 6041
- Landlord's claim against confiscated property for damages due to violation of controlled substances law: *SHB 2501, CH 211 (1992)
- Murder committed in the course of a controlled substance violation defined as aggravated murder: SB 5048
- Nonprescription drugs in capsule form, secure storage required, inspection by pharmacist upon request: SB 5946
- Nurse practitioners, authority of advanced practitioners to prescribe drugs: SSB 5635
- Pharmacist's and practitioner's duty to supply information to assure proper utilization: SHB 1003
- Pharmacy board drug regulation, revised definitions of terms used in the regulation of drugs by the board: SHB 2588, SB 6192, SSB 6192
- Practitioner's and pharmacist's duty to supply information to assure proper utilization: SHB 1003
- Prescription drugs, insurance policies prohibited from limiting where prescriptions may be purchased: SB 5334
- Prescription drugs, nurse practitioners, authority of advanced practitioners to prescribe drugs: SSB 5635
- Prescription drugs, pharmacist's and practitioner's duty to supply information to assure proper utilization: SHB 1003
- Prescription drugs, review of multitiered pricing of requested: SJM 8007
- Prescriptions, filling of a prescription written by a nonstate-licensed authorized prescriber after six months permitted: SB 5109
- State employees, elected officials, candidates must submit to testing: SB 5227
- Uniform controlled substances act, comprehensive revision and update, penalties increased for violations: SHB 2028
- Victims of drunk or intoxicated drivers, offender may be required to attend educational program focusing on the emotional, financial, and physical suffering of victims: *SB 6295, CH 64 (1992)

DRUNK DRIVING

- Vehicular homicide or assault, offenders subject to conditional community placement and must undergo alcohol and drug evaluation and treatment as condition of placement: SHB 2388
- Victims of drunk or intoxicated drivers, offender may be required to attend educational program focusing on the emotional, financial, and physical suffering of victims: *SB 6295, CH 64 (1992)
- Victims' panel, violator may be required to attend driving under the influence of intoxicants victims' panel: SHB 2675

DURNEY, JACK

Reappointed Trustee, Grays Harbor Community College District No. 2, GA 9192 40,790

EARTHQUAKES

Earthquake preparedness committee created, membership and duties: SHB 2791
Promotion and supervision of improvement of state's earthquake preparedness, duties of director of community development: SHB 2791
School preparedness policy, requirements: SB 5238

EASTERN STATE HOSPITAL

Assaults on state employees at, department of labor and industries to conduct study of causes and solutions to assaults: SB 6268
Institute for the study and treatment of mental disorders, community mental health program responsibilities: *SB 6319, CH 230 (1992)
Institute for the study and treatment of mental disorders, training of community service providers and hospital staff, funding approval: *SB 6319, CH 230 (1992)
Mentally ill patients, hospital to become clinical center for handling the most complicated long-term care needs of patients with primary diagnosis of mental illness: *SB 6319, CH 230 (1992)

EASTERN STATE HOSPITAL ADVISORY BOARD

Timothy J. Adams, Member, GA 9263 48
Pam Lucas, Reappointed Member, GA 9247 45
Michael Moseley, Member, GA 9248 46
Thomas Roe, Reappointed Member, GA 9262 49
Dennis Twigg, Member, GA 9249 46

EASTERN WASHINGTON UNIVERSITY

Al Brisbois, Reappointed Trustee, GA 9289 334
Dr. Julian Torres, Jr., Trustee, GA 9286 290
Enrollment, state-funded enrollment level increased: SSB 5174
Enrollment, state-funded enrollment level increased, funding provisions: SB 5814
Trustees, one student member to be appointed to the board of trustees: HB 1218, SB 6418

ECOLOGY, DEPARTMENT OF

Chuck Clarke, Appointed Director, GA 9270 104
Agricultural water purveyors completing an application for proceeds from sale of bonds to identify whether and how rate structures could provide an incentive to water users to conserve water: SHB 2629
Air and water related permits, fee increases limited to six percent per year: SB 5040
Air pollution, economic incentives to reduce, department to conduct study on: SB 5326
Air pollution, order compliance factors beyond person's control, modification of requirements: SB 5746
Air pollution, outdoor burning in rural areas, permit exemption provisions: SB 6304, SSB 6304
Anti-litter and recycling programs, termination of administration of: SB 6036
Biosolid management program, department to establish a program that will conform with recent and proposed federal regulations on municipal sewage sludge, civil and criminal penalties for violations: *SHB 2640, CH 174 (1992)
Biosolid use and disposal permits, department authorized to delegate authority to issue and enforce to local health departments: *SHB 2640, CH 174 (1992)
Biosolid use and disposal permits, local health department may appeal department decision to pollution control hearings board: *SHB 2640, CH 174 (1992)
Biosolids, department authorized to promote beneficial uses of biosolids: *SHB 2640, CH 174 (1992)
Commute trip reduction, departmental duties: SB 5326
Conservation of water, programs to increase instream flows in areas where wild salmonids are in decline: SHB 2629
Disposable diapers, sale and disposal of banned, enforcement duties: SB 5687
Ecological commission, termination: SB 6036
Environmental coordination procedures act, certain procedures terminated: SB 6036
Flood plain management, may adopt by rule a plan if local governments fail to adopt a plan by October 31, 1991: SB 5704
Greywater, potential uses and effects, report to legislature: SSB 6391

* - Passed Legislation

- Ground water removal applications, approval or denial to be made within nine months: SB 5013
- Hazardous substance release on real property, reporting and notice requirements: SSB 5055
- Hazardous substances releases, reporting and notification requirements, departmental duties: SB 5094
- Hazardous substances, incineration facilities, fees: SHB 2823
- Hazardous waste clean-up, notice of remedial action taken, issuance by department: SSB 5055
- Hazardous waste, department management control until waste is rendered innocuous or recyclable: SB 6421
- Home and garden pesticide product advisory board to be established, duties: SB 5575
- Low-level radioactive waste haulers, demonstration of financial assurance required, duties: *SHB 2873, CH 61 (1992), SB 6383, SSB 6383
- Marine safety and spill prevention office established in department: SB 5183
- Minimum water flow levels for declining salmonid stock on Columbia and Snake rivers, department to determine if water withdrawals or diversions are potentially hazardous: SHB 2629
- Minimum water flow levels for salmonid recovery, department to prioritize evaluation and implementation of minimum flow levels in basins with declining salmonid stock: SHB 2629
- Pesticide use education and information programs, duties: SB 5575
- Pesticides, urban applications, posting of warning signs and notice requirements prior to application, duties: SB 5575
- Plastic utensils and styrofoam dishes and containers, prohibition on sale and use of, rulemaking authority: SB 5017
- Pulp and paper mills discharging chlorinated organics, department may require that each submit an engineering report on cost of installing technology to reduce discharges, restrictions on establishing permit limits on discharges: *SSB 5724, CH 201 (1992)
- Pulp mills, issuance of permits for discharge of chlorinated organic compounds prohibited until federal government issues final guidelines: 2SSB 5724
- Radioactive waste management advisory council, membership modifications: HB 2835
- Reclaimed water, authority to issue permits for land applications of reclaimed water: *SHB 2833, CH 204 (1992)
- Reclaimed water, department to develop guidelines for land application use, permit fees: SSB 6391
- Reclaimed water, lawful users of reclaimed water prior to effective date of act exempted from compliance with standards, procedures, and guidelines adopted by the departments of health and ecology before July 1, 1995: *SHB 2833, CH 204 (1992)
- Reclaimed water, review and evaluation of use and effects, report to legislature: SSB 6391
- Reclaimed water, to adopt a single set of standards, procedures, and guidelines for land applications of reclaimed water in conjunction with department of health: *SHB 2833, CH 204 (1992)
- Reclaimed water, to adopt a single set of standards, procedures, and guidelines for the industrial and commercial use of reclaimed water in conjunction with department of health: *SHB 2833, CH 204 (1992)
- Senior environmental corps created, powers and duties: *SHB 2560, CH 63 (1992)
- Shellfish habitat protection and restoration program, departmental duties in regard to: SB 6059
- Shoreline residences and appurtenant structures, erosion protection prioritized: *SB 6128, CH 105 (1992)
- Shoreline residences and associated uplands, erosion protection prioritized: SB 6128
- Sludge dispersal, land application permit system, regulatory duties: SB 5751
- Sludge dispersal, study of epidemiological effects: SB 5751
- Sludge disposal and use pilot project on sludge task force's priority use alternative or alternatives, departmental duties: SB 5846, SSB 5846
- Sludge management, department to establish comprehensive sludge management program: *SHB 2640, CH 174 (1992)
- Sludge, department of ecology may delegate authority to issue and enforce permits to use or dispose of municipal sludge to local health departments, department may review permits issued: *SHB 2640, CH 174 (1992)
- Sludge, local health department may appeal a department of ecology permit decision to the board: *SHB 2640, CH 174 (1992)
- Small businesses, guidelines to mitigate economic impact of certain agency rules on: SB 6166
- Solid waste, fee payment required for importation of out-of-state waste if the generating state charges a fee for waste generated in Washington: SHB 2636
- Solid waste, report required sixty days prior to facility receiving waste generated outside the state: SHB 2636
- Storm water, special committee on government storm water pollution and liability created, membership and duties: SB 6459, SSB 6459
- Surface mining, mandatory waste removal plan for each site, to be developed with department of natural

resources: SB 5513

Technical assistance officers authorized for department to coordinate voluntary compliance with the regulatory laws: *SHB 2768, CH 19 (1992)

Tires, waste tire recycling or energy production, grants to other agencies for projects involving: SB 5878

Transuranic mixed waste, treatment, storage, and disposal, compliance with final permit status standards required, duties: SB 5460

Trust water rights, acquisition and management by department of ecology: SB 5736

Underground storage tanks, removal or closure, department statement that action conforms to departmental rules: SSB 5055

Wastewater discharge fees, permit fee schedule for municipalities modified: SB 5700

Wastewater, department to adopt standards for land applications of treated wastewater: SHB 2833, SB 6391

Water conservation, alternative rate-setting formulas for water conservation to be provided to irrigation districts: SHB 2629

Water discharge fees to be set to recover fee eligible expenses except indirect and administrative expenses: 2SSB 5534

Water discharge fees, limitations on increases in fees for permits issued by department: 2SSB 5534

Water discharge fees, municipal, revised provisions: SB 5608

Water management, areas without significant water resource problems designation, duties: SSB 5765

Water rights claims with priority date prior to June 6, 1917, procedure and filing in claim registry: SB 5389

Water rights, seasonal use right change to yearly use right, transfer criteria: SSB 5807

Water well construction enforcement authority, delegation to local government agencies authorized: *SHB 2796, CH 67 (1992)

Water well construction, improper notice, civil penalty increased for second or subsequent violation: SB 5400

Water well construction, revised regulatory provisions: SB 5306

Water wells, department to undertake pilot project to identify and tag existing wells: SB 5306

Watershed financial assistance program created in department to assist counties to form and implement watershed protection districts: SHB 2363

Watershed financial assistance program created, qualifications for grants and loans to counties: SSB 6132

ECONOMIC DEVELOPMENT

Center for international trade in forest products at the University of Washington, additional duties: SB 5207
Convention, tourism, and economic development promotions, business and occupation tax exemption for payments and contributions by public entities to nonprofit corporations for: SB 5661

Diamond Point trust parcel, sale to parks and recreation commission by board of natural resources, authority to vary boundaries and acreage of parcel transferred: *SHB 2990, CH 185 (1992)

Pacific Northwest export assistance project, purposes and duties: SSB 5639

Private enterprise review commission created, membership and duties: SB 5507, SSB 5507

Projects of regional or state significance, county or city may identify and request assistance: SHB 2676

Promotion of lease between state and federal government at Hanford, department of trade and economic development to cooperate with associate development organizations located in or near the Tri-Cities area: *SSB 6494, CH 228 (1992)

Public forests commission created, membership and duties: SB 5527

State agency competition with private enterprise prohibited: SB 5507, SSB 5507

Timber impact areas, public works loans authorized to local governments in: SB 5656, SSB 5656

Timber supply impact areas, public facility loans and grants authorized in: SB 5602, SSB 5602

Urban/rural economic partnerships project created to encourage transfer of excessive Puget Sound business growth to rural areas: SB 6279

Washington rural development council created, membership, organization, and duties: SB 6278, SSB 6278

Washington rural development council recognized by legislature and state entities encouraged to participate in council activities, council to be located in branch or agency of state or federal government: SHB 2526

Washington technology center, revised organization and duties: *HB 2932, CH 142 (1992)

Washington timber development corporation established to respond to needs of timber-dependent communities: SB 5207

ECONOMIC DEVELOPMENT FINANCE AUTHORITY

Timber products finance program to be included in general plan of economic development finance objectives: SB 5207

ECONOMIC FORECASTS

Economic, revenue, and caseload forecast council created, membership and duties: SSB 5702

Economic, revenue, and caseload forecast council to employ caseload forecast supervisor, duties: SSB 5702

ECONOMIC RECOVERY COORDINATION BOARD

Timber impact areas, designation of additional socially and economically integrated communities as timber impact areas by economic recovery board authorized: *HB 2821, CH 21 (1992)

EDITOR'S NOTES

Regarding Letter of Appointment for Senator Wanda Hansen 1
Regarding Legislative and Congressional Maps-Appendix A 12

Regarding Letter of Appointment for Senator Susan Sumner 102
Explanation of Senate Rule 46 226,747

EDMONDS COMMUNITY COLLEGE DISTRICT NO. 23

Victor S. Hirakawa, Trustee, GA 9265 69,793

Charles D. Kee, Trustee, GA 9087 123

Karen Miller, Reappointed Trustee, GA 9025 121

EDUCATION, STATE BOARD OF

Academic and vocational integration development program, pilot projects: *SHB 2359, CH 137 (1992)

American sign language course to satisfy state or local public school foreign language requirement: *HB 1664, CH 60 (1992)

Commission on student learning, membership and duties, coordination of activities with board required: *SSB 5953, CH 141 (1992)

Construction of school buildings, board to adopt rules on the preparation and use of modifiable basic plans: SB 5862

Corporal punishment in schools prohibited, to adopt policy on: HB 1159, SB 5240

Criminal record check through state patrol and federal bureau of investigation required for potential school employees, powers and duties: *SHB 2518, CH 159 (1992), SB 6240, SSB 6240

Educational progress oversight panel created to report annually on progress of education reform, panel membership and report content requirements established: SSB 5953

Entrance to practice examination, passage required to obtain initial teacher certification, content requirements established: SSB 5953

High school graduation requirements, authority to set: SB 5822, SB 6178, SSB 6178, 2SSB 6178

High school graduation requirements, board of education to establish requirements and equivalents: *SSB 5953, CH 141 (1992)

Improvement of teaching centers, establishment by educational service districts, rulemaking duties: SSB 5698
Membership and terms of office: HB 2493, *SB 6133, CH 56 (1992)

Modernization and construction of school facilities, allocation of funds to be based on priorities set by board: SHB 2631

Modifiable basic plans for school building construction, board to adopt rules on the preparation and use of: SB 5862

Professional practices unit to enforce code of professional conduct adopted by the board: SSB 5543

Professional standards unit, code of professional conduct enforcement authority: SB 5543

Reach for excellence grant program, duties: SB 5234, SSB 5234, 2SSB 5234

Restructuring plan, waiver of statutory requirements regarding school building self-study, classroom teacher contact hours, and basic education program hours authorized as part of: *SSB 5953, CH 141 (1992)

Schools for the twenty-first century program, final report to legislature and governor, information to be included: *SB 6220, CH 112 (1992)

Sign language instructors' qualifications, state board to consult with various groups concerning standards for evaluation and certification of American sign language instructors: *HB 1664, CH 60 (1992)

Sign language, American sign language course to satisfy state or local public school foreign language requirement: *HB 1664, CH 60 (1992)

Siting decisions, authority for board to review denial of permit to build on a proposed site: SB 5364

Special education students, board of education to develop alternatives for special education students to receive a high school diploma: SSB 5953

Special needs tuition assistance program, duties: SB 5698

- Student assessment and testing, district required to adjust curriculum in areas where scores indicate that students need additional help, parental notification of scores required: *SSB 5953, CH 141 (1992)
- Student learning alternative program, application approval, monitoring authority: SB 5499
- Student learning, establishment of commission on student learning, membership and duties, coordination of activities with board required: *SSB 5953, CH 141 (1992)
- Student teachers to spend minimum of one hundred eighty hours in classroom during first half of teacher preparation program: SB 5819
- Student teaching centers established, duties: SB 5698
- Teacher and administrator certification, board to study current requirements in conjunction with council on education reform and funding and present options for improving certification system: *SSB 5953, CH 141 (1992)
- Teacher certification examinations, revised requirements: SB 5851, SSB 5919
- Teacher certification, alternative method for persons with baccalaureate degree and extensive, relevant work experience: SB 5640, SSB 5919
- Teacher certification, alternative teacher certification, eligibility standards: SB 5851
- Teacher certification, initial certificate to be valid for seven years with reinstatement available under board of education rules: SSB 5953
- Teachers for the twenty-first century program, responsibilities: SB 5254, SSB 5254
- Vocational instructors, board to education to adopt baccalaureate equivalency standards: *SSB 5953, CH 141 (1992)
- Waivers of statutory requirements regarding school building self-study, classroom teacher contact hours, and basic education program hours authorized as part of restructuring plan containing required elements: *SSB 5953, CH 141 (1992)

EFFICIENCY AND ACCOUNTABILITY IN GOVERNMENT, COMMISSION

- Duties revised: SB 6412
- Membership and duties, revised provisions under government accountability act of 1992: SHB 2462

EHLIS, KIRSTEN

- Apple Blossom Princess introduced 747

ELECTIONS

- "Short term" defined for partisan and nonpartisan elective offices: HB 2090
- Absentee voters, eligibility for ongoing absentee voter status expanded: HB 2403
- Absentee voters, requirements for ongoing absentee voter status, revised provisions: SB 6200
- Absentee voting, registration to vote by absentee ballot allowed up to twenty days before election: SB 5618
- Appeals, procedure: *SHB 2319, CH 163 (1992)
- Ballot propositions, use of public funds to support or oppose prohibited: SB 6173, SSB 6173
- Boundary review board members to be chosen by election: SB 5133
- Campaign financing, limitations on campaign contributions and spending: SHB 2986
- Candidate for elective office to be registered voter of district or political subdivision and residency requirements in excess of that standard may not be adopted: SB 6067, SSB 6067
- Candidates' pamphlet to indicate which candidates signed and abided by spending limits and those who did not agree to spending limits: SHB 2986
- Candidates, withdrawal of declaration of candidacy to declare for different office: SB 5903
- Challenges to elections that concern bonds or levies must commence within thirty days of election: SB 5502
- Constitutional amendments, print, radio, and television advertising requirements: SB 5603
- Contribution and expenditure reporting for candidates for state elective office, penalties for violations: SHB 2986
- Contribution limits and reporting requirements: SB 5895
- Costs of election, allocation between state and counties, special provisions for 1994, 1996, 1998, and 2000 elections: SB 5620
- Declaration of candidacy, withdrawal of declaration to declare for different office: SB 5903
- Disqualified candidate in nonpartisan elections, removal from ballot: *HB 2662, CH 181 (1992), SB 6309
- Division of elections established in office of secretary of state: *SHB 2319, CH 163 (1992)
- Election administration and certification board, membership and duties: *SHB 2319, CH 163 (1992)
- Election assistance and clearinghouse program established in office of secretary of state: *SHB 2319, CH 163 (1992)
- Election review section established in division of elections, responsibilities: *SHB 2319, CH 163 (1992)

- Elections administration officials and personnel, training and certification programs: *SHB 2319, CH 163 (1992)
- Elections assistants or deputies, appointment by county auditor: *SHB 2319, CH 163 (1992)
- Expenditure limitation agreement or alternative contribution limits, spending limits for candidates for state office, penalties for violations: SHB 2986
- Filing fees, candidate without sufficient assets to pay, submission of information supporting claim, review procedures: SB 5619
- Franking privilege, restriction on use by legislator during campaign: SHB 2986
- General elections, names of top two vote getters in primary for nonpartisan position to appear on general election ballot: SB 5029
- Honoraria, prohibition on accepting certain honoraria: SHB 2986
- Incorporation elections, three-year ban on new elections when incorporation is not approved, application limited: SB 5139
- Independent expenditures, reporting to public disclosure commission, local elections officer, and candidates, requirements: SHB 2986
- Initiative and referendum, paid solicitation of signatures restricted, violation a gross misdemeanor: SB 6325
- Judges, primaries not required when no more than two candidates file for a position: SB 5029
- Legislative races, primary eliminated when no more than one person is nominated from each party: SB 5348
- Local office candidates, campaign contribution and spending limits apply to candidates for local office beginning July 1, 1995, exceptions: SHB 2986
- Multicandidate political committees, annual report filing requirements, required contents: SHB 2986
- Nonpartisan elections, names of top two vote getters in primary to appear on general election ballot: SB 5029
- Nonpartisan elections, removal of disqualified candidate from ballot: *HB 2662, CH 181 (1992), SB 6309
- Nonpartisan elections, repeal of special constitutional procedures regarding the conduct of: SJR 8200
- Official ballot count to be made at precinct polling place, procedures: SB 5777
- Personal funds of candidate agreeing to spending limits, candidate must also limit expenditure of personal funds in campaign: SHB 2986
- Political action committees, total of contributions that candidate receives from committees cannot exceed twenty-five percent of all contributions candidate receives by end of election: SHB 2986
- Political party observers, training and certification programs: *SHB 2319, CH 163 (1992)
- Presidential elections, partial apportionment of electoral vote, vote distribution procedure: SB 5144
- Presidential preference primary, single ballot to be prepared for all political parties: SB 6231
- Primary election eliminated in legislative race when no more than one person is nominated from each party: SB 5348
- Public disclosure commission, campaign financing limits for candidates for state elective office, authority to revise dollar amounts and to conduct audits and investigations: SHB 2986
- Public utility districts, election of initial commissioners, procedures revised: SB 5448
- Reopening of candidate filing period to occur when incumbent withdraws and only relatives or business associates remain as candidates: SB 6291
- Residency requirements for candidates for elective office, candidate to be registered voter of district or political subdivision: SB 6067, SSB 6067
- School district excess levy and bond elections, mail balloting allowed: SB 5893
- School levy measures, number of electors needed to approve: HJR 4234, SB 6414, SJR 8230
- Sheriffs, office to be nonpartisan except in counties where home rule charter declares it to be partisan: SHB 1715
- Solicitation of contributions during legislative session, limits on, penalties for violations: SHB 2986
- Special election held during month of presidential preference primary to be set for the same day as the primary election: SHB 2402, *SB 6213, CH 37 (1992)
- Spending limits for candidates for state office entering into expenditure limitation agreement or under alternative contribution limits, penalties for violations: SHB 2986
- Spending limits, candidate for state office limited in total expenditures that may be made during two or four year election cycle for the office sought, reporting requirements: SHB 2986
- State elective office, limitations on campaign contributions and spending for, penalties for violations: SHB 2986
- Surplus funds, transfer of, transfer may be made only to a political party organization or to a caucus of the state legislature: SHB 2986
- Terms, governor, lieutenant governor, legislature, and United States congress, terms of office limited: SB 6468
- Training and certification programs for elections administration officials and personnel: *SHB 2319, CH 163

(1992)

- Vote by mail primary or special election may be held under specified conditions, voting and canvassing procedures established: SHB 1501
- Voter address verification, revised procedures for verifying registrant's address: SB 5433
- Voter qualifications, revision of provisions relating to who is eligible and ineligible to vote: SJR 8222
- Voter registration allowed until fifteen days before election: SB 5177
- Voter registration allowed up to fifteen days before election for absentee voting: HB 1217
- Voter registration by mail: SHB 1310
- Voters' pamphlet explanatory statement to summarize laws repealed by a ballot measure: SB 6080
- Voting by mail, nonpartisan special election may be conducted by mail in precincts with less than two hundred voters, conditions: SHB 1501, SB 5600

ELECTRICAL INSTALLATIONS

- Building codes, residential buildings moved into or within city or county not required to meet all building code requirements if occupancy classification of building is not changed: *SHB 2673, CH 79 (1992)
- Contractor licenses, unlawful practices, revised provisions: SHB 2396
- Contractors, information to be supplied in application for license, revised requirements: *SHB 2686, CH 217 (1992)
- Electrical transmission and distribution facilities, energy office to represent state's interests: SB 6478
- Electrical utilities and contractors retained by utilities, journeyman electrician certificate not required for employee registered with or graduated from state-approved lineman apprenticeship course: *HB 2053, CH 240 (1992)
- Electrical utilities, exemptions from licensing and inspection requirements for work in connection with installation, repair, and maintenance of lines, wires, apparatus, and equipment, conditions and limitations: *HB 2053, CH 240 (1992)
- Public utility districts, private contractors authorized to install services for which district would assess a direct service installation charge: SB 6208, SSB 6208
- Residential buildings moved into or within city or county not required to comply with all building code requirements if occupancy classification of building not changed: *SHB 2673, CH 79 (1992)
- Wiring requirements, county authority and powers: SB 5744
- Workers' compensation coverage information required as part of application for registration or license including coverage in state of domicile for workers employed in Washington: *SHB 2686, CH 217 (1992)

ELECTRICITY

- Cities and towns, electrical substations, procedures for obtaining permit to locate in: SHB 1198
- Cities and towns, regulation of the placement of electrical facilities: SHB 1198, SB 5714
- Cogeneration facilities, deferral of excise taxes for eligible investment projects: SB 6116
- Counties, electrical substations, procedures for obtaining permit to locate in: SHB 1198
- Electric and magnetic fields, one-time residential inspection by utility to determine amount: SB 5877, SSB 5877
- Electric and magnetic fields, utilities required to institute program to inform customers about characteristics: SB 5877, SSB 5877
- Electrical transmission and distribution facilities, energy office to represent state's interests: SB 6478
- Electrical utilities and contractors exempted from licensing requirements, conditions and limitations: HB 2053, SB 5725, SSB 5725
- Electrical utilities and contractors retained by utilities, journeyman electrician certificate not required for employee registered with or graduated from state-approved lineman apprenticeship course: *HB 2053, CH 240 (1992)
- Electrical utilities, exemptions from licensing and inspection requirements for work in connection with installation, repair, and maintenance of lines, wires, apparatus, and equipment, conditions and limitations: *HB 2053, CH 240 (1992)
- Electricians, certificate of competency examination eligibility: SB 6235
- Electricians, continuing education requirements established for renewal of certificate: SB 5578
- Home heating assistance for low-income persons extended to June 30, 1995: SB 5904
- Hydroelectric projects, declaration that state has no regulatory authority over federally owned or licensed hydroelectric projects: SB 6475
- Hydroelectric projects, state has no regulatory authority over federally owned or licensed unless authority granted by federal government: SSB 6475

Hydropower plan, task force to prepare state comprehensive hydropower plan, extension of task force and revision of duties: SB 6475
 Municipal electric utilities, revised provisions relating to utilities access to high voltage transmission lines: *HB 2347, CH 11 (1992), SB 6064, SSB 6064
 Remote hydroelectric generating facilities, additional privilege tax imposed on facilities owned by cities in certain counties: SB 5832
 Siting of electrical transmission facilities, revised provisions and application processing procedures: SB 5680
 Substations, procedures for obtaining permit to locate electrical substation in city or county: SHB 1198
 Transmission lines, removal of trees or vegetation that constitute a hazard, procedures: SB 6473
 Wildland/urban interface areas, fire prevention duties of owner of electrical transmission or distribution line in high or extreme risk level area: SB 6202

ELKS, WASHINGTON STATE ASSOCIATION

Members in gallery introduced, SFR 1992-8710 172

ELLIS, JOHN

Member, Washington State University Board of Regents,
 GA 9268, Confirmed 78,794,1083

EMERGENCY MEDICAL SERVICE DISTRICTS

State board for volunteer emergency medical service districts, organization and duties: SB 5335
 Tax levy, authority to impose additional tax levy: SB 5018
 Trustees, board of, membership and duties: SB 5335, SSB 5335, 2SSB 5335
 Volunteer workers, death, disability, and pension benefits for: SB 5335, SSB 5335
 Volunteer workers, inclusion in benefits available under the volunteer fire fighters relief and pension fund: 2SSB 5335

EMERGENCY SERVICES

Alcohol or drug caused emergency responses, public agency authorized to recover costs from person convicted of being under influence: SHB 1636
 Ambulance driver certification requirements modified: *SB 6033, CH 128 (1992)
 Ambulance operators and directors, licensing period reduced from three to two years: *SB 6033, CH 128 (1992)
 Ambulance vehicle licensing period changed from one to two years: *SB 6033, CH 128 (1992)
 Certification and recertification of physician's trained intravenous therapy technicians, airway management technicians, and mobile intensive care paramedics, certification period changed to three years: *SB 6033, CH 128 (1992)
 Earthquake preparedness, duties of director of community development and earthquake preparedness committee in regard to improvement of: SHB 2791
 Emergency medical services committee, repeal of termination provisions: *SB 6032, CH 84 (1992)
 Natural death act, department to adopt guidelines for emergency medical personnel in regard to patients who do not wish to receive futile treatment: *SHB 1481, CH 98 (1992)
 Patients and clients of public emergency medical service, confidentiality of personal information: SHB 1275
 Person with living will, department of health to adopt guidelines for emergency medical personnel response: SB 6320
 Search and rescue grant program established: SB 5206
 Sudden infant death syndrome and other sudden, unexplained child deaths, training of first responders, coroners, and others: SSB 5542
 Uniform disciplinary act, application to physician's trained intravenous therapy technicians, airway management technicians, mobile intensive care paramedics, and ambulance operators, directors, and drivers: *SB 6033, CH 128 (1992)
 Volunteers, state colleges and universities to grant paid leave to employees in training or on call as: SB 5417

EMINENT DOMAIN

Compensation must be paid at time of designation as public benefit property: SB 6303
 Compensation to be paid when private property is diminished in value for a public purpose: SB 5797
 Diminution in value for a public purpose, compensation to be paid when private property suffers diminution: SB 5797
 Identification of public benefit property may precede designation, compensation procedures: SB 6303

Judgment review procedure: SB 6430

Public benefit property, studies, mapping, and plans to be paid for by governmental entity considering designation: SB 6303

Public utility districts, valuation of system to be purchased to include property assets contributed by customers and system improvements: SB 6453

Taking of private property, establishes a process to determine when a taking has occurred: SB 5122, SB 5419

Water districts, valuation of system to be purchased to include property assets contributed by customers and system improvements: SB 6453

EMPLOYER AND EMPLOYEE

Application documents requiring signature, employer required to provide copy to applicant: SB 5879

Business closures and employee layoffs prohibited until sixty days after written notice issued, penalties and exceptions established: SHB 2441

Child and family care, need to increase and improve child care services through training of providers: SB 5408

Child and family care, new growth and development to pay fair share of additional facilities and services needs as result of growth: SB 5408

Child labor law education office created to assist employers in meeting child labor law standards: SB 5517

Child labor, employer records requirements: SB 6442, SSB 6442

Child labor, employment of children under age sixteen, hours and conditions: SB 6442, SSB 6442

Child labor, prohibited employment: SB 6442, SSB 6442

Discrimination by employer against employee for consumption of lawful products off premises during nonworking hours prohibited: SHB 2274, SB 6266, SSB 6266

Discrimination, individuals may bring private action against employers: SB 6167

Economic adjustment and assistance act adopted: SHB 2441

Employee layoffs and business closures prohibited until sixty days after written notice issued, penalties and exceptions established: SHB 2441

Employee noncompetition agreements, agreement must be entered into on initial employment and employer must provide additional consideration: SSB 5526

Employee noncompetition agreements, continued employment not considered additional consideration for entering into agreement: SSB 5526

Employee noncompetition agreements, requirements to create enforceable agreement: SSB 5526

Employee noncompetition agreements, written notice to both parties of effect of agreement required, notice format: SSB 5526

Employer discrimination, employer of one or more persons subject to provisions of the freedom from discrimination statute: HB 2264

Family educational leave, employee entitled to sixteen hours during any twenty-four month period, notice to employer: HB 2220, SB 5990

Family leave for employee to care for family member, discrimination against employee exercising rights prohibited: SB 5407

Family leave to meet family care responsibilities: HB 2220, SB 5990

Health care insurance, exemption of plans offered by employers of fewer than twenty-five employees from insurance premium tax until July 1, 1994: SB 6039, SSB 6039

Injured worker returning to work, employer to continue or resume health and welfare benefits at level provided at time of injury: SB 5488

Life insurance, "insurable interest" defined for employers responsible for employee welfare benefit plans: SB 6206

Local school governance leave provided for employee to participate in school organizations, conditions: SB 6177

Lockouts, eligibility of workers for unemployment compensation: HB 1279

Medical examinations, payment for time lost while attending for industrial insurance: HB 1285, SB 5487

Noncompetition agreements, agreement must be entered into on initial employment and employer must provide additional consideration: SSB 5526

Noncompetition agreements, continued employment not considered additional consideration for entering into agreement: SSB 5526

Noncompetition agreements, employee, written notice to both parties of effect of agreement required, notice format: SSB 5526

Noncompetition agreements, requirements to create enforceable agreement: SSB 5526

- Overtime work, discrimination for refusal to work prohibited: SB 5409
- Retaliatory actions by employer against employee who makes good faith report of potential wrongdoing prohibited, remedies: SB 5871
- Sales representatives and principals, regulation of contractual relationship between representatives and principals including payment of wages and commissions: *SSB 6120, CH 177 (1992)
- Site-based school councils, employee leave provided to promote participation in: SB 6177
- Video display terminals, employers to use safeguards and practices to enhance employee health and safety: SB 5493
- Workers' compensation insurance, employer purchase from private insurance providers authorized: SB 5492

EMPLOYMENT

- Age discrimination, any discrimination based on age prohibited: SB 5056
- Age discrimination, employment discrimination against person over age of forty prohibited: SB 5080
- Alcohol server class 12 permit required, proof of completion of alcohol server training program required for permit: SB 6338, SSB 6338
- Application documents requiring signature, employer required to provide copy to applicant: SB 5879
- Background checks on applicants who may have unsupervised access to children, developmentally disabled, or vulnerable adults, revised provisions: SB 5931
- Basic health plan employer tax levied to fund program: SB 6089
- Basic health plan employer tax, small business health insurance hardship program established to assist employers severely effected by payment of tax: SB 6089
- Child labor laws, enforcement, penalties for violations: SB 5154
- Child labor standards enforcement, penalties: SB 5405
- Community work experience program to be implemented for general assistance recipients not expected to be eligible for supplemental security income and capable of doing public service work: *SHB 2983, CH 165 (1992)
- Consumer reports, restrictions on use of report for employment purposes: SB 6275
- Discrimination, age discrimination against person over forty prohibited: SB 5080
- Discrimination, any discrimination based on age prohibited: SB 5056
- Discrimination, employer discrimination against employee for consumption of lawful products off premises during nonworking hours prohibited: SHB 2274
- Employer discrimination, employer of one or more persons subject to provisions of the freedom from discrimination statute: HB 2264
- Employment security, congress urged to release tax moneys paid by state employers: SJM 8029
- Employment self-sufficiency and public assistance, joint task force to develop implementation plan: SCR 8405
- Family educational leave, employee entitled to sixteen hours during any twenty-four month period, notice to employer: HB 2220, SB 5990
- Family leave for employee to care for family member, discrimination against employee exercising right prohibited: SB 5407
- Family leave to meet family care responsibilities: HB 2220, SB 5990
- Health care, small employer health insurance coverage, issuers of health insurance required to provide workers equal access to health care coverage through their employers without regard to the size of the enterprise: SB 6384
- Job lists, business providing lists to state in advertising that it is not employment agency and does not offer employment services: SB 6440
- Job training trust fund created, funds to be used to train and retrain adults requiring vocational skills to be employed: SHB 2603
- Labor market information and economic analysis, employment security department responsibilities and authority: SHB 2386
- Mental health programs, authority to provide employment services as part of: SB 5671, SSB 5671
- Rehabilitation of criminal offender, use of criminal history background check to determine status of prospective employee: SHB 2055
- Sales representatives and principals, regulation of contractual relationship between representatives and principals including payment of wages and commissions: *SSB 6120, CH 177 (1992)
- Small employer health insurance coverage, issuers of health insurance required to provide workers equal access to health care coverage through their employers without regard to the size of the enterprise: SB 6384
- State employees, former employees prohibited from accepting employment or compensation from company

when that employee provided substantial professional advice in contract negotiations with the company while a state employee: SB 6291

State government employment, growth rate limited to no more than the annual rate of growth of the state's population: SB 6075

Steel workers and salaried employees of steel mills, employment compensation period extended for unemployed: SB 5987

Tipped employee, credit for tips to be computed into determination of minimum wage for: SB 5523

Vulnerable adults, employment involving provision of services to, disqualification for three to five years of certain criminal offenders depending on gravity of offense: *SHB 2055, CH 104 (1992)

EMPLOYMENT AGENCIES

Employment listing and referral services, regulatory provisions: SB 5831

Redefinition of term "employment agency," inclusions and exclusions from term: SB 5633, SB 5831

EMPLOYMENT SECURITY, DEPARTMENT OF

Business assistance program, duties: SHB 1731

Business closure and employee layoff notice requirement, responsibilities of displaced worker unit: SHB 2441

Dislocated timber industry workers, natural resource worker project in Skagit county: SB 5674

Dislocated timber industry workers, training pilot project established in Skagit county, duties: SB 5673

Displaced worker unit, business closure and employee layoff notice requirement, unit responsibilities: SHB 2441

Family policy council created to solicit proposals to facilitate greater flexibility and responsiveness of service to families at the community level, duties, requirements for consideration of proposals: SHB 2846, SB 6428, *SSB 6428, CH 198 (1992)

Federal unemployment tax, congress urged to release moneys paid by state employers to support employment security programs: SJM 8029

Forest products workers, training and extended unemployment compensation benefits program established for unemployed workers: SB 5208

Gang risk prevention and intervention pilot programs, duties: SB 6433

Labor market information and economic analysis responsibilities and authority: SHB 2386

Natural resource worker project in Skagit county for dislocated timber industry workers: SB 5674

Steel workers and salaried employees of steel mills, unemployed compensation period extended for unemployed: SB 5987

Training pilot project for dislocated timber industry workers in Skagit county: SB 5673

ENERGY, STATE OFFICE

Amy Bell, Appointed Director, GA 9294 811

Cogeneration facilities, deferral of excise taxes for eligible investment projects: SB 6116

Electrical transmission and distribution facilities, energy office to represent state's interests in siting of: SB 6478

Energy facility site certification, applicant to furnish information requested by city or county: SB 5884

Energy facility site certification, applicant to pay city's or county's cost of processing: SB 5884

Energy office, duties include representing state's interests in matters encouraging adequate energy supplies: SB 6478

Energy office, duties include representing state's interests in siting of electrical transmission and distribution facilities: SB 6478

Energy office, duties include representing state's interests in siting of natural gas distribution facilities: SB 6478

Energy office, state, Amy Bell appointment as director: SGA 9294

Ethanol and other synthetic fuels, state energy office to act as clearinghouse for information on the production and use of, duties: SSB 5682

Hydropower plan, energy facilities site evaluation council to prepare state comprehensive plan: SB 6479

National policy, congress asked to develop a national energy policy: SHJM 4010, SJM 8016

Natural gas distribution facilities, energy office to represent state's interests in siting of: SB 6478

ENERGY FACILITIES SITE EVALUATION COUNCIL

Hydropower plan, council to prepare state comprehensive plan: SB 6479

Pipelines within Puget Sound, Admiralty Inlet, Deception Pass, or adjacent waters, legislative approval

required on applications for certification: SSB 5676, SB 5899
 Satsop nuclear facility, council to suspend maintenance, protection, and upkeep on: SB 5573
 Siting of electrical transmission facilities, revised provisions and application processing procedures: SB 5680

ENGINEERS

Fees and fines, deposit in professional engineers' account: SSB 5554
 On-site sewage disposal systems design and installation, authority for certified designer to practice: SB 5798
 Public contracts for services, negotiation policy not applicable to public works of less than fifteen thousand dollars: SB 5760

ENVIRONMENT

Air pollution, order compliance factors beyond person's control, modification of requirements: SB 5746
 Alternative environmental strategies, commission on environmental strategies to review and recommend: SB 6036, SSB 6036
 Alternative environmental strategies, pilot projects to implement: SB 6036, SSB 6036
 Ballast water, coast guard requested to prohibit dumping in United States waters: SJM 8002
 Balloons, release of lighter than air balloons prohibited: SB 5453
 Budgets and funding for environmental programs, commission on environmental strategies to review and make recommendations: SB 6036, SSB 6036
 Endangered species act, congress urged to modify act to ensure consideration of human needs: SJM 8027
 Environmental impact statement required for new and existing surface mining site or operator: SB 5513
 Environmental impact statements, threshold determination on completed application to be made within ninety days although applicant may request an additional thirty days for determination: *SSB 5728, CH 208 (1992)
 Environmental impact statements, threshold determination to be completed in fifteen to sixty days: SSB 5728
 Environmental impact statements, threshold determination to be completed in fifteen to thirty days: SB 5728, SSB 5728
 Environmental policy commission created, membership and duties: SB 5060, SSB 5060
 Environmental quality and growth management programs, review and integration of: SB 6036, SSB 6036
 Environmental quality data collection, commission on environmental strategies to review programs for: SB 6036, SSB 6036
 Environmental strategies, commission on, membership and duties: SB 6036, SSB 6036
 Environmental trust funds, commission on environmental strategies to analyze and make recommendations regarding creation: SB 6036, SSB 6036
 Federally delegated programs, commission on environmental strategies to review: SB 6036, SSB 6036
 Fish and wildlife education council to raise and distribute funds for public school environmental education programs that emphasize species conservation and projects in fish and wildlife preservation and management: SHB 2630
 Food and environmental quality laboratory established, duties: SB 5317, SSB 5317
 Forest practice permits, fees imposed on applicants for, to assist with review and permitting costs related to environmental protection: SB 5604
 Game fish, purchase of resident game fish from aquatic farmer allowed for stocking for mitigation purposes, requirements: SSB 5343
 Growth management and environmental quality programs; review and integration of: SB 6036, SSB 6036
 Mining, surface mining subject to local regulation to prevent or mitigate environmental and social impacts of mining operations: SB 6066
 Oil heat tank pollution liability act: SB 5677, SSB 5677
 Oil transmission lines to conform to local zoning and environmental codes: SB 5676, SSB 5676
 Senior environmental corps created, goals: *SHB 2560, CH 63 (1992)
 Sludge dispersal, land application permit required: SB 5751
 Sludge disposal, person liable for damages caused: SB 5751
 State parks, environmental interpretation activities authorized in: SSB 5225
 Strategy development, environmental policy commission duties: SB 5060, SSB 5060
 System improvements to public facilities, credits to be provided when impact fees are imposed or mitigation measures are required under state environmental policy act: SHB 2842
 System improvements to public facilities, duplication of mitigation and impact fees on the same system improvements prohibited: *SHB 2842, CH 219 (1992), SB 6400
 Transportation planning, pilot program to define environmental elements and environmental cost estimates for all projects within pilot district: SHB 2848

Wildlife, mitigation of negative impacts to, department of wildlife duties: SB 5101

ENVIRONMENTAL HEARINGS OFFICE

Administrative appeals judge, qualifications and appointment: SB 6420

Pollution control hearings board, appeal of decision: SB 6420

Pollution control hearings board, membership and terms of office: SB 6420

ERWIN, SENATOR TIM

Appointed Committee on Financial Institutions and Insurance 125

ESCROW AGENTS AND COMPANIES

Customer protection, agent required to obtain bond for protection of customers: SB 6012

Document preparation for property sales or loans, repeal of obsolete RCW sections: *SB 6329, CH 91 (1992)

Escrow agents, committee on financial institutions and insurance to review financial responsibility requirements of escrow agents: SFR 8723

ETHANOL

Disclaimer stating that gasoline containing alcohol may be unsuitable as fuel for some engines required on fuel pumps: SB 5927

Energy self-sufficiency commission created to study the production and use of ethanol in the state: SB 5682

State energy office to act as clearinghouse for information on the production and use of ethanol and other synthetic fuels, duties: SSB 5682

Tax exemptions for alcohol fuel production extended through 1999: HB 2387

EVERETT COMMUNITY COLLEGE DISTRICT NO. 5

Kathleen Gutierrez, Reappointed Trustee,

GA 9198, Confirmed 40,791,1191

EVIDENCE

Child sexual abuse victims, video testimony of victimized children under ten allowed: SJR 8217

Children, admission of child's statement regarding attempted acts of sexual contact: SB 5065, SSB 5065

Controlled substances, certified copy of crime laboratory analytical report admissible in evidence in controlled substances prosecutions, criminologist may be subpoenaed to testify: *SSB 6055, CH 129 (1992)

Controlled substances, certified copy of crime laboratory analytical report admissible in evidence in prosecutions involving analysis of, defendant may subpoena criminologist to testify: SSB 6055

Controlled substances, reports by and testimony of criminologists at state crime laboratory admissible in prosecutions involving analysis of: SB 6055

Crime laboratory analysis fee to be levied on persons found guilty to pay costs associated with analysis of forensic evidence by state crime laboratory: SB 6057, SSB 6057

Crime laboratory system, forensic evidence analysis fee: SHB 2349

Crime laboratory, certified copy of analytical report admissible in controlled substances prosecutions, defendant may subpoena the criminologist to testify: SSB 6055

Crime laboratory, certified copy of analytical report admissible in evidence in controlled substances prosecutions, criminologist may be subpoenaed to testify: *SSB 6055, CH 129 (1992)

Crime laboratory, reports by or testimony of criminologists admissible in controlled substances prosecutions: SB 6055

Crime laboratory, reports by or testimony of forensic scientists at state crime laboratory admissible in prosecutions involving analysis of: SHB 2303

Discovery materials, criminal defendant entitled to receive copies of discovery material that court rules require be disclosed to defendant: SB 6015

Hearsay, definition of "corroborative evidence" for admission of child's hearsay statement regarding acts of sexual contact: SB 6107

Interview of child in abuse and neglect cases by social and health services department to be recorded by audio or videotape when law enforcement officer is not present, admissibility of tape as evidence: SSB 6084

Malicious harassment, cross burning and defacement of property with hate symbols constitutes prima facie evidence of: SHB 1037

Money laundering, additional proof requirements when case involves an attorney who accepts a fee for

representing a client in a criminal matter or a financial institution or its employees: *2SSB 5318, CH 210 (1992)

Negligence per se, furnishing liquor to minors constitutes negligence per se in any civil action for damages resulting from a minor's consumption of liquor: SHB 2733

Sexual contact, admission of child's statement regarding attempted acts of: SB 5065, SSB 5065

EXECUTIONS

Exemption of property from out-of-state judgment for failure to pay that state's income tax on pension or retirement benefits: SB 5000, SB 5001, SB 5024, SSB 5309

Exemption of property received by designated beneficiary from out-of-state judgment for failure to pay that state's income tax on pension or retirement benefits: SB 6016

EXPLOSIVES

Manufacturing or storage facility, persons authorized to enter, violation a gross misdemeanor: SSB 6153

Seized explosives, destruction: SB 6153, SSB 6153

Theft or loss, reporting requirements: SB 6153, SSB 6153

Unlawful use, classification: SB 6153, SSB 6153

EXPO '93

Planning participants introduced - Mr. Ki-Ho Chang, Counsellor for Economic Affairs, Korean Embassy, Washington D.C.; The Honorable Chang Soo Ko, Consul General of Korea, Seattle Office; Mr. H. Y. Kim, Korean Consul, Seattle Korean Consulate; and Mr. Kyung-Hoon Lee, Deputy Commissioner for Taejon EXPO 172

FACSIMILE DEVICES

Rule-making hearings, facsimile and recorded telephone comments may be allowed by agency at: *SB 6289, CH 57 (1992)

FAIRS AND EXHIBITIONS

Lodging tax, use for special events or festivals and promotional infrastructures authorized: *SB 6452, CH 202 (1992)

FAMILY LIFE

Center for children, youth, and families created, responsibilities: SB 6238

Child care partnership expanded to include family care: SB 5408

Children, youth, and families, council on, establishment in governor's office, membership and duties: SSB 6428, SB 6467

Children, youth, and families, state institute for, establishment as clearinghouse for information about innovations regarding children, youth, and family issues: SSB 6428

Consortia on children, youth, and families, juvenile issues task force to study the establishment and role of a network of consortia and the need for an institute on children and family services: SSB 6428

Employer-assisted child and family care: SB 5404

Employment leave for family members care: SB 5404

Family educational leave, employee entitled to sixteen hours during any twenty-four month period, notice to employer: HB 2220, SB 5990

Family leave for employee to care for family members, provisions expanded: SB 5407

Family leave to meet family care responsibilities: HB 2220, SB 5990

Family policy council created to solicit proposals to facilitate greater flexibility and responsiveness of services to families at the community level, duties, requirements for consideration of proposals: SHB 2846, SB 6428, *SSB 6428, CH 198 (1992)

Family preservation services program established to reduce or avoid the need for foster care placement of children: SHB 2472, SB 6111, *SSB 6111, CH 214 (1992)

Family-school partnership program established in the office of the superintendent of public instruction: SB 5657

Foundation for families act enacted: SB 5404

Long-term care of children, policy to incorporate family resource options and involvement: SSB 5820

Regional interagency councils for children, youth, and families, purpose and implementation: SB 6238

Stepparent obligation to support stepchildren ended: SB 5866

* - Passed Legislation

FARRELL, NICOLE

Apple Blossom Princess introduced 747

FARRIS, JUDGE JEROME

Reappointed Board of Regents, University of Washington, GA 9193 39,790

FEDERAL RESERVE SYSTEM

Audit, congress requested to require a complete audit of system: SJM 8004

Secrecy and lack of public accountability, congress requested to act to remove: SJM 8005

FELLER, JUDGE S. FREDERICK

Appointed Chair, Board of Industrial Insurance Appeals, GA 9194, Confirmed 34,1415,1416,1472

FERRIES

"Ten-mile rule," revised provisions: SSB 5647

Animal waste falling from vehicles carrying live farm animals while crossing a ferry capable of transporting fewer than twenty-five vehicles, exemption from load containment requirements: SHB 2457

Beer, sale of beer on state ferries prohibited: SB 5330

Bond issue authorized to fund vessel and terminal acquisition, construction and improvements for state ferry system: *HB 2896, CH 158 (1992), SB 6450

Bonds for vessel and terminal acquisition, construction, and material authorized: HB 2896, SB 6450

Collective bargaining for ferry employees, revised provisions: SB 5378

Commercial ferry operators, revised regulatory provisions: SSB 5647

Farm animal waste from vehicle on a ferry carrying less than twenty-five vehicles, penalties exemption: SB 6378, SSB 6378

Ferry system plan, establishment of service standards, demand forecasting, strategies: SHB 1816

Load containment requirements, exemption for animal waste falling from vehicles carrying live farm animals while crossing a ferry capable of transporting fewer than twenty-five vehicles: SHB 2457

Marine transportation department created, organization, powers, and duties regarding state ferry system: SB 5945

Polystyrene products, use in food service and packaging prohibited on ferries and in ferry terminals: SB 5855, SSB 5855

Puget Island ferry funding: SB 6306, *SSB 6306, CH 82 (1992)

Recycling requirements established for machines located on passenger ferry or in highway rest area: SHB 2390

State ferry crossing, declaration of intent to operate, effect: SSB 5647

State ferry route may not be operated or maintained if it infringes on an existing commercial ferry route: SSB 5647

Steamboat operators, regulation revisions: SB 5647

Vending machines located on passenger ferry or in highway rest area, requirements for the recycling of bottles and cans established: SHB 2390

FINANCIAL INSTITUTIONS

Division of financial institutions created to combine divisions of banking and savings and loan associations: SB 5737

National competitive retail credit market task force created, membership and duties: SSB 6305

Records, reimbursement by requesting party for cost of providing: SB 6348

Records, reimbursement by requesting party for cost of providing when cost exceeds twenty-five dollars: SSB 6348

FINANCIAL MANAGEMENT, OFFICE OF

Attorney fees and costs, assessment against state when not prevailing party in civil action, annual report to legislature: SSB 5289

Attorney fees and costs, award when state is not prevailing party in civil action, annual report to legislature: SB 6249

Fiscal notes, powers, functions, and duties relating to fiscal note preparation transferred to fiscal note council: SSB 6188

Fiscal notes, preparation responsibility of council on fiscal legislation: SB 6188

Fiscal notes, preparation responsibility of fiscal note council: SSB 6188

Government accountability task force, membership and duties: SHB 2462
 Higher education institutions and branch campuses, enrollment level to be monitored by office, compliance powers: SB 5784
 Information technology projects, office to establish policies and standards governing the funding of major projects: *SHB 2814, CH 20 (1992)
 Municipal annexation, population determination of area subject to approval and certification: SB 5550
 Personal services contracts, approval by office required before contracts become binding: SHB 1133
 Personal services contracts, contracts between state agencies and legislators, approval procedures: SHB 1133
 Personal services contracts, to maintain list of contracts entered into by state agencies: SHB 1133
 Program evaluation system, office duties in establishing state-wide system: SHB 2462
 Regional interagency councils for children, youth, and families, office duties: SB 6238
 Restructuring plan for state government to facilitate strategic planning and state-wide program evaluation system, duties: SHB 2462
 Small businesses, guidelines to mitigate economic impact of certain agency rules on, office's duties: SB 6166
 State convention and trade center, appropriation to partly refund parking garage revenue note issued to Industrial Indemnity company: HB 2930, *SB 6457, CH 4 (1992)
 State convention and trade center, completion costs to include construction litigation settlement costs: SB 5601
 State-wide program evaluation system, duties: SB 6412
 Weights and measures programs, office to conduct review of: *SSB 6483, CH 237 (1992)

FINGERPRINTING

Domestic relations, fingerprinting of all persons convicted under Title 26 RCW required: SB 6056
 Educational employees, state patrol and federal bureau of investigation to accept fingerprints only if they can assure that no record will be kept after background check is completed: *SHB 2518, CH 159 (1992)
 Fingerprint identification account created for deposit of fees from school district fingerprint checks and expenditures authorized only for the cost of background checks: *SHB 2518, CH 159 (1992)

FIRCREST SCHOOL

Appropriation to bring school into compliance with federal requirements: SB 5315

FIRE FIGHTERS

Collective bargaining extended to uniformed personnel of all cities, towns, and counties: HB 1362, SB 5384
 Duty hours, provisions revised: SB 5409
 Fire district commissioner serving as volunteer fire fighter, reimbursement of expenses not considered compensation: HB 1193
 Firemen's pension fund, investment policies revised: *SB 6226, CH 89 (1992)
 Medicare supplemental insurance, reimbursement of disabled retirees under firemen's relief and pension act for premiums paid for, authority: *SHB 2867, CH 22 (1992)
 Occupational diseases, heart disease and cancer presumed to be: SB 5044
 Retired, eligibility to elect and be elected to pension board: SB 5224
 Veterans credit on city and town civil service examinations for police officers and fire fighters authorized: SHB 1275
 Volunteer fire fighters' relief and pension fund, revised provisions: *HB 2398, CH 97 (1992), SB 6185

FIRE MARSHAL, STATE

Fire services mobilization plan, marshal to develop and maintain plan: SB 6272, SSB 6272
 Fire services mobilization plan, to act as state fire resources coordinator when plan is mobilized: SHB 2624, *SHB 2937, CH 117 (1992)
 Small businesses, guidelines to mitigate economic impact of certain agency rules on: SB 6166

FIRE PROTECTION

Above-ground tanks not distributing fuel to general public, exemption from fire code provisions: SB 6425
 Business permits and licenses, director of fire protection to assure that no delays occur in the conduct of inspections necessary to obtain: SB 6068
 Emergency medical service district workers, inclusion in benefits available under the volunteer fire fighters relief and pension fund: 2SSB 5335
 Fire protection standards for high or extreme hazard areas as determined by department of natural resources, duty of county to adopt by ordinance or resolution, required elements: SHB 2519

- Fire retardant requirements for mattresses, upholstered furniture, and furniture filling materials: SHB 2318
- Fire risk in wildland/urban interface or intermix, development of rating system to evaluate levels of wildfire risk: SHB 2519
- Fire services mobilization plan, state fire defense board to develop and maintain plan containing required elements: SHB 2624, *SHB 2937, CH 117 (1992)
- Fire services mobilization plan, state fire marshal to develop and maintain plan: SB 6272, SSB 6272
- Fire services trust fund created to fund investigations, code enforcement, education, and administration: SB 5541, SSB 5541, SB 5606
- Firemen's pension fund, investment policies revised: *SB 6226, CH 89 (1992)
- Forest fires, investigative duties of department of natural resources: SHB 1205
- Forest fires, liability for expenses of fighting fire: SHB 1205
- Forested areas, increased planning and maintenance requirements to reduce fire risk: SB 5093
- Furniture, fire retardant requirements, exceptions: SHB 2318
- Large scale mobilization of fire fighting resources to be achieved through the creation of the Washington state fire services mobilization plan: SHB 2624, *SHB 2937, CH 117 (1992), SB 6272, SSB 6272
- Mattresses, fire retardant requirements: SHB 2318
- Polyurethane foam, fire retardant requirements: SHB 2318
- Rural homeowners fire protection act adopted: SB 6202
- Separate fire protection contract between city or town and state agency allowed: SB 5947
- State and regional fire defense boards created, membership and duties: SHB 2624, *SHB 2937, CH 117 (1992), SB 6272, SSB 6272
- State-owned facilities, cities and towns may enter into contracts with state agencies requiring that agencies provide a share of the jurisdiction's fire protection funding: *SHB 2937, CH 117 (1992)
- Volunteer fire fighters relief and pension fund, inclusion of volunteer emergency service workers in benefits provided by fund: 2SSB 5335
- Wildland/urban interface areas, duty to adopt fire protection standards for high or extreme hazard areas by ordinance or resolution, required elements: SHB 2519
- Wildland/urban interface areas, fire prevention duties of owner of electrical transmission or distribution line in high or extreme risk level area: SB 6202
- Wildland/urban interface areas, fire protection requirements for plat approval in high or extreme risk level area: SB 6202
- Wildland/urban interface areas, incorporation of fire protection standards for high or extreme hazard risk levels into uniform building code: SB 6202

FIRE PROTECTION DISTRICTS

- Bidding practices on public works, revised provisions: SHB 2505
- Bonds, maturity date of general obligation bonds issued by districts extended from six to fifteen years: HB 2426
- Commissioner districts, authority and procedure to create commissioner districts within any fire district: *SHB 2305, CH 74 (1992)
- Commissioner districts, ballot proposition to authorize creation may be submitted at same election with proposition to merge districts, procedure and election of commissioners: *SHB 2305, CH 74 (1992)
- Commissioner serving as volunteer fire fighter, reimbursement of expenses not considered compensation: HB 1193
- Identification of district resulting from merger of two or more districts in the same county, procedures for assigning name and number: *SHB 2305, CH 74 (1992)
- Pension board membership, retired fire fighters eligible to elect and to be elected to membership on board: *HB 2261, CH 6 (1992), SB 6018
- Small works rosters, authority to use to award contracts for public works up to ten thousand dollars: SHB 2505

FIRE PROTECTION SPRINKLER SYSTEM CONTRACTORS

- Civil proceedings to enforce chapter may be brought by attorney general or county prosecuting attorney: *HB 2290, CH 116 (1992)
- Crimes, conduct of business without a fire protection sprinkler system contractor's license, gross misdemeanor: *HB 2290, CH 116 (1992)
- Crimes, installation or maintenance of system that threatens safety of occupant or user, class C felony: *HB 2290, CH 116 (1992)

FIREARMS

- Capitol buildings, firearms prohibited in: SB 5051
- Community corrections officers authorized to carry: SB 5321
- Concealed weapons permit, ineligibility of person convicted of certain crimes: SHB 2373
- Concealed weapons permit, ineligibility of person convicted of certain crimes, eligibility for permit restored one year after successful completion of sentence: *SHB 2373, CH 168 (1992)
- Courthouses, court administrator to designate restricted areas in which firearms and other weapons are prohibited, exceptions for judges, attorneys, and court employees with written permission: SB 6106, SSB 6106
- Courtroom or judge's chamber, misdemeanor for person to possess firearm or other weapon in, weapon of violator may be forfeited: SHB 2310
- Crimes committed while armed, penalties increased: SB 5054
- Crimes, storage of loaded firearm where child is able to gain access to it: SB 5164
- Dealers, importers, manufacturers, and others convicted of certain federal felonies may have right to possess firearms restored when granted relief from disabilities by secretary of the treasury: *SHB 2373, CH 168 (1992)
- Forfeited firearms, disassembly of illegal weapons, sale or destruction of parts of disassembled weapon: SB 6109
- Forfeited firearms, submitting agency may retain sixty percent of proceeds while forty percent goes to firearms range account: SB 6109
- Forfeited firearms, submitting agency may trade surplus weapons for service weapons or other police equipment: SB 6109
- Intoxication, changing blood and breath standards: SSB 5069
- Intoxication, standard for measuring intoxication: SB 5067
- Judicial proceedings, firearms prohibited in building or room used to conduct: SB 5123
- Juvenile offenders, unlawful possession provisions extended to juvenile adjudications involving crime of violence or use or display of firearm: SSB 6041, 2SSB 6041
- Juveniles, penalties and restrictions for use of firearm in commission of offense increased: *SHB 2466, CH 205 (1992), SB 6041
- Mental illness, person committed under criminal insanity or involuntary treatment statutes prohibited from possessing a firearm, process to be established for person to regain right to possess firearm: *SHB 2373, CH 168 (1992)
- Mentally ill, person committed for treatment prohibited from possessing firearm, violation class C felony: SB 6369
- Nuisances, unlawful use of firearm or other deadly weapon in or adjacent to dwelling that threatens physical safety of others is a nuisance and may be abated as such: *SSB 5986, CH 38 (1992)
- Possession of firearm or dangerous weapon on school premises, law enforcement officer authorized to make warrantless arrest: SSB 6041, 2SSB 6041
- School premises, prohibition on possession on school premises extended to all persons, exemption and penalty provisions established: SHB 2537, SB 6157, SSB 6157
- Semiautomatic weapons, five-day waiting period required on purchases of: SB 5482
- Trigger-locking device on handguns, dealer to offer for sale, dealer and purchaser responsibilities: SHB 1903
- Unlawful possession of a firearm by a mentally ill or insane person, class C felony: *SHB 2373, CH 168 (1992)
- Weapons on school premises, arrest for probable cause authorized: SB 6122

FIRES, OUTDOOR

- Fabric burning restricted, including flags: SB 5073
- Local government regulation in urban growth areas where alternative disposal available at reasonable cost: SB 6409
- Prohibition in areas where particulate air quality standards were violated more than one day in preceding twelve months, exceptions: SB 6409
- Rural areas, burning permit exemption provisions: SB 6304, SSB 6304

FISCAL LEGISLATION, COUNCIL ON

- Created, membership and duties: SB 6188
- Fiscal notes, council to oversee preparation: SB 6188
- Long-term fiscal analysis to project impact of legislation for at least ten years authorized: SSB 6188
- Membership and duties: SSB 6188

Powers, functions, and duties relating to fiscal note preparation transferred from office of financial management and department of community development to fiscal note council: SSB 6188

FISH

- Agricultural and grazing practices, development of practices to protect riparian-associated fish and wildlife habitat: SHB 2628
- Fish and wildlife education council to raise and distribute funds for public school environmental education programs that emphasize species conservation and projects in fish and wildlife preservation and management: SHB 2630
- Fish passage required in road culvert construction and maintenance: SB 6118
- Game fish, purchase of resident game fish from aquatic farmer allowed for stocking for mitigation purposes, requirements: SSB 5343
- Hatchery fish, department of fisheries to determine cost of marking all hatchery fish: SHB 2626
- Informational materials concerning food fish and shellfish, sale by department of fisheries authorized: *HB 2360, CH 13 (1992)
- Salmon, labeling by source and common name requirements: SHB 2369

FISHERIES, DEPARTMENT OF

- Blackmouth salmon, increased production for recreational fishery, director of fisheries to study: SSB 5158
- Bottom trawling, expansion of marine waters area where prohibited: SB 6342
- Commercial licenses, additional Puget Sound gill net licenses prohibited: SB 6429
- Commercial salmon licenses, Columbia River/Willapa Bay and Columbia River/Grays Harbor licenses buy back program: SB 6324
- Commercial salmon licenses, commercial fishery gear reduction task force to develop plan and make recommendations to legislature: SSB 6047
- Crab fishing in coastal waters, participation in coast-wide study of the Dungeness crab fishery by the Pacific States Marine Fisheries Commission, reporting requirements: *HB 2294, CH 9 (1992), SB 6052
- Divers, recreational diving license required, restrictions and fees: SB 6154
- Endangered species, director to assess population levels of walleye pollack, ling cod, and other endangered Puget Sound species: SB 5229
- Fisheries and wildlife departments transferred to department of natural resources: SB 5971
- Fisheries patrol officers and their watercraft, uniforms and marking requirements: SB 5112
- Fisheries patrol officers, authority to conduct searches of recreational fishers limited: SB 5099
- Fishery patrol and wildlife officers, commensurate salaries recommended: SCR 8410
- Fishing guide license fees for Oregon residents, reciprocity provisions and conditions: HB 2792
- Food fish and shellfish poaching hotline, operation by department: SB 5118, SSB 5118
- Food fish law violations, state-wide twenty-four hour toll-free hotline for reporting of, operations by department: SB 5118, SSB 5118
- Hatchery fish, department to determine cost of marking all hatchery fish: SHB 2626
- Hood Canal coho salmon, department to conduct study on decline in runs of: SB 6197, SSB 6197, 2SSB 6197
- Hood Canal salmon, management of commercial fishery: SSB 5158
- Hood Canal, department to consider additional area closures and restrictions to improve food fish resource: 2SSB 6197
- Hood Canal, no fishing zones to be established at mouths of Hood Canal streams and rivers that are actual or potential coho salmon spawning grounds: SB 6197, SSB 6197
- Hydraulic projects permits, fees imposed upon applicants for: SB 5609
- Informational materials concerning food fish and shellfish, sale authorized: *HB 2360, CH 13 (1992)
- Marine aquatic plant research, department and department of natural resources to explore possibility of private funding for: SHB 1455
- Nets, assessment of feasibility of increasing the degradability of nets: SB 5327
- Nets, identification and marking of nets, duties: SB 5327
- Nets, recovery of lost, abandoned, or discarded nets, duties regarding: SB 5327
- Pacific cod spawning areas closure in certain Puget Sound waters: SB 5229
- Pink salmon, to improve fishery through use of "Alaska" method: SB 5059
- Puget Sound chinook salmon, director to increase opportunity for recreational fishers to harvest to correct past errors in catch accounting between treaty Indian fishers and nonIndian fishers: SB 6293
- Quinault, Queets, and Raft rivers, commercial fishing seasons to be established for chum and sockeye salmon: SB 5685

Regional game fish enhancement groups, duties: SB 5500, SSB 5500
 Salmon and steelhead, committee created to develop comprehensive plan to protect and strengthen stock, department duties: SB 6151
 Salmon and steelhead, department to develop plan with wildlife department to accurately record catches: SB 6150
 Salmon and steelhead, department to pursue authority to lethally remove nonendangered marine mammals preying on: SSB 5666
 Salmon and steelhead, incentives to improve reporting accuracy to be examined: SB 6150
 Salmon licenses, additional commercial Puget Sound gill net licenses prohibited: SB 6429
 Salmon production designated as primary mission of department: SB 5302
 Salmon, implementation of temporary commercial salmon fishing license leasing program: SHB 2626
 Senior environmental corps created, powers and duties: *SHB 2560, CH 63 (1992)
 Skagit river salmon recovery plan, director of fisheries to prepare: *SB 5675, CH 88 (1992)
 Wild salmon, harvest or taking prohibited, submission of act to voters: SB 6385
 Wild salmonid review and inventory team, departments of fisheries and wildlife to establish, membership and duties: SHB 2626
 Wildlife, department of, legislative budget committee to study feasibility of merging with department of fisheries: HB 2366
 salmon, hatchery-produced coho and chinook marking requirements, submission of act to voters: SB 6385

FISHING, COMMERCIAL (See also SALMON)

Ballast water, coast guard requested to prohibit dumping in United States waters: SJM 8002
 Bottom trawling, expansion of marine waters area where prohibited: SB 6342
 Business and occupation tax exemption for initial sale in state of fish caught outside state waters: SB 5898
 Business and occupation tax, exemption for extractors taking fish in waters without this state for initial sale in state: SB 5300, SSB 5300
 Business and occupation tax, persons engaged in commercial fishing business exempt from tax: SB 5058
 Chinook salmon, minimum length requirement, troll caught salmon: SB 5057
 Closure for conservation of Pacific cod in certain Puget Sound waters: SB 5229
 Columbia River/Willapa Bay and Columbia River/Grays Harbor licenses buy back program: SB 6324
 Crab fishing in coastal waters, participation in coast-wide study of the Dungeness crab fishery by the Pacific States Marine Fisheries Commission: *HB 2294, CH 9 (1992), SB 6052
 Elwah river dams, requests that dams be removed, anadromous fish runs be restored, and dams not be relicensed: SJM 8010
 Enforcement personnel, consolidation of enforcement officers into state patrol fish and wildlife enforcement division: SB 6046
 Fishing guide license fees for Oregon residents, reciprocity provisions and conditions: HB 2792
 Hood Canal salmon management: SSB 5158
 Hood Canal south of Hood canal floating bridge designated "unique marine resources area": 2SSB 6197
 Hood Canal, department of fisheries to consider additional area closures and restrictions to improve food fish resource: 2SSB 6197
 Hood Canal, no fishing zones to be established at mouths of Hood Canal streams and rivers that are actual or potential coho salmon spawning grounds: SB 6197, SSB 6197
 Nets, identification and marking of nets, penalty for failure to do so: SB 5327
 Nets, intentional discarding of or failure to notify department of lost or abandoned net prohibited, penalty: SB 5327
 Nets, recovery of lost, abandoned, or discarded nets, duties and responsibilities regarding: SB 5327
 Pacific cod fishing prohibited in certain Puget Sound waters: SB 5229
 Puget Sound gill net salmon licenses, additional licenses prohibited: SB 6429
 Quinault, Queets, and Raft rivers, commercial fishing seasons to be established for chum and sockeye salmon: SB 5685
 Salmon commodity commission, authority for Washington commercial salmon producers to elect to form commission: SHB 2275, SB 6335, SSB 6335
 Salmon licenses, additional Puget Sound gill net salmon licenses prohibited: SB 6429
 Salmon licenses, commercial fishery gear reduction task force to develop plan and make recommendations to legislature: SSB 6047
 Salmon licenses, revised provisions relating to issuance of, renewal of, transfer of, and conditions imposed on: SB 6047
 Shellfish habitat protection and restoration program, state and local government authority to protect harvest

areas from water-borne pollution: SB 6059

Shellfish obtained for nonhuman consumption exempted from sanitary requirements: SB 6077

State patrol, fisheries patrol officers and wildlife agents, consolidation into fish and wildlife enforcement division within: SB 6046

Sturgeon, recreational or commercial fishing prohibited in the Beacon Rock area from April 1 to June 30 of each year: SB 6048

FISHING, RECREATIONAL (See also SALMON)

Ballast water, coast guard requested to prohibit dumping in United States waters: SJM 8002

Blackmouth salmon, increased production for recreational fishery, director of fisheries to study: SSB 5158

Closure for conservation of Pacific cod in certain Puget Sound waters: SB 5229

Coho salmon enhancement floating pen project: SB 5014, SSB 5014

Divers, recreational diving license required, restrictions and fees: SB 6154

Elwah river dams, requests that dams be removed, anadromous fish runs be restored, and dams not be relicensed: SJM 8010

Enforcement personnel, consolidation of enforcement officers into state patrol fish and wildlife enforcement division: SB 6046

Enforcement powers of fisheries patrol officers, authority to conduct searches limited: SB 5099

Fees, director and wildlife commission to make recommendations on changing rates for hunting and fishing fees for consumptive programs: SSB 5130

Fisheries patrol officers and their watercraft, uniforms and marking requirements: SB 5112

Food fish and shellfish poaching hotline: SB 5118, SSB 5118

Food fish law violations, state-wide twenty-four hour toll-free hotline for reporting of: SB 5118, SSB 5118

Hood Canal south of Hood canal floating bridge designated "unique marine resources area": 2SSB 6197

Hood Canal, department of fisheries to consider additional area closures and restrictions to improve food fish resource: 2SSB 6197

Hood Canal, no fishing zones to be established at mouths of Hood Canal streams and rivers that are actual or potential coho salmon spawning grounds: SB 6197, SSB 6197

Hooks, restrictions on use of barbed hooks: SB 5099

Licenses, director of department of wildlife to administer: SB 5764

Licenses, director of department of wildlife to establish administrative rules for combined license format: SB 5764

Licenses, permanent free licenses for disabled veterans who have been residents for five years: SB 5426

Licenses, recreational diving license required, restrictions and fees: SB 6154

Lingcod, catch record card required for divers: SB 6154

Pacific cod fishing prohibited in certain Puget Sound waters: SB 5229

Puget Sound chinook salmon, director to increase opportunity for recreational fishers to harvest to correct past errors in catch accounting between treaty Indian fishers and nonIndian fishers: SB 6293

Regional fisheries enhancement groups, participation in coho salmon enhancement floating pen project: SB 5014, SSB 5014

Regional game fish enhancement group advisory board established, membership and duties: SB 5500, SSB 5500

Regional game fish enhancement groups established: SB 5500, SSB 5500

Salmon guide vessel operators, license required: SB 6126

Shellfish habitat protection and restoration program, state and local government authority to protect harvest areas from water-borne pollution: SB 6059

State patrol, fisheries patrol officers and wildlife agents, consolidation into fish and wildlife enforcement division within: SB 6046

State wildlife and recreation lands management act adopted: *SHB 2594, CH 153 (1992), SB 6257, SSB 6257

Steelhead, annual catch record card: SB 5081, SSB 5081

Steelhead, two-day catch record card: SB 5081, SSB 5081

Sturgeon, recreational or commercial fishing prohibited in the Beacon Rock area from April 1 to June 30 of each year: SB 6048

Wildlife and recreation lands management, task force to develop and report recommendations on funding sources: *SHB 2594, CH 153 (1992), SB 6257, SSB 6257

FLAGS

Fabric burning restricted, including flags: SB 5073

United States flag, congress asked to propose constitutional amendment to prohibit physical desecration of:
SJM 8008

FLOOD CONTROL

Construction of flood control facilities, provisions to facilitate permit application processing and establish priorities for allocating funds: SB 6095, SSB 6095
Flood control options expanded: SB 5817
Flood damage, program to prevent, minimize, and alleviate: SB 5411
Flood insurance, documents may be included in real estate mortgage or deed recording: SB 6163
Flood plain management, local governments to adopt a plan by October 31, 1991, that equals federal program requirements: SB 5704
Livestock flood sanctuary areas to be included in local government flood plain management regulations: SB 5411

FLOOR RESOLUTIONS, SENATE (See also HISTORY OF SENATE FLOOR RESOLUTIONS)

Senate organized and ready to conduct business of 1992 regular session: SFR 8707 2
Cascade Bruins congratulated as class AAA state football champions: SFR 8708 723
King, Rev. Martin Luther, Jr., work honored and ideals and teachings embraced: SFR 8709 84
Elks, Benevolent and Protective Order of, recognized for service and programs: SFR 8710 172
National girls and women in sports day, February 6, 1992, designated: SFR 8711 235
Baseball franchise in Seattle, commissioner of major league
baseball urged to remove barriers to sale: SFR 8712 151
School districts in partnership with community urged to help students learn
saleable skills: SFR 8713 236
University of Washington Huskies, 1991 national collegiate football champions,
honored for achievements: SFR 8716 237
University of Washington Huskies and Coach Don James honored as 1991
national football champions: SFR 8719 345
Child and adolescent nutrition; family policy council to
develop comprehensive policy: SFR 8722 1467
Escrow agents, committee on financial institutions and
insurance to review financial responsibility requirements of escrow agents: SFR 8723 1690
Japanese American internment during World War II, February 19, 1992, the fiftieth
anniversary of the signing of federal Executive Order 9066,
declared a Day of Remembrance to warn against the recurrence
of past mistakes: SFR 8724 707
Central Washington State Fair Association saluted on maintaining
one hundred year state fair tradition: SFR 8725 708
Vozenilek, Dr. Z. J., achievements, courage, and dedication recognized: SFR 8726 1465
Olympic High School Winterguard recognized: SFR 8727 747
Retail Bakers Week, February 23-29, designated: SFR 8728 748
Honoring Washington Scholars Program: SFR 8730 1402
Edward J. McLeary, contributions as private pilot and businessman recognized: SFR 8731 1533
Girl Scouts of America honored on eightieth anniversary, March 12, 1992: SFR 8733 1878
Armed forces acknowledged for positive impact on the state and support of Senate pledged
during period of reduction in forces: SFR 8735 796
Weissenfels, Bob, member of U.S. bobsled team in Olympic
winter games, recognized for achievements: SFR 8736 1689
Boy Scouts of America recognized for service to youth: SFR 8737 1401
Marine cleanup, use of environmentally sound non-toxic materials
manufactured in state urged: SFR 8738 1690
Interim work of senate, organization, procedures, and delegations of authority: SFR 8745 1873
Adjournment sine die, notice to House that Senate ready to adjourn: SFR 8746 1874
Cancer Pain Initiative: SFR 8748 1877
United States House of Representatives urged to require disclosure
of names of all members identified by ethics committee as persons
who wrote bad checks: SFR 8750 1691
Study - BIKE 520 Project: SFR 8752 1877
In memory of Sterling Munro: SFR 8754 1876

FLUORIDE

Public utility districts, commissioners may place proposition to fluoridate water system before voters who must approve proposition to become effective: SHB 2750

FOOD AND FOOD PRODUCTS (See ORGANIC FOOD)

"Food products delivery guarantee" defined: SB 6466, SSB 6466
 Agricultural food products disparagement, action for damages: SB 6352
 Disparagement of agricultural products, action for damages: SB 6352
 Food processing inspection account created: SB 6393, *SSB 6393, CH 160 (1992)
 Food products delivery guarantee, deliverers required to have insurance or proof of financial responsibility: SB 6466, SSB 6466
 Milk, assessment imposed on milk processed in state to support dairy inspection program, rulemaking authority of director of agriculture: *SSB 6393, CH 160 (1992)
 Processing plant licensing fee: SB 6393, *SSB 6393, CH 160 (1992)

FOREST PRACTICES (See also TIMBER AND TIMBER INDUSTRIES)

Application and notification to conduct, revised filing procedures, two year for practice permits authorized: *SHB 2330, CH 52 (1992)
 Chaos in state forests, congress urged to enact legislation to remedy: SJM 8022
 Even-aged harvest methods within water resource inventory area monitoring system, forest practices board to establish and review: SB 5616
 Fees imposed on applicants for forest practice permits to assist with review and permitting costs related to environmental protection: SB 5604
 Fire risk, increased planning and maintenance requirements to reduce: SB 5093
 Forest burning, emission reduction program: SB 5326
 Forest land base, incentives to maintain: *SHB 2330, CH 52 (1992), SB 6160, SSB 6160
 Forest land classification withdrawal or removal, notice requirements: *SHB 2330, CH 52 (1992), SB 6160, SSB 6160
 Forest land, special benefit assessments exemption, provisions: *SHB 2330, CH 52 (1992), SB 6160
 Forest lands, department of natural resources authorized to purchase and manage for sustainable commercial forestry: SSB 5445
 Forest lands, landowner may charge fees for recreational use of: *SHB 2330, CH 52 (1992), SB 6160, SSB 6160
 Forest resources conservation and shortage relief act of 1990, department of revenue and department of natural resources duties: SSB 5925
 Islands, forest practices board to establish rules related to practices on: SB 5616
 Nuisances, activities consistent with good forest practices do not constitute: SB 6160, SSB 6160
 Open space corridors, identification of corridor not to restrict use or management of lands in corridor for agricultural or forest purposes unless city or county acquires sufficient interest to prevent control or development: *SB 6401, CH 227 (1992)
 Public forests commission created, membership and duties: SB 5527
 Screening, analysis, and threshold system, forest practices board to establish by rule: SB 5616
 Sustainable forestry act adopted: SB 5616
 Timber harvesting practices, rulemaking authority of forest practices board: SB 5616
 Timber management and harvest, only rules in effect at time timber planted applicable to: SB 6447
 Timber salvage in national forests, congress urged to authorize sale: SJM 8024, SSJM 8024
 Wild mushrooms, specialized forest products permit required to harvest, possess, and transport wild mushrooms, limit set on amount that may be harvested: *SHB 2865, CH 184 (1992)
 Wildlife habitat provisions, rulemaking authority of forest practices board: SB 5616

FOREST PRODUCTS INDUSTRY (See also TIMBER AND TIMBER INDUSTRIES)

Forest and families protection act, congress urged to enact: SHJM 4033
 Unemployed forest products workers, training and extended unemployment compensation benefits program established for: SB 5208
 Washington timber development corporation established to respond to needs of timber-dependent communities: SB 5207

FORFEITURES

Confiscated property, violations of controlled substances law, landlord's claim for damage to property: *SHB

- 2501, CH 211 (1992)
- Confiscated property, violations of controlled substances law, recordkeeping requirements of seizing agency: *SHB 2501, CH 211 (1992)
- Criminal profiteering, asset forfeiture procedures: SB 5881
- Felonies, seizure and forfeiture of property involved in commission of a felony: SHB 1616
- Landlord's claim against confiscated property for damages due to violation of controlled substances law: *SHB 2501, CH 211 (1992)
- Money laundering, proceeds traceable to or derived from violations subject to seizure and forfeiture, procedures established: *2SSB 5318, CH 210 (1992)
- Seizing agency, recordkeeping, reporting, and remittance requirements revised for seizing agency: *2SSB 5318, CH 210 (1992)

FOSTER CARE

- Children in care, written notification of foster family of reason when child moved to another placement, exceptions: SB 6334, SSB 6334, 2SSB 6334
- Complaint process, complaints against children and family services division brought by clients, foster parents, or other individuals, procedures established: SB 5664
- Complaints against department of social and health services, judicial review allowed when complaint resolution process exhausted: SB 6334, SSB 6334, 2SSB 6334
- Crisis residential centers, revised provisions and responsibilities relating to: *SHB 2466, CH 205 (1992), SB 6041, SSB 6041, 2SSB 6041
- Family preservation services program established to reduce or avoid the need for foster care placement of children: SHB 2472, SB 6111, *SSB 6111, CH 214 (1992)
- Foster parent may become party to dependency proceeding when child has resided in home for six months or more: SB 5422
- Foster parent, basic health plan coverage extended to: SSB 6035, SB 6434
- Monitoring of children in out-of-home placements, requirements: SB 5061
- Notice to foster parent or care provider prior to placement change, contents of notice, including advice of right to review of decision: SB 5664
- Performance agreements to ensure permanent placements for dependent children: SB 5079
- Permanent placements for dependent children, goal of placement with biological or adoptive family as soon as possible: SSB 5665
- Placement with relative may not be denied for relative's belief or disbelief in criminal acts or convictions of child's parent: SB 6345, SSB 6345
- Social and health services department vendors, additional rate increases authorized in 1992 and 1993: *SB 5961, CH 238 (1992)
- Transitional living services for minors: SB 5201, SSB 5201
- Visitation with relative may not be denied for relative's belief or disbelief in criminal acts or convictions of child's parent: SB 6345, SSB 6345

FRANCHISES

- Classification, requirements for different classes: SB 6117
- Discrimination in franchise relationships prohibited, civil action for specific performance of the franchise agreement and to recover damages and costs authorized: SHB 2954
- Professional sports franchise in King county, public nonprofit corporation formed to fund acquisition of, bonds issuance authorized: SB 6165
- Professional sports franchise in King county, special lodging tax imposed to fund acquisition of: SB 6165
- Rescission, exploitation of franchisee for lack of education, business experience, or English language skills, court may grant: SB 6117

FREEDOM OF EXPRESSION

- Public school students granted, conditions and limitations: SB 5370, SSB 5370

FREEMAN, BEVERLY

- Member, State Board for Community and Technical Colleges, GA 9275 105,794

FREEMAN, JAMES H.

- Trustee, Bellingham Technical College, GA 9195 38,212

* - Passed Legislation

FUNERAL DIRECTORS

- Cremation, personal representative of decedent may authorize, crematory not liable: SSB 5759
- Crematory may rely on personal representative of decedent or decedent's estate for authority to cremate free from criminal or civil liability: SHB 2328
- Death certificates, duty to file, personal data and cause of death to be recorded, sources of information and contents requirements established: SHB 2300
- Death certificates, vital statistics task force created to report and make recommendations on issues relating to: SHB 2300
- Final disposition or removal of body not allowed until authorized by local registrar of vital statistics: SHB 2300
- Funeral directors and embalmers account created: SSB 5759
- Funeral expenses of public assistance recipients, responsibility of department of social and health services and surviving children for transportation and funeral services: *SHB 2874, CH 108 (1992)
- Public assistance recipients, responsibility of department of social and health services and surviving children for transportation and funeral services: *SHB 2874, CH 108 (1992)
- Registration fees, deposit in funeral directors and embalmers account: HB 2468
- Vital statistics task force created to report and make recommendations on issues relating to death certificates: SHB 2300

FUNK, MARY ANN

Reappointed Trustee, Skagit Valley Community College District No. 4, GA 9196 40,791

FURNITURE

Fire retardant requirements, exceptions: SHB 2318

GAMBLING

- Charitable gaming events allowed when conducted by gaming management company in accordance with this law and the rules of the gambling commission: SB 6504
- Compulsive gambling, development of state-based nonprofit organization to assist in the prevention of problem and compulsive gambling: SHB 2411
- Fund raising events, reference to fund raising events removed from games charitable and nonprofit groups authorized to conduct: SB 5772, SB 5940
- Gambling policy task force established, membership and duties: SCR 8430
- Gambling revolving fund moneys not to be loaned or transferred to any other fund or account: SB 5992
- Indian gaming compacts, gambling commission through its director authorized to negotiate compacts on behalf of state, negotiation process and procedures established: *SB 6004, CH 172 (1992)
- Indian gaming compacts, gambling commission to negotiate with tribe to enter into tribal-state compact: SB 6004
- Indian gaming compacts, governor authorized to execute compacts with federally recognized tribes for conduct of class III gambling on Indian lands: *SB 6004, CH 172 (1992)
- Indian gaming compacts, joint legislative committee created to review proposed compacts: SB 5860
- Indian gaming compacts, joint legislative committee created to review, duties: SB 6004
- Limitations on games, number of players, fees, and prices, authority of gambling commission to set: SB 6437
- Punchboards and pulltabs, tax, rate not to exceed ten percent of net proceeds: SB 5637
- Social card games, tax rate not to exceed ten percent of gross revenue: SB 5638
- Video card games authorized for play, licensing and approval requirements, tax imposed on licensed video card games: SB 6436

GAMBLING COMMISSION

- Ardith Divine, Member, GA 9278 224,1414,1415
- Bingo income limitations, commission's powers and duties permissive and not mandatory: SB 6474
- Charitable gaming events allowed when conducted by gaming management company in accordance with this law and the rules of the gambling commission: SB 6504
- Expenses for nonprofit organization's activities, commission's powers and duties permissive and not mandatory: SB 6474
- Gambling policy task force established, membership and duties: SCR 8430
- Gambling revolving fund moneys not to be loaned or transferred to any other fund or account: SB 5992
- Indian gaming compacts, commission to negotiate with tribe to enter into tribal-state compact, duties: SB 6004

Indian gaming compacts, gambling commission through its director authorized to negotiate compacts on behalf of state, negotiation process and procedures established: *SB 6004, CH 172 (1992)
 Licenses, commission and liquor control board to adopt one application form for businesses seeking licenses from both agencies: SB 6148
 Limitations on games, number of players, fees, and prices, authority of commission to set: SB 6437
 Members, nonvoting appointments changed to voting: SB 6147
 Salaries or wages of nonprofit organization's employees, commission's powers and duties permissive and not mandatory: SB 6474
 Video card games authorized for play, licensing and approval requirements, tax imposed on licensed video card games: SB 6436

GANGS

Criminal street gang activities, behavior defined, imposition of exceptional sentences: SHB 2344, SB 6205
 Gang risk prevention and intervention pilot programs, department of community development to contract with school districts to implement: SB 6433

GARDNER, GOVERNOR BOOTH (See also GOVERNOR)

State of State Address 53
 Commutation of Pardon 59

GARNISHMENT

Forty times state minimum wage per hour made one measure of wages exempt from garnishment: HB 2405

GASPARD, SENATOR MARCUS S.

Statement for the Journal, Roll Call Vote Missed, SB 6054, March 8, 1992 1395

GENERAL ADMINISTRATION, DEPARTMENT OF

Building rent, excess receipts to be returned to treasury: SB 5472, SSB 5472
 Contract specifications task force established, membership and duties: SB 5786
 Division of financial institutions created to combine divisions of banking and savings and loan associations: SB 5737
 Division of financial institutions, supervisor to have no interest in a financial institution: SB 5737
 Facility land bank, authority to purchase real property for inclusion in: SB 5470
 Homeless persons, division of purchasing authorized to donate surplus tangible personal property to shelters, necessary conditions: SB 5900
 Leases of real property must comply with lowest responsible bidder statutes: SB 5230
 Legislative building and other buildings occupied one-half or more by legislature, control shifted to legislature: SB 5783
 Parking and transportation, development and implementation of comprehensive program for state agencies and facilities: SB 5471
 Public works, preference for in-state contractors: SB 5176
 Real property, authority to purchase for inclusion in facility land bank: SB 5470
 Recycled products, increased purchase and use of, duties: SB 5829
 Tropical hardwoods, government purchase of products made from prohibited, exceptions: SB 6310, SSB 6310
 Water use efficiency, to develop and implement to evaluate state-owned facilities and property in order to improve: SB 5736

GEOGRAPHIC NAMES, BOARD ON

Membership and duties: SHB 2307

GEORGE, WENDELL

Trustee, Wenatchee Valley Community College, District No. 15, GA 9287 290

GEOHERMAL RESOURCES

Leasing of state-owned lands for geothermal resource development, department of natural resources to adopt rules: SB 5681

GIFTS

Goods not considered solicited unless specifically requested: SB 6427

Goods or services not considered solicited unless specifically requested: *SB 6427, CH 43 (1992)

GOODING, BARBARA

Appointed Director, Department of Community Development, GA 9271 105

GOVERNOR (See also GARDNER, GOVERNOR BOOTH)

State of State Address 53

Commutation of Pardon 59

Accountancy, authority to appoint executive director for board of accountancy transferred from board to governor: *SHB 2293, CH 103 (1992)

African-American affairs, state commission to be established in the office of the governor: SB 5740

Appropriations for operation of office, reduction during extraordinary session: SB 5228, SSB 5228

Budget, legislators and governor subject to civil penalties for each day beyond deadline for adopting budget that no budget has been adopted: SB 6291

Children, youth, and families, council on, membership and duties: SSB 6428, SB 6467

Council on education reform and funding, goals and mission endorsed: SCR 8422

County commissioner vacancies, revised procedures for filling: SHB 2171

County hospital boards of trustees, appointment of trustees, revised provisions: SHB 2771

Developmentally disabled and mentally ill persons, to appoint agency to implement program of protection and advocacy of rights of: HB 2591

Education reform and funding, goals and mission of council on education reform and funding endorsed: SCR 8422

Fish and wildlife education council, appointment and duties: SHB 2630

Gambling policy task force established, membership and duties: SCR 8430

Gubernatorial appointees subject to senate confirmation may not serve until confirmed by the senate: SB 6291

Health care reform, governor's proposal: SHB 2590, SB 6089

Health care services practice parameters and risk management protocols, authority to approve, disapprove, or modify committee recommendations: SB 6029

High-technology education, study committee to identify issues related to leadership in: SCR 8427

Indian gaming compacts, gambling commission through its director authorized to negotiate compacts on behalf of state, negotiation process and procedures established: *SB 6004, CH 172 (1992)

Indian gaming compacts, governor authorized to execute compacts with federally recognized tribes for conduct of class III gambling on Indian lands: *SB 6004, CH 172 (1992)

Senate confirmation procedures, temporary approval of appointments not made during regular session: SB 5132

Senate confirmation requirement removed from most provisions regarding gubernatorial appointments: SB 5924

State of the state message, joint session of Legislature on January 13, 1992, to receive message from governor: HCR 4425

Strategic planning process for key functional areas of state government, governor to prepare plan for establishment: SB 6412

Superintendent of public instruction, appointment by governor: SB 5095

Term of office limited to eight years: SB 6468

Transportation, secretary of, appointment by governor: SB 5019

Vacancy in appointive position, governor to make appointment within ninety days of the vacancy: SB 5132

GRAYS HARBOR COMMUNITY COLLEGE DISTRICT NO. 2

Jack Durney, Reappointed Trustee, GA 9192 40,790

Lynn Kessler, Trustee, GA 9150 124

Ann H. Scroggs, Reappointed, Trustee, GA 9035 122

GRAYS HARBOR COUNTY

Superior court judges, one position added: SB 5285, SB 5338, SSB 5338

Superior court, one additional judge authorized: *SHB 2459, CH 189 (1992)

GREENE, ROBERTA J.

Trustee, Spokane Community College District No. 17, GA 9163, Confirmed	212,1472
Member, Spokane Joint Center Board of Governors, GA 9197	35,212
Member, Work Force Training and Education Coordinating Board, GA 9259	47,215

GROWTH MANAGEMENT

Capital projects funded from real estate excise tax to be identified in city or county budget where it is to be indicated that tax is intended to be in addition to other available funds: *SB 6408, CH 221 (1992)	
Capital projects, limitations on use of revenues from real estate excise tax to finance capital projects revised: *SB 6408, CH 221 (1992)	
Comprehensive plans, mandatory and optional elements, amendments to plans, revised provisions: SB 5941	
Comprehensive plans, required and optional elements: SB 5803, SB 5809, SB 5941	
Comprehensive plans, required elements: SB 5804, SB 5805	
Comprehensive plans, transportation planning requirements, revised provisions: SB 5901	
County and city development regulations, adoption deadline delayed: SB 6443	
County with population under one hundred thousand allowed to discontinue planning: SB 6365, SB 6448	
County with population under two hundred thousand allowed to discontinue planning: SB 6448	
County-wide planning policy, adoption deadline delayed: SB 6443	
Dispute resolution councils, creation, powers, and duties: SB 5941	
Environmental quality and growth management programs, review and integration of: SB 6036, SSB 6036	
Growth management board established, membership and duties: SB 5369, SB 5809	
High capacity transportation systems, regional transportation planning and interlocal agreements, revised provisions: SB 5948	
Impact fees, revised provisions: SB 5941	
Local government role: SB 5941	
Local planning requirements: SB 5369, SB 5803, SB 5804, SB 5805	
Moratoria or interim zoning, state standards established to minimize impacts and avoid litigation: SSB 5727	
Natural resources and open space planning: SB 5804, SB 5941	
Open space corridors, identification of corridor not to restrict authorized development of private property in corridor unless city or county acquires sufficient interest to prevent or control development: SB 6401	
Open space corridors, identification of corridor not to restrict use or management of lands in corridor for agricultural or forest purposes unless city or county acquires sufficient interest to prevent control or development: *SB 6401, CH 227 (1992)	
Planning goals: SB 5369, SB 5803, SB 5804, SB 5805, SB 5809, SB 5941	
Public transportation benefit area in counties of over one hundred fifty thousand planning under growth management act, annexation of or withdrawal of city transit system: HB 2938	
Real estate excise tax, additional tax, rates, authorization: SB 5941	
Real estate excise tax, authorization to use for financing capital facilities dependant upon enactment of growth management plan and regulations: SB 6408	
Real estate excise tax, city or county budget to identify capital projects funded from tax and to indicate that tax is intended to be in addition to other available funds: *SB 6408, CH 221 (1992)	
Real estate excise tax, limitations on use of revenues from tax for financing capital projects revised: *SB 6408, CH 221 (1992)	
Regional economic development plans: SB 5803, SB 5804, SB 5809, SB 5941	
Regional growth management organizations authorized, duties: SB 5941	
Regional transportation planning organizations, optional duties: SB 5941	
Revenues, governor may withhold from city or county not in compliance with planning requirements: SB 5369, SB 5809	
Shellfish growing areas, land use element of comprehensive plan expanded to include protection of marine water quality in: SHB 2363	
Shellfish industry maintenance and protection added to natural resources based industries goals: SHB 2363	
State role in planning: SB 5369, SB 5804, SB 5809, SB 5941	
System improvements to public facilities, credits to be provided when impact fees are imposed or mitigation measures are required under state environmental policy act: SHB 2842	
System improvements to public facilities, duplication of mitigation and impact fees on the same system improvements prohibited: *SHB 2842, CH 219 (1992), SB 6400	
Transportation, land use decisions to consider the availability of transportation, community disruption, and other factors: SB 5901	

Wetlands, local jurisdictions to use criteria in United States army corps of engineers delineation manual to designate and regulate: SB 6254

GROWTH PLANNING

Forested areas, increased planning and maintenance requirements to reduce fire risk: SB 5093
Zoning, adoption of moratorium or interim zoning map, ordinance, or official control, requirements concerning public hearings, findings of fact, and effective period: *SSB 5727, CH 207 (1992)

GUARDIANSHIP

Holders of financial assets, duties of, repeal of RCW 11.92.095: *SB 6008, CH 224 (1992)
RCW 11.92.095 repealed: *SB 6008, CH 224 (1992)

GUBERNATORIAL APPOINTMENTS

Appointees subject to senate confirmation may not serve until confirmed by the senate: SB 6291
Appointments subject to senate confirmation, constitutional amendment to make: SJR 8227
Boards and commissions, certain nonvoting memberships changed to voting: SB 6147
Citizens' regulatory ombudsman office created, duties: SB 5786
Senate confirmation procedures, temporary approval of appointments not made during regular session: SB 5132
Senate confirmation requirement removed from most provisions regarding gubernatorial appointments: SB 5924
Vacancy in appointive position, governor to make appointment within ninety days of the vacancy: SB 5132

GUTIERREZ, KATHLEEN

Reappointed Trustee, Everett Community College District No. 5, GA 9198, Confirmed . . . 40,791,1191

GUY, THE HONORABLE RICHARD P.

Chief Justice introduced and administered oath of office to Senator Wanda Hansen 167

HALEY, FREDERICK T.

Trustee, The Evergreen State College, GA 9245 45

HALL, GLENNA S.

Reappointed Member, Parks and Recreation Commission, GA 9157, Confirmed 738,1358

HANDICAPPED PERSONS

Estates, liability of estate for costs of care at residential habilitation centers, revised provisions: SSB 5506
Special educational services demonstration projects: SB 5182
Statutory references to handicapped changed to disabled: SB 5582
Students, special educational services demonstration projects, unnecessary labeling of children discouraged while funding necessary services for children with identifiable needs: *SHB 2551, CH 180 (1992)

HANFORD

Hanford sublease rent account created: SB 6494, *SSB 6494, CH 228 (1992)
Promotion of lease between state and federal government at Hanford, department of trade and economic development to cooperate with associate development organizations located in or near the Tri-Cities area: *SSB 6494, CH 228 (1992)
Sublease of state-leased land, promotion to nuclear-related industry, funding: SB 6494, SSB 6494
Transuranic mixed waste, treatment, storage, and disposal, compliance with final permit status standards required: SB 5460
United States department of energy requested to maintain its various commitments and schedules at Hanford: SJM 8011

HANSEN, SENATOR FRANK "TUB"

Moment of Silence 1

HANSEN, SENATOR WANDA B.

Letter of Appointment 166
Oath of Office 167

* - Passed Legislation

Introduction of Hansen family in gallery	167
Appointed Member, Committees on Agriculture and Water Resources and Transportation	173
Personal Privilege, First Speech on Senate Floor	726

HARASSMENT

Antiharassment laws, actions creating rebuttal presumption of violation: SB 6423	
Antiharassment petition may be filed in judicial district where event occurred or respondent resides: SB 6141, *SSB 6141, CH 127 (1992)	
Definition extended to members of groups whose characteristics are subject of discrimination: SB 6423	
Domestic violence protection orders and antiharassment orders, permanent orders, one year orders, or uncontested renewal orders, revised grounds and procedures for granting, service by publication permitted in specified circumstances: *SHB 2745, CH 143 (1992)	
Law enforcement, criminal justice training commission to provide training in identifying, responding to, and reporting bigotry or bias crimes: SB 6423	
Repository of harassment violations, association of sheriffs and police chiefs to establish and maintain: SB 6423	

HASKELL, F. MURRAY

Trustee, Bellingham Technical College, GA 9199	38
--	----

HATTORI, JAMES S.

Member, Lottery Commission, GA 9236	49,1415,1416
---	--------------

HAYES, PHIL

Trustee, Clover Park Technical College, GA 9251, Confirmed	48,213,1647
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HAZARDOUS MATERIALS

Archaeological resources included among those resources to be protected by oil and hazardous substances spill prevention and response program: *SHB 2389, CH 73 (1992), SB 6013	
Hazardous substances incident response training and education program: SB 5183	
Marine safety and spill prevention office established in department of ecology: SB 5183	
Maritime safety advisory commission, membership and duties: SB 5183	
Notification requirements, workplace exposure to substances that may cause birth defects or harm reproductive system: SB 5244	
Oil and hazardous substance spill advisory committee established: SB 5183	
Oil and hazardous substance spill prevention and response requirements: SB 5183	
Oil and hazardous substance spill prevention and response, archaeological resources included among those resources to be protected by program: *SHB 2389, CH 73 (1992)	
Oil and hazardous substance spill prevention tax levied, uses of revenue: SB 5183	
Oil and hazardous substances spill prevention and response, archaeological resources included among those resources to be protected by program: SB 6013	
Oil spill response, responders not liable for removal costs or damages, limitations and exceptions: SSB 5876	
Oil spill response, responsible party liable for removal costs and damages: SSB 5876	
Pacific Ocean resources compact adopted: SB 5428, SSB 5428, 2SSB 5428	
Releases, reporting and notification requirements: SB 5094	
Spill prevention and response, Pacific Ocean resources compact adopted: SB 5428, SSB 5428, 2SSB 5428	
Spills, facility and vessel prevention and contingency plans, requirements: SB 5183	
Spills, financial responsibility requirements for vessels transporting: SB 5183	
Toxic household products, addition of nontoxic bittering agent required unless packaged with child-resistant safety closures: SB 6247	
Toxic household products, definition: SB 6247	
Workplace exposure to substances that may cause birth defects or harm reproductive system, notification requirements: SB 5244	

HAZARDOUS WASTE

Biomedical waste, state-wide definition adopted preempting local definitions: *SHB 2391, CH 14 (1992)	
Disposal, department of ecology management control until waste is rendered innocuous or recyclable: SB	

6421

Hanford, United States department of energy requested to maintain its various commitments and schedules at: SJM 8011

Hazardous waste, order noncompliance not creating serious danger, reasonable period of time to comply allowed: SB 5746

Incineration facilities, fees: SHB 2823

Incinerator facilities, location within five miles of commercial agriculture site prohibited: SB 5569

Low-level radioactive waste, haulers required to demonstrate financial assurance: *SHB 2873, CH 61 (1992), SB 6383, SSB 6383

Moderate-risk wastes, local governments to encourage use of privately owned facilities: *HB 2633, CH 17 (1992)

Northwest interstate compact on low-level radioactive waste management, joint select committee formed to review: SCR 8403

Northwest low-level waste compact, Washington representative may not grant access to nonparty state without legislative approval: SB 5461

Northwest low-level waste compact, acceptance of out-of-region waste prohibited until in-state generators are required to use regional facilities: SB 5462

Northwest low-level waste compact, payment of costs for compact meetings held outside Washington state prohibited: SB 6203

Notice of remedial action taken, issuance by department of ecology: SSB 5055

Pesticides, urban applications, posting of warning signs and notice requirements prior to application: SB 5575

Radioactive waste, inspections to be conducted at newly designated ports of entry and public safety tariff to be collected from each highway transporter to defray inspection facility and operating costs: HB 2779

Radioactive waste, public safety tariff imposed on each highway transporter of: HB 2779

Radioactive waste, state to intervene and request that NEPA environmental impact statement be prepared if actions pursuant to federal law are likely to result in waste entering state at other than approved port of entry: HB 2779

Release of hazardous substances on real property, reporting and notice requirements: SSB 5055

Transuranic mixed waste, treatment, storage, and disposal, compliance with final permit status standards required: SB 5460

Treatment, department of ecology management control until waste is rendered innocuous or recyclable: SB 6421

HEALTH CARE (See also RURAL HEALTH)

"Dispensing drug outlet" defined, board of pharmacy authority regarding: SB 6417

"Nonprofit facility" redefined to allow additional facilities to be eligible for financing by housing finance commission: SHB 2486

AIDS pilot facility, nursing supplies cost exempt from percentile reimbursement limit: *HB 2811, CH 182 (1992), SB 6225, SSB 6225

Basic health plan continued: SB 5926

Basic health plan, coordination of basic health plan assistance with medical assistance: SB 5605

Basic health plan, coverage extended to licensed foster parents: SB 6434

Basic health plan, employees of small businesses eligible to enroll in plan: SHB 2590, SB 6035, SSB 6035, SB 6089

Basic health plan, employer tax levied to fund program: SB 6089

Basic health plan, foster parent eligible to enroll as subsidized enrollee: SSB 6035

Basic health plan, immunization schedule compliance for children enrolled in plan, required: SSB 5540

Basic health plan, persons residing in area served by plan eligible to enroll in: SB 6035, SSB 6035

Basic health plan, required immunizations for children of state subsidized health care insurance recipients: SB 6034, SSB 6034

Basic health plan, revised funding and expenditure provisions: SB 5605

Basic health plan, revision of provisions relating to enrollees, plan administration, and funding: SHB 2590, SB 6035, SSB 6035, SB 6089

Basic health plan, small business health insurance hardship program established to assist employers severely effected by the payment of employer tax: SB 6089

Basic health plan, timber impact areas, designation of additional socially and economically integrated communities as timber impact areas by economic recovery board authorized: *HB 2821, CH 21 (1992)

Basic health plan, transfer of powers, duties, and functions to the Washington health care authority: SHB 2590, SB 6035, SB 6089

- Birth expenses, department of social and health services to enforce support obligation to reimburse state for prenatal, delivery, and postnatal costs: SB 6114, SSB 6114, 2SSB 6114
- Budget, health services budget created identifying all funds for health services provided through health services act: SHB 2590
- Center for health promotion and disease and injury prevention, duties: 2SSB 5347
- Center for health promotion, establishment and duties: SB 6034, SSB 6034
- Certified health care plans, requirements for certification: SHB 2590, SB 6089, SB 6110
- Certified health plans, legislative budget committee to determine desirability and feasibility of consolidating various programs, services, and funding sources into: SB 6110
- Chemically dependent pregnant women, mothers, and infants, interagency coordination of service delivery required: SB 6051
- Chiropractor peer review committee established, membership and duties: SB 5792, SSB 5792, 2SSB 5792
- Chiropractor service and fee limitations, state health care purchasers authorized to establish: *SB 6054, CH 241 (1992)
- Class IV human immunodeficiency virus insurance program continued: SB 5642
- Community outreach for health pilot programs, establishment and duties: SB 6034, SSB 6034
- Community outreach health programs, assistance in establishing pilot local programs using volunteers: SSB 5650
- Comprehensive health care reform, governor's proposal: SHB 2590, SB 6089
- Consolidation of state and federal medical and health services and programs, legislative budget committee to determine feasibility and desirability of: SHB 2590
- Corrections employees who are retired early from an on the job injury, state to pay full cost of premiums for health care coverage: SHB 2770
- Desert Shield, health and retirement coverage continued for employees called to active service: SSB 5092
- Disclosure of financial interest in entity to which a patient is referred to patient and the patient's insurer required of health professionals: SB 6038
- Facilities, "nonprofit facility" redefined to allow additional facilities to be eligible for financing by housing finance commission: SHB 2486
- Facilities, discharge of qualified patient electing to die at home, immunity from criminal and civil liability: SB 6320
- Facilities, withholding or withdrawal of life-sustaining treatment from qualified patient, immunity from criminal and civil liability: SB 6320
- Flexible and accessible health care continuing pilot projects: SB 5514, SSB 5514
- Galactosemia, screening of newborn infants for: SB 5455
- Gatekeeper outreach program established to assist impaired elderly persons living in their own homes: SB 6034, SSB 6034
- Health care professionals, duty to disclose life-threatening communicable disease or infection to patient: SB 5294
- Health care records, information disclosure by provider, authorization to expire ninety days after issuance: SHB 2568
- Health care records, information disclosure by provider, fee: SHB 2568
- Health care records, third-party payor allowed access to beneficiary's health information for payment purposes: SHB 2568
- Health care records, unauthorized disclosure of name, residence, and sex allowed for purposes of identification, further disclosures allowed in cases of public record: SHB 2568
- Health personnel resource plan, state-wide, higher education health training and education programs, changes in requirements for institutional plans: SB 5895
- Health promotion and disease prevention regions, designation and duties: 2SSB 5347
- Health promotion and disease prevention regions, duty to solicit nutrition programs and assist child nutrition programs: SB 5921
- Health promotion and disease prevention regions, establishment of state-wide system, development of proposals to meet system objectives: SB 6034, SSB 6034
- Health services act implementation, legislative budget committee to evaluate the implementation of: SB 6110
- Health services act, implementation of, legislative budget committee to conduct evaluation of: SHB 2590
- Health services commission created, membership, organization, powers, and duties: SHB 2590
- Health services commission, legislative budget committee to determine whether administrative structure should be continued: SB 6110
- Health services commission, legislative budget committee to study of whether administrative and service delivery structure should be continued: SHB 2590

- Health services trust fund, additional taxes imposed on tobacco products, spirits, wine, beer, and each authorized insurer for deposit in fund: SB 6089
- Health training and education programs, changes in requirements for institutional plans: *SB 5985, CH 27 EX (1991)
- Home health care, property tax relief for person receiving: SB 5368
- Hospital charges, state hospital association and others invited to develop a protocol to establish a standardized system for disclosure of charges for hospital-based services: SHB 2341
- Hospital in-house services ordered for patients, hospital disclosure to health care providers of charges for: SHB 2341
- Immunization of children, demonstration projects and required immunizations for children of state service recipients and state employee health benefit recipients: SB 6034, SSB 6034
- Immunization schedule compliance for children, health care professionals, health and long-term care workers, required: SSB 5540
- Immunizations, voucher demonstration project established: SSB 5540
- Implementation schedule for health services act reforms including analyses of laws that would have to be repealed, amended, or waived to implement this act: SB 6110
- Infant drug exposure assessment and monitoring program established: SB 6051
- Injury prevention and sports medicine research in youth sports, funding from surcharge on professional sports admission tickets: SB 6164
- Insurance, all private carriers to use the HCFA 1500 or UB 82 form, or their successors as uniform health care insurance claim form, after January 1, 1994, with stated exceptions: SB 6037
- Insurance, billing forms for services exempt from requirement to use HCFA 1500 or UB 82 form to be developed by January 1, 1993: SB 6037
- Insurance, businesses to be allowed to enroll as group in plan without medical underwriting except as specifically provided: SHB 2590, SB 6089
- Insurance, coverage for small employers, insurance commissioner to conduct study and develop legislation to promote the availability of: SHB 2817
- Insurance, duty of health care professional to disclose financial interest in entity to which a patient is referred to patient and the patient's insurer: SB 6038
- Insurance, exemption of plans offered by employers of fewer than twenty-five employees from insurance premium tax until July 1, 1994: SB 6039, SSB 6039
- Insurance, high risk persons, new contract forms prohibited that have effect of isolating high risk persons: SHB 2694
- Insurance, individuals may not be excluded from employer-sponsored group coverage solely on the basis of individual medical condition or health status: SHB 2772
- Insurance, interim insurance reform provisions established pending full implementation of residency-based health services system: SHB 2590
- Insurance, long-term care insurance, group coverage to be extended by all insurers offering coverage to individuals: SB 6280
- Insurance, long-term care insurance, home care coverage exclusions or claim denial based on undisclosed ailment occurring more than ten years prior prohibited: SB 6280
- Insurance, marketing and underwriting practices of insurers, health care service contractors, and health maintenance organizations, restrictions and requirements: SHB 2590, SB 6089
- Insurance, medicare supplemental insurance, revised provisions to conform policy requirements to federal law: *SHB 2479, CH 138 (1992)
- Insurance, prescription medicine purchase limited to designated pharmacy prohibited: SB 6271
- Insurance, refusal or cancellation of insurance because of choice of health care provider prohibited: SB 5655
- Insurance, renewability of individual policy, except for nonpayment, misrepresentation, fraud, or cause authorized by insurance commissioner, provision required: SHB 2694
- Insurance, rural health care services program pilot project established: 2SSB 5782
- Insurance, small employer health benefit plan committee, membership and duties: SB 6384
- Insurance, small employer health insurance availability act: SB 6384
- Insurance, small employer health insurance coverage, issuers of health insurance required to provide workers equal access to health care coverage through their employers without regard to the size of the enterprise: SB 6384
- Insurance, state agencies that pay for health care to adopt HCFA 1500 or UB 82 form, or their successors, as uniform health care insurance claim form after July 1, 1994: SB 6037
- Insurance, stop loss insurance for self-insurers allowed: SB 6193, *SSB 6193, CH 226 (1992)
- Insurance, uniform benefits package to be minimum benefits package offered by any plan: SHB 2590, SB

6089

- Insurance, uniform health care insurance claim form system, development and use requirements: SB 6037
 Limited casualty program, indigents maximum deductible raised: SB 5752
 Long-term care, development and financing of community-based long-term care and support services system to be studied for later inclusion in health services act: SHB 2590
 Long-term care, legislative commitment to establishing foundation for financing and providing community-based care and support services: SB 6110
 Low-income people, development of a coordinated system of health care for low-income people declared a priority: SB 6089
 Low-income persons, retired physicians providing free services to, immunity from civil liability: SB 5371
 Malpractice, mandatory arbitration of health care malpractice claims: SB 6029
 Medical care costs, department of social and health services to enforce support obligation to reimburse state for prenatal, delivery, and postnatal costs: SB 6114, SSB 6114, 2SSB 6114
 Medicare supplemental insurance, revised provisions to conform policy requirements to federal law: *SHB 2479, CH 138 (1992)
 National consumer-based health care program and direct tax relief to employees and families, Congress requested to promote health care through: SJM 8026
 Patient right to know act of 1991: SB 5294
 Personal health services data and information system, health services commission to develop and adopt criteria for: SHB 2590, SB 6089, SB 6110
 Poison information center, department of health to report on funding, efficiencies, and fees associated with establishing a single center and to recommend funding levels and how center should be funded: SHB 2016
 Poison information center, services to be centralized in a single center by June 30, 1993: SHB 2016
 Poison information centers, service delivery, revised provisions: SHB 2016
 Poison information specialist, certification by secretary of health required to perform the duties of: SHB 2016
 Population-based health care services plan development, state and local responsibilities for content and evaluation of plans: SB 6034, SSB 6034
 Practice parameters and risk management protocols, development and use of, requirements: SB 6029
 Prescription drugs, review of multitiered pricing of requested: SJM 8007
 Prescription medicine purchase limited to designated pharmacy prohibited in health care insurance policies: SB 6271
 Property tax relief for persons receiving home health care: SB 5368
 Provider conflict of interest standards to be established by health services commission: SHB 2590, SB 6089, SB 6110
 Provider contracts with certified health plans, health services commission to establish standards for: SB 6089, SB 6110
 Provider, withholding or withdrawal of life-sustaining treatment from qualified patient, immunity from criminal and civil liability: SB 6320
 Quality assurance system, establishment of practice and conduct standards and mediation and arbitration alternatives for settlement of malpractice claims: SB 6029
 Quality management, health services commission to establish a total quality management system of continuous quality improvement: SB 6110
 Rationing of health services, health services commission to establish explicit policy on, required elements: SHB 2590
 Referral of patients, duty of health care professional to disclose financial interest in entity to which a patient is referred to patient and the patient's insurer: SB 6038
 Regional health promotion and disease and injury prevention within the public health system with the assistance of other public and private resources: SB 6034, SSB 6034
 Residency-based health services system established to provide uniform benefits package to all state residents by July 1996: SHB 2590
 Retired physicians providing free care to low-income people at community clinics, department of health to purchase liability insurance for, terms and conditions for participation set out: *SHB 2337, CH 113 (1992)
 Retired physicians, provision of free services to low-income persons, immunity from civil liability: SB 5371
 Retired physicians, provision of free services to low-income persons, malpractice insurance provided: SHB 2337
 School children, provisions to encourage cooperation between school districts and public health departments in providing services to: SB 6034, SSB 6034

- School district employees, provision of continued health care benefits for retired or disabled employees and their dependents: *SHB 2857, CH 152 (1992)
- Small employer health insurance coverage, issuers of health insurance required to provide workers equal access to health care coverage through their employers without regard to the size of the enterprise: SB 6384
- Sports medicine and injury prevention research in youth sports, funding from surcharge on professional sports admission tickets: SB 6164
- Support enforcement, department of social and health services to enforce obligation to reimburse state for prenatal, delivery, and postnatal costs: SB 6114, SSB 6114, 2SSB 6114
- Surgical care, delegation of preoperative and postoperative care, limitations on: SB 5802
- Uniform benefits package to be provided by certified health plans: SHB 2590, SB 6089, SB 6110
- Vision care consumer assistance act enacted to encourage competition in the optical industry: SB 6239
- Washington health services commission created, membership, organization, powers and duties: SHB 2590, SB 6089, SB 6110
- Workers' compensation and the uniform benefits package, workers' compensation advisory committee to conduct study on the relationship between: SB 6089

HEALTH CARE AUTHORITY

- Basic health plan, transfer of powers, duties, and functions to the Washington health care authority: SHB 2590, SB 6035, SB 6089
- Chiropractors, pilot projects established to contract with chiropractor organizations for prepaid capitated amount: SB 6054
- Immunization schedule compliance for children enrolled in plan, required: SSB 5540
- Insurance plans approved to receive payment through voluntary payroll deductions, duties: HB 1083, SB 5197
- Insurance, uniform health care insurance claim form system, development and use requirements: SB 6037
- Law enforcement officers' and fire fighters' retirement system, enrollment in health care authority benefits plan authorized subject to right to bargain collectively: *HB 2813, CH 199 (1992)
- Law enforcement officers' and fire fighters' retirement system, health care insurance transferred to: HB 2813
- Rural hospitals, essential health care services to medical assistance clients, payment provisions: SB 5597
- School district employees, health care authority to study group health insurance coverage for retired and disabled school district employees: *SHB 2857, CH 152 (1992)
- Trade information submitted by health care provider may be withheld from public inspection: SB 5196, SSB 5196

HEALTH CARE FACILITIES AUTHORITY

- Ludwig Lobe, Reappointed member, GA 9212 33

HEALTH CARE PROFESSIONS

- "Dispensing drug outlet" defined, board of pharmacy authority regarding: SB 6417
- Clinical laboratory science practitioners, licensing requirements: SB 5907
- Community mental health practitioners, to achieve salary parity with state workers by 1995: SB 5654
- Deferred compensation program, health care providers who are independent contractors with department of social and health services to provide care to recipients, considered employees only for participation in: SSB 6507
- Disclosure of financial interest in entity to which patient is referred to patient and the patient's insurer required of health professionals: SB 6038
- Drug exposed infants, program to assess and monitor, education for health care professionals: SSB 5193
- HIV infected person, notice to employer or facility administrator required, conditions and limitations: SSB 5457
- HIV infected person, public contact in course of employment, informed consent requirements: SSB 5457
- HIV tests, authority to conduct test on patient if provider determines that test is needed to protect health of any provider: SSB 5457
- Health care records, information disclosure by provider, authorization to expire ninety days after issuance absent agreement as to expiration date: SHB 2568
- Health care records, information disclosure by provider, limit on fees for copying records: SHB 2568
- Health care records, third-party payor allowed access to beneficiary's health information for payment purposes: SHB 2568
- Health care records, unauthorized disclosure of name, residence, and sex allowed for purposes of

- identification, further disclosures allowed in cases of public record: SHB 2568
- Health care regulatory boards, secretary of health authorized to review and approve or disapprove actions or failures to act: SB 5859
- Health training and education programs, changes in requirements for college and university institutional plans: *SB 5985, CH 27 EX (1991)
- Hospital charges, state hospital association and others invited to develop a protocol to establish a standardized system for disclosure of charges for hospital-based services: SHB 2341
- Immunization schedule compliance required for children, health care professionals, and health and long-term care workers: SSB 5540
- Infant mortality review, local health departments authorized to conduct, confidentiality of records provided by families, department officials and employees, and health care professionals participating in reviews established: *SB 6296, CH 179 (1992)
- Licensing, certification, or registration by endorsement, rulemaking authority of secretary of health: SB 5859
- Life-threatening communicable disease or infection, duty to disclose to patient: SB 5294
- Malpractice, mandatory arbitration of health care malpractice claims: SB 6029
- Nontraditional method of treatment, not of itself to constitute unprofessional conduct: SB 5012
- Patient right to know act of 1991: SB 5294
- Personnel resource plan, state-wide, higher education health training and education programs, changes in requirements for institutional plans: *SB 5985, CH 27 EX (1991)
- Practice parameters and risk management protocols, development and use of, requirements: SB 6029
- Pregnant women, substance abuse by, training and education regarding effects of: SB 6051
- Prescription drugs, pharmacist's and practitioner's duty to supply information to assure proper utilization: SHB 1003
- Professional loan repayment and scholarship program, revised provisions: SB 5514, SSB 5514
- Provider conflict of interest standards to be established by health services commission: SHB 2590, SB 6089, SB 6110
- Provider contracts with certified health plans, health services commission to establish standards for: SB 6089
- Quality assurance system, establishment of practice and conduct standards and mediation and arbitration alternatives for settlement of malpractice claims: SB 6029
- Quality management, health services commission to establish a total quality management system of continuous quality improvement: SB 6110
- Referral of patient to laboratory in which physician has financial interest prohibited: SB 6049
- Referral of patients, duty of health care professional to disclose financial interest in entity to which a patient is referred to patient and the patient's insurer: SB 6038
- Scope of practice redefined for uniform disciplinary act: SB 5012
- Sex offense victims, evidence collection procedures: SB 6007
- Sex offense victims, medical care protocols: SB 6007
- State-wide health personnel resource plan, recruitment and retention project: SB 5514, SSB 5514
- Surgical care, delegation of preoperative and postoperative care, limitations on: SB 5802
- Temporary practice permits for qualified professionals licensed in another state, provisions: SB 5514, SSB 5514
- Uniform disciplinary act, application to physician's trained intravenous therapy technicians, airway management technicians, mobile intensive care paramedics, and ambulance operators, directors, and drivers: *SB 6033, CH 128 (1992)
- Uniform disciplinary act, scope of practice redefined: SB 5012
- Vision care consumer assistance act enacted to encourage competition in the optical industry: SB 6239
- Workers' compensation medical services, health care practitioner reimbursement allowed if comparable reimbursement to another practitioner is allowed: SB 6496

HEALTH CARE PROVIDERS

- Health care records, information disclosure by provider, authorization to expire ninety days after issuance: SHB 2568

HEALTH CARE SERVICE CONTRACTORS

- Exclusion of individuals from employer-sponsored group coverage solely on the basis of individual medical condition or health status prohibited: SHB 2772

HEALTH, DEPARTMENT OF

- Adult family home, siting notification requirements: SB 6243

- Ambulance driver certification requirements modified: *SB 6033, CH 128 (1992)
- Ambulance operators and directors, licensing period reduced from three to two years: *SB 6033, CH 128 (1992)
- Ambulance vehicle licensing period changed from one to two years: *SB 6033, CH 128 (1992)
- Biomedical waste treatment technologies, department may evaluate at the request of applicant and at applicant's expense: *SHB 2391, CH 14 (1992)
- Bone marrow donor recruitment and education program created, departmental duties: SB 6069, *SSB 6069, CH 109 (1992)
- Burial-transit permit and death certificate, completion and filing procedures revised: SB 6380
- Center for health promotion and disease and injury prevention, duties: 2SSB 5347
- Center for health promotion, establishment and duties: SB 6034, SSB 6034
- Certificate of need requirements revised for rural hospitals and rural health care facilities: SHB 2420, SB 6076, *SSB 6076, CH 27 (1992)
- Certification and recertification of physician's trained intravenous therapy technicians, airway management technicians, and mobile intensive care paramedics, certification period changed to three years: *SB 6033, CH 128 (1992)
- Chemically dependent pregnant women, mothers, and infants, interagency coordination of service delivery requirements: SB 6051
- Child care coordinating committee, representative from department added to membership of: SHB 2308, SB 6131
- Clinical laboratory science practitioners, licensing requirements: SB 5907
- Community outreach for health pilot programs, establishment and funding, departmental duties: SB 6034, SSB 6034
- Community outreach health programs, assistance in establishing pilot local programs using volunteers: SSB 5650
- Continuing care retirement community construction, exemption from certificate of need requirements: SB 5508
- Death certificate and burial-transit permit, completion and filing procedures revised: SB 6380
- Death certificates, vital statistics task force created to report and make recommendations on issues relating to: SHB 2300
- Denturist advisory committee created, membership and duties: SB 5813
- Denturists, certification required, department powers and duties: SB 5813
- Disabled infants and toddlers, early intervention services for, department duties: SHB 1090
- Drug exposed infants, program to assess and monitor: SSB 5193
- Early intervention services for infants and toddlers with disabilities, duties: SHB 1090
- Emergency medical personnel, department to adopt guidelines for response to person with living will: SB 6320
- Evidence collection and preservation commission created to establish procedures for medical practitioners treating sex offense victims: SB 6007
- Evidence collection and preservation commission, membership and duties: SB 6007
- Family planning services, training for substance abuse counselors: SHB 2364
- Family policy council created to solicit proposals to facilitate greater flexibility and responsiveness of service to families at the community level, duties, requirements for consideration of proposals: SHB 2846, SB 6428, *SSB 6428, CH 198 (1992)
- Greywater, potential uses and effects, report to legislature: SSB 6391
- HIV testing of accused sex offenders, to adopt schedule for interval testing to detect HIV infection in persons tested: SSB 5086, SSB 5236, 2SSB 5236
- Health care professions regulatory boards, secretary authorized to review and approve or disapprove actions or failures to act by boards: SB 5859
- Health care quality assurance system, establishment of practice and conduct standards, duties of secretary and licensing boards: SB 6029
- Health professions regulation and services, transfer of powers from department of licensing to department of health: SB 6029
- Health promotion and disease prevention regions, designation and duties: 2SSB 5347
- Health promotion and disease prevention regions, establishment of state-wide system, development of proposals to meet system objectives: SB 6034, SSB 6034
- Hospital charges, state hospital association and others invited to develop a protocol to establish a standardized system for disclosure of charges for hospital-based services: SHB 2341
- Immunization assessment and enhancement proposals, requirements, departmental duties regarding: SB 6034,

- SSB 6034
Immunization of children, demonstration projects and required immunizations for children of state service recipients and state employee health benefit recipients: SB 6034, SSB 6034
Licensing, certification, or registration by endorsement, rulemaking authority of secretary: SB 5859
Mobile home park health and sanitation, to develop minimum procedures for responding to complaints about: SHB 2904
Natural death act, department to adopt guidelines for emergency medical personnel in regard to patients who do not wish to receive futile treatment: *SHB 1481, CH 98 (1992)
Nurse practitioners, advance registered nurse practitioners, scope of practice and licensing requirements, duties: SSB 5635
Nursing home administrators, board of, membership, duties, and authority: *SHB 1258, CH 53 (1992)
Nursing home administrators, licensing and practice requirements revised: *SHB 1258, CH 53 (1992), SSB 5203
Nursing home administrators, licensing and practice requirements, administrative authority of department: *SHB 1258, CH 53 (1992)
On-site sewer systems, sale or use of additives prohibited, exceptions: SHB 1457
On-site sewerage system permit may not be refused for failure to meet gross area requirement when surrounded by sites approved before June 30, 1984: SB 5135
Physical therapist assistants, licensing requirements established: SB 6263
Physical therapists, licensing requirements: SB 5146
Poison information center, department to report on funding, efficiencies, and fees associated with establishing a single center and to recommend funding levels and how center should be funded: SHB 2016
Poison information specialist, certification by secretary required to perform the duties of: SHB 2016
Poisons and poisoning, department to establish consulting system with other agencies to develop coordinated and consistent response: SHB 2016
Population-based health care services plan development, departmental responsibilities for content and evaluation of plans: SB 6034, SSB 6034
Pregnant women, substance abuse by, training and education regarding effects of, preparation and distribution duties: SB 6051
Psychologist disciplinary committee, revised provisions relating to quorums and appointment of members pro tempore: *HB 2358, CH 12 (1992)
Public water systems, annual operating permit requirements, duties: SB 5551, SSB 5551
Public water systems, operator certification and registration, duties: SSB 5552
Reclaimed water use, department to report to legislature on progress, compliance, and participation in the use of reclaimed water and the resulting savings of water: *SHB 2833, CH 204 (1992)
Reclaimed water, authority to issue permits for industrial and commercial uses of reclaimed water: *SHB 2833, CH 204 (1992)
Reclaimed water, department to develop guidelines for land application use, pilot projects authorized: SSB 6391
Reclaimed water, department to develop standards for limited use: SHB 2833, SB 6391
Reclaimed water, department to form advisory committee to provide technical assistance to develop standards for limited use: *SHB 2833, CH 204 (1992)
Reclaimed water, lawful users of reclaimed water prior to effective date of act exempted from compliance with standards, procedures, and guidelines adopted by the departments of health and ecology before July 1, 1995: *SHB 2833, CH 204 (1992)
Reclaimed water, review and evaluation of use and effects, report to legislature: SSB 6391
Reclaimed water, to adopt a single set of standards, procedures, and guidelines for land applications of reclaimed water in conjunction with department of ecology: *SHB 2833, CH 204 (1992)
Reclaimed water, to adopt a single set of standards, procedures, and guidelines for the industrial and commercial use of reclaimed water in conjunction with department of ecology: *SHB 2833, CH 204 (1992)
Regional interagency councils for children, youth, and families, department duties: SB 6238
Retired physicians providing free care to low-income people at community clinics, department of health to purchase liability insurance for, terms and conditions for participation set out: *SHB 2337, CH 113 (1992)
Retired physicians, provision of free services to low-income persons, malpractice insurance provided: SHB 2337
Revision of statutory references affected by the creation of the department: SB 5165
Rural health care facilities and hospitals, revised certificate of need requirements: SHB 2420, SB 6076, *SSB

6076, CH 27 (1992)

Rural health care plan, authority to monitor for continued compliance with plan: SHB 2420, SB 6076, *SSB 6076, CH 27 (1992)

Rural health care services program pilot project established, department duties: 2SSB 5782

School children, provision of funding to local health jurisdictions to provide health care services for, departmental duties: SB 6034, SSB 6034

Senior environmental corps created, powers and duties: *SHB 2560, CH 63 (1992)

Sex offender therapist certification not required when offender has or is planning to move to another state, no certified providers are available near offender's home, and evaluation and treatment plan is approved: *SHB 2262, CH 45 (1992)

Sex offense victims, medical care protocols and evidence collection procedures: SB 6007

Shellfish habitat protection and restoration program, departmental duties in regard to: SB 6059

State-wide health personnel resource plan, recruitment and retention plan: SB 5514, SSB 5514

Steel jaw traps, approval of use by state employees in public health, safety or welfare emergency, duties: SB 5459

Tobacco education program targeting youth and stressing dangers and problems of use, implementation: SB 6331

Tobacco, prevention of tobacco-caused disease, programs to reduce use by youth and to promote tobacco use reduction: SB 5567, SSB 5567

Uniform disciplinary act, application to physician's trained intravenous therapy technicians, airway management technicians, mobile intensive care paramedics, and ambulance operators, directors, and drivers: *SB 6033, CH 128 (1992)

Vital records copies' fees to be established by department to make program self-sufficient: SB 5958

Vital statistics task force created to report and make recommendations on issues relating to death certificates: SHB 2300

Wastewater and greywater reuse potential, department to study: SB 6258

Water conservation, alternative model rate-setting formulas for water conservation to be provided public water purveyors: SHB 2629

Water management, areas without significant water resource problems designation, duties: SSB 5765

Water systems, rate techniques to encourage water conservation, department duties: SB 6258

HEALTH MAINTENANCE ORGANIZATIONS

Coinurance defined, may be included in participant obligations under subscriber agreement: HB 2782, SB 6340

Exclusion of individuals from employer-sponsored group coverage solely on the basis of individual medical condition or health status prohibited: SHB 2772

HEALTH, STATE BOARD OF

Bottled water, board to establish quality standards for source and supply of bottled water plants: SSB 6015

HIV infected person, health care professions, notice to persons placed at significant risk in the course of employment, rulemaking authority: SSB 5457

HIV infected person, health care professions, public contact in course of employment, informed consent requirements, rulemaking authority: SSB 5457

Health promotion and disease prevention regions, establishment of state-wide system, development of proposals to meet system objectives, duties: SB 6034, SSB 6034

Immunization schedule for children, health care professionals and health and long-term care workers, rulemaking authority, notice requirements: SSB 5540

Immunization schedule to protect children from vaccine preventable diseases, development responsibilities: SB 6034, SSB 6034

Mobile home parks, annual inspection and standard compliance, duties: SB 5911

On-site sewage disposal systems, design and installation, authority to require certification of persons other than engineers: SB 5798

Population-based health care services plan development, board responsibilities: SB 6034, SSB 6034

Water, bottled, board to establish quality standards for source and supply of bottled water plants: SSB 6015

HEALTH STUDIOS

Contracts for health studio services, cancellation clauses, revised provisions: SB 5719

HEARING AIDS

Credential to practice may be issued if applicant holds credential in another state with equivalent standards:
 SB 5514, SSB 5514
 Quality assurance system revisions to professional practice act: SB 6029

HEART DISEASE

Law enforcement officers and fire fighters, heart disease and cancer presumed to be occupational diseases:
 SB 5044

HEATING

Cogeneration facilities, deferral of excise taxes for eligible investment projects: SB 6116
 Heat pump noise levels, warning label required regarding: SB 6014
 Home heating assistance for low-income persons extended to June 30, 1995: SB 5904
 Oil heat advisory committee created, membership and duties: SB 5677, SSB 5677
 Oil heat tank pollution liability: SB 5677, SSB 5677
 Wood burning stoves and fireplaces, exemptions from restrictions on use for persons over sixty-two when used for heating: SSB 5891

HERMAN, BARBARA

Appointed Administrator, Office of Marine Safety,
 GA 9235, Confirmed 38,72,770

HIGH VOLTAGE LINES

Municipal electric utilities, revised provisions relating to utilities access to high voltage transmission lines:
 *HB 2347, CH 11 (1992), SB 6064, SSB 6064

HIGHER EDUCATION COORDINATING BOARD

Judith Wiseman, Reappointed Member, GA 9234 34,793
 Steven T. Seward, Appointed Chair, GA 9176 789
 American sign language course to satisfy any foreign language requirement that the board or an institution establishes as a general undergraduate admissions requirement: *HB 1664, CH 60 (1992)
 Budget, single higher education budget for operation and capital support of community colleges, universities, and college, duties: SB 5709
 College promise, to develop a comprehensive system of higher education financial assistance to be known as, goals and requirements: SHB 2729
 Community service placements, board to define and set salary matching requirements for community service employers: SHB 2729
 Educational progress oversight panel created to report annually on progress of education reform, panel membership and report content requirements established: SSB 5953
 Excellence in education award program, reimbursement and stipend limits, rulemaking authority: SB 6326, *SSB 6326, CH 83 (1992)
 Financial aid programs, procedure for administering: SHB 2729
 Financial aid programs, state educational loan program, state-appropriated moneys, with some exceptions, to go to, duties: SB 5853
 Financial aid programs, to make biennial estimate of amount of funding needed for the state's student financial aid programs: SHB 2729
 Financial aid, institutions to match state funds with grant funds from private sources: SHB 2729
 Local master's degree teacher training program: SB 5413, SSB 5413
 Minority criminal justice education loan program created, eligibility and repayment provisions: SB 5857
 Needy first generation college students, board to design demonstration project to assist: SHB 2729
 Pacific Rim language scholarship, provisions expanded: SB 5505
 Remedial higher education classes, process established to charge school districts for part of the cost of classes for recent high school graduates: SB 6302
 Sign language, American sign language course to satisfy any foreign language requirement that the board or an institution establishes as a general undergraduate admissions requirement: *HB 1664, CH 60 (1992)
 State support of education, students at private and public colleges and universities to be provided information on amount: SHB 2671
 Teachers for the twenty-first century program, responsibilities: SB 5254, SSB 5254

Timber impact areas, provision of upper division higher education opportunities to students in, duties: SB 6021

University of Washington Bothell-Woodinville branch campus to cease operations, report of recommendations for resumption required: SB 5708

University of Washington Tacoma branch campus to cease operations, report of recommendations for resumption required: SB 5795

Upper division higher education opportunities for students in timber impact areas, provision of, duties: SB 6021

HIGHER EDUCATION FACILITIES AUTHORITY

Dr. Ray Tobiason, Member, GA 9232, Confirmed 36,155,812

HIGHER EDUCATION PERSONNEL BOARD

Patricia Stell, Reappointed Member, GA 9229 38

Abolished, transfer of duties to state personnel board: SHB 1655, SB 5545

College career entry program created, board duties: SB 5944

Management service, Washington management service created, board duties and rulemaking authority: SB 5944

Powers revised: SB 5337

HILYER, BRUCE W.

Member, Parks and Recreation Commission,

GA 9179, Confirmed 739,1531

HIRAKAWA, VICTOR S.

Trustee, Edmonds Community College District No. 23,

GA 9265 69,793

HISTORIC PRESERVATION

Historic motion picture theatre defined and conveyances that prohibit operation as a theatre for more than one year prohibited: SB 6091

HOLIDAYS AND OBSERVANCES

Earth day, Washington state, third Saturday in September designated: SB 5693

HOLOCAUST

Holocaust instruction, high schools encouraged to include in their curriculum, course may also use other examples from ancient and modern history: *SHB 2212, CH 24 (1992)

HOMELESS PERSONS

Child care and respite care, special care authorized for children of homeless parents: SSB 5653

Surplus tangible personal property, division of purchasing authorized to donate to shelters, necessary conditions: SB 5900

HOMESTEADS

Exemption amount increased to thirty-five thousand dollars: SB 5848

Exemption from execution to satisfy out-of-state judgment for failure to pay state income tax on retirement or pension benefits: SSB 5309

HOMICIDE

Families of homicide victims, counseling provided: SB 6174, *SSB 6174, CH 203 (1992)

HOMOSEXUALS

Bigotry or bias crimes, malicious harassment based on sexual orientation included in definition: SHB 1037, SB 5360

Bigotry or bias crimes, monitoring and collection of information relating to: SHB 1037, SB 5360

Malicious harassment based on perceived race and sexual orientation included in definition of bigotry and bias crimes: SHB 1037

HOOD CANAL

Puget Sound capital construction and ferry operations accounts, removal of provisions relating to Hood Canal bridge: SB 5945

HORSE RACING COMMISSION

Gambling policy task force established, membership and duties: SCR 8430
Members, nonvoting appointments changed to voting: SB 6147

HORSES AND HORSE RACING

Utilities and transportation commission regulation, exemption for farmer transporting horses to his property for rehabilitation: SB 5892

HORTICULTURE

Nursery dealer license, surcharge to support horticultural nursery research: SHB 2315, *SB 6027, CH 23 (1992)

Nursery research, nursery dealer license surcharge to support: SHB 2315, *SB 6027, CH 23 (1992)

HOSPICE CARE

Hospice program extended: SB 5761

HOSPITAL DISTRICTS

Bidding practices on public works, revised provisions: SHB 2505

Small works rosters, process for district to award contracts on works estimated to cost less than fifty thousand dollars and purchases of less than fifteen thousand dollars: SHB 2505

HOSPITALS

Assaults on staff at state mental hospitals, reporting requirements: SB 6040

Business and occupation tax applied to: SB 6381

Business and occupation tax deduction eligibility, charity care percentage requirement: SB 5794

Charges, state hospital association and others invited to develop a protocol to establish a standardized system for disclosure of charges for hospital-based services: SHB 2341

County hospital boards of trustees, appointment of trustees, revised provisions: SHB 2771

County hospital boards, membership and duties: SB 6152

County hospital trustees to submit six-year capital plan to legislative authority annually: SHB 2771

Free hospitals, sales and use tax exemption on necessity items: SB 5524

In-house services ordered for patients, disclosure to health care providers of charges for: SHB 2341

Infant drug exposure assessment and monitoring program established: SB 6051

Medical services, department of social and health services authorized to purchase services by contract or at rates set by department: *HB 2314, CH 8 (1992), SB 6061

Medicare beneficiaries, notices of discharge and appeal rights, hospital required to provide to: SB 5880

Nonprofit hospitals, exemption from business and occupation tax conditioned on providing specified amount of charity care: SB 5574

Public hospital district cooperative agreements and contracts between other public hospital districts allowed: SHB 2495

Rural hospitals and health care facilities, revised certificate of need requirements: SHB 2420, SB 6076, *SSB 6076, CH 27 (1992)

Rural hospitals, essential health care services to medical assistance clients, payment provisions: SB 5597

Rural public hospital district agreements and contracts with other rural districts authorized: SHB 2495

Rural public hospital districts authorized to enter into interlocal agreements and contracts with other rural districts to cooperatively purchase equipment and provide services: *SHB 2495, CH 161 (1992)

State hospital association and others invited to develop a protocol to establish a standardized system for disclosure of charges for hospital-based services: SHB 2341

HOTELS AND MOTELS

New construction, excise tax exemption: SB 5549

HOUSING

Affordable housing, zoning variance to allow second-family residential units on existing single-family lots, conditions: SSB 5810

- Building codes, residential buildings moved into or within city or county not required to meet all building code requirements if occupancy classification of building is not changed: *SHB 2673, CH 79 (1992)
- Building codes, simplification and clarification of residential construction codes, building code council to study: SB 6495
- Cable television systems, tenant's right of access in multi-unit housing assured, procedures relating to installation and compensation of landlord: SB 5870
- Current use valuation of low-income housing and single family residences authorized: SJR 8220
- Current use valuation of property devoted primarily to low-income housing: HB 1225
- Direct landlord pay task force created to study whether housing for public assistance recipients would increase were direct pay available: SHB 2152
- Disabled persons with guide or service dogs, discrimination against prohibited, remedies: SB 6431
- Discrimination against families with children or containing a disabled person prohibited: HB 2598
- Families with children, discrimination against prohibited, remedies: SB 6431
- Farmworker housing, affordable farmworker housing committee created, membership and duties: SCR 8423
- Home heating assistance for low-income persons extended to June 30, 1995: SB 5904
- Housing trust fund, contributions from lottery account eliminated: SHB 2411
- Institutional trust lands in Thurston County, management plan to allow its use for housing mentally ill and developmentally disabled persons: SB 5331
- Landlord and tenant cable television act: SB 5870
- Low and moderate-income housing, reservation of funds in bond debt service retirement account for: SB 5952
- Low and moderate-income housing, reservation of portion of revenues from increased debt capacity for: SB 5324
- Low-income housing and single family residences, current use valuation authorized for: SJR 8220
- Low-income housing, classification and valuation of property devoted primarily to: HB 1225
- Low-income housing, current use valuation of property primarily devoted to: HB 1225
- Low-income property owners, constitutional amendment to allow legislature to grant relief from property taxes on their residences and to place conditions and restrictions on the grant of the relief: SJR 8205
- Low-income tenants, relocation assistance for, elimination of provisions relating to: SB 5379
- Radon resistive construction requirements under RCW 19.27.190, compliance constitutes defense in civil action for damages for injury caused by indoor air pollution against builder or designer: *SSB 6386, CH 132 (1992)
- Radon testing requirements for new single and multifamily residences at the time of final inspection: SHB 2690, SB 6386, *SSB 6386, CH 132 (1992)
- Receivers to manage real property, civil action to appoint, when city may authorize action by private individual: SSB 5180
- Relocation assistance for low-income tenants, elimination of provisions relating to: SB 5379
- Rental property, conversion of occupied property to condominium prohibited: SB 5648
- Renter's insurance, credit history not to be used in determining eligibility or rates for renter's insurance: SB 5734
- Residential buildings moved into or within city or county not required to comply with all building code requirements if occupancy classification of building not changed: *SHB 2673, CH 79 (1992)
- Teacher housing assistance programs, establishment encouraged: SCR 8402

HOUSING FINANCE COMMISSION

- D. E. Chillberg, Reappointed Member, GA 9188 42
- Kevin M. Hughes, Member, GA 9200 42
- Lawrence J. Kowbel, Reappointed Member, GA 9209 43
- John A. Steffens, Reappointed Member, GA 9228 43
- Nonprofit facility, redefinition to allow additional facilities to be eligible for financing by commission: SHB 2486

HUGHES, KEVIN M.

- Member, Housing Finance Commission, GA 9200 42

HUMAN REMAINS

- Crematory may rely on personal representative of decedent or decedent's estate for authority to cremate free from criminal or civil liability: SHB 2328
- Death certificates, duty of funeral director to file, personal data and cause of death to be recorded, sources

- of information and contents requirements established: SHB 2300
- Death certificates, vital statistics task force created to report and make recommendations on issues relating to: SHB 2300
- Final disposition or removal of body not allowed until authorized by local registrar of vital statistics: SHB 2300
- Funeral expenses of public assistance recipients, responsibility of department of social and health services and surviving children for transportation and funeral services: *SHB 2874, CH 108 (1992)
- Public assistance recipients, responsibility of department of social and health services and surviving children for transportation and funeral services: *SHB 2874, CH 108 (1992)
- Vital statistics task force created to report and make recommendations on issues relating to death certificates: SHB 2300

HUMAN RIGHTS COMMISSION

- Phyllis Pulfer, Member, GA 9220 43
- Noneconomic damages for humiliation and emotional suffering ceiling made equivalent to limit in district court: SHB 1255
- Retaliatory actions by employer against employee who makes good faith report of potential wrongdoing prohibited, duties: SB 5871
- Revised powers and duties: SB 5599
- Small businesses, guidelines to mitigate economic impact of certain agency rules on: SB 6166
- Whistleblower protection, revised provisions: *SSB 5121, CH 118 (1992)
- Whistleblower, reprisal or retaliation against, commission may fine violator and issue order to suspend violator for up to thirty days: *SSB 5121, CH 118 (1992)

HUMPHREY, HUBERT H. FELLOWS

- 1992 Members Introduced 72

HUNT, ROBERT E., JR.

- Trustee, Bates Technical College District No. 23, GA 9201, Confirmed 43,791,1508

HUNTING

- Bear snares, use prohibited: SB 5100
- Big game, penalties increased for violations involving: SB 5102, SSB 5102, 2SSB 5102
- Dog training, workout, field trial, and show area to be developed by department of wildlife: SB 5211
- Endangered species, penalties increased for violations involving: SB 5102, SSB 5102, 2SSB 5102
- Fees, director and wildlife commission to make recommendations on changing rates for hunting and fishing fees for consumptive programs: SSB 5130
- Hunter education course completion prerequisite for license purchase: SB 5980
- License purchasers required to complete hunter education course: SB 5980
- Licenses, permanent free licenses for disabled veterans who have been residents for five years: SB 5426
- Pheasant hunting enforcement punchcard for western Washington, commission to establish by rule: 2SSB 5753
- Pheasant hunting permit for western Washington required, harvest limits: *SB 6221, CH 41 (1992)
- Steel jaw traps use restricted, permit required to use to alleviate animal nuisance problem: SB 5459
- Upland game bird permits, revised recordkeeping requirements and harvest limits for western Washington pheasant: *SB 6221, CH 41 (1992)
- Western Washington upland game bird permits, fees set: 2SSB 5753

HUPP, CLYDE H.

- Member, State Board for Community and Technical Colleges, GA 9202, Confirmed 37,154,867

HYDROELECTRIC DEVELOPMENTS

- Federally owned or licensed hydroelectric projects, declaration that the state has no regulatory authority over: SB 6475
- Federally owned or licensed hydroelectric projects, state has no regulatory authority over except when authority granted by federal government: SSB 6475
- Hydropower plan, energy facilities site evaluation council to prepare state comprehensive plan: SB 6479

* - Passed Legislation

Hydropower plan, task force to prepare state comprehensive hydropower plan, extension of task force and revision of duties: SB 6475

IDENTIFICATION

Driver's license or identicard, applicant identification requirements: SB 6364, SSB 6364, 2SSB 6364
 Fraudulent documents, identification procedures training for agency screening personnel: SB 6364, SSB 6364, 2SSB 6364
 Fraudulent documents, state patrol organized crime advisory board to report on impact of identification document fraud: 2SSB 6364
 Identicard or driver's license, applicant identification requirements: SB 6364, SSB 6364, 2SSB 6364
 Voter card issued to registrant to include words, "not valid for identification purposes": 2SSB 6364
 Voter precinct identification card not valid for identification purposes: SB 6364, SSB 6364, 2SSB 6364

IMMUNITY

Coroner or medical examiner, immunity from civil liability for acts in autopsy of suspected sudden infant death syndrome: SB 5542
 Crematory may rely on personal representative of decedent or decedent's estate for authority to cremate free from criminal or civil liability: SHB 2328
 Fraudulent documents, identification of fraudulent documents by department of licensing and department of social and health services screening personnel, immunity from civil liability resulting from: 2SSB 6364
 Health care facility, discharge of qualified patient electing to die at home, immunity from criminal and civil liability: SB 6320
 Health care provider or facility, withholding or withdrawal of life-sustaining treatment from qualified patient, immunity from criminal and civil liability: SB 6320
 Highways and other public facilities, tort liability of state and local governments limited for damages relating to planning, construction, or signing of: SSB 5721
 Intruder in a dwelling, use of force, including deadly force against, conditions justifying, immunity from civil and criminal liability: SB 5140
 Landlord immune from civil liability for bringing unlawful detainer action against tenant for drug related or threatening activity: SHB 2297, *SSB 5986, CH 38 (1992)
 Psychiatric facilities, immunity from civil and criminal liability if duties performed in good faith: SB 5530
 Public records, immunity from liability for damages resulting from release of public record when public agency, official, employee, or custodian was acting in good faith: *SHB 2876, CH 139 (1992)
 Retired physicians, provision of free services to low-income persons, immunity from civil liability: SB 5371
 State employees, immunity from civil liability when acting within scope of duties: SB 6251
 Volunteers, conditions of and limitations on immunity: SB 6002, SSB 6002
 Youth recreational activities, immunity from civil liability for coaches, referees, and umpires: SB 6164

IMPROVEMENT DISTRICTS

Supervisors, per diem compensation increased: SSB 5020

INDETERMINATE SENTENCE REVIEW BOARD

Final discharge, grant of final order of discharge and issuance of certificate of discharge to parolee, revised conditions: SHB 2834
 Murder of member defined as aggravated murder: SB 5048
 Offenders under jurisdiction, sentences converted to determinate sentences by June 30, 1993: SHB 2834
 Parole periods established for sex and violent offenders and for all other offenders, terms, conditions, sanctions for violations, and final discharge provisions established: SHB 2834
 Parole, board not to release offender unless the board determines that the offender does not present a serious risk to the community while on parole: SHB 2834
 Powers, duties, and functions transferred to superior courts: SHB 2834
 Reduction in sentence for defendant convicted of murder prior to July 23, 1989, when victim subjected defendant or defendant's children to continuing sexual or physical abuse and the murder was in response to that abuse: SHB 2703
 Sanction grid to be developed in cooperation with the department of corrections for dealing with parole violations with revocation reserved as the last alternative: SHB 2834
 Termination of indeterminate jurisdiction of all inmates and parolees by June 30, 1998, board to recommend a detailed plan to legislature by December 31, 1992: SHB 2834

INDIANS

- College admission requirements, Indian language study to meet any requirement for instruction in a language other than English: HB 2541
- Culture, history, and government, required teacher education course in state or Northwest history to include information on: HB 2541
- Fishing and hunting rights outside reservation, agreement with department not effective without wildlife commission approval: SSB 5157
- Fishing and hunting rights outside reservation, limiting power of department of wildlife to grant: SB 5157
- Gambling policy task force established, membership and duties: SCR 8430
- Gaming compacts, gambling commission through its director authorized to negotiate compacts on behalf of state, negotiation process and procedures established: *SB 6004, CH 172 (1992)
- Gaming compacts, governor authorized to execute compacts with federally recognized tribes for conduct of class III gambling on Indian lands: *SB 6004, CH 172 (1992)
- Gaming compacts, joint legislative committee created to review proposed Indian gaming compacts: SB 5860
- Puget Sound chinook salmon, director to increase opportunity for recreational fishers to harvest to correct past errors in catch accounting between treaty Indian fishers and nonIndian fishers: SB 6293
- Teacher education, required course in state or Northwest history to include information on Indian culture, history, and government: HB 2541
- Tribal recognition, Congress requested to recognize Washington tribes not officially recognized by the bureau of Indian affairs: SJM 8023
- Tribally controlled colleges included in definitions of higher education institutions: SHB 1726

INDIGENTS

- Civil representation in superior court by qualified legal aid programs, waiver of filing fees: *SHB 1378, CH 54 (1992)
- Civil representation of indigent persons by qualified legal aid program, funding from public safety and education account authorized: *SHB 1378, CH 54 (1992)
- Health care, limited casualty program maximum deductible raised: SB 5752
- Indigent defense task force reinstated: SSB 5072

INDUSTRIAL INSURANCE APPEALS BOARD

- Judge S. Frederick Feller, Appointed Chair,
GA 9194, Confirmed 34,1415,1416,1472
- Regional offices in Seattle, Spokane, and Tacoma to be established: SB 5717
- Workers' compensation appeals, notice of appeal and copy of record before board of industrial insurance appeals to be served on either the worker or the beneficiary and to any other party: SHB 2496

INDUSTRIAL SAFETY AND HEALTH

- Civil infractions, burden of proof on state to establish infraction by clear and convincing evidence: SB 5410
- Civil penalties for violations increased: SB 5215

INFECTIOUS WASTE

- Biomedical waste, state-wide definition adopted preempting local definitions: *SHB 2391, CH 14 (1992)

INFORMATION SERVICES BOARD

- Membership: SB 6006
- Planning, acquisition, and management of state information systems and services, powers and duties: SB 6006

INFORMATION SERVICES, DEPARTMENT OF

- Agency budget requests for information resources, criteria for review and expenditure: *SHB 2814, CH 20 (1992), SB 6456, SSB 6456
- Information resources, department duties: *SHB 2814, CH 20 (1992), SB 6456, SSB 6456
- Information resources, powers and duties of information services board: *SHB 2814, CH 20 (1992), SB 6456, SSB 6456
- Information services board, membership of the board revised: *SHB 2814, CH 20 (1992), SB 5842, SB 6456, SSB 6456
- Information technology, department to prepare biennial performance report: *SHB 2814, CH 20 (1992)
- Information technology, project funding standards and policies established: *SHB 2814, CH 20 (1992)

Jury source list, superior courts to use either list merged by the county or furnished by the department according to annual notification: SHB 2945
 Planning, acquisition, and management of state information systems and services, department duties: *SHB 2814, CH 20 (1992), SB 6006, SB 6456, SSB 6456
 Strategic information technology plan, agencies to adopt: *SHB 2814, CH 20 (1992), SB 6456, SSB 6456
 Strategic information technology plan, department to prepare: *SHB 2814, CH 20 (1992)
 Video telecommunications advisory board created to advise the information services board, membership and duties: SB 5842

INITIATIVE AND REFERENDUM

Airports, referendum approval for expansion of large commercial airports, procedures for placing question on ballot: SB 5826
 Ballot titles, statement of nature of proposed law to be concise statement prepared by the attorney general: SSB 5303
 Petitions, signatures, pro rata share to be obtained in each congressional district: SB 5117, SJR 8202
 Port districts, referendum procedures for resolutions of: SB 5258
 Public disclosure of petitions prohibited: SB 5621
 Signatures, paid solicitation restricted, violation a gross misdemeanor: SB 6325
 Signatures, pro rata share to be obtained in each congressional district: SB 5117, SJR 8202

INITIATIVE TO THE LEGISLATURE NUMBER 120

Message from Secretary of State on mandatory recount 14

INITIATIVE TO THE LEGISLATURE NUMBER 134

Message from Secretary of State, Provisional Certification 17
 Message from Secretary of State, Certification 178

INSANITY, CRIMINAL

Criminal procedure, clarification of references to responsibilities of departments and corrections officers regarding criminal procedure for the: HB 2265

INSTITUTE FOR PUBLIC POLICY

Public records disclosure exemptions, institute to review: SB 6411

INSURANCE

Accreditation of insurance commissioner by national association of insurance commissioners as approved insurance regulator, revised financial supervision and solvency oversight provisions to allow for: SHB 2480
 Agent's contract with insurer, insurer may not cancel or restrict based solely on agent's loss ratio experience: SB 5511
 Agent-brokers permitted to complete transaction on brokerage basis that is not permitted under the agreement appointing the agent: SHB 2719, SB 6071
 Agents, brokers, and solicitors, measure of business and occupation tax adjusted for: SB 5210, SSB 5210
 Banks acting as insurance agents allowed to serve only residents of city where bank is located: SB 5874
 Bond, surety liability limitation: SB 6451, *SSB 6451, CH 115 (1992)
 Business and occupation tax, measure of tax adjusted for agents, brokers, and solicitors: SB 5210, SSB 5210
 Chiropractic health care, reviews requested by third-party payors to be conducted only by registered chiropractic physicians, chiropractic disciplinary board to set registration standards: HB 2774
 Companies, revised financial supervision and solvency oversight requirements: SHB 2480
 Construction contracts, restrictions on allowable clauses regarding contractor liability insurance conditions: SB 5566
 Contracts, person acting for unauthorized insurer liable for performance of contract: HB 2822, *SB 6396, CH 149 (1992)
 Disability, prescription medicine purchase limited to designated pharmacy prohibited: SB 6271
 Disability, stop loss insurance for self-insurers allowed: SB 6193, *SSB 6193, CH 226 (1992)
 Domestic insurers, investments, restrictions on investments in medium and lower grade obligations: HB 2443
 Examination fees to be based on actual cost and deposited in the insurance commissioner's regulatory account: SB 5265
 Financial supervision and solvency oversight authority of insurance commissioner, revised provisions: SHB

2480

- Fire insurance, development of rate incentives for landowners in wildland/urban interface areas who undertake mitigation measures: SB 6202
- Fraud advisory board created, membership and duties: SHB 2886
- Fraud bureaus, commissioner may license to investigate insurance fraud: SB 5333
- Health care, all private carriers to use the HCFA 1500 or UB 82 form, or their successors as uniform health care insurance claim form, after January 1, 1994, with stated exceptions: SB 6037
- Health care, billing forms for services exempt from requirement to use HCFA 1500 or UB 82 form to be developed by January 1, 1993: SB 6037
- Health care, businesses to be allowed to enroll as group in plan without medical underwriting except as specifically provided: SHB 2590, SB 6089
- Health care, class IV human immunodeficiency virus insurance program continued: SB 5642
- Health care, coverage for small employers, insurance commissioner to conduct study and develop legislation to promote the availability of: SHB 2817
- Health care, duty of health care professional to disclose financial interest in entity to which a patient is referred to patient and the patient's insurer: SB 6038
- Health care, exemption of plans offered by employers of fewer than twenty-five employees from insurance premium tax until July 1, 1994: SB 6039, SSB 6039
- Health care, high risk persons, new contract forms prohibited that have effect of isolating high risk persons: SHB 2694
- Health care, individuals may not be excluded from employer-sponsored group coverage solely on the basis of individual medical condition or health status: SHB 2772
- Health care, interim insurance reform provisions established pending full implementation of residency-based health services system: SHB 2590
- Health care, marketing and underwriting practices of insurers, health care service contractors, and health maintenance organizations, restrictions and requirements: SHB 2590, SB 6089
- Health care, prescription medicine purchase limited to designated pharmacy prohibited: SB 6271
- Health care, refusal or cancellation of insurance because of choice of health care provider prohibited: SB 5655
- Health care, renewability of individual policy, except for nonpayment, misrepresentation, fraud, or cause authorized by insurance commissioner, provision required: SHB 2694
- Health care, small employer health benefit plan committee, membership and duties: SB 6384
- Health care, small employer health insurance availability act: SB 6384
- Health care, small employer health insurance coverage, issuers of health insurance required to provide workers equal access to health care coverage through their employers without regard to the size of the enterprise: SB 6384
- Health care, state agencies that pay for health care to adopt HCFA 1500 or UB 82 form, or their successors, as uniform health care insurance claim form after July 1, 1994: SB 6037
- Health care, stop loss insurance, self-funded employee health benefit plans authorized to acquire: SB 6193, *SSB 6193, CH 226 (1992)
- Health care, uniform benefits package to be minimum benefits package offered by any plan: SHB 2590, SB 6089
- Health care, uniform health care insurance claim form system, development and use requirements: SB 6037
- Holding companies, acquisition of, exchange may proceed if commissioner does not disapprove within twenty days of filing: SB 5443
- Insurance fraud advisory board created, membership and duties: SHB 2886, SB 6413
- Insurer, disclosure of policy limits for death by war, suicide, or aviation required at time of issuance: SB 5522
- Law enforcement officers and fire fighters, reimbursement of retirees for premiums paid for medicare supplemental insurance authorized: *SHB 2867, CH 22 (1992)
- Life and disability insurance guaranty association, certificate of contribution, write-offs against: SB 5268
- Life insurance, "insurable interest" defined for employers responsible for employee welfare benefit plans: SB 6206
- Life insurance, certain nonprofit organizations allowed to be named as owner and beneficiary of individual life insurance policy, terms and conditions for joint application for or transfer of policy: SB 6241, *SSB 6241, CH 51 (1992)
- Life insurance, disclosure by insurer of policy limits for death by war, suicide or aviation required at time of issuance: SB 5522
- Life insurance, donor permitted to transfer ownership interest in life insurance policy to certain tax-exempt

- organizations: SHB 2306
- Life insurance, interest on death benefits, alternative methods of calculating interest set out: SHB 2775, SB 6403
- Life insurance, limitation on liability, death from terrorism may not be included in limitation: SB 5205
- Life insurance, public utility district managers' compensation may include only term life insurance with annual premium payments: SB 6244
- Life insurance, war related limitations of liability prohibited: SB 5267
- Long-term care insurance, group coverage to be extended by all insurers offering coverage to individuals: SB 6280
- Long-term care insurance, home care coverage exclusion or claim denial based on undisclosed ailment occurring more than ten years prior prohibited: SB 6280
- Malpractice insurance for retired physicians providing free care to low-income people at community clinics, department of health to purchase insurance for, terms and conditions for participation set out: *SHB 2337, CH 113 (1992)
- Malpractice insurance purchase for retired physicians providing free services to low-income persons: SHB 2337
- Medicare supplemental insurance, reimbursement of retired law enforcement officers and fire fighters for premiums paid for, authorization: *SHB 2867, CH 22 (1992)
- Medicare supplemental insurance, revised provisions to conform policy requirements to federal law: *SHB 2479, CH 138 (1992)
- Mobile home, insurer to notify park owner of payment made on damaged or destroyed home at the time payment is made: SSB 5187
- Mobile home, landlord verification of repair or removal of damaged or destroyed home required for payment: SB 5187
- Motor vehicle liability policy must provide personal injury protection coverage unless rejected by insured or spouse: SHB 2860
- Motor vehicle, credit history may not be used in determining eligibility or rates for insurance: SB 5723
- Motor vehicle, exemption from insurance requirements for horseless carriages and collectors' vehicles over thirty years old: SB 5421
- Motor vehicle, exemption from insurance requirements for vehicles traveling under a trip permit: SB 5421
- Motor vehicle, insurance identification card as proof of financial responsibility: HB 1116
- Motor vehicle, liability coverage for state employees who drive personal car for official duties, partial payment by state: SB 5296
- Motor vehicle, premiums, reduction for completing accident prevention course, period of reduction extended to three years: SB 5006
- Motor vehicle, private passenger automobile liability policy, refusal to issue policy for lack of previous policy prohibited: SB 5799
- Motor vehicles, Washington automobile insurance corporation created, powers and duties: SB 5159
- Motor vehicles, universal auto insurance program: SB 5159
- Nonprofit organization may be named as owner and beneficiary of individual life insurance policy, terms and conditions for joint application for or transfer of policy: SB 6241, *SSB 6241, CH 51 (1992)
- Oil heat tank pollution liability act: SB 5677, SSB 5677
- Payroll deductions, plans for public employees approved to receive payment through voluntary deductions: HB 1083, SB 5197
- Personal injury protection insurance, motor vehicle liability policy must provide coverage unless rejected by insured or spouse: SHB 2860
- Premium finance agreements, service charges: HB 2661
- Premium finance companies, service charges: HB 2661
- Premium tax, exemption of health insurance plans offered by employers of fewer than twenty-five employees from tax until July 1, 1994: SB 6039, SSB 6039
- Private long-term care insurance commission established: SB 5917
- Property and casualty insurance, insurer may not cancel or restrict agent's contract based solely on agent's loss ratio experience: SB 5511
- Property insurance, "actual cash value" and "cost of replacement" defined: SB 5923
- Property, credit history may not be used in determining eligibility or rates for property insurance: SB 5733
- Ratemaking, competitive market presumed to exist, exceptions: SB 5823
- Renter's insurance, credit history not to be use in determining eligibility or rates for renter's insurance: SB 5734
- Retired physicians providing free care to low-income people at community clinics, department of health to

- purchase liability insurance for, terms and conditions for participation set out: *SHB 2337, CH 113 (1992)
- Rural health care services program pilot project established: 2SSB 5782
- Small employer health insurance coverage, issuers of health insurance required to provide workers equal access to health care coverage through their employers without regard to the size of the enterprise: SB 6384
- Stop loss insurance for health care self-insurers allowed, definition: SB 6193, *SSB 6193, CH 226 (1992)
- Surety liability limitations: SB 6451, *SSB 6451, CH 115 (1992)
- Terrorism, life insurance, limitation on liability, death from terrorism may not be included in limitation: SB 5205
- Title insurance, duty of insurer to verify that all necessary building permits have been issued: HB 2494
- Unauthorized insurer, person making contract for liable for performance of contract: HB 2822, *SB 6396, CH 149 (1992)
- Workers' compensation, employer purchase from private insurance providers authorized: SB 5492

INSURANCE COMMISSIONER

- Accreditation by national association of insurance commissioners as approved insurance regulator, revised financial supervision and solvency oversight provisions to allow for: SHB 2480
- Examination fees to be based on actual cost and deposited in the commissioner's regulatory account: SB 5265
- Fees charged for operating costs, rate increase: SB 5268
- Financial supervision and solvency oversight authority of commissioner, revised provisions: SHB 2480
- Fraud advisory board created, membership and duties: SHB 2886
- Fraud bureaus, authority to license to investigate insurance fraud: SB 5333
- Health care insurance, renewability of individual policy, except for nonpayment, misrepresentation, fraud, or cause authorized by insurance commissioner, provision required: SHB 2694
- Health care, uniform health care insurance claim form system, development and use requirements: SB 6037
- Holding companies, acquisition of, exchange may proceed if commissioner does not disapprove within twenty days of filing: SB 5443
- Insurance fraud advisory board created, membership and duties: SHB 2886, SB 6413
- Life insurance, certain nonprofit organizations allowed to be named as owner and beneficiary of individual life insurance policy, terms and conditions for joint application for or transfer of policy: SB 6241, *SSB 6241, CH 51 (1992)
- Longshore and harbor workers, workers' compensation act coverage, commissioner to establish plan available to those unable to purchase through normal insurance market: *SHB 2720, CH 209 (1992)
- Longshore and harbor workers, workers' compensation act coverage, commissioner to study methods of establishing a reasonable plan to provide: SHB 2720
- Longshore and harbor workers, workers' compensation act coverage, study of ability of private insurers to provide affordable plans authorized: *SHB 2720, CH 209 (1992)
- Longshore and harbor workers, workers' compensation coverage to be made available, plan required for those unable to purchase through the normal insurance market: SB 6322
- Nonprofit organization may be named as owner and beneficiary of individual life insurance policy, terms and conditions for joint application for or transfer of policy: SB 6241, *SSB 6241, CH 51 (1992)
- Ratemaking, rate disapproval only if inadequate, excessive, or discriminatory: SB 5823
- Small employer health insurance availability act, duties: SB 6384
- Small employers, health benefit plan committee, membership and duties: SB 6384

INTERAGENCY COMMITTEE FOR WATER RESOURCE FUNDING

- Created, membership and duties: SB 5339

INTEREST RATES

- Delinquent property taxes subject to variable rate of interest: SB 6003
- Public contracts, "timely payment" defined for determination of interest payable on contract amounts due: *SHB 1736, CH 223 (1992)
- Public contracts, interest rate of one percent per month payable on contract amounts due when public body fails to make timely payment: *SHB 1736, CH 223 (1992)
- Retail installment contracts, service charge of one and one-half percent per month may be charged on balances for contracts entered into between July 1, 1992, and July 1, 1994: HB 2944
- Retail installment sales, service charge not to exceed schedule or rate agreed to by contract: *HB 2944, CH

193 (1992)

INTERGOVERNMENTAL COOPERATION

Boating offense compact adopted: *SB 6199, CH 33 (1992)

Northwest low-level waste compact, payment of costs for compact meetings held outside Washington state prohibited: SB 6203

Pacific Ocean resources compact, adoption of: SB 5428, SSB 5428, 2SSB 5428

Wildlife violator compact, department of wildlife authorized to enter into: HB 2534

INTERLOCAL COOPERATION

Interlocal agreements, revised provisions relating to filing, approval, scope, and form of agreements: *SHB 2495, CH 161 (1992)

Nonprofit corporations incorporated by state authorized to joint interlocal cooperation agreements: HB 2269

Rural public hospital districts authorized to enter into interlocal agreements and contracts with other rural districts to cooperatively purchase equipment and provide services: *SHB 2495, CH 161 (1992)

Service agreements, procedure for creation of local government service agreements: SHB 1015

INTERMEDIATE CARE FACILITIES

Tax imposed on facilities for the mentally retarded for act or privilege of doing business, rate set: *SHB 2967, CH 80 (1992)

Tax imposed on facilities for the mentally retarded for act or privilege of doing business, rate set, appropriation made for prospective rate increases to cover medicaid share of tax: SHB 2967

INTERNATIONAL RELATIONS

Office of international relations and protocol created, department of trade and economic development powers, duties, and functions transferred to: SB 5598

INTERNATIONAL TRADE

Center for international trade in forest products at University of Washington, duties of center modified and program and sunset review provisions repealed: SB 6023

Center for international trade in forest products at University of Washington, modification of duties of center and date of sunset termination moved to June 30, 1996: HB 2257, SB 6023

Center for international trade in forest products at the University of Washington, duties of center modified and sunset termination date changed to June 30, 1994: *SB 6023, CH 121 (1992)

International marketing program for agricultural commodities and trade (IMPACT) continued: *HB 2316, CH 95 (1992)

Minority and women-owned businesses, department to provide technical assistance to businesses with the capacity to participate in international trade: SHB 1737

Pacific Northwest export assistance project, purposes and duties: SSB 5639

INTOXICATION

Minors under influence of alcohol in public guilty of misdemeanor: SHB 2296, SB 6158

INVESTMENT BOARD

Jimmy Cason, Reappointed Member, GA 9274 105

INVESTMENTS

Insurers, restrictions placed on investments by domestic insurers in medium and lower grade obligations: HB 2443

Investment adviser, use of CHFC as designation exempted from definition: SB 6485

INVOLUNTARY COMMITMENT

Chemically dependent persons, involuntary commitment of these persons authorized: SHB 2726

Minors requiring mental health care, parental petition to seek review of determination that child does not meet criteria authorized and procedures established: SB 6041, SSB 6041, 2SSB 6041

Minors requiring mental health treatment and care, department of social and health service duty to ensure that counties apply provisions in consistent and uniform manner: *SHB 2466, CH 205 (1992), SB 6041, SSB 6041, 2SSB 6041

Minors requiring mental health treatment, parental petition to seek review of determination that child does

not meet criteria for involuntary commitment authorized and procedures established: SHB 2466
 Prosecuting attorney, in a judicial proceeding for or challenging involuntary commitment or detention, to represent petitioner for commitment and defend all challenges to commitment or detention: HB 2862
 Sexually violent predators, commitment may occur when term of confinement is complete or nearly complete, criteria for release from commitment revised: *SHB 2262, CH 45 (1992)

IRRIGATION DISTRICTS

Assessment to maintain guarantee fund, district authorized to assess for fund throughout the entire district or within a local improvement district or districts: SHB 2345
 Guarantee fund, maximum balance limit increased and authority given district to assess for fund throughout the entire district or within a local improvement district or districts: SHB 2345
 Local improvement districts, authority to include in bond issues amount to maintain local improvement guarantee fund: SHB 2345
 Water conservation, alternative rate-setting formulas for water conservation to be provided to districts: SHB 2629
 Water conservation, evaluation of delivery rate structures to encourage: SHB 2629

JACKSON, BILLY

Eagle Scout presented Colors 1399

JAILS

Jail industries, community work industries to provide services to community at reduced cost: SHB 2334, SB 6341
 Jail industries, free venture industries to provide goods or services for sale to public and private sectors: SHB 2334, SB 6341
 Jail industries, inmate compensation for work in: SHB 2334, SB 6341
 Jail industries, jail support industries to provide basic work training and experience: SHB 2334, SB 6341
 Jail industries, state-wide board of directors established, membership and duties: SHB 2334, SB 6341
 Jail industries, tax reduction industries to provide goods or services for tax supported agencies or nonprofit organizations: SHB 2334, SB 6341
 Work crews, program of partial confinement for offenders authorized, conditions for participation in: SSB 5852
 Work programs, jail industries board to develop guidelines and provide technical assistance for implementing: SHB 2334, SB 6341
 Yakima county criminal justice enhancement, appropriation to provide grant for: SB 5091

JAMES, DON

Washington Husky Football Coach introduced and addressed Senate, SFR 1992-8719 345
 Introduced wife, Nancy, and several members of 1991 Husky Championship Team 345

JARVIS, SALLY

Reappointed Trustee, Bellevue Community College District No. 8, GA 9086 123

JOHNSON, INEZ

Reappointed Trustee, Whatcom Community College District No. 21, GA 9203 41,791

JOHNSON, LINDA S.

Reappointed Trustee, Shoreline Community College District No. 27, GA 9204 41,791

JOHNSON, MITCHELL S.

Member, Wildlife Commission, GA 9205 36

JOHNSON, SENATOR STANLEY C.

Letter of Resignation 102

* - Passed Legislation

JOHNSTON, SAMUEL R.

Reappointed Member, Clemency and Pardons Board, GA 9206 40

JOINT MEMORIALS (See also HISTORY OF SENATE AND HOUSE JOINT MEMORIALS)

Appropriations, presidential veto of specific items, congress urged to adopt constitutional amendment to permit: SJM 8030

Ballast water, coast guard requested to prohibit dumping in United States waters: SJM 8002

Bilingual education, congress requested to provide funds for: SJM 8018

Broadcast media advertising volume levels enforcement urged: SJM 8014

Budget, congress urged to adopt amendment to Constitution to require the submission of a balanced federal budget: SJM 8028

Chaos in state forests, congress urged to enact legislation to remedy: SJM 8022

Coastal barriers resources system, congress requested to reject recommendations to include sites in Washington: SJM 8031

Congress and federal judiciary, requesting Congress to propose constitutional amendment to limit term in one house of Congress or any one level of the federal judiciary to twelve years: SJM 8001

Congressional terms, twelve-year limit: SJM 8003

Constitution of the United States, Bill of Rights, and the Federalist papers, urging schools to instruct students in meaning and history of: HJM 4030

Disabled veterans, congress urged to allow military retirees to receive full retirement pay and full disability compensation: HJM 4027

Eastern Washington, petitioning congress to consent to the formation of new state from the crest of the Cascades east: SJM 8013

Elwha river dams, requests that dams be removed, anadromous fish runs be restored, and dams not be relicensed: SJM 8010

Employment security, congress urged to release tax moneys paid by state employers: SJM 8029

Endangered species act, congress urged to modify act to ensure consideration of human needs: SJM 8027

Energy policy, congress asked to develop a national energy policy: SHJM 4010, SJM 8016

Federal Reserve System, congress requested to act to remove secrecy and lack of public accountability associated with: SJM 8005

Federal Reserve System, congress requested to require a complete audit of: SJM 8004

Federal impact aid to local governments near federal military installations, congress requested to increase: SJM 8017

Federal student loan program restructuring requested: SJM 8025

Flag of the United States, congress asked to propose constitutional amendment to prohibit physical desecration of: SJM 8008

Forest and families protection act, congress urged to enact: SHJM 4033

Hanford, requesting that the United States department of energy maintain its various commitments and schedules at: SJM 8011

Health care, congress requested to promote national health care through consumer-based program and direct tax relief to employees and families: SJM 8026

Income tax exemption for children, congress urged to raise to three thousand five hundred dollars per child: SJM 8021

Indian tribes, requesting that congress recognize Washington tribes not officially recognized by the bureau of Indian affairs: SJM 8023

Mitchell act salmon hatchery facilities, funding for operations and capital improvements urged: HJM 4034

National cemetery in Washington state, congress requested to establish: SJM 8019

Prescription drugs, review of multitiered pricing of requested: SJM 8007

Presidential veto of specific items of appropriation, congress urged to adopt constitutional amendment to permit: SJM 8030

Timber salvage in national forests, congress urged to authorize sale: SJM 8024, SSJM 8024

Timber workers fairness act, congress urged to pass act to provide benefits to timber workers affected by federal decisions: SJM 8020

Train emergency braking telemetry system, requesting the United States secretary of transportation to adopt rules requiring rear of train braking system: HJM 4029

JOINT RESOLUTIONS (See also HISTORY OF SENATE AND HOUSE JOINT RESOLUTIONS)

Assessments, large increases in property assessments may be phased-in over time: SJR 8214

Chaplains, authorization for health care facilities to employ: SSJR 8208

- Chaplains, authorization for public health care facilities to employ: SHJR 4216
 Child sexual abuse victims, video testimony of victimized children under ten allowed: SJR 8217
 Congressional pay raises to take effect only after intervening House of Representatives election, constitutional amendment ratified: SJR 8215
 Constitutional reform amendment of 1991, title only: SJR 8228
 Convict labor authorized for work on state correctional facilities: SJR 8224
 County commissioner office vacancy, nomination procedures revised: SJR 8231
 Elected officials, compensation not to be increased or diminished during term of office: SJR 8229
 Elected officials, salaries to be determined by legislature: SJR 8229
 Elections repeal of special constitutional procedures regarding the conduct of nonpartisan elections: SJR 8200
 Emergency reserve fund, constitutional amendment to create: SJR 8226
 Gubernatorial appointments subject to senate confirmation, constitutional amendment to make: SJR 8227
 Income tax, constitutional amendment to allow: SJR 8232
 Income tax, constitutional amendment to prohibit imposition of an: SJR 8223
 Initiative and referendum, signature requirements, pro rata share to be obtained in each congressional district: SJR 8202
 Judges of the Supreme Court, Court of Appeals, and Superior Court to be appointed with retention vote thereafter: SJR 8218
 Legislative vacancies, nomination procedures revised: SJR 8231
 Low-income housing and single family residences, current use valuation authorized for: SJR 8220
 Low-income housing tax exemption, constitutional amendment to allow: SJR 8212
 Low-income property owners, constitutional amendment to allow legislature to grant relief from property taxes on their residences and to place conditions and restrictions on the grant of the relief: SJR 8205
 Low-income property owners, property tax relief on owner-occupied residences: HJR 4208, SJR 8213
 Motor vehicle taxes and fees, authority to use for transportation purposes: SJR 8216
 Nonpartisan elections, repeal of special constitutional procedures regarding the conduct of: SJR 8200
 Property tax reimbursement for excessive taxes paid on owner-occupied residence, constitutional amendment to allow: SJR 8210
 Property tax, owner-occupied residences, assessed valuation increase limited to six percent per year: SJR 8219
 Property used for low-income housing to be taxed at current use value: SHJR 4205
 Real property, assessed value of residential property limited to increase of five percent per year: SJR 8204
 Residential property tax aggregate increase limited to six percent per year, constitutional amendment: SJR 8209
 School levy measures, number of electors needed to approve: HJR 4234, SJR 8230
 State offices, authorization to locate at other places in the state, constitutional amendment: SJR 8207, SSJR 8207
 Superior court, legislature to determine number of judges and the powers, duties, and jurisdiction of those judges: SJR 8221
 Taxes, requiring a favorable vote of three-fifths of the legislature to create a new tax or increase an existing one: SJR 8225
 Twelve-year limit on the terms of legislators and elected state executive officers: SJR 8206
 Vacancies in legislature and county offices, constitutional amendment to revise provisions to fill: HJR 4227
 Valuation of real property to be based on its current use, constitutional amendment: SJR 8201
 Valuation of residential property to be based on current use, constitutional amendment: SJR 8211
 Voter qualifications, revision of provisions relating to who is eligible and ineligible to vote: SJR 8222

JOINT SESSION

Governor's State of State Address 52

JONES, JOE C.

Reappointed Member, Interagency Committee for Outdoor Recreation, GA 9173, Confirmed . 739,1401

JUDGES

- District court, compensation determination: SB 5909
 District court, remuneration for unused leave or sick leave when vacating office, limited to thirty days' monetary compensation: *SB 6276, CH 76 (1992)
 Elections, primaries not required when no more than two candidates file for a position: SB 5029
 Prejudice, revised procedures concerning time for filing of motion to establish prejudice of judge: SB 6100,

SSB 6100

Retirement system, funds investment in state infrastructure required, limitations: SB 6359

Salaries to be prescribed by legislature in biennial budget: SB 6001

Salary increases linked to implementation of 1992 teacher and state employee salary increases: SB 6501

Salary schedule: SB 6001

Superior court, additional judges authorized in King, Grays Harbor, Skagit, Snohomish, and Mason counties:

*SHB 2459, CH 189 (1992)

Supreme Court, Court of Appeals, and Superior Court judges to be appointed with retention vote thereafter: SJR 8218

Twelve year limit on service in one house of Congress or any one level of the federal judiciary, Congress requested to propose constitutional amendment to require: SJM 8001

JUDGMENTS

Assignment of judgment, recording of: SSB 5202

Execution, exemption of property from out-of-state judgment for failure to pay that state's income tax on pension or retirement benefits: SB 5000, SB 5001, SB 5024, SSB 5309

Execution, exemption of property received by designated beneficiary from out-of-state judgment for failure to pay that state's income tax on pension or retirement benefits: SB 6016

Garnishment, forty times state minimum wage per hour made one measure of wages exempt from: HB 2405

Motor vehicle measure of damages established: SHB 1573

Partial summary judgment allowed in civil actions for damages: SHB 1638

Recording of judgment or memorandum of judgment: SSB 5202

JURIES AND JURORS

Challenges to jurors, revision of general causes of challenge to a juror: *SHB 2394, CH 93 (1992), SB 6112, SSB 6112

Compensation of jurors to be at least state minimum wage: SB 5084, SSB 5084

Excuse from juror service, revised provisions: *SHB 2394, CH 93 (1992)

Excuse from jury service for financial hardship, county clerks association requested to conduct study of appropriate standards: SB 5026, SSB 5026

Juror compensation schedule revised and limits placed on time of juror availability and service: SB 6112, SSB 6112

Juror in transit to or from jury duty not acting in course of employment for workers' compensation: SSB 5070

Jury source list, merger of list of persons issued a driver's license and list of registered voters, plan requirements: SB 5026, SSB 5026

Jury source list, task force created to develop and recommend methodology and standards for merging registered voters list with licensed driver and identocard holders list: SHB 2945

Right to judge on law and facts of case, jurors must be informed of right when sitting on criminal trial: SB 5356

Term of service, "jury term," definition revised to limit term to one month, revised provisions relating to length and number of jury terms and to issuance of summons for jury term: *SHB 2394, CH 93 (1992)

JUVENILE COURT

Child support order or decree, reunification efforts to be considered in determining parent's income and support obligation: HB 2550

Disposition standards for juvenile offenders, revised standards: SB 5365

Diversion unit authority and responsibilities, revised provisions: *SHB 2466, CH 205 (1992)

Foster parent may become party to dependency proceeding when child has resided in home for six months or more: SB 5422

Institution education programs, interlocal cooperation agreement with department of social and health services and superintendent of public instruction: SB 6482

Institution education programs, provisions revised: SB 6482

Jurisdiction may extend to offenses, traffic infractions, or violations by person held in juvenile detention facility for any reason: SB 6301

Performance agreements to ensure permanent placements for dependent children, procedure, judicial review: SB 5079

Permanent placement for dependent children, goal of placement with biological or adoptive family as soon as possible: SSB 5665

Removal of child from home, circumstances warranting, "manifest danger" defined: SB 5320
 Serious habitual offender program established, duties: SB 5739, SSB 5739
 Sexual contact with child, admission of child's statement regarding attempted acts of: SSB 5065
 Termination of parental rights, conditions warranting permanency plan that seeks termination: SSB 5665
 Victim-offender reconciliation program: SB 5163

JUVENILE JUSTICE ACT

Crisis residential centers, revised provisions and responsibilities relating to: *SHB 2466, CH 205 (1992), SB 6041, SSB 6041, 2SSB 6041
 Deadly weapon disposition enhancement: *SHB 2466, CH 205 (1992), SB 6041, SSB 6041, 2SSB 6041
 Definitions, new and revised definitions of terms used in act: SHB 2466, SB 6041, SSB 6041, 2SSB 6041
 Detention intake standards and risk assessment standards, development and implementation duties: *SHB 2466, CH 205 (1992), SB 6041, SSB 6041, 2SSB 6041
 Diversion unit authority and responsibilities, revised provisions: *SHB 2466, CH 205 (1992), SB 6041, SSB 6041, 2SSB 6041
 Economic or racial disparity in processing of juvenile offenders, department of social and health services to make annual report: *SHB 2466, CH 205 (1992)
 Inpatient substance abuse treatment option: SHB 2466, SB 6041, SSB 6041, 2SSB 6041
 Institutional facilities for juvenile offenders, department to develop plan to reduce reliance on large facilities: SHB 2466, SB 6041
 Juvenile issues task force to develop statutory community-based planning, allocation, and service system for children and families, duties: SHB 2466, SB 6041
 Juvenile issues task force, revised membership provisions: SHB 2466, SB 6041
 Juvenile issues, joint select committee on, review of Juvenile Justice Act implementation and related issues: *SHB 2466, CH 205 (1992)
 Juvenile issues, joint select committee on, revised membership provisions: *SHB 2466, CH 205 (1992)
 Juvenile issues, joint select committee on, to develop statutory community-based planning, allocation, and service system for children and families, duties: *SHB 2466, CH 205 (1992)
 Juvenile justice act task force, joint select committee created to review and evaluate work of task force and to make recommendations regarding further changes and funding mechanisms: SSB 6041, 2SSB 6041
 Offense categories, revised provisions: SHB 2466, SB 6041, SSB 6041, 2SSB 6041
 Policies and purposes, simplification and clarification of: SHB 2466, SB 6041, SSB 6041, 2SSB 6041
 Procedural requirements, revised provisions: *SHB 2466, CH 205 (1992), SB 6041, SSB 6041, 2SSB 6041
 Racial disproportionality in the juvenile justice system, submission date of report modified: *SHB 2466, CH 205 (1992), SB 6041, SSB 6041, 2SSB 6041
 School attendance, court ordered punishments and alternatives for failure to comply with order to attend school: *SHB 2466, CH 205 (1992), SB 6041, SSB 6041, 2SSB 6041
 Sentencing standards and options, revised provisions: SHB 2466, SB 6041, SSB 6041, 2SSB 6041
 Youth offender discipline program, counties authorized to provide intensive educational, physical, and rehabilitative program for appropriate children: SHB 2466, 2SSB 6041

JUVENILE OFFENDERS

Boot camp program for juvenile offenders, authority to establish: SB 5287
 Crime laboratory analysis fee to be levied on persons adjudicated an offender to pay costs associated with analysis of forensic evidence by state crime laboratory: SB 6057, SSB 6057
 Crime laboratory system, forensic evidence analysis fee to be imposed upon adjudication: SHB 2349
 Disposition standards, revises standards: SB 5365
 Diversion unit authority and responsibilities, revised provisions: *SHB 2466, CH 205 (1992)
 Economic or racial disparity in processing of juvenile offenders, department of social and health services to make annual report: *SHB 2466, CH 205 (1992)
 Firearm or dangerous weapon, possession on school premises, law enforcement officer authorized to make warrantless arrest: SSB 6041, 2SSB 6041
 Firearms, penalties and restrictions for use of firearm by juvenile in commission of offense increased: *SHB 2466, CH 205 (1992), SB 6041
 Firearms, unlawful possession provisions extended to juvenile adjudications involving crime of violence or use or display of firearm: SSB 6041, 2SSB 6041
 HIV testing of adult and juvenile offenders in sexual offense, prostitution, and drug offense cases required: SSB 5086
 HIV testing of offenders in sexual offense, prostitution, and drug offense cases required: SB 6092, SSB 6092

Habitual offenders, serious habitual offender grant program established to assist in early identification, recordkeeping, prosecution, and supervision activities: SB 6115
 Institutional facilities for juvenile offenders, department to develop plan to reduce reliance on large facilities: SHB 2466
 Juvenile court jurisdiction may extend to offenses, traffic infractions, or violations by person held in juvenile detention facility for any reason: SB 6301
 Offense categories, revised provisions: SHB 2466
 Sentencing standards and options, revised provisions: SHB 2466
 Serious habitual offender program established, provisions: SB 5739, SSB 5739
 Sex offender therapist certification not required when offender has or is planning to move to another state, no certified providers are available near offender's home, and evaluation and treatment plan is approved: *SHB 2262, CH 45 (1992)

KARRO, TERRY

Reappointed Member, Wildlife Commission, GA 9207 37

KEE, CHARLES D.

Trustee, Edmonds Community College District No. 23, GA 9087 123

KELLY, EDWARD

Trustee, The Evergreen State College, GA 9246 45

KESSLER, LYNN

Trustee, Grays Harbor Community College District No. 2, GA 9150 124

KIM, H. Y.

Korean Consul, Seattle, introduced (EXPO '93) 172

KINDERGARTENS, NURSERY SCHOOLS, AND PRESCHOOLS

Preschool state education and assistance program, revised provisions and appropriation to fund: SB 5382, SSB 5382
 Preschools, child care coordinating committee to study whether preschools should be regulated like agencies providing care for children, expectant mothers, and developmentally disabled persons: HB 2905
 Regulation of preschools, child care coordinating committee to study whether preschools should be regulated like agencies providing care for children, expectant mothers, and developmentally disabled persons: HB 2905

KING COUNTY

Professional sports franchise, public nonprofit corporation formed to fund acquisition of, bonds issuance: SB 6165
 Professional sports franchise, special lodging tax imposed in county to fund acquisition of: SB 6165
 Public assistance eligibility for students under twenty-one years of age, pilot program established to demonstrate improved school completion rates: SSB 6098
 Snoqualmie river management program, county participation in development of: SB 5872
 Superior court judges, twelve additional positions authorized in 1992 may be phased in over four-year period: SB 6458
 Superior court judges, twelve positions added: SB 5285, SB 5338, SSB 5338
 Superior court judges, two positions added: SB 6458
 Superior court, twelve additional judges authorized: *SHB 2459, CH 189 (1992)

KITSAP COUNTY

Public assistance eligibility for students under twenty-one years of age, pilot program established to demonstrate improved school completion rates: SSB 6098

KNECHTEL, DOROTHY

Reappointed Trustee, Spokane Community College District No. 17, GA 9019, Confirmed 86,203

* - Passed Legislation

KNUTSON, REVEREND LOWELL E.
 Reappointed Trustee, Seattle Community College District No. 6, GA 9208 40,792

KO, CHANG SOO
 Korean Consul General, Seattle, introduced (EXPO '93) 172

KOVATCH, LIEUTENANT COLONEL JANET
 Trustee, Clover Park Technical College District No. 29, GA 9252, Confirmed 48,213,1687

KOWBEL, LAWRENCE J.
 Reappointed Member, Housing Finance Commission, GA 9209 43

KREIDLER, SENATOR MIKE
 Point of Order, additional amendment to committee amendment to SB 6089 1058
 Point of Order, amendment to ESHB 2568 1157

KWON, SO YOUNG
 Miss Washington, introduced and addressed Senate 730

LABOR AND INDUSTRIES, DEPARTMENT OF
 Asbestos projects, fines may be waived if failure to comply was unintentional: SB 5741
 Backflow prevention assembly installers and testers, certification requirements: SB 5153
 Child labor law education office created to assist employers in meeting child labor law standards: SB 5517
 Child labor laws, enforcement, penalties for violations: SB 5154
 Child labor standards, safety and health provisions, enforcement provisions: SB 5405
 Child labor standards, wage payment violations, enforcement provisions: SB 5405
 Confidentiality of information acquired by department through research, demonstrations, experiments, and employer-requested services: SB 5212
 Contractor registration, informational seminar on laws and practices, may require attendance as condition of: SHB 1207, SB 5152
 Electrical utilities and contractors retained by utilities, journeyman electrician certificate not required for employee registered with or graduated from state-approved lineman apprenticeship course: *HB 2053, CH 240 (1992)
 Electricians, continuing education requirements established for renewal of certificate, rulemaking authority: SB 5578
 Foundation for families act, responsibilities: SB 5404
 Gang risk prevention and intervention pilot programs, duties: SB 6433
 Hazardous substances exposure in workplace that may cause birth defects or harm reproductive system, department responsibilities: SB 5242
 Homicide victims, counseling for families provided: SB 6174, *SSB 6174, CH 203 (1992)
 Industrial safety and health violations, civil penalties increased: SB 5215
 Industrial safety, regulatory discretion in applying rules that involve a disruption of work that increases risk to worker: SB 5786
 Juvenile rehabilitation division, cultural awareness retreats, responsibilities: SB 6433
 Longshore and harbor workers, workers' compensation coverage made available to all, plan required for those unable to purchase through the normal insurance market: SB 6322
 Paint and coating applicators, education, testing, and licensing requirements established, penalties set for violations: SB 6300
 Self-insurers, employee protest to claim must be transmitted to department within five days: SHB 1463
 Small businesses, guidelines to mitigate economic impact of certain agency rules on: SB 6166
 State employees at eastern and western state hospitals, to conduct study of causes and solutions to assaults on: SB 6268
 Wage payment laws, civil penalties for violations of: SB 5155
 Workers' compensation coverage information required as part of application for registration or license including coverage in state of domicile for workers employed in Washington: *SHB 2686, CH 217 (1992)
 Workers' compensation coverage to be made available to all longshore and harbor workers, plan required

* - Passed Legislation

for those unable to purchase through the normal insurance market: SB 6322

LABOR RELATIONS

Agricultural labor relations act adopted: SB 5867
 Agricultural labor relations board created, membership, powers, and duties: SB 5867
 Consultants, registration with secretary of state: HB 1122
 Labor relations consultants act: HB 1122
 Lockouts, eligibility of workers for unemployment compensation: HB 1279
 State employees granted right to organize and bargain, conditions and procedures: SHB 1655, SB 5545
 State employees' relations commission, membership and duties: SHB 1655, SB 5545
 Unemployment compensation, eligibility of workers unemployed due to lockout: HB 1279
 Washington agricultural labor relations act adopted: SB 5867

LaFAYETTE, RONALD

Trustee, State School for the Deaf, GA 9279 224,810

LAKEFAIR QUEEN

Queen Victoria Smith, Introduced and Welcomed Senators to Olympia 1

LAKE ROOSEVELT

Joint select committee on Lake Roosevelt national recreation area, membership and duties: SCR 8417

LAKE WASHINGTON TECHNICAL COLLEGE

Carol Bender, Trustee, GA 9238, Confirmed 44,124,748
 Delores I. Brown, Trustee, GA 9239, Confirmed 44,124,730
 Fredrica Denton, Trustee, GA 9240, Confirmed 44,124,730
 Dr. Robert Patterson, Trustee, GA 9241, Confirmed 44,125,746
 Capital appropriation: *HB 2295, CH 2 (1992), SB 6072

LAND DEVELOPMENT

Environmental impact statements, threshold determination on completed application to be made within ninety days although applicant may request an additional thirty days for determination: *SSB 5728, CH 208 (1992)
 Home owner association terms and conditions to be included in land developer's public offering statement with other required contents: *SHB 1495, CH 191 (1992)
 Land development act applicable to developments of twenty-six or more lots, additional exemptions from compliance with act established: SHB 1495
 Public offering statement, developer to deliver to purchaser prior to closing of sale, contents requirements and penalties for violations established: *SHB 1495, CH 191 (1992)
 Public offering statements, preparation and delivery to prospective purchaser, requirements: *SHB 1495, CH 191 (1992), SB 5385, SSB 5385
 Public offering statements, registration with department of licensing no longer required: *SHB 1495, CH 191 (1992)
 Technical amendments to land development statutes: SHB 1495, SB 5385, SSB 5385

LAND USE PLANNING

Forested areas, increased planning and maintenance requirements to reduce fire risk: SB 5093
 High capacity transportation systems, regional transportation planning and interlocal agreements, revised provisions: SB 5948
 Local improvement district assessment based on use not permitted by land use plan authorizes use of the property in the manner assumed by the assessment: SB 5137, SSB 5137
 Mining, surface mining subject to local regulation to prevent or mitigate environmental and social impacts of mining operations: SB 6066
 Moratoria or interim zoning, state standards established to minimize impacts and avoid litigation: SSB 5727
 Open space corridors not to include private land unless interest is acquired to prevent development and control resource management: SB 6401
 Open space corridors, identification of corridor not to restrict authorized development of private property in corridor unless city or county acquires sufficient interest to prevent or control development: SB 6401
 Open space corridors, identification of corridor not to restrict use or management of lands in corridor for

- agricultural or forest purposes unless city or county acquires sufficient interest to prevent control or development: *SB 6401, CH 227 (1992)
- School siting decisions, authority for state board of education to review denial of permit to build on proposed site: SB 5364
- Transit services, six-year municipal transit development plan to address land-use patterns and state-wide transit goals and policies: SHB 2940
- Transportation, land use decisions to consider the availability of transportation, community disruption, and other factors: SB 5901
- Zoning, adoption of moratorium or interim zoning map, ordinance, or official control, requirements concerning public hearings, findings of fact, and effective period: *SSB 5727, CH 207 (1992)

LAND USE-TRANSPORTATION BENEFIT DISTRICTS

- Local transportation systems, land use-transportation benefit districts created to develop: SB 6484
- Management associations, cooperation with special benefit districts to plan and increase alternative mode trips: SB 6484
- Special benefit areas, transportation centers to increase public transit and business related to transit users: SB 6484

LANDFILLS

- Facility owner, operator, or user liability limitation: SB 6232, SSB 6232

LANDLORD AND TENANT

- Activities that endanger premises, neighboring premises, or persons, tenant's duty not to engage in: *SSB 5986, CH 38 (1992)
- Cable television systems, tenant's right of access in multi-unit housing assured, procedures relating to installation and compensation of landlord: SB 5870
- Confiscated property, violations of controlled substances law, landlord's claims for damage to property: *SHB 2501, CH 211 (1992)
- Direct landlord pay task force created to study whether housing for public assistance recipients would increase were direct pay available: SHB 2152
- Evictions, landlord may recover costs of moving and storing tenant's property following an eviction: *SSB 5986, CH 38 (1992)
- Firearm or other deadly weapon, unlawful use in or adjacent to dwelling that threatens physical safety of others is a nuisance and may be abated as such: *SSB 5986, CH 38 (1992)
- Landlord and tenant cable television act: SB 5870
- Landlord's claim against confiscated property for damages due to violation of controlled substances law: *SHB 2501, CH 211 (1992)
- Landlord-tenant act, state-wide application, state preemption of regulatory authority: SSB 5559
- Mobile home landlord-tenant act, new and revised provisions regulating the relationship between landlord and tenant: SHB 1610
- Mobile home parks, eviction of tenants, recovery of rental and storage costs by landlord: SSB 5188
- Mobile home parks, park owner prohibited from transferring maintenance responsibility for permanent structures to tenants: SHB 2327
- Mobile home parks, political meetings and candidate forums for tenants allowed in community halls: HB 2335
- Mobile home parks, public officials and candidates may not be prohibited from meeting with or distributing information to tenants: SHB 2450
- Mobile home, insurer to notify park owner of payment made on damaged or destroyed home at the time payment is made: SSB 5187
- Pet deposits, deposit not to exceed initial one hundred dollars and monthly payments of thirty dollars until deposit paid: SB 5886
- Pet deposits, tenants in low-income, elderly, or handicapped housing, deposit not to exceed initial fifty dollars and monthly payments of ten dollars until deposit paid: SB 5886
- Rental agreement termination by tenant threatened by another tenant: SHB 2297
- Rental agreement, expedited termination allowed when tenant has valid protection order which has been violated, has been threatened by another tenant, or has been threatened with a weapon by the landlord: SHB 2297, *SSB 5986, CH 38 (1992)
- Rental or leased property, fraudulent means to obtain or use, penalties: SB 6415
- Rental property, conversion of occupied property to condominium prohibited: SB 5648

- Renter's insurance, credit history not to be used in determining eligibility or rates for renter's insurance: SB 5734
- Tenancy termination by tenant threatened by another tenant: SHB 2297, *SSB 5986, CH 38 (1992)
- Tenant arrested for threatening another tenant with weapon, landlord notification: SHB 2297, *SSB 5986, CH 38 (1992)
- Tenant duties, tenant not to engage in any activities that endanger premises, neighboring premises, or persons: *SSB 5986, CH 38 (1992)
- Termination of rental agreement, expedited, allowed when tenant has valid protection order which has been violated, has been threatened by another tenant, or has been threatened with a weapon by the landlord: SHB 2297, *SSB 5986, CH 38 (1992)
- Threatening another tenant with weapon, rental agreement termination by threatened tenant: SHB 2297, *SSB 5986, CH 38 (1992)
- Unlawful detainer action against tenant for drug related or threatening activity, landlord immune from civil liability for bringing: SHB 2297, *SSB 5986, CH 38 (1992)
- Utility charges to be collected from tenant and no lien shall arise against the property of landlord for such service: SB 5262

LANTZ, JOHN

- Trustee, Tacoma Community College District No. 22, GA 9288 326

LaROSE, JUDGE DAVID

- Reappointed Chief Administrative Law Judge, GA 9210 34

LAW ENFORCEMENT

- Boating offense compact adopted: *SB 6199, CH 33 (1992)
- Border areas account created, department of community development to distribute funds to border areas: HB 2539
- Child sexual abuse, monitoring of conversations regarding authorized, procedure: SB 5905
- City and town councilmembers allowed to serve as reserve law enforcement officers: SB 6498
- Colleges and universities, branch campus law enforcement is responsibility of institution's president: SB 6189
- Colleges and universities, fully commissioned police force required at institutions: SB 6189
- Crime Stoppers assistance office created in attorney general's office: SSB 5031
- Domestic violence incidents, law enforcement agencies to report to Washington association of sheriffs and police chiefs for inclusion in the annual report of crime produced by the association: 2SSB 6347
- Drug asset forfeiture, recordkeeping requirements of seizing agency: *SHB 2501, CH 211 (1992)
- Forfeited firearms, submitting agency may retain sixty percent of proceeds while forty percent goes to firearms range account: SB 6109
- Forfeited firearms, submitting agency may trade surplus weapons for service weapons or other police equipment: SB 6109
- Habitual juvenile offenders, serious habitual offender grant program established to assist in early identification, recordkeeping, prosecution, and supervision activities: SB 6115
- Harassment, agencies to report violations of antiharassment laws association of sheriffs and police chiefs' central repository: SB 6423
- Juvenile serious habitual offender program established, duties: SB 5739, SSB 5739
- Minority criminal justice education loan program created, eligibility and repayment provisions: SB 5857
- Pen registers, use authorized, conditions: SSB 5126
- Sobriety checkpoint programs authorized: HB 2013, SB 5071
- Trap and trace devices, use authorized, conditions: SSB 5126
- Vehicles, citation of driver for failure to yield prohibited if law enforcement vehicle not clearly identified: SB 6168
- Yakima county criminal justice enhancement, appropriation to provide grant for: SB 5091

LAW ENFORCEMENT OFFICERS

- Collective bargaining extended to uniformed personnel of all cities, towns, and counties: HB 1362, SB 5384
- Deputy sheriffs may practice law, conditions: *HB 2368, CH 225 (1992)
- Duty hours, provisions revised: SB 5409
- Impersonation of law enforcement officer, misdemeanor: SHB 2506

* - Passed Legislation

Impersonation of, criminal impersonation of law enforcement officer defined: SB 6082, SSB 6082
 Medicare supplemental insurance, reimbursement of retirees under police relief and pensions act for premium paid for, authority: *SHB 2867, CH 22 (1992)
 Occupational diseases, heart disease and cancer presumed to be: SB 5044
 Veterans credit on city and town civil service examinations for police officers and fire fighters authorized: SHB 1275

LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' RETIREMENT SYSTEM (See also RETIREMENT AND PENSIONS)

"Employer" and "law enforcement officer" definitions expanded: SB 5703
 Contribution rates, basic state contribution rates established as of September 1, 1992: SB 6286, *SSB 6286, CH 239 (1992)
 Credit for past service under a prior pension system for plan I members who withdrew contributions to that system, procedure established to establish service credit in current system: *SHB 2985, CH 157 (1992)
 Credit for prior service eligibility: SB 5224
 Credit for prior service under a prior pension system for plan I members who had not yet become members of the prior system, procedure established to establish service credit in current system: *SHB 2985, CH 157 (1992)
 Early retirement allowance reduced: SB 5440
 Funds, investment in state infrastructure required, limitations: SB 6359
 Health care authority benefits plan enrollment authorized for law enforcement officers' and fire fighters' retirement system subject to right to bargain collectively: *HB 2813, CH 199 (1992)
 Health insurance, transfer to the Washington health care authority: HB 2813
 Medicare supplemental insurance, reimbursement of retired officers and fire fighters for premiums paid for, authorization: *SHB 2867, CH 22 (1992)
 Military service, service credit authorized for members during period in which employment is interrupted by military service, conditions and restrictions: *SSB 5092, CH 119 (1992)
 Operation Desert Shield service, death benefits allowed for members' beneficiaries: SB 5224
 Provisions revised: SB 5703
 Recodification of retirement provisions, technical corrections made to 1991 recodification: *HB 2260, CH 72 (1992), SB 6019
 Reimbursement of retired officers and fire fighters for premiums paid for medicare supplemental insurance authorized: *SHB 2867, CH 22 (1992)
 Reorganization of statutes governing the system: SB 5222
 Service credit authorized for members during period in which employment is interrupted by military service, conditions and restrictions: *SSB 5092, CH 119 (1992)
 University of Washington law enforcement officers to be members of system: SB 5703

LEAHY, GERALD P.

Member, Spokane Joint Center Board of Governors,
 GA 9211, Confirmed 35,87,304

LEASES

"Renegotiated" lease defined to include leases providing for rent indexed price adjustment: SB 5699
 Disposal of abandoned railroad rights of way, occupant of adjoining real property, right of first refusal, terms and conditions: SSB 5768
 Lease-purchase agreement act: *SHB 2299, CH 134 (1992)
 State, real property leases must comply with lowest responsible bidder statutes: SB 5230
 Uniform commercial code, article on leases: SHB 1797

LEDGERWOOD, DANNIE

Congratulations on upcoming wedding to Marianne
 Conner (Senate Staff Members) 748

LEE, KUNG HOON

Deputy Commissioner for Taejon EXPO '93 introduced 172

LEGISLATIVE BUDGET COMMITTEE

Certified health plans, to determine desirability and feasibility of consolidating various programs, services,

* - Passed Legislation

and funding sources into: SB 6110
 Consolidation of state and federal medical and health services and programs, legislative budget committee to determine feasibility and desirability of: SHB 2590
 Fisheries, department of, committee to study feasibility of merging with department of wildlife: HB 2366
 Health services act implementation, to evaluate the implementation of: SB 6110
 Health services act, implementation of, legislative budget committee to conduct evaluation of: SHB 2590
 Health services commission, legislative budget committee to study of whether administrative and service delivery structure should be continued: SHB 2590
 Health services commission, to determine whether administrative structure should be continued: SB 6110
 Tax preferences terminated: SB 6500
 Wildlife department, expenditures to be segregated into consumptive and nonconsumptive categories, duties: SSB 5130
 Wildlife, department of, committee to study feasibility of merging with department of fisheries: HB 2366

LEGISLATURE

Adjournment sine die, 1992 regular session of the Fifty-second Legislature: HCR 4440
 Adjournment sine die, 1992 regular session of the Fifty-second Legislature, governor notified: SCR 8431
 Anadromous fish, committee on harvest management of, membership and duties: SSB 6151
 Appropriations, goals and objectives must be specified in bill or amendment that authorizes: SB 6412
 Boards and commissions, certain nonvoting memberships changed to voting: SB 6147
 Budget, legislators and governor subject to civil penalties for each day beyond deadline for adopting budget that no budget has been adopted: SB 6291
 Child labor, joint select committee on nonagricultural child labor established: SB 6442, SSB 6442
 Consumer credit, joint select committee on consumer credit created, membership and duties: HB 2944
 Contributions, state elected officials and legislators prohibited from soliciting or accepting during legislative session: SB 5424
 Credit transactions, joint select committee on consumer credit transactions created, membership and duties: HB 2944
 Cutoff dates for consideration of legislation during 1992 regular session: HCR 4426
 Cutoff dates for consideration of legislation during 1992 regular session amended: HCR 4441
 Cutoff dates for consideration of legislation during 1992 regular session, Engrossed House Concurrent Resolution 4426 amended: SCR 8428
 Education summit to address issues pertaining to immediate and long-term needs of basic education, legislature to convene: SCR 8412
 Elections, primary eliminated when no more than one person is nominated from each party: SB 5348
 Escrow agents, committee on financial institutions and insurance to review financial responsibility requirements of escrow agents: SFR 8723
 Extraordinary session, appropriation to governor's office for operations reduced: SB 5228, SSB 5228
 Extraordinary session, per diem allowance to be reduced: SB 5228
 Franking privilege, restriction on use by legislator during campaign: SHB 2986
 Gambling policy task force established, membership and duties: SCR 8430
 Goals, objectives, and desired outcomes to be included in appropriations bills before such bills may be considered by either house: SHB 2462
 Government accountability task force created to advise legislature on establishing integrated accountability system: SHB 2462
 Government storm water pollution and liability, special committee created, membership and duties: SB 6459, SSB 6459
 Governor notified that legislature prepared to conduct business: SCR 8420
 Gubernatorial appointees subject to senate confirmation may not serve until confirmed by the senate: SB 6291
 Honoraria, prohibition on accepting certain honoraria: SHB 2986
 House of representatives, term of office limited to six years: SB 6468
 Indian gaming compacts, gambling commission through its director authorized to negotiate compacts on behalf of state, negotiation process and procedures established: *SB 6004, CH 172 (1992)
 Indian gaming compacts, joint legislative committee created to review proposed compacts: SB 5860
 Indian gaming compacts, joint legislative committee created to review, duties: SB 6004
 Joint administrative rules review committee may review any rule to determine if it meets the regulatory fairness requirements of chapter 19.85 RCW: *SHB 2498, CH 197 (1992)
 Joint administrative rules review committee, conduct of hearings and reviews on small business economic

- impact statements: *SHB 2498, CH 197 (1992)
- Joint rules, amends joint rule 16 to allow amendments to redistricting plans by concurrent resolution: HCR 4427
- Juvenile justice act task force, joint select committee created to review and evaluate work of task force and to make recommendations regarding further changes and funding mechanisms: SSB 6041, 2SSB 6041
- Legislative building and other buildings occupied one-half or more by legislature, control shifted to legislature: SB 5783
- Legislative facilities, joint committee on, membership and duties: SB 5783
- Legislative transportation committee, revised membership and organization committee: SB 5209
- Legislators, time limit to solicit or accept contributions: SSB 5864
- Liquor control board not to make rules regarding liquor advertising without specific legislative direction: SB 5467
- Long-term care, development and financing of community-based long-term care and support services system to be studied for later inclusion in health services act: SHB 2590
- Low-income property owners, constitutional amendment to allow legislature to grant relief from property taxes on their residences and to place conditions and restrictions on the grant of the relief: SJR 8205
- Measures returned to house of origin before adjournment sine die of 1992 regular session of the Fifty-second Legislature: SCR 8432
- Meetings, to be open and public: SB 5089
- National competitive retail credit market task force created, membership and duties: SSB 6305
- Northwest low-level waste compact, Washington representative may not grant access to nonparty state without legislative approval: SB 5461
- Open government, joint select committee on, to examine consistent treatment of information under present law, treatment of investigatory records, and groups to include under the open meeting laws: SHB 2876
- Open government, joint select committee on, to investigate special meetings and notice procedures, executive sessions, meeting agenda publication, and penalties for open meeting violations: *SHB 2876, CH 139 (1992)
- Organized and ready to conduct business, committee appointed to notify governor: SCR 8420
- Per diem reduced during extraordinary session: SB 5228
- Personal services contracts between state agencies and legislators, approval procedures: SHB 1133
- Personal services contracts, review and performance audit, legislative evaluation and accountability program committee to perform: SHB 1133
- Pipelines within Puget Sound, Admiralty Inlet, Deception Pass, or adjacent waters, legislative approval required on applications for certification: SSB 5676, SB 5899
- Political gifts and public office funds, reporting requirements: *SSB 5149, CH 18 EX (1991)
- Practices and institutions of the legislature, task force established to examine and report on: SB 6291
- Public disclosure, open public meetings, and discrimination laws, legislature subject to: SB 6291
- Public funds and office, restrictions on use for political purposes: SSB 5864
- Redistricting commission plan, amendments to: SCR 8421, SCR 8424, SCR 8425
- Redistricting commission to include at least two members from eastern Washington: SB 5701
- Redistricting plans, amends joint rule 16 to allow amendments to redistricting plans by concurrent resolution: HCR 4427
- Reintroduction of bills, resolutions, and memorials from 1991 regular and special sessions for consideration in 1992 session: HCR 4424
- Salaries, 1992 pay raise for elected officials contingent on implementation of teacher and state employee salary increases: SB 6360, SB 6501
- Salary schedule for members: SB 6001
- Senate Bill 5149, amending the cutoff resolution, House Concurrent Resolution 4402, to allow consideration of: SCR 8406
- Senate confirmation procedures, temporary approval of appointments not made during regular session: SB 5132
- Senate confirmation requirement removed from most provisions regarding gubernatorial appointments: SB 5924
- Senate, term of office limited to eight years: SB 6468
- Sessions, regular sessions to commence annually on the second Monday in February: SB 5464
- Small business economic impact statements, hearings and reviews by joint administrative rules review committee: *SHB 2498, CH 197 (1992)
- Solicitation of contributions during legislative session, limits on, penalties for violations: SHB 2986
- State of the state message, joint session on January 13, 1992, to receive message from governor: HCR 4425

Superior court, legislature to determine number of judges and the powers, duties, and jurisdiction of those judges: SJR 8221
 Surplus funds, transfer of, transfer may be made only to a political party organization or to a caucus of the state legislature: SHB 2986
 Taxes, requiring a favorable vote of three-fifths of the legislature to create a new tax or increase an existing one: SJR 8225
 Term of office limited: SB 6468
 Traffic safety commission, legislative transportation committee recommendations to be implemented regarding: SB 5757
 Twelve-year limit on legislative membership: SB 5119
 Twelve-year limit on the term of a legislator: SJR 8206
 Vacancies in offices, constitutional amendment to revise provisions to fill: HJR 4227
 Vacancies, nomination procedures revised: SJR 8231
 Water rates, joint select committee to study procedures for setting rates: SCR 8411
 Water resource policy, extension of joint select committee on, revised duties: SSB 5716
 Wildlife department, committee created to study: SCR 8409

LIBRARIES

Educational resources and research, state library commission to assist teachers to acquire in timely manner: SSB 5234, 2SSB 5234
 Law libraries, filing fee amount deposited in library fund for each superior court or district court filing increased: *SHB 1378, CH 54 (1992)
 Law libraries, governance and maintenance of county law libraries, revised provisions relating to: *SHB 2284, CH 62 (1992)

LICENSE PLATES

Boarding homes, department of licensing authorized to issue special disabled parking permits and license plates to: *HB 2417, CH 148 (1992)
 College mascot license plates, fee to go to participating four-year institutions for nonathletic scholarships: SB 6490
 Converter gears and tow dollies, exemption from licensing requirements: SB 5815
 Dealer plates, waiver of issuance requirements, conditions: *SHB 2660, CH 222 (1992), SB 6333
 Registration year, new registration year commences when an expired vehicle license is renewed with a different registered owner: *SHB 2660, CH 222 (1992)
 Rental car businesses, registration required, required business practices and rental car license plate provisions established: *SHB 2964, CH 194 (1992)
 Threatened or endangered food fish, plate authorized to show recipient's support of state efforts to protect and enhance: SB 6382

LICENSING, DEPARTMENT OF

Adult entertainment, licensing requirements, ownership or operation of adult entertainment business: SSB 5644
 Agents and subagents, appointment of, disclosure of costs and revenues, standard contracts: SB 5760
 Agents and subagents, director to provide standard contracts containing minimum provisions to appointee as agent or subagent: *SHB 2643, CH 216 (1992)
 Animal breeders, department to evaluate the need to license and regulate commercial breeding of pet animals: SB 6087
 Athlete agents, registration requirements, revised provisions: HB 2270
 Boarding homes, department authorized to issue special disabled parking permits and license plates to: *HB 2417, CH 148 (1992)
 Cemetery license and regulatory fees, director to set, with cemetery board consent, and department to collect all fees: HB 2468
 Concealed weapons permit, revocation of license of person convicted of certain crimes, department notification: *SHB 2373, CH 168 (1992)
 Cosmetologists, vocational student hours earned not to be credited unless applicant has graduated from high school or received educational competence certificate: SB 6230
 Court reporting schools, graduates of community and technical college court reporting schools and of schools approved by the national court reporters association entitled to certification upon graduation: SB 6406
 Dental hygienists, licensing extended to those licensed in another state, conditions: SB 6234, SSB 6234

- Dental hygienists, two-tier system of licensure, scope of practice established: SB 5694
- Driver's license or identicard, applicant identification requirements: SB 6364, SSB 6364, 2SSB 6364
- Drivers' license, new residents informed of vehicle registration obligation when applying for: SB 6130
- Driving privileges, revocation, suspension, or denial of, summary procedures, duties: SB 5064, SSB 5064
- Driving privileges, suspension, provisional license to participate in alcohol or drug abuse treatment program, conditions: SSB 5064
- Dropouts, high school dropouts prohibited from obtaining or keeping drivers' permits or licenses, duties: SB 5129
- Electricians, certificate of competency examination eligibility: SB 6235
- Federal tax and other liens to be filed with department: *HB 1185, CH 133 (1992)
- For hire vehicles, revised provisions: SB 6460, *SSB 6460, CH 114 (1992)
- Franchise classification, requirements for different classes: SB 6117
- Franchise rescission, exploitation of franchisee for lack of education, business experience, or English language skills, court may grant: SB 6117
- Fraudulent documents, identification procedures training for agency screening personnel: SB 6364, SSB 6364, 2SSB 6364
- Fraudulent documents, procedures when suspected: SB 6364, SSB 6364, 2SSB 6364
- Health professions regulations and services, transfer of powers from department of licensing to department of health: SB 6029
- Identicard or driver's license, applicant identification requirements: SB 6364, SSB 6364, 2SSB 6364
- Land development, public offering statement of developer, preparation and delivery to prospective purchaser, duties: *SHB 1495, CH 191 (1992), SB 5385, SSB 5385
- Land development, public offering statements, registration with department no longer required: *SHB 1495, CH 191 (1992)
- Licensing activities, counties that do not cover expenses of conducting may submit request to department of licensing for cost-coverage moneys with payment to be made from licensing services account: *SHB 2643, CH 216 (1992)
- Licensing activities, department of licensing to define and standardize allowable costs that counties may charge to: *SHB 2643, CH 216 (1992)
- Master license system, application, handling, renewal, and delinquent renewal fees set for new and renewal master applications processed by the department of licensing to make program self-funding: SB 6461, *SSB 6461, CH 107 (1992)
- Medical disciplinary board, authority to obtain driving record to assist in identifying impairment due to alcohol abuse: SB 5658
- Motor vehicle dealer license plates, waiver of issuance requirements, conditions: *SHB 2660, CH 222 (1992), SB 6333
- Motor vehicle licenses and permits, fees collected by county auditor subagents adjusted: SB 5910
- Motor vehicle licensing fees, revision of amounts to be collected by agents and subagents and of remittance procedures: *SHB 2643, CH 216 (1992)
- Motor vehicle registration and title, cancellation notice requirements: *SHB 2660, CH 222 (1992), SB 6333
- Private detective agencies with fewer than two licensed employees, fee limitation: SB 6224
- Private detectives, licensing requirements: SB 5125, SSB 5125, 2SSB 5125
- Public offering statements, registration with department no longer required: *SHB 1495, CH 191 (1992)
- Real estate appraisers, licensing and certification requirements, enforcement authority of director: SHB 2430
- Real estate brokers and salespersons, continuing education requirements, completion period changed from two years to four: SB 5134
- Recreational vehicle drivers' training, minimum curriculum for commercial driver training schools and traffic safety organizations to be established: SHB 2453
- Registration year, new registration year commences when an expired vehicle license is renewed with a different registered owner: *SHB 2660, CH 222 (1992)
- Rental car businesses, registration required, required business practices and rental car license plate provisions established: *SHB 2964, CH 194 (1992)
- Salon/shop managers, revised licensing requirements: HB 2286
- Securities firms, actions against supervisor to "supervise reasonably," exceptions: SB 6390
- Securities firms, director may censure, fine, or restrict registrant's business function or activity: SB 6390
- Securities firms, registration actions against registrant or person occupying similar status, range of sanctions increased: SB 5844
- Securities firms, supervision of salespersons and employees, registration action and fines for failure to "reasonably supervise": SB 5844

Subagents, appointment of persons recommended by county auditor, service fee amounts set, costs and revenues reporting: SSB 5760
 Subagents, county auditor may request the director of licensing to appoint subagents in the county, procedure established for soliciting vendors to be submitted for appointment: *SHB 2643, CH 216 (1992)
 Tax consultants and preparers, licensing requirements established, departmental duties: SB 6058
 Taxicabs, revised provisions relating to: *SSB 6460, CH 114 (1992)
 Title and registration advisory committee created in department, membership and duties: *SHB 2643, CH 216 (1992)
 Trucks, axle and gross weight, revised provisions: SB 6317, SSB 6317
 Trucks, combined vehicle licensing fees, distribution: SB 6317, SSB 6317
 Vehicle registration, new residents informed of obligation when applying for license: SB 6130
 Vessel dealers, registration requirements and procedures: SB 6332

LICENSURE

Master license system, application, handling, renewal, and delinquent renewal fees set for new and renewal master applications processed by the department of licensing to make program self-funding: SB 6461, *SSB 6461, CH 107 (1992)

LIENS

Agricultural liens, handler lien created: SB 5537
 Agricultural liens, handler's lien extended to all crops delivered to handler by the lien debtor or another handler: SSB 6416
 Agricultural liens, producer lien created: SB 6416, SSB 6416
 Aquaculture products, included in definition of "agricultural product" for processor lien purposes: SSB 5098
 Construction liens, technical amendments to revised act: *SB 6441, CH 126 (1992)
 Crop liens for handlers, revised provisions and procedures: SSB 5841
 Federal tax and other liens to be filed with the department of licensing: *HB 1185, CH 133 (1992)
 Federal tax liens on real property, county auditor's recording duties, auditor to bill internal revenue service or other federal agency monthly for document filing fees: *HB 1185, CH 133 (1992)
 Handler's lien extended to all crops delivered to handler by the lien debtor or another handler: SSB 6416
 Milk and milk products, processor liens, extension to producers of: SB 5007, SSB 5098
 Processor liens, aquaculture products included in definition of "agricultural product" for lien purposes: SSB 5098
 Processor liens, extension to producers of milk and milk products: SB 5007, SSB 5098
 Processor liens, notice required before obligation to pay producer attaches: SSB 5098
 Public improvement contracts, moneys held in trust for payment of claims or taxes arising from contract: *SHB 1736, CH 223 (1992)
 Sewer district service lien, acquisition of title to property subject to, order of discharge of liens: SB 5451
 Tow truck operator lien, limitation on amount of deficiency claim for towing and storage does not apply to law enforcement impounds: *HB 2844, CH 200 (1992)
 Water district service lien, acquisition of title to property subject to, order of discharge of liens: SB 5451

LIEUTENANT GOVERNOR (See also PRITCHARD, JOEL, PRESIDENT OF THE SENATE)

Protection to be provided lieutenant governor by state patrol: SB 5050
 Term of office limited to eight years: SB 6468

LIMITATIONS OF ACTIONS

Childhood sexual abuse, clarification of the application of the statute of limitations to cases involving: SB 5811
 Elections, challenges to elections concerning bonds or levies must commence within thirty days of election: SB 5502
 Prisoners, statute of limitations on action by prisoner not tolled during term of imprisonment: HB 1689
 Real property rights, actions regarding, times for commencement of action extended: SB 5362

LIQUOR CONTROL BOARD

Alcohol awareness program for youth under legal drinking age, liquor control board to appoint advisory committee to provide guidance, membership requirements: SHB 2356
 Alcohol server class 12 permit required, proof of completion of alcohol server training program required for permit: SB 6338, SSB 6338

Cigarette and tobacco laws, transfer of enforcement powers and duties to board: SB 5560, SB 6469
 Director of, office created, powers and duties: SB 5325
 Golf and country clubs discriminating on basis of gender not entitled to class H license: SB 6346
 Licenses, board and gambling commission to adopt one application form for businesses seeking licenses from both agencies: SB 6148
 Licenses, class H, golf and country clubs discriminating on basis of gender not entitled to: SB 6346
 Rulemaking, not to make rules impeding interstate commerce or requiring state-specific labeling: SB 5467
 Rulemaking, not to make rules regarding liquor advertising without specific legislative direction: SB 5467
 Wine retailer's license class F, board may issue restricted license in any county if it finds that the sale of fortified wine would be against the public interest: *SB 6339, CH 42 (1992)

LITTER AND LITTERING

Anti-litter and recycling programs, termination of department of ecology administration of: SB 6036
 Civil infraction, littering made class 1 or 4 civil infraction depending on volume of litter and made subject to monetary penalties: SHB 1153
 Litter assessment, revisions: SB 6358, SSB 6358
 Model litter control and recycling act, renamed waste reduction, recycling, and model litter control act: SB 6358, SSB 6358
 Penalties for littering, fines imposed: SHB 1153
 Penalty for littering, minimum fine increased to one thousand dollars for each offense: SB 5934
 Waste reduction, recycling, and litter control account created as successor to the litter control account, expenditures from account authorized for specified programs: *SHB 2635, CH 175 (1992)
 Waste reduction, recycling, and litter control account, expenditures for programs: SB 6358, SSB 6358
 Waste reduction, recycling, and model litter control act, model litter control and recycling act renamed and purposes and tax provisions revised: *SHB 2635, CH 175 (1992)

LIVING WILL (See NATURAL DEATH ACT)

LOANS

Federal student loan program restructuring requested: SJM 8025
 Lender's security protection provision for real estate loans: SB 6389
 Real estate loans, lender's security protection provision, requirements: SB 6389

LOBBYISTS

Gifts to public officials, reporting requirements: *SSB 5149, CH 18 EX (1991)
 Public employee or agent of elected official, restrictions and provisions for compliance: SB 6250

LOBE, LUDWIG

Reappointed Member, Health Care Facilities Authority,
 GA 9212 33

LOCAL GOVERNMENT

Actions against local government may not be commenced until sixty days after claim has been presented to governing body: SB 6101
 Adult family home, siting notification requirements: SB 6243
 Campaign contribution and spending limits apply to candidates for local office beginning July 1, 1995, exceptions: SHB 2986
 Claims against local governmental entities, requirements: SHB 2499
 Criminal justice plan, required to be filed as a condition of receiving state funds: SB 5304
 Flood plain management, local governments to adopt a plan by October 31, 1991, that equals federal program requirements: SB 5704
 Growth management, local government role: SB 5941
 Moderate-risk wastes, local governments to encourage use of privately owned facilities: *HB 2633, CH 17 (1992)
 Officials, reimbursement provisions revised: SHB 2809
 Patients and clients of public emergency medical service, confidentiality of personal information: SHB 1275
 Property tax, interest and penalties may be paid in monthly installments to: SB 5078
 Regional planning commission, treasurer or auditor may be other than county treasurer or county auditor: SB 5908

- Runway construction of one thousand feet or more or runway expansion by any political subdivision or municipal corporation prohibited until air transportation commission submits final report: SHB 2609
- Runway construction or expansion by any large political subdivision or municipal corporation in western Washington prohibited until air transportation commission presents its final report: *SHB 2609, CH 190 (1992)
- Service agreements, procedure for creation of local government service agreements: SHB 1015
- Shoreline master programs, local zoning to be considered in implementing: SB 6162
- Timber impact areas, public works loans authorized to local governments in: SB 5656, SSB 5656
- Wetlands, local jurisdictions to use criteria in United States army corps of engineers delineation manual to designate and regulate: SB 6254
- Whistleblowers, governing body to adopt policy and procedures for reporting improper governmental action: *SSB 6321, CH 44 (1992)
- Whistleblowers, retaliatory action against employee who provides information in good faith prohibited, adjudicative hearing procedures: *SSB 6321, CH 44 (1992)

LOCAL IMPROVEMENT DISTRICTS

- Assessment based on use not permitted by zoning law authorizes use of the property in the manner assumed by the assessment: SB 5137, SSB 5137
- Forest land, special benefit assessments exemption, provisions: *SHB 2330, CH 52 (1992), SB 5616, SB 6160, SSB 6160
- Irrigation district assessment to maintain guarantee fund, district authorized to assess for fund throughout the entire district or within a local improvement district or districts: SHB 2345
- Irrigation district guarantee fund, maximum balance limit increased and authority given district to assess for fund throughout the entire district or within a local improvement district or districts: SHB 2345
- Irrigation districts authorized to include in bond issues amount to maintain local improvement guarantee fund: SHB 2345

LONG-TERM CARE

- Adult family homes, funding from increased licensing fees to fund ombudsman program: SB 6170
- Boarding homes, funding from increased licensing fees to fund ombudsman program: SB 6170
- Children, long-term care pilot project, two facilities to be established: SB 5495
- Children, long-term care policy to incorporate family resource options and involvement: SSB 5820
- Nursing homes, funding from increased licensing fees to fund ombudsman program: SB 6170
- Nursing homes, funds appropriated for increased costs of department of social and health services long term care program: SB 6505
- Ombudsman in counties over five hundred thousand required: SB 6124
- Ombudsman program, funding from increased licensing fees for long-term care facilities: SB 6170

LONGSHORE AND HARBOR WORKERS

- Workers' compensation act coverage, insurance commissioner to study methods of establishing a reasonable plan to provide: SHB 2720
- Workers' compensation coverage to be made available to all longshore and harbor workers, plan required for those unable to purchase through the normal insurance market: SB 6322
- Workers' compensation coverage, insurance commissioner to establish plan available to those unable to purchase through normal insurance market: *SHB 2720, CH 209 (1992)
- Workers' compensation coverage, study of ability of private insurers to provide affordable plans authorized: *SHB 2720, CH 209 (1992)
- Workers' compensation coverage, unauthorized insurer prohibited from soliciting or providing: SHB 2720
- Workers' compensation, study authorized of feasibility of private and public insurance plans: SB 6322

LOTTERY

- Costs for retailer discounts, advertising, and other costs of goods sold limited to seven and eight-tenths percent of revenues: SB 5943
- Education support account, lottery revenues to be deposited in: SB 5994
- Lottery, use of electronic or mechanical device or terminal allowing individual play prohibited: SB 5772
- Mechanical lottery devices, legislative approval required before such device may be placed in state: SB 5940
- Revenues to be deposited in education support account: SB 5994

LOTTERY COMMISSION

- Phil Boguch, Reappointed Member, GA 9183 49,1415,1416
- James S. Hattori, Member, GA 9236 49,1415,1416
- Gambling policy task force established, membership and duties: SCR 8430

LOW-INCOME PERSONS

- Health care, development of a coordinated system of health care for low-income people declared a priority: SB 6089
- Property owners, constitutional amendment to allow legislature to grant relief from property taxes on their residences and to place conditions and restrictions on the grant of the relief: SJR 8205
- Property tax exemption, qualifications for: SB 5168
- Retired physicians providing free care to low-income people at community clinics, department of health to purchase liability insurance for, terms and conditions for participation set out: *SHB 2337, CH 113 (1992)

LUCAS, PAM

- Reappointed Member, Eastern State Hospital Advisory Board, GA 9247 45

LUDWIG, JANICE

- Reappointed Trustee, Columbia Basin Community College District No 19, GA 9020 121,226

LUKINS, SCOTT

- Reappointed Member, Washington State University Board of Regents, GA 9269, Confirmed 79,794,1191

MADSEN, SENATOR KEN

- Point of Order, Amendment to SHB 2502 977

MAILBOXES

- Corporations allowed to receive mail at a commercial mail receiving agency that rents private mailboxes in same city: SB 5544
- Rural, damage or destruction of, malicious mischief in the second degree: SB 5935

MALPRACTICE

- Attorney's contingent fees, limitations: SB 6398
- Certificate of merit to be filed within thirty days in professional negligence actions, requirements: SB 5386, SSB 5386
- Professional negligence actions, certificate of merit to be filed within thirty days, requirements: SB 5386, SSB 5386

MANICURISTS (See COSMETOLOGY)

MANUFACTURED HOUSING

- Double amendments, correction of double amendments to RCW 46.04.302 and 46.12.290: HB 2492
- Mobile home code, violation complaint procedures: SB 5911
- Mobile-manufactured housing commission, membership, powers, and duties: SB 5911
- Task force reporting date extended to December 1, 1993, with task force to terminate December 31, 1993: HB 2487

MARINE EMPLOYEES' COMMISSION

- Louis O. Stewart, Reappointed Member, GA 9242 45

MARINE SAFETY

- Office of, appointment of administrator and exempt staff, revised provisions: *SHB 2389, CH 73 (1992)
- Oil spill prevention and clean-up, revised provisions and definitions: *SHB 2389, CH 73 (1992)

MARINE SAFETY, OFFICE

- Barbara Herman, appointed Administrator, GA 9235, Confirmed 38,72,770

* - Passed Legislation

MARINE TRANSPORTATION, DEPARTMENT OF

Creation, organization, powers, duties, and functions regarding the state ferry system: SB 5945
 Marine transportation, department to study all facets of marine transportation: SB 5945

MARITIME COMMISSION

Assessments, proposed increases, revised filing requirements, administrator may reject unjustified increase prior to adoption as final rule: *SHB 2389, CH 73 (1992)

MARRIAGE AND MARRIED PERSONS

AIDS/HIV and syphilis testing, proof of testing required as condition of issuance of a marriage license: SB 6045
 Contract to allow dissolution only on a showing of fault by one party permitted, requirements: SB 5707, SSB 5707
 Dissolution of marriage, payment for debts may be obtained only from person assigned responsibility in final order: SB 6143
 Marital misconduct, consideration in dissolution: SB 5706
 Service of process against marital community by serving either spouse allowed: SB 6187
 Service of process against marital community, separate service required if spouses do not reside together: SSB 6187
 Statutory grounds for dissolution established: SB 5705
 Summary proceedings authorized in trials relating to domestic relations: SB 5028, SSB 5028
 Surname, either party to a marriage may take the surname of the other: HB 1939

MASON COUNTY

Superior court judges, one position added: SB 5285, SB 5338, SSB 5338, SB 6458
 Superior court, one additional judge authorized: *SHB 2459, CH 189 (1992)

MASON, DONNA M.

Member, Interagency Committee for Outdoor Recreation,
 GA 9174, Confirmed 72,770

MASSAGE THERAPY

Licensing requirements, definition of "substantially equivalent requirements": SB 5314
 Quality assurance system revisions to professional practice act: SB 6029

MATERNITY CARE

Immunization schedule compliance for all personnel required, exceptions: SSB 5540

MATTRESSES

Fire retardant requirements: SHB 2318

McCASLIN, SENATOR BOB

Personal Privilege, Suggests President Pro Tempore "unrap" gavel,
 ESHB 2274 1018
 Point of Order, Slow pace down 1193

McDONALD, RONALD

Seated in gallery and introduced 731

McDONALD, SENATOR DAN

Point of Order, Amendment to ESHB 2947 1638
 Parliamentary Inquiry, Number of votes needed to pass RESB 6004 1642

McGINNIS, JOHN I.

Trustee, Bates Technical College,
 GA 9213, Confirmed 43,154,436

McGRATH, MAURICE L.
 Member, Spokane Joint Center Board of Governors,
 GA 9214, Confirmed 35,87,290

McKAY, KAREN
 Dairy Princess, introduced and addressed Senate 166

McKENNEDY, MICHAEL CLAYTON
 Eagle Scout, introduced and addressed Senate 1402

McLEARY, EDWARD
 Washington entrepreneur and family introduced,
 SFR 1992-8731 1533

McMULLEN, SENATOR PATRICK R.
 Point of Order, Amendment to committee
 amendment, SB 6322 683
 Point of Order, Committee amendment to SB 6089 1015

MEAT
 Adulteration or misbranding of meat products, provisions revised: SHB 2819

MEDIATION
 Alternative dispute resolution, provisions for: SB 5163
 Consumer and business dispute resolution act: SB 5280, SSB 5280
 Consumer dispute resolution centers, attorney general's duties: SB 5280, SSB 5280
 Public transportation systems, mediation and arbitration provisions when collective bargaining agreement
 cannot be negotiated within time limits: SB 5594

MEDICAID
 Deferred compensation program, health care providers who are independent contractors with department of
 social and health services to provide care to recipients, considered employees only for participation in:
 SSB 6507
 Health care providers, independent contractors providing services to medicaid recipients, eligibility for state
 deferred compensation plan participation: SB 6507
 Intermediate care facilities for the mentally retarded, tax imposed on each facility for act or privilege: *SHB
 2967, CH 80 (1992)
 Intermediate care facilities for the mentally retarded, tax imposed on facility for act or privilege of doing
 business, rate set, appropriation made for prospective rate increases to cover medicaid share of tax: SHB
 2967
 Nursing homes prohibited from discriminating against patients based on the source of payment for their care:
 SB 6088
 Nursing homes, funds appropriated for increased costs of department of social and health services long term
 care program: SB 6505
 Regionally managed mental health care, department of social and health services to report on options and
 recommendations for using medicaid funds to support: SB 6319
 School districts providing health and mental health services, development of a marketing and technical
 assistance plan to increase the provision of medicaid assistance to: SHB 2547

MEDICAL ASSISTANCE
 Basic health plan, coordination of basic health plan assistance with medical assistance: SB 5605
 Deferred compensation program, health care providers who are independent contractors with department of
 social and health services to provide care to recipients, considered employees only for participation in:
 SSB 6507
 Hospice program extended: SB 5761
 Indigents, limited casualty program maximum deductible raised: SB 5752
 Medicaid recipients, health care contractors providing services to, eligibility for state deferred compensation
 plan participation: SB 6507

* - Passed Legislation

Medicaid recipients, nutritional counseling pilot project in King, Pierce, and Spokane counties: SB 5496
 Medical assistance billing agent contract review committee, social and health services department and superintendent of public instruction to establish to review proposed contracts between districts and billing services: SHB 2547
 Medical services, department of social and health services authorized to purchase services by contract or at rates set by department: *HB 2314, CH 8 (1992), SB 6061
 Mental health care included in services provided: SB 5316
 Nursing homes prohibited from discriminating against patients based on the source of payment for their care: SB 6088
 Nursing homes, licensing and operating requirements, revised provisions: SB 5827
 Rural hospitals providing essential health care services to medical assistance clients, payment: SB 5597
 School districts providing health and mental health services, development of a marketing and technical assistance plan to increase the provision of medicaid assistance to: SHB 2547
 School provided health-related services, revised provisions to generate federal medical assistance matching funds for medical assistance reimbursement for: SHB 2547
 Vendor rates, additional rate increases authorized in 1992 and 1993: *SB 5961, CH 238 (1992)
 Vendors, billing period changed to twelve months: SB 5213

MEDICAL DISCIPLINARY BOARD

Alcohol abuse, board authority to obtain driving record to assist in identifying impairment due to: SB 5658
 Physician assistant, nonvoting physician assistant member to be added to board: SB 5838
 Practitioner of nontraditional healing art to be a member: SB 5172

MEDICAL EXAMINERS, BOARD

Physician assistants, board may authorize the use of alternative supervisors for assistants: *SB 6070, CH 28 (1992)

MEDICARE

Law enforcement officers and fire fighters, reimbursement of retirees for premiums paid for medicare supplemental insurance authorized: *SHB 2867, CH 22 (1992)
 Nursing home medicare certification, exemption to requirement that facilities obtain and maintain, department may grant to facilities making good faith effort to obtain certification: HB 2931, *SSB 6354, CH 215 (1992)
 Residency-based health services system established to provide uniform benefits package to all state residents by July 1996: SHB 2590
 Supplemental insurance policies, revised provisions to conform policy requirements to federal law: *SHB 2479, CH 138 (1992)
 Supplemental insurance, reimbursement of retired law enforcement officers and fire fighters for premiums paid for, authorization: *SHB 2867, CH 22 (1992)

MEDICINE AND MEDICAL DEVICES

"Dispensing drug outlet" defined, board of pharmacy regulatory authority regarding: SB 6417
 Syringes exempted from retail sales tax and use tax: SB 5652
 Uniform controlled substances act, comprehensive revision and update, penalties increased for violations: SHB 2028

MENTAL HEALTH

Children in care of department of social and health services, department to conduct assessment to determine appropriate level of residential and treatment services for these children: SHB 2466, SB 6041, SSB 6041, 2SSB 6041
 Children, department of social and health services to endeavor to redirect Title XIX funds to placements within state: SB 6215
 Children, planning study to determine level of residential and treatment services: SB 6214
 Community mental health practitioners, to achieve salary parity with state workers by 1995: SB 5654
 Compensation for mental health direct care staff, providers to pay adequate salaries: SB 5668, SSB 5668
 Consolidation of state and federal medical and health services and programs, legislative budget committee to determine feasibility and desirability of: SHB 2590
 County-designated mental health professional's duties when evaluating minor not meeting criteria for involuntary admission to evaluation and treatment center, parent's petition for review: SB 6218

- Employment services, authority to provide services as part of mental health programs: SB 5671, SSB 5671
- Fair start program established to assist in providing prevention and intervention programs for elementary students: SHB 2695
- Inappropriate placement of those with head injury, AIDS, the developmentally disabled, and substance abusers in state mental hospitals, secretary of social and health services to develop system to discourage: *SB 6319, CH 230 (1992)
- Incentives to discourage inappropriate placement of persons without primary diagnosis of mental disorder in state hospitals: SB 6319
- Information system, operation dates for state and regional support network system components established: HB 2313, SB 6062
- Involuntary commitment and treatment of minors requiring mental health care, parental petition to seek review of determination that child does not meet criteria authorized and procedures established: SHB 2466, SB 6041, SSB 6041, 2SSB 6041
- Medicaid funding support for regionally managed mental health care, department of social and health services to report on options and recommendations for maximizing: SB 6319
- Minors requiring mental health care and treatment to receive continuum of culturally relevant care and treatment: *SHB 2466, CH 205 (1992), SB 6041, SSB 6041, 2SSB 6041
- Minors, county-designated mental health professional's duties when evaluating minor not meeting criteria for involuntary admission to evaluation and treatment center, parent's petition for review: SB 6218
- Psychiatric facilities, civil and criminal liability protection if duties performed in good faith: SB 5531
- Regional support networks, community mental health practitioners to achieve salary parity with state workers by 1995: SB 5654
- Regional support networks, financial reward authorized for reducing use of hospital or evaluation and treatment facility bed days and added responsibility imposed for care of state hospital patients returning to community: *SB 6319, CH 230 (1992)
- Regional support networks, funding provided for programs that provide periods of stable community living: SB 6318
- Regional support networks, operation dates for state and regional components of mental health information system established: HB 2313, SB 6062
- Regional support networks, population threshold for forming network reduced to twenty thousand persons: SB 6044
- Regional support networks, savings from reduction in use of state-reimbursed hospitals to be retained by network: SB 6318
- Support services for local mental health programs, department of social and health services and state hospitals to provide: SB 6318

MENTALLY ILL PERSONS

- Assault on staff at state hospitals for the mentally ill, class C felony: SSB 5199
- Assaults on staff at state mental hospitals, reporting requirements: SB 6040
- Criminal offenders, sentencing guidelines commission to identify and suggest appropriate sentencing options for, required elements: SHB 2847
- Criminally insane, clarification of references to responsibilities of departments and corrections officers regarding criminal procedure for the: HB 2265
- Developmentally disabled persons with mental illness, pilot projects authorized to provide alternatives to hospitalization: SB 5856
- Eastern and Western State Hospitals to become clinical centers for handling the most complicated long-term care needs of patients with primary diagnosis of mental illness: *SB 6319, CH 230 (1992)
- Eastern and western state hospitals, department of labor and industries to conduct study of causes and solutions to assaults on state employees at: SB 6268
- Employment services, authority to provide services as part of mental health programs: SB 5671, SSB 5671
- Employment, regional disabilities employment function to provide school to employment transition services for high school students: 2SSB 5780
- Estates, liability of estate for costs of care at residential habilitation centers, revised provisions: SSB 5506
- Firearms, person committed for treatment prohibited from possessing, violation class C felony: SB 6369
- Firearms, person committed under criminal insanity or involuntary treatment statutes prohibited from possessing a firearm, process to be established for person to regain right to possess firearm: *SHB 2373, CH 168 (1992)
- Institutional trust lands in Thurston County, management plan to allow its use for housing mentally ill persons: SB 5331

- Medicaid funding support for regionally managed mental health care, department of social and health services to report on options and recommendations for maximizing: SB 6319
- Patient records, release in event of death authorized, restrictions: SB 6121
- Persons with primary diagnosis of mental illness, mental health program and state hospital funds to be used for: SB 6319
- Protection and advocacy of rights of mentally ill persons, governor to appoint agency to implement program of: HB 2591
- Regional support networks, financial reward authorized for reducing use of hospital or evaluation and treatment facility bed days and added responsibility imposed for care of state hospital patients returning to community: SB 6319

METCALF, SENATOR JACK

- Personal Privilege, Pacific Coast Oyster Growers Association
providing oysters for lunch 435
- Point of Order, Committee amendment to ESHB 2629 896
- Parliamentary Inquiry, Question if motion to strike
HCR 4441 in order 1637

METROPOLITAN MUNICIPAL CORPORATIONS

- County assumption of corporation functions, revised provisions: HB 2830
- Governance, technical revisions: SB 6267
- Public transportation function, organization of corporation to perform, appointment of members to metropolitan council: SB 6209
- Regional transit authorities, formation to create high capacity transit system in urbanized areas, cooperation with local transit operators and planning consistency required: SB 6209
- Regional transit authority, consolidation of component corporation with authority, procedure: SB 6209
- Solid waste or landfill facilities, liability limitation: SB 6232, SSB 6232

METROPOLITAN MUNICIPAL COUNCILS

- Members, number, selection procedures, filling of vacancies: SB 5983
- Public transportation function, appointment of members to council in metropolitan municipal corporation performing: SB 6209

METROPOLITAN PARK DISTRICTS

- Elections, procedures in counties with population of five hundred thousand or more: SSB 6277
- Electoral districts, counties with population of five hundred thousand or more may authorize division into five electoral districts, procedures: SSB 6277
- Tacoma, district to be divided into five electoral districts for election of commissioners: SB 6277

MIDWIVES

- Credential to practice may be issued if applicant holds credential in another state with equivalent standards: SB 5514, SSB 5514

MILITARY

- Consolidation of state and federal medical and health services and programs, legislative budget committee to determine feasibility and desirability of: SHB 2590
- Defense force, name of state guard changed to Washington state defense force: SB 5587
- Desert Shield, health and retirement coverage continued for employees called to active service: SSB 5092
- Desert Storm veterans made eligible for veterans' benefits: SB 6011, SSB 6011
- Federal impact aid to local governments near federal military installations, congress requested to increase: SJM 8017
- Land acquisition, obsolete code sections regarding military land acquisition repealed: *SB 6351, CH 90 (1992)
- Motor vehicle license fees and excise taxes, active duty military exempted from obligation to pay: SB 5622
- Obsolete provisions regarding military land acquisition repealed: HB 2460
- Operation Desert Shield service, death benefits allowed for state employees' retirement systems members: SB 5224
- Persian Gulf theater, voluntary compensation for service of Washington residents in the Persian Gulf authorized, alternatives and conditions: SB 5843, SSB 5843

* - Passed Legislation

Retirement service credit authorized for members of state retirement systems during period in which employment is interrupted by military service, conditions and restrictions: *SSB 5092, CH 119 (1992)
 Service credit authorized for members of state retirement systems during period in which employment is interrupted by military service, conditions and restrictions: *SSB 5092, CH 119 (1992)
 State employees granted military leave to report for active duty in Persian Gulf: SB 5521
 State guard, name changed to Washington state defense force: SB 5587

MILLER, ARLENE

Reappointed Trustee, Skagit Valley Community College District No. 4, GA 9026 121

MILLER, KAREN

Reappointed Trustee, Edmonds Community College District No. 23, GA 9025 121

MINES AND MINING

Metallic and industrial minerals, exemption from surface mining reclamation provisions: SSB 6119
 Reclamation awards to recognize exemplary surface mining reclamation: SB 6119, SSB 6119
 Reclamation of surface mining areas, revised provisions: SB 6119, SSB 6119
 Reclamation of surface mining areas, standards and compliance: SB 5513
 Reclamation service established to assist miners, local government, and public with mine regulation, operations, and reclamation matters: SB 6119, SSB 6119
 Segmental reclamation required within two years of mining completion on each segment: SSB 6119
 Surface mining model ordinance advisory committee created: SB 6119, SSB 6119
 Surface mining model ordinance advisory committee created, organization and duties: SB 6066
 Surface mining subject to local regulation to prevent or mitigate environmental and social impacts of mining operations: SB 6066
 Surface mining within city or county jurisdiction, operating standards: SB 6119, SSB 6119
 Surface mining, counties authorized to regulate the conduct of surface mining activities: SB 5868
 Surface mining, metallic and industrial minerals mining exempt from reclamation provisions: SSB 6119
 Surface mining, orders to suspend or abandon: SB 6119, SSB 6119
 Surface mining, reclamation plans and permit required: SB 6119, SSB 6119
 Surface mining, segmental reclamation required within two years of mining completion on each segment: SSB 6119

MINIMUM WAGE (See also WAGES AND HOURS)

Jurors, compensation to be at least state minimum wage: SB 5084, SSB 5084
 Periodic adjustments: SB 5406
 Tipped employee, credit for tips to be computed into determination of wage for: SB 5523

MINORITIES (See also AFRICAN-AMERICANS, ASIAN AMERICANS, INDIANS)

Accounting students, fifteen percent surcharge to be made on accountant license fee to be used for financial assistance for economically disadvantaged students in accounting programs: SHB 2293
 Minority criminal justice education loan program created, eligibility and repayment provisions: SB 5857

MINORITY AND WOMEN'S BUSINESS ENTERPRISES

Advisory committee, number of voting members increased: SB 6147
 Bonding assistance program, department of trade and economic development: SHB 1737
 Business assistance center, education and technical assistance: SHB 1737
 Business assistance center, public works and construction, public facilities concessions: SHB 1737
 International trade, department of trade and economic development to provide technical assistance to businesses with capacity to participate in: SHB 1737
 Public works, office of minority and women's business enterprises to work with state agencies to develop a plan for direct contracting with certified businesses for public works and construction: SHB 1737

MITCHELL, JOHN

Reappointed Trustee, Olympic Community College District No. 3, GA 9027 122

MOBILE HOME PARKS

Complaint procedures: SB 5911
 Counties, annual inspection and certification duties: SB 5911

- Current use valuation of property devoted primarily to low-income housing: HB 1225
- Eviction of tenants, recovery of rental and storage costs by landlord: SSB 5188
- Health and sanitation in parks, department of health to develop minimum procedures for responding to complaints about: SHB 2904
- Health and sanitation standards, state board of health to conduct annual inspection to determine compliance: SB 5911
- Insurance, insurer to notify park owner of payment made on damaged or destroyed home at the time payment is made: SSB 5187
- Insurance, landlord verification of repair or removal of damaged or destroyed home required for payment: SB 5187
- Land use requirements, application to certain cities and counties: SB 5186
- Landlord-tenant act, new and revised provisions regulating the relationship between landlord and tenant: SHB 1610
- Landlord-tenant act, termination of tenancy, revised provisions: SB 6445
- License to operate required, procedures: SB 5911
- Low-income housing, classification and valuation of property devoted primarily to: HB 1225
- Low-income housing, current use valuation of property primarily devoted to: HB 1225
- Maintenance responsibility for permanent structures, park owner prohibited from transferring to tenants: SHB 2327
- Owners or operators, prohibited practices: SB 5911
- Permanent structures, park owner prohibited from transferring maintenance responsibility to tenants: SHB 2327
- Political meetings and candidate forums, tenants permitted to hold in community halls: HB 2335
- Public officials and candidates may not be prohibited from meeting with or distributing information to tenants: SHB 2450
- Recreational vehicles used as residences, relocation assistance extended to: HB 2894
- Relocation assistance extended to recreational vehicles used as residences: HB 2894

MOBILE HOMES

- Double amendments, correction of double amendments to RCW 46.04.302 and 46.12.290: HB 2492
- Insurance, insurer to notify park owner of payment made on damaged or destroyed home at the time payment is made: SSB 5187
- Insurance, landlord verification of repair or removal of damaged or destroyed home required for payment: SB 5187
- Mobile home code, violation complaint procedures: SB 5911
- Mobile-manufactured housing commission, membership, powers, and duties: SB 5911

MOMENT OF SILENCE

In Memory of Senator Frank "Tub" Hansen 1

MORRIS, WILLIAM G.

Reappointed Trustee, Clark Community College District No. 14, GA 9290 388

MORTGAGES

- Flood insurance documents, inclusion in real estate mortgage or deed recording: SB 6163
- Lender's security protection provision for real estate loans: SB 6389
- Real estate loans, lender's security protection provision, requirements: SB 6389

MOSES LAKE

Airport, assistance and support for application as international port of entry: SB 6371

MOSLEY, MICHAEL

Member, Eastern Washington State Hospital Advisory Board, GA 9248 46

MOSQUITO CONTROL

State agencies with management control over federal or state public lands subject to control requirements: SB 5614

MOTOR FREIGHT CARRIERS

* - Passed Legislation

Resident brokers and forwarders to be bonded and registered: SB 5800

MOTOR VEHICLES

- "Redeemable credits or deposits" on batteries, starters, and brakes to encourage recycling, exemption from business and occupation tax: SSB 5435
- Adjustment programs, manufacturer required to inform consumer of any applicable program and to make service bulletins available to consumer: SB 6194
- Animal waste falling from vehicles carrying live farm animals while crossing a ferry capable of transporting fewer than twenty-five vehicles, exemption from load containment requirements: SHB 2457
- Automobile repair, customers' rights notice to be printed on bill, form: SB 5509
- Automobile salespersons, overtime compensation requirements met by paying the greater of one and one-half the hourly rate for work in excess of forty hours a week or commission, salaries, or salaries plus commission: *SHB 2845, CH 94 (1992)
- Boat trailer, travel trailer, and motor vehicle combinations authorized: SB 6017
- Clean-fuel vehicles, state purchasing requirements: SB 5326
- Commuter trip reduction, local government responsibilities: SB 5326
- Converter gears and tow dollies, exemption from licensing requirements: SB 5815
- Dealer license plates, waiver of issuance requirements, conditions: *SHB 2660, CH 222 (1992), SB 6333
- Dealers, licensing provisions revised: SB 5615
- Disabled persons, free parking in designated areas allowed: SB 5995
- Disclaimer stating that gasoline containing alcohol may be unsuitable as fuel for some engines required on fuel pumps: SB 5927
- Drivers' education funding: SB 6009
- Driving under the influence of alcohol or drugs, penalties may include attending victims' panel: *SB 6295, CH 64 (1992)
- Driving under the influence of intoxicants victims' panel, violator may be required to attend: SHB 2675, *SB 6295, CH 64 (1992)
- Driving while intoxicated, punitive damages for personal injuries or wrongful death resulting from: SHB 1676
- Driving while suspended or revoked but eligible to reinstate license, violation in the third degree: SB 6330, *SSB 6330, CH 130 (1992)
- Emission testing and inspections: SB 5326
- Failure to yield, driver may not be cited if law enforcement vehicle not clearly marked and identified: SB 6168
- Farm animal waste from vehicle on a ferry carrying less than twenty-five vehicles, penalties exemption: SB 6378, SSB 6378
- Financial responsibility, insurance identification card as proof of: HB 1116
- First-degree negligent driving, defined and penalties established: SHB 1183
- For hire vehicles, revised provisions: SB 6460, *SSB 6460, CH 114 (1992)
- High-occupancy vehicle lane violations, charging and reporting procedures relating to: SHB 2272
- Implied consent law, reversal of revocation when cause was nonalcohol or nondrug-related medical condition, expungement: SB 5399
- Inattentive driving, defined and made a traffic infraction: SHB 1183, SB 5439
- Instruction permits, nonresident who is at least fifteen and who hold a valid instruction permit may drive in Washington: SB 6073
- Insurance, Washington automobile insurance corporation created, powers and duties: SB 5159
- Insurance, credit history may not be used in determining eligibility or rates for insurance: SB 5723
- Insurance, exemption from insurance requirements for horseless carriages and collectors' vehicles over thirty years old: SB 5421
- Insurance, exemption from insurance requirements for vehicles traveling under a trip permit: SB 5421
- Insurance, identification card as proof of financial responsibility: HB 1116
- Insurance, liability coverage for state employees who drive personal car for official duties, partial payment by state: SB 5296
- Insurance, personal injury protection coverage, liability policy must provide coverage unless rejected by insured or spouse: SHB 2860
- Insurance, premiums, reduction for completing accident prevention course, period of reduction extended to three years: SB 5006
- Insurance, private passenger automobile liability policy, refusal to issue policy for lack of previous policy prohibited: SB 5799

Insurance, universal auto insurance program: SB 5159
 Intoxication, changing blood and breath standards: SSB 5069
 Intoxication, standard for measuring intoxication: SB 5067
 Law enforcement vehicles, citation of driver for failure to yield prohibited if law enforcement vehicle not clearly identified: SB 6168
 Liability insurance policy must provide personal injury protection coverage unless rejected by insured or spouse: SHB 2860
 License fees, active duty military to pay only a ten dollar annual fee: SB 5622
 License fees, county authority to impose vehicle license fees repealed: SB 5663
 License fees, county fee exemption for persons qualifying for senior citizen property tax exemption: SHB 2660
 License fees, disabled state employees exempted from: SB 5076
 Licenses and permits, fees collected by county auditor subagents adjusted: SB 5910
 Licenses, converter gears and tow dollies, exemption from licensing requirements: SB 5815
 Licensing activities, counties that do not cover expenses of conducting may submit request to department of licensing for cost-coverage moneys with payment to be made from licensing services account: *SHB 2643, CH 216 (1992)
 Licensing activities, department of licensing to define and standardize allowable costs that counties may charge to: *SHB 2643, CH 216 (1992)
 Licensing department agents and subagents, appointment of, disclosure of costs and revenues, standard contracts: SB 5760
 Licensing department agents and subagents, director to provide standard contracts containing minimum provisions to appointee as agent or subagent: *SHB 2643, CH 216 (1992)
 Licensing department subagents, appointment of persons recommended by county auditor, service fee amounts set, costs and revenues reporting: SSB 5760
 Licensing fees, revision of amounts to be collected by agents and subagents and of remittance procedures: *SHB 2643, CH 216 (1992)
 Licensing subagents, county auditor may request the director of licensing to appoint subagents in the county, procedure established for soliciting vendors to be submitted for appointment: *SHB 2643, CH 216 (1992)
 Load containment requirements, exemption for animal waste falling from vehicles carrying live farm animals while crossing a ferry capable of transporting fewer than twenty-five vehicles: SHB 2457
 Measure of damages established: SHB 1573
 Military, active duty military to pay only a ten dollar annual license fee: SB 5622
 Model traffic ordinance, provisions updated: HB 2572
 Motor fuel testing and enforcement program, revised provisions: SB 5627
 Negligent driving in the first degree defined, penalties, alcohol and drug evaluation and treatment requirements: SSB 5439
 Negligent driving, penalty increased: SHB 1183, SB 5439
 Nonresident who is at least fifteen and who holds a valid instruction permit may drive in Washington: SB 6073
 Pedestrians, vehicle operators required to stop for pedestrians lawfully within intersection control area: SHB 2442
 Personal injury protection insurance, motor vehicle liability policy must provide coverage unless rejected by insured or spouse: SHB 2860
 Power take-off units, calculation of fuel usage for motor vehicle fuel tax exemption: HB 2583, SB 6172
 Proportional registration, nonpower vehicles, state assessment based on Washington prorated percentage: SSB 5769
 Proportional registration, nonpower vehicles, state may not retain more than its pro rata percentage for in-state miles traveled: SB 5769
 Recreational vehicle drivers' training, minimum curriculum for commercial driver training schools and traffic safety organizations to be established: SHB 2453
 Registration and title fees, reimbursement of county for operational losses in collecting fees: SB 5758
 Registration and title, cancellation notice requirements: *SHB 2660, CH 222 (1992), SB 6333
 Registration required before driver's license issued to new resident: SB 6129, SSB 6129
 Registration year, new registration year commences when an expired vehicle license is renewed with a different registered owner: *SHB 2660, CH 222 (1992)
 Registration, new residents informed of obligation when applying for driver's license: SB 6130
 Rental car businesses, registration required, required business practices and rental car license plate provisions

- established: *SHB 2964, CH 194 (1992)
- Rental cars exempted from motor vehicle excise taxes and additional sales and use taxes imposed in lieu of: *SHB 2964, CH 194 (1992)
- Rental cars exempted from motor vehicle excise taxes and additional sales and use taxes imposed in lieu of, additional tax imposed to fund traffic safety education programs: SHB 2964
- Repossession of collateral upon default, duty of secured party to return property of debtor not covered by security interest within forty-eight hours: SSB 6083
- Repossession of, secured party's duty to protect and return personal property in repossessed vehicle: SB 6083, SSB 6083
- Retail installment contracts, service charge of one and one-half percent per month may be charged on balances for contracts entered into between July 1, 1992, and July 1, 1994: HB 2944
- Retail installment sales, service charge not to exceed schedule or rate agreed to by contract: *HB 2944, CH 193 (1992)
- Right hand lane use by motor vehicles with gross weight of ten thousand pounds or more required, exceptions: SSB 5237
- Sales and use tax, county may impose tax to acquire or operate public sports stadium facility or youth sport activities: *SHB 2964, CH 194 (1992)
- Salespersons, overtime compensation requirements met by paying the greater of one and one-half the hourly rate for work in excess of forty hours a week or commission, salaries, or salaries plus commission: *SHB 2845, CH 94 (1992)
- Sixty-five mile per hour speed limit established on four lane roads: SB 5398
- Sobriety checkpoint programs authorized: HB 2013, SB 5071
- Sound amplification, unreasonable sound amplification from vehicles prohibited: SB 6081
- Spare tires required to be of same size as other tires: SB 5046
- Speed limits, sixty-five mile per hour limit on four lane roads: SB 5398
- Sports stadium facilities, county may impose tax on motor vehicle rental to acquire or operate stadium facility or youth sport activities: *SHB 2964, CH 194 (1992)
- State employees, disabled, exempted from automobile license fees: SB 5076
- Taillights, blue dot taillights permitted on vehicles over forty years old: *SSB 5425, CH 46 (1992)
- Taillights, blue dot taillights permitted on vehicles over thirty years old: SB 5425
- Taxes and fees, authority to use for transportation purposes: SJR 8216
- Taxicabs, revised provisions relating to: *SSB 6460, CH 114 (1992)
- Title and registration fees, reimbursement of county for operational losses in collecting fees: SB 5758
- Tow truck operator lien, limitation on amount of deficiency claim for towing and storage does not apply to law enforcement impounds: *HB 2844, CH 200 (1992)
- Traffic safety and enforcement account, moneys to be used to promote programs related to driver and vehicle safety: SB 5432
- Travel trailer, boat trailer, and motor vehicle combinations authorized: SB 6017
- Used vehicle warranties, sales or leases to include at least minimum written warranty, enforcement provisions established: SB 6196
- Vehicular assault, definition and defenses: SB 5068
- Vehicular homicide, definition and defenses: SB 5068
- Victims of drunk or intoxicated drivers, offender may be required to attend educational program focusing on the emotional, financial, and physical suffering of victims: *SB 6295, CH 64 (1992)
- Violations, failure to comply with promise to appear is gross misdemeanor: *SB 6140, CH 32 (1992)
- Violations, waiver of jury trial right may be condition of granting deferred prosecution: SB 6139
- Warranties for used motor vehicles, sale or lease of vehicle to include at least minimum written warranty, enforcement provisions established: SB 6196
- Warranty extension, manufacturer required to inform consumer of applicable adjustment program and to make service bulletins available to customer: SB 6194
- Wreckers, dealers in vehicles and second-hand parts over thirty years excluded from definition of "motor vehicle wrecker": SB 5142

MUNICIPAL COURT

- Deferral of determination that a traffic infraction was committed, limitations and standards: SHB 1552, SB 6190
- Judges, salary to equal that of district court judge: SB 6486

MUNICIPAL RESEARCH COUNCIL

County research services account created to fund government research and services: SHB 2338
 County research services, council duties expanded to include contracting for county research services: SHB 2338
 Membership, revised provisions: SHB 2338
 Regulatory and other ordinances, city and town clerks required to provide to council upon its request after adoption: SHB 1275

MUNRO, STERLING

Reappointed Trustee, Central Washington University,
 GA 9283 223
 SFR 1992-8754 1876

MURRAY, SENATOR PATTY

Point of Order, Committee amendment to ESHB 2553 1246
 Point of Order, Amendment to amendment to ESHB 2553 1351
 Statement for the Journal, Mistake on Roll Call Vote on
 ESHB 2274, March 11 1631

MUSHROOMS

Wild mushrooms, specialized forest products permit required to harvest, possess, and transport wild mushrooms, limit set on amount that may be harvested: *SHB 2865, CH 184 (1992)
 Wild mushrooms, specialized forest products permit required to harvest, possess, or transport more than a specified amount: SHB 2865

MUSSELS

Enhanced food fish tax imposed on: SB 5016, SSB 5016

NADDY, JOHN III

Reappointed Trustee, State School for the Blind, GA 9280 224

NAKATA, ALICIA

Trustee, Wenatchee Valley Community College District
 No. 15, GA 9215 36,792

NAMES

Change of name orders, district court to collect fee for filing and to transmit fee and order to county auditor for filing and recording: *SSB 6135, CH 30 (1992)
 Change of name orders, permanent retention required: SB 6135, *SSB 6135, CH 30 (1992)

NARVER, BETTY JANE

Appointed Chair, Work Force Training and Education Coordinating Board, GA 9260 47,215

NATURAL DEATH ACT

Amended provisions: SB 5839
 Directive authorizing withholding or withdrawal of life-sustaining treatment, transfer of patient care by person or facility not choosing to comply with: SB 6320
 Discharge of qualified patient electing to die at home, immunity from liability: SB 6320
 Durable power of attorney or authorized health care decision-maker may be utilized to control health care decisions: *SHB 1481, CH 98 (1992)
 Emergency medical personnel, department of health to adopt guidelines for personnel in regard to patients who do not wish to receive futile treatment: *SHB 1481, CH 98 (1992)
 Emergency medical personnel, department of health to adopt guidelines for response: SB 6320
 Health care directive authorizing withholding or withdrawal of life-sustaining treatment, revised format: SB 6320
 Nutrition and hydration, defined as life-sustaining procedures that declarant may have withheld or withdrawn: SHB 1481
 Nutrition and hydration, defined as life-sustaining treatment that declarant may have withheld or withdrawn: *SHB 1481, CH 98 (1992)
 Pain medication for terminal patients should not be withheld where intent of providing medication is to

* - Passed Legislation

- increase patient comfort: *SHB 1481, CH 98 (1992)
- Permanent unconscious condition, defined as incurable and irreversible condition from which patient has no reasonable probability of recovery from irreversible coma or persistent vegetative state: *SHB 1481, CH 98 (1992)
- Withholding or withdrawal of life-sustaining treatment from qualified patient, immunity from liability: SB 6320
- Withholding or withdrawal of life-sustaining treatment in event of terminal or permanent unconscious condition, provisions revised: SB 6320

NATURAL GAS

- Distribution facilities, energy office to represent state's interests in siting of: SB 6478

NATURAL RESOURCES

- Center for sustaining agriculture and natural resources established, activities and duties: SB 5317, SSB 5317
- Civil infractions, burden of proof on state to establish infraction by clear and convincing evidence: SB 5410
- Earth day, Washington state, third Saturday in September designated: SB 5693
- Forest burning, emission reduction program, duties: SB 5326
- Natural resources stewardship account created: SB 5972
- Seaweed harvesting, regulation on state-owned aquatic lands: SHB 1455
- Seaweed, maximum daily wet weight harvest or possession limit set at ten pounds per person for seaweed taken from private and state tidelands and state bedlands for personal use, violation is a misdemeanor: SHB 1455
- Senior environmental corps created, goals: *SHB 2560, CH 63 (1992)
- Surface mining areas reclamation, revised provisions: SB 6119, SSB 6119
- Surface mining, reclamation plans and permit required: SB 6119, SSB 6119
- User fees, agencies to evaluate and increase as appropriate: SB 5972

NATURAL RESOURCES, BOARD

- Diamond Point trust parcel, sale to parks and recreation commission, authority to vary boundaries and acreage of parcel transferred: *SHB 2990, CH 185 (1992)
- Trust land, board and parks and recreation commission to negotiate a sale of withdrawn trust lands to the commission for inclusion in specified state parks, terms and conditions of sale: *SHB 2990, CH 185 (1992), SB 6509, SSB 6509

NATURAL RESOURCES, DEPARTMENT OF

- Cooperative resource management programs, grant program established: SB 5616
- Export of timber, department to report annually to legislature on: SB 5372
- Fire risk in wildland/urban interface areas, development of rating system to evaluate risks, development of insurance rate incentives for landowners undertaking mitigation measures: SB 6202
- Fire risk in wildland/urban interface or intermix, development of rating system to evaluate levels of wildfire risk: SHB 2519
- Fisheries and wildlife departments transferred to department of natural resources: SB 5971
- Forest fires, departmental investigative duties: SHB 1205
- Forest lands, authorization to purchase and manage for sustainable commercial forestry: SSB 5445
- Forest practices act, revisions: SB 5616
- Forest practices, application and notification to conduct, procedures: *SHB 2330, CH 52 (1992), SB 6160, SSB 6160
- Forest resources conservation and shortage relief act of 1990, department to propose alternative rules to governor's rules, requirements: SSB 5925
- Forest resources conservation and shortage relief act of 1990, to prepare enforcement plan for federal act with department of revenue: SSB 5925
- Geothermal resources, leasing of state-owned lands for development, department to adopt rules: SB 5681
- Habitat management practices, to study methods of application as standards to agricultural and grazing lands owned or managed by agency: SHB 2628
- Institutional trust lands in Thurston County, management plan to allow its use for housing mentally ill and developmentally disabled persons: SB 5331
- Marine aquatic plant research, department and department of fisheries to explore possibility of private funding for: SHB 1455
- Natural resources real property replacement account created: SHB 2533, *SB 6161, CH 167 (1992)

Real property disposition allowed without public auction under specified conditions: *SB 6161, CH 167 (1992)

Real property replacement funded from consideration for property transfer or disposition: SHB 2533, *SB 6161, CH 167 (1992)

Real property transfer or disposition allowed, conditions: SHB 2533, *SB 6161, CH 167 (1992)

Real property transfer or disposition nonpermanent when funds used to acquire replacement property: SHB 2533, SB 6161

Reclamation awards to recognize exemplary surface mining reclamation: SB 6119, SSB 6119

Reclamation service established to assist miners, local government, and public with mine regulation, operations, and reclamation matters: SB 6119, SSB 6119

Record of survey not required when it is a retracement or resurvey and no discrepancy is found when compared to recorded information or other public survey map records, authority to pass rules limiting exemption: SSB 5557

Resurvey may not impair the bona fide rights of a landowner who may be affected by the resurvey, resurveys limited to dependent surveys only: SB 6355, SSB 6355

Resurvey, landowner right to challenge a resurvey and to receive compensation when bona fide rights were impaired: SB 6356

Storm water, special committee on government storm water pollution and liability created, membership and duties: SB 6459, SSB 6459

Surface mining areas reclamation, department responsibilities: SB 6119, SSB 6119

Surface mining areas reclamation, department to require compliance with standards: SB 5513

Surface mining model ordinance advisory committee created, department duties: SB 6119, SSB 6119

Surface mining, mandatory waste removal plan for each site, to be developed with department of ecology: SB 5513

Sustainable forestry act adopted: SB 5616

Timber, only rules in effect at time timber planted applicable to management and harvest: SB 6447

Wildlife and fisheries departments transferred to department of natural resources: SB 5971

NELSON, SENATOR GARY A.

Point of Order, Amendment to SSB 5386 676

Point of Order, Amendment to committee amendment,
SB 6089 1023

Point of Order, Amendment to SHB 2344 1159

NEWHOUSE, SENATOR IRV

Appointed Committee on Health and Long-Term Care 125

Motion to suspend Rule 46 226

Replaced by Senator Sumner on Committee on Health
and Long-Term Care 434

Motion to limit debate 591

Point of Order, One speech on each side on point
of order, SSB 5386 676

Motion for special order of business, SB 6470 681

Point of Order, Special order of business, SB 6470 692

Motion for special order of business, ESHB 2610 1149

Point of Order, Special order of business, ESHB 2610 1173

Point of Order, Motion to adjourn - gavel down 1645

Parliamentary Inquiry, Proper order of business 1861

Point of Order, Motion to defer - two-pronged motion
EHB 2053 1861

NEWS MEDIA

Broadcast media advertising volume levels enforcement urged: SJM 8014

Child sexual abuse victims, dissemination of identifying information by authorities or press prohibited: SHB 2348

Child sexual abuse victims, information revealing identity of child victims of sexual assault confidential and not subject to public disclosure, courts authorized to seal information identifying child victim: *SHB 2348, CH 188 (1992)

Constitutional amendments, print, radio, and television advertising requirements: SB 5603

Environmental information, print and electronic media commended for providing: SCR 8401

NEWSPAPERS (See also NEWS MEDIA)

- Child sexual abuse victims, dissemination of identifying information by authorities or press prohibited: SHB 2348
- Child sexual abuse victims, information revealing identity of child victims of sexual assault confidential and not subject to public disclosure, courts authorized to seal information identifying child victim: *SHB 2348, CH 188 (1992)
- Death and funeral notices to be printed at no cost, sales tax exemption forfeited for noncompliance: SB 6149
- Sales tax exemption, "newspaper" defined for purpose of exemption on distribution and newsstand sales: SB 5596

NICHOLS, MARY L.

Trustee, Bellingham Technical College, GA 9216 38,212

NIEMI, SENATOR JANICE

- Point of Order, Committee amendment to SHB 2817 1120
- Parliamentary Inquiry, Number of votes needed to pass SHB 2695 1187

NOISE

- Heat pump noise levels, warning label required regarding: SB 6014
- Sound amplification, unreasonable sound amplification from vehicles prohibited: SB 6081

NONPROFIT CORPORATIONS

- Nonprofit facility, redefinition to allow additional facilities to be eligible for financing by housing finance commission: SHB 2486
- Professional sports franchise in King county, nonprofit corporation formed to fund acquisition of, bonds issuance authorized: SB 6165

NONPROFIT ORGANIZATIONS

- Before-and-after-school child care facility grant program established, promotion of programs in or near public schools established as state policy: SHB 2528
- Business and occupation tax exemption for payments and contributions by public entities to promote conventions, tourism, and economic development: SB 5661
- Charitable fund-raising organizations, exempts real and personal property from property tax when organization meets specified conditions: HB 2892
- Charitable gaming events allowed when conducted by gaming management company in accordance with this law and the rules of the gambling commission: SB 6504
- Fund raising events, reference to fund raising events removed from list of gambling games authorized for these groups to conduct: SB 5772, SB 5940
- Life insurance, certain nonprofit organizations allowed to be named as owner and beneficiary of individual life insurance policy, terms and conditions for joint application for or transfer of policy: SB 6241, *SSB 6241, CH 51 (1992)
- Life insurance, donor permitted to transfer ownership interest in life insurance policy to certain tax-exempt organizations: SHB 2306
- Nonprofit corporations incorporated by state authorized to joint interlocal cooperation agreements: HB 2269
- Nonprofit corporations, fees for nonprofit corporation filings increased: SB 5607
- Property tax exemption for charitable fund-raising organizations, real and personal property exempt when organization meets specified conditions: HB 2892
- Property tax exemption for nonprofit homes for the aging, revised income and eligibility provisions and study requirements: *SHB 2639, CH 213 (1992)
- Public assembly halls or meeting places, property tax exemption not lost for inadvertent use to promote business gain unless part of a pattern of inconsistent use: SHB 2346
- Public assembly halls or meeting places, property tax exemption unaffected by use for casual and isolated sales activities exempt from state sales tax: SHB 2346
- Sales, use, and business and occupation tax exemptions for organizations serving meals for fundraising purposes: SSB 5929
- Video card games, authority to operate, conditions and taxation: SB 5535

* - Passed Legislation

NORTHERN IRELAND

Investment of state funds in United States corporations operating in Northern Ireland, standards for corporate activity: SB 5649

NUCLEAR POWER

Northwest low-level waste compact, payment of costs for compact meetings held outside Washington state prohibited: SB 6203

Satsop nuclear facility, energy facility site evaluation council to suspend maintenance, protection, and upkeep on: SB 5573

NUCLEAR-RELATED INDUSTRY

Promotion of lease between state and federal government at Hanford, department of trade and economic development to cooperate with associate development organizations located in or near the Tri-Cities area:

*SSB 6494, CH 228 (1992)

NUISANCES

Agricultural activity in conformity with federal, state, and local laws and rules is not a nuisance and may not be restricted as to the hours of operation in which it may be conducted: *SHB 2457, CH 151 (1992)

Agricultural nuisances, definitions revised: SSB 5097

Agricultural practices conforming to all laws and rules may not be restricted as to time of day or day of the week: SB 6222, SB 6223

Firearm or other deadly weapon, unlawful use in or adjacent to dwelling that threatens physical safety of others is a nuisance and may be abated as such: *SSB 5986, CH 38 (1992)

Forest activities consistent with good forest practices do not constitute a nuisance: *SHB 2330, CH 52 (1992), SB 6160, SSB 6160

Moral nuisances, upper limit on civil fine for maintaining moral nuisance increased: SSB 5644

NURSES

Advanced registered nurse practitioners board, creation and duties: SSB 5635

Advanced registered nurse practitioners, scope of practice and licensing requirements: SSB 5635

Board of nursing, duties in regard to advanced registered nurse practitioners: SSB 5635

Nurse practitioners, advanced registered nurse practitioners, scope of practice and licensing requirements: SSB 5635

Nurse practitioners, authority of advanced practitioners to prescribe drugs: SSB 5635

Quality assurance system revisions to professional practice act: SB 6029

School nurse/student ratios established for school years 1991-92 through 1996-97: SB 5340

Surgical care, delegation of preoperative and postoperative care, limitations on: SB 5802

NURSING HOMES

AIDS pilot facility, nursing supplies cost exempt from percentile reimbursement limit: *HB 2811, CH 182 (1992), SB 6225, SSB 6225

Administrators, board of nursing home administrators, membership, duties, and authority: *SHB 1258, CH 53 (1992)

Administrators, licensing and practice requirements revised: *SHB 1258, CH 53 (1992), SSB 5203

Administrators, licensing and practice requirements, administrative authority of department of health: *SHB 1258, CH 53 (1992)

Advisory council continued: HB 2810

Aging and adult services, advisory council on, membership and duties: SB 5297

Auditing and cost reimbursement, compliance with requirements relating to land, depreciable assets, and resident finances: SB 5292

Background checks for workers having access to children or vulnerable adults, merger of double amendments to provisions concerning: SB 6102

Business and occupation tax imposed to equal three dollars per patient day of provided care: SB 6505

Certificate of need, exemption for continuing care retirement community construction: SB 5508

Continuing care retirement community construction, exemption from certificate of need requirements: SB 5508

Cost index lid, prospective rates for nursing services cost center for fiscal years 1992 and 1993 not subject to: SB 5588

Discrimination against patients prohibited based on the source of payment for their care: SB 6088
 Hospitalization of medicaid recipient, provider to hold bed open for at least three days following discharge, medicaid reimbursement rate: SB 6446
 Immunization schedule compliance for all personnel required, exceptions: SSB 5540
 Licensing and operating requirements, revised provisions: SB 5827
 Medicaid recipients, provider to hold bed of hospitalized recipient open for at least three days following discharge, reimbursement rate: SB 6446
 Medicaid, funds appropriated for increased costs of department of social and health services long term care program: SB 6505
 Medicare certification, exemption to requirement that facilities obtain and maintain, department may grant to facilities making good faith effort to obtain certification: HB 2931, *SSB 6354, CH 215 (1992)
 Nursing facilities, terms "nursing home," "skilled nursing facility," and "intermediate care facilities" removed: SB 5214
 Nursing pools providing temporary nursing services, regulation of rates charged by: SB 5589
 Nursing services cost center, growth lid removed: SB 6505
 Ombudsman program, funding from increased licensing fees for long-term care facilities: SB 6170
 Prospective cost-related reimbursement system, requirements for participation, exemption: SB 6354, *SSB 6354, CH 215 (1992)
 Rural health care facilities and hospitals, revised certificate of need requirements: SHB 2420, SB 6076, *SSB 6076, CH 27 (1992)
 Utilization review by department of social and health services: SB 5214
 Veterans, planning and construction of skilled care center in eastern Washington for: SB 5035

NUTRITION

Child and adolescent nutrition, family policy council to develop comprehensive policy: SFR 8722
 Medicaid recipients, nutritional counseling pilot project in King, Pierce, and Spokane counties: SB 5496

OCEAN RESOURCES

Pacific Ocean resources compact, adoption of: SB 5428, SSB 5428, 2SSB 5428

OIL AND GAS

Acquisitions and mergers in the petroleum industry, notice to and review by the attorney general: SB 5547
 Archaeological resources included among those resources to be protected by oil and hazardous substances spill prevention and response program: *SHB 2389, CH 73 (1992), SB 6013
 Disclaimer stating that gasoline containing alcohol may be unsuitable as fuel for some engines required on fuel pumps: SB 5927
 Energy policy, congress asked to develop a national energy policy: SHJM 4010, SJM 8016
 Ethanol and other synthetic fuels, state energy office to act as clearinghouse for information on the production and use of, duties: SSB 5682
 Gasoline consumers bill of rights act: SB 5313
 Gasoline, federal price discrimination act applicable to motor fuel sale in state: SB 6392
 Marine safety and spill prevention office established in department of ecology: SB 5183
 Maritime commission assessments, proposed increases, revised filing requirements, administrator may reject unjustified increase prior to adoption as final rule: *SHB 2389, CH 73 (1992)
 Maritime safety advisory commission, membership and duties: SB 5183
 Moratorium on leases for exploration, development, or production extended to the year 2000: SB 5446
 Motor fuel testing and enforcement program, revised provisions: SB 5627
 Oil and hazardous substance spill advisory committee established: SB 5183
 Oil and hazardous substance spill prevention and response requirements: SB 5183
 Oil and hazardous substance spill prevention tax levied, uses of revenue: SB 5183
 Oil and hazardous substances spill prevention and response, archaeological resources included among those resources to be protected by program: *SHB 2389, CH 73 (1992), SB 6013
 Oil company pricing practices, regulation of: SB 5313
 Oil heat advisory committee created, membership and duties: SB 5677, SSB 5677
 Oil heat tank pollution liability act: SB 5677, SSB 5677
 Oil spill prevention and clean-up, revised provisions and definitions: *SHB 2389, CH 73 (1992)
 Oil spill prevention and response, Pacific Ocean resources compact adopted: SB 5428, SSB 5428, 2SSB 5428
 Oil spill response, responders not liable for removal costs or damages, limitations and exceptions: SSB 5876
 Oil spill response, responsible party liable for removal costs and damages: SSB 5876

Oil transmission lines to conform to local zoning and environmental codes: SB 5676, SSB 5676
 Petroleum marketing practices, regulation of unfair practices: SB 5547
 Pipelines within Puget Sound, Admiralty Inlet, Deception Pass, or adjacent waters, legislative approval required on applications for certification: SSB 5676, SB 5899
 Prices of gasoline and petroleum products, regulation of: SB 5313
 Spills, facility and vessel prevention and contingency plans, requirements: SB 5183
 Spills, financial responsibility requirements for vessels transporting: SB 5183
 Spills, small spill prevention education program: SB 5183
 Tank vessels, owner or operator may be required to prove membership in international protection and indemnity mutual organization providing oil pollution risk coverage: *SHB 2389, CH 73 (1992)
 Vessel and tanker operation and construction requirements: SB 5183
 Waste oil demonstration projects: SB 5074, SB 5145, SB 5355, SSB 5355

O'KELLEY, KALEY

Apple Blossom Princess introduced 747

OKE, SENATOR BOB

Appointed Committee on Rules 125

OLYMPIA

State offices, authority to locate offices outside the city of Olympia clarified: SJR 8207, SSJR 8207

OLYMPIC COMMUNITY COLLEGE DISTRICT NO. 3

John Mitchell, Reappointed Trustee, GA 9027 122

Reverend Lawrence R. Robertson, Reappointed Trustee,
 GA 9222, Confirmed 41,792,1414

Clint Shinkle, Trustee, GA 9151 789

OLYMPIC HIGH SCHOOL WINTERGUARD

Dance Team introduced, SFR 1992-8727 747

OPEN PUBLIC MEETINGS

Civil penalty for member of a governing body who attends a meeting and who knows that action has been taken in violation of the open meeting laws increased: SHB 2876

Executive sessions, consideration of provisions regarding matters to be considered in closed executive sessions: *SHB 2876, CH 139 (1992)

Executive sessions, revised provisions regarding matters to be considered and procedures for moving into: SHB 2876

Legislature included in coverage of act: SB 6291

Legislature, meetings to be open and public: SB 5089

Null and void actions, action taken at meeting in violation of the open meeting laws is null and void with specified exceptions: SHB 2876

Open government, joint select committee on open government to investigate special meetings and notice procedures, executive sessions, meeting agenda publication, and penalties for violations of open public meetings act: *SHB 2876, CH 139 (1992)

Open government, joint select committee on, to examine consistent treatment of information under present law, treatment of investigatory records, and groups to include under the open meeting laws: SHB 2876

Open public meetings act, revised provisions: SHB 2876, SB 6411

Public agency, governing body, and meeting, redefinitions and executive session, definition: SHB 2876

Records of proceedings, availability to public: SHB 2876, SB 6411

Regular meeting requirements, revised provisions relating to scheduling, agendas, and minutes: SHB 2876

Special meetings called by third class cities and towns required to conform to the special meetings provisions of the open public meetings act: SHB 1275

State transportation commission subject to open meetings law: SB 5887

OPEN SPACES

Classification and current use valuation of open space lands, revised definitions and procedures: *SHB 2928, CH 69 (1992)

Classification as, revised terminology and procedures: SSB 5481

Classification, advisory committee to assist department of revenue in rulemaking to implement chapter: SSB 5481

Corridors not to include private land unless interest is acquired to prevent development and control resource management: SB 6401

Corridors, identification of open space corridor not to restrict authorized development of private property in corridor unless city or county acquires sufficient interest to prevent or control development: SB 6401

Farm and agriculture conservation land category created and eligibility requirements established: *SHB 2928, CH 69 (1992)

Forest land classification withdrawal or removal, notice requirements: *SHB 2330, CH 52 (1992)

Forest land, local improvement district special benefit assessments, exemption for: *SHB 2330, CH 52 (1992)

Open space corridors, identification of corridor not to restrict use or management of lands in corridor for agricultural or forest purposes unless city or county acquires sufficient interest to prevent control or development: *SB 6401, CH 227 (1992)

Preservation of open space and purchase of recreational and wildlife lands, reservation of portion of revenues from increased debt capacity for: SB 5324

Preservation of open spaces and purchase of recreational and wildlife lands, reservation of funds in bond debt service retirement account for: SB 5952

Taxation, advisory committee created to assist department in recommending changes in rules regarding: SHB 2928

OPTICIANS

Credential to practice may be issued if applicant holds credential in another state with equivalent standards: SB 5514, SSB 5514

Vision care consumer assistance act enacted to encourage competition in the optical industry: SB 6239

OPTOMETRY

Credential to practice may be issued if applicant holds credential in another state with equivalent standards: SB 5514, SSB 5514

OREGON

Fishing guide license fees for Oregon residents, reciprocity provisions and conditions: HB 2792

ORGANIC FOOD

Certification, program for producers, processors, and vendors: *SHB 2502, CH 71 (1992)

Labeling requirements: *SHB 2502, CH 71 (1992)

Processors or vendors, certification requirements: *SHB 2502, CH 71 (1992)

Producers, confidentiality of valuable trade information protected: *SHB 2502, CH 71 (1992)

Substances approved in production, processing, and handling, department of agriculture to establish list: *SHB 2502, CH 71 (1992)

Tolerance level of prohibited material established: *SHB 2502, CH 71 (1992)

ORMSBY, MICHAEL C.

Member, Spokane Joint Center Board of Governors,
GA 9217, Confirmed 35,87,304

OSTEOPATHIC MEDICINE AND SURGERY

Physician assistants, board may authorize the use of alternative supervisors for assistants: *SB 6070, CH 28 (1992)

OSTEOPATHIC PHYSICIAN ASSISTANTS

Alternative supervisors for assistants, board of osteopathic medicine and surgery may authorize use of: *SB 6070, CH 28 (1992)

OSTEOPATHIC PHYSICIANS

Inactive license status: SB 5631

Licensing and practice requirements, revised provisions: SB 5631

Osteopathic medicine and surgery, state board, revised provisions: SB 5631

Quality assurance system revisions to professional practice act: SB 6029

OUTDOOR RECREATION

- Clear Creek dam rebuilding project, funding for: SB 5160
- Diamond Point trust parcel, sale to parks and recreation commission by board of natural resources, authority to vary boundaries and acreage of parcel transferred: *SHB 2990, CH 185 (1992)
- Interagency committee for outdoor recreation, Martha lake park, provision of matching funds to purchase, duties: SB 5563
- Preservation of open spaces and purchase of recreational and wildlife lands, reservation of funds in bond debt service retirement account for: SB 5952
- Public lands commissioner given authority to appoint parks and recreation commission: SB 5971
- Search and rescue grant program established: SB 5206
- Senior environmental corps created, goals: *SHB 2560, CH 63 (1992)
- State wildlife and recreation lands management act adopted: *SHB 2594, CH 153 (1992), SB 6257, SSB 6257
- Trust lands, board of natural resources and parks and recreation commission to negotiate a sale of withdrawn trust lands to the commission for inclusions in specified state parks, terms and conditions of sale: *SHB 2990, CH 185 (1992)
- Wildlife and recreation lands management, task force to develop and report recommendations on funding sources for: *SHB 2594, CH 153 (1992), SB 6257, SSB 6257

OUTDOOR RECREATION, INTERAGENCY COMMITTEE FOR

- Donna M. Mason, Member, GA 9174, Confirmed 72,770
- Joe C. Jones, Reappointed Member,
GA 9173, Confirmed 739,1401

OWEN, SENATOR BRAD

- Point of Order, Question if amendment to SB 6315 692

PACIFIC NORTHWEST ELECTRIC POWER AND CONSERVATION PLANNING COUNCIL

- Dr. William T. Trulove, Reappointed member, GA 9293 750

PACIFIC STATES MARINE FISHERIES COMMISSION

- Crab fishing in coastal waters, participation in coast-wide study of Dungeness crab fishery conducted by the commission: *HB 2294, CH 9 (1992), SB 6052

PACKERS AND GUIDES

- Fishing guide license fees for Oregon residents, reciprocity provisions and conditions: HB 2792

PAINTS

- Paint and coating applicators, education, testing, and licensing requirements established, penalties set for violations: SB 6300

PAPER

- Pulp and paper mills discharging chlorinated organics, department of ecology may require that each submit an engineering report on cost of installing technology to reduce discharges, restrictions on establishing limits on discharges: *SSB 5724, CH 201 (1992)
- Pulp mills, issuance of permits for discharge of chlorinated organic compounds prohibited until federal government issues final guidelines: 2SSB 5724

PARENTS AND PARENTING

- Educational rights and responsibilities of parents: SSB 5919
- Loss of services and support of child, parental action for, revised provisions: SSB 5506
- Modification of a parenting plan or custody decree, revised provisions: *SHB 2784, CH 229 (1992)
- Parental contact, parenting plan providing most contact with both parents to be given priority: SB 5742
- Parental liability for child's act resulting in property destruction or personal injury, maximum amount of damages recoverable raised to five thousand dollars: SB 6294
- Parenting plans, mutual decision-making authority, revised provisions relating to: SB 5847
- Parenting plans, preference for joint parenting to encourage cooperation between parents and contact by both parents with child: SB 5847
- Parenting plans, revised provisions relating to determination of more fit parent, relocation with children, and

* - Passed Legislation

- tax exemptions: SB 5847
- Residential time and visitation rights of parents who sexually abuse their children, third party supervision required: SHB 2529
- Sexual assault of child, restrained visitation rights where sexual assault has occurred: SB 5361, SSB 5361
- Stepparent obligation to support stepchildren ended: SB 5866
- Termination of parental rights, conditions warranting permanency plan that seeks termination: SSB 5665

PARKING

- Boarding homes, department of licensing authorized to issue special disabled parking permits and license plates to: *HB 2417, CH 148 (1992)
- Disabled persons, fines imposed for improper parking in spaces for disabled to be used by local jurisdiction for law enforcement: SHB 1634
- Disabled persons, fines increased for improper parking in spaces for the disabled: SHB 1634
- Disabled persons, free parking in designated areas allowed: SB 5995
- State agencies and facilities, development and implementation of comprehensive transportation and parking program: SB 5471

PARKS

- Diamond Point trust parcel, sale to parks and recreation commission by board of natural resources, authority to vary boundaries and acreage of parcel transferred: *SHB 2990, CH 185 (1992)
- Martha lake park, provision of matching funds for the purchase of: SB 5563
- Trust lands, board of natural resources and parks and recreation commission to negotiate a sale of withdrawn trust lands to the commission for inclusions in specified state parks, terms and conditions of sale: *SHB 2990, CH 185 (1992)

PARKS AND RECREATION COMMISSION

- Bruce W. Hilyer, Member, GA 9179, Confirmed 739,1531
- Glenna S. Hall, Reappointed Member, GA 9157, Confirmed 738,1358
- Robert C. Peterson, Member, GA 9178, Confirmed 739,1403
- Boat pumpout facilities, commission to consider funding for: SHB 2363, SB 6132, *SSB 6132, CH 100 (1992)
- Diamond Point trust parcel, sale to commission, authority to vary boundaries and acreage of parcel transferred: *SHB 2990, CH 185 (1992)
- Environmental interpretation activities in state parks authorized, commission duties: SSB 5225
- Park user fees, commission to review: SB 5972
- Public lands commissioner given authority to appoint parks and recreation commission: SB 5971
- Senior environmental corps created, powers and duties: *SHB 2560, CH 63 (1992)
- Snoqualmie river management program, commission duties: SB 5872
- Trust lands, board of natural resources and commission to negotiate a sale of withdrawn trust lands to the commission for inclusion in specified state parks, terms and conditions of sale: *SHB 2990, CH 185 (1992), SB 6509, SSB 6509
- Vessels, violation of certain regulations classified as civil infractions: SB 6298

PARLIAMENTARY INQUIRIES

- Amend Redistricting Plan (Snyder) 150
- Possible to have single vote for entire consent calendar (Talmadge) 343
- Votes needed to advance ESB 6054 to third reading (Snyder) 604
- Question if on ninth order of business (Snyder) 611
- Clarification of amendment to SB 6261 (Vognild) 691
- Question time to raise point of order, SB 6509 properly before Senate (Talmadge) 761
- Clarification of amendments susceptible to challenge of scope and object (Talmadge) 855
- Question striking amendment to ESHB 2274 reconsidered (Snyder) 1018

* - Passed Legislation

Question if Call of the Senate put to vote of Senate (Talmadge)	1081
Question number of votes needed to pass SHB 2695 (Niemi)	1187
Question which calendars are current(Rasmussen)	1532
Question if motion to strike HCR 4441 in order (Metcalf)	1637
Question number of votes needed to pass RESB 6004 (McDonald)	1642
Question if motion to reconsider SSB 6286 still valid next day (Snyder)	1645
Question if motion pending on reconsideration of SSB 6286 (Talmadge)	1777
Question proper order of business (Newhouse)	1861
Question if ESSB 6180 beyond cutoff resolution (Rasmussen)	1867
Question if money expended, SCR 8427 needs roll call vote (Snyder)	1871

PASCO

Urban schools grant program created, eligibility to apply for grant: SSB 5919

PATTERSON, DR. ROBERT

Member, Lake Washington Technical College Board
of Trustees, GA 9241, Confirmed

44,125,746

PATTERSON, SENATOR E.G. "PAT"

Replaced by Senator Sellar, Committee on Environment
and Natural Resources

77

PEARSON, DR. ERIK

Reappointed Trustee, Columbia Basin Community College
District No. 19, GA 9266

69

PEDESTRIANS

Intersection control area, vehicle operators required to stop for pedestrians lawfully within: SHB 2442
Safety education program, traffic safety commission is to develop and execute a state-wide program: SHB
2442
Safety instruction required in grades kindergarten through six: SB 5115, SSB 5115
Safety program, traffic safety commission to perform an evaluation of state's overall pedestrian safety
program: SHB 2442
School pathway and bus stop improvement program and council established, council membership and duties
set out: HB 2780
State bicycle transportation and pedestrian walkways plan, state-interest component of state-wide
transportation plan to include, required elements set out: SHB 1816

PENINSULA COMMUNITY COLLEGE DISTRICT NO. 1

Nora Porter, Trustee, GA 9156

124

PENSIONS AND RETIREMENT (See RETIREMENT AND PENSIONS)

Teachers' retirement system, service credit authorized for periods of unpaid leave as elected official of a
Washington education association: SB 6186, *SSB 6186, CH 3 (1992)

PERKO, THOMAS L.

Member, Spokane Joint Center Board of Governors,
GA 9218, Confirmed

35,87,291

PERSIAN GULF

"Desert Storm" and "Desert Shield" veterans included in definition of "veteran": SB 5991
"Veteran" defined to include "Desert Storm" and "Desert Shield" veterans: SB 5991

Counseling services for veterans and families: SB 5865
 Desert Shield, health and retirement coverage continued for employees called to active service: SSB 5092
 Desert Storm veterans made eligible for veterans' benefits: SB 6011, SSB 6011
 Middle East veterans affairs office, advisory council, created: SB 5696
 Operation Desert Shield service, death benefits allowed for state employees' retirement systems members: SB 5224
 Retirement service credit authorized for members of state retirement systems during period in which employment is interrupted by military service, conditions and restrictions: *SSB 5092, CH 119 (1992)
 Service credit authorized for members of state retirement systems during period in which employment is interrupted by military service, conditions and restrictions: *SSB 5092, CH 119 (1992)
 State employees granted military leave to report for active duty: SB 5521

PERSONAL PRIVILEGE, POINTS OF

Senator Saling, Senator Hayner's lost book	125
Senator Metcalf, Pacific Coast Oyster Growers Association providing oysters for lunch	435
Senator Anderson, Remarks on Senator Hansen's maiden speech	587
Senator Hansen, Regarding first speech on Senate floor	726
Senator McCaslin, Suggests President Pro Tempore "unrap" gavel	1018
Senator Rasmussen, File political campaign fund report	1658
Senator von Reichbauer, Acknowledges Senator Talmadge as new Senator from Vashon Island	1677

PERSONNEL AND HUMAN RESOURCES, DEPARTMENT OF

Director of, office created, powers and duties: SB 5337
 Name change from department of personnel and powers and duties of department revised: SB 5337

PERSONNEL APPEALS BOARD

Abolished, transfer of duties to state personnel board: SHB 1655, SB 5545

PERSONNEL BOARD

Bernadene Dochnahl, Member, GA 9292	741
Assumption of duties of personnel appeals board and higher education personnel board: SHB 1655, SB 5545	

PERSONNEL, DEPARTMENT OF

Child care coordinating committee, representative from department added to membership of: SHB 2308, SB 6131
 Child care for children of state employees, program and policy development duties: SHB 2308, SB 6131
 College career entry program created, departmental duties: SB 5944
 Combined benefits communication project, retirement planning and potential consequences of early retirement, department to prepare information regarding: *SHB 2947, CH 234 (1992)
 Director of personnel and human resources, revised provisions relating to appointment, powers, and duties: SB 5944
 Educational employees compensation, department to conduct study of total compensation for: SSB 5919
 Management service, Washington management service created, duties and rulemaking authority of director of personnel: SB 5944
 Name changed to department of personnel and human resources: SB 5944
 Personnel and human resources, department of, name change and revision of powers and duties of department: SB 5337
 Retirement planning and potential consequences of early retirement, department to prepare information regarding: *SHB 2947, CH 234 (1992)

PESTICIDES

Biological control agents, regulation of the use of: SB 5039, SSB 5039
 Center for sustaining agriculture and natural resources established, activities and duties: SB 5317, SSB 5317

* - Passed Legislation

Civil infractions, burden of proof on state to establish infraction by clear and convincing evidence: SB 5410
 Federal insecticide, fungicide, and rodenticide act, registration assistance program: SB 5037
 Food and environmental quality laboratory established, duties: SB 5317, SSB 5317
 Home and garden pesticide product advisory board to be established, duties: SB 5575
 Landscape applications, notice requirements: *SB 6093, CH 176 (1992)
 Licensing laws, revised provisions: *HB 2448, CH 170 (1992)
 Local regulation of pesticides prohibited except as expressly authorized by legislature: SB 6273
 Minor uses advisory committee created in department of agriculture, membership and duties: SB 5037
 Notice requirements for landscape and right of way applications of pesticides: *SB 6093, CH 176 (1992)
 Pesticide use education and information programs, department of ecology duties: SB 5575
 Pesticide-sensitive people to be given notice of landscape and right of way applications: *SB 6093, CH 176 (1992)
 Pesticide-sensitive people, compilation and distribution of list to applicators: *SB 6093, CH 176 (1992)
 Plant protection products for minor crop uses, registration assistance coordination: SB 5037
 Posting and recordkeeping provisions, revised requirements: *SHB 2831, CH 173 (1992)
 Public distribution of warning signs and information at pesticide retail sales outlets: SB 5253
 Recordkeeping and posting provisions, revised requirements: *SHB 2831, CH 173 (1992)
 Recordkeeping and posting requirements modified: SB 5009
 Regulation, local regulation of pesticides prohibited except as expressly authorized by legislature: SB 6273
 Regulatory authority given to department of agriculture and local regulation prohibited: SB 6273
 Residential area applications, owner option to post warning signs, requirements: SB 5913, SSB 5913
 Residue studies, Washington State University branch at Tri-Cities food and environmental quality laboratory to study: SB 5317
 Right of way applications, notice requirements: *SB 6093, CH 176 (1992)
 Urban applications, posting of warning signs and notice requirements prior to application: SB 5575
 Warning sign requirements, public recreation areas, day care centers, residential property: SB 5253
 Warning signs requirements, residential area applications, owner option to post: SB 5913, SSB 5913
 Water quality, pesticide application guidelines to protect: SB 5074

PETERSON, ROBERT C.

Member, Parks and Recreation Commission, GA 9187,

Confirmed 739,1403

PHARMACIES AND PHARMACISTS

Capsule nonprescription drugs, secure storage required, inspection by pharmacist upon request: SB 5946
 Contact lenses, pharmacists authorized to dispense prescriptions for: SB 5469
 Dispensing drug outlet, definition, board of pharmacy regulatory authority regarding: SB 6417
 Dispensing of prescription product is service not creating any implied warranty under the uniform commercial code: SB 5466
 Insurance, prescription medicine purchase limited to designated pharmacy prohibited in policies: SB 6271
 Liability of pharmacist in dispensing prescription products limited to willful or negligent acts: SB 5466
 Nonprescription drugs in capsule form, secure storage required, inspection by pharmacist upon request: SB 5946
 Pharmacy assistants, ratio to pharmacists for supervisory purposes: *SSB 5465, CH 40 (1992)
 Prescription drugs, pharmacist's and practitioner's duty to supply information to assure proper utilization: SHB 1003
 Prescription drugs, review of multitiered pricing of requested: SJM 8007
 Prescription medicine purchase limited to designated pharmacy prohibited in health care insurance policies: SB 6271
 Prescriptions, filling of a prescription written by a nonstate-licensed authorized prescriber after six months permitted: SB 5109
 Quality assurance system revisions to pharmacy and pharmacy assistant professional practice acts: SB 6029
 Renewal of license or registration, failure to do on or before due date, payment of fee and penalty required for renewal: SB 5683
 Reporting requirements, revised provisions: SB 5683

PHARMACY, BOARD OF

Controlled substances, analogs of controlled substances to be treated as schedule I substances: SHB 2587, SB 6191, SSB 6191

Controlled substances, authority to control, revised provisions: SHB 2587, SB 6191, SSB 6191
 Controlled substances, revision of schedules of drugs under control of the board: SHB 2587, SB 6191, SSB 6191
 Dispensing drug outlet, definition, board authority regarding: SB 6417
 Drug regulation, revised definitions terms used in the regulation of drugs by the board: SHB 2588, SB 6192, SSB 6192
 Renewal of license or registration, failure to do on or before due date, payment of fee and penalty required for renewal: SB 5683
 Reporting requirements, revised provisions: SB 5683
 Toxic household products, addition of nontoxic bittering agent required unless packaged with child-resistant safety closures: SB 6247
 Toxic household products, definition: SB 6247
 Toxic household products, responsibilities of board to regulate: SB 6247
 Uniform controlled substances act, comprehensive revision and update, penalties increased for violations: SHB 2028

PHYSICAL THERAPIST ASSISTANTS

Licensing requirements established: SB 6263

PHYSICAL THERAPISTS

Licensing requirements: SB 5146
 Quality assurance system revisions to professional practice act: SB 6029
 Treatment without consultation or review by health practitioner, authorization continued: SB 5146

PHYSICIAN ASSISTANTS

Alternative supervisors for assistants, board of medical examiners may authorize the use of: *SB 6070, CH 28 (1992)
 Podiatric care, physician assistants allowed to provide: SB 5710
 Surgical care, delegation of preoperative and postoperative care, limitations on: SB 5802

PHYSICIANS

Alcohol abuse, disciplinary board authority to obtain driving record to assist in identifying impairment due to: SB 5658
 Continuing education, mandatory credit may include approved activities relating to professional liability risk management: SB 5454
 Hospital charges, state hospital association and others invited to develop a protocol to establish a standardized system for disclosure of charges for hospital-based services: SHB 2341
 Hospital in-house services ordered for patients, hospital disclosure to health care providers of charges for: SHB 2341
 Liability risk management, mandatory continuing education credit may include approved activities relating to: SB 5454
 Malpractice insurance for retired physicians providing free care to low-income people at community clinics, department of health to purchase insurance for, terms and conditions for participation set out: *SHB 2337, CH 113 (1992)
 Malpractice insurance purchased for retired physicians providing free services to low-income persons: SHB 2337
 Professional service corporation, may render services through one with psychologists: SB 5491
 Quality assurance system revisions to professional practice act: SB 6029
 Referral of patient to laboratory in which physician has financial interest prohibited: SB 6049
 Retired physicians providing free care to low-income people at community clinics, department of health to purchase liability insurance for, terms and conditions for participation set out: *SHB 2337, CH 113 (1992)
 Retired physicians, provision of free services to low-income persons, immunity from civil liability: SB 5371
 Retired physicians, provision of free services to low-income persons, malpractice insurance provided: SHB 2337
 Surgical care, delegation of preoperative and postoperative care, limitations on: SB 5802

PICARD, KRISTEN

Apple Blossom Princess introduced 747

* - Passed Legislation

PIERCE COUNTY

Public assistance eligibility for students under twenty-one years of age, pilot program established to demonstrate improved school completion rates: SB 6098, SSB 6098

PILOTAGE COMMISSIONERS, BOARD OF

- Peter Badame, Member, GA 9237 44
- Doug Ward, Member, GA 9273 105
- Benjamin L. Watson, Reappointed Member, GA 9272 105
- Transfer to department of marine transportation for purposes of staff support and administration only: SB 5945

PILOTS, MARITIME

Board of pilotage commissioners, transfer to department of marine transportation for staff support and administration only: SB 5945

Training, licensing, and reporting requirements: SB 5183

PIPELINES

Legislative approval required on applications for certification of pipelines within Puget Sound, Admiralty Inlet, Deception Pass, or adjacent waters: SSB 5676, SB 5899

PLASTIC

Polystyrene products, use in food service and packaging prohibited on ferries and in ferry terminals: SB 5855, SSB 5855

Utensils, sale and use of, prohibited: SB 5017

PLATS

Record of survey not required when it is a retracement or resurvey and no discrepancy is found when compared to recorded information or other public survey map records: *SSB 5557, CH 106 (1992)

Record of survey not required when no material variance found in boundary retracement: SB 5557

Utilities, designation of availability on recorded plats: SSB 5062

Wildland/urban interface areas, fire protection requirements for plat approval in high or extreme risk level area: SB 6202

PLUMBING AND PLUMBERS

"Plumbing" defined for certification purposes: SB 5153

Backflow prevention assembly installers and testers, certification requirements: SB 5153

Irrigation systems installer defined: SB 5153

Water conservation performance standards, fixtures to meet standards, testing and identification requirements: SB 5690, SB 5736

PODIATRY AND PODIATRISTS

Food care services by podiatric physicians included in public assistance medical care program: SB 6316

Physician assistants allowed to provide limited podiatric care: SB 5710

POINTS OF ORDER

- Amendment to SB 6124 (Wojahn) 401
- Amendment to SSB 6262 (L. Smith) 608
- Question going to ninth order of business (Talmadge) 611
- Amendment to SSB 6262 (Vognild) 675
- Amendment to SSB 5386 (Nelson) 676
- One speech on each side on point of order, SSB 5386 (Newhouse) 676
- Special order of business, SB 6470 (Newhouse) 681
- Amendment to committee amendment to SB 6322 (McMullen) 683
- Second reconsideration of amendment not possible, SSB 6262 (Talmadge) 686
- Question if amendment to SB 6315 (Owen) 692
- Beyond hour to reconsider Senate Bills E2SSB 6178 (Rasmussen) 726
- Amendments to HB 2514 (Talmadge) 835
- Subject matter of SB 6124 beyond cutoff resolution (West) 840
- Question if SB 6509 within cutoff resolution (Talmadge) 865

* - Passed Legislation

Amendment to SHB 2281 (Rasmussen)	870
Amendment to committee amendment to ESHB 2643 (von Reichbauer)	886
Committee Amendment to ESHB 2628 (Talmadge)	892
Committee Amendment to ESHB 2629 (Metcalf)	896
Amendment to HB 2633 (Sutherland)	906
Amendments to committee amendment to SHB 1258 (West)	923,924
Amendment to SHB 2867 (Rasmussen)	926
Amendment to SHB 2502 (Madsen)	974
Question whether under 3-minute rule, SHB 1481, (Anderson)	982
Committee amendment to SB 6089 (McMullen)	1015
Pending amendment to committee amendment to ESHB 2274 (Anderson)	1018
Amendments to committee amendment to SB 6089 (Nelson)	1023
Additional amendment to committee amendment to SB 6089 (Kreidler)	1058
Question if ESHB 2990 properly before Senate (Talmadge)	1097
Committee amendment to SHB 2695 (Talmadge)	1105
Amendment to SHB 2676 (Talmadge)	1108
Committee amendment to SHB 2817 (Niemi)	1120
Committee amendment to HB 2290 (Vognild)	1126
Amendment to ESHB 2568 (Kreidler)	1157
Amendment to SHB 2344 (Nelson)	1159
Special order of business, ESHB 2610 (Newhouse)	1173
Question if SHB 2695 still alive after special order of business (Talmadge)	1174
Slow pace down (McCaslin)	1193
Committee amendment to ESHB 2553 (Murray)	1260
Amendment to amendment to ESHB 2553 (Murray)	1351
House amendment to SSB 6428 (Talmadge)	1464
Amendment to committee amendment to SHB 2284 (Rasmussen)	1526
Question number of votes needed to pass ESSB 6180 (Craswell)	1613
Amendment to ESHB 2947 (McDonald)	1638
Immediate reconsideration of bills within last ten days of session, SSB 6286 (Snyder)	1645
Motion to adjourn carried, gavel down (Newhouse)	1645
Question Speaker ruling amendments to HB 2514 out of order (Rasmussen)	1685
Conference Committee Report of SSB 6428 beyond scope and object (Talmadge)	1698
Amendments to amendment to SSB 6286 (West)	1857,1858
Motion to defer, two-pronged motion, EHB 2053 (Newhouse)	1861
Midnight, last day of session (Roach)	1868
Past midnight, last day of session (Rasmussen)	1869

POISONING PREVENTION

- Poison information center, department of health to report on funding, efficiencies, and fees associated with establishing a single center and to recommend funding levels and how center should be funded: SHB 2016
- Poison information center, revised provisions relating to organization, administration, authority, and duties of: SB 6031
- Poison information center, service delivery, revised provisions: SHB 2016
- Poison information center, service to be centralized in a single center by June 30, 1993: SHB 2016
- Poison information specialist, certification by secretary of health required to perform the duties of: SHB 2016
- Toxic household products, addition of nontoxic bittering agent required unless packaged with child-resistant safety closures: SB 6247
- Toxic household products, definition: SB 6247

POLICE

- Harassment, notification of the victim and law enforcement of release from prison or mental hospital of person who was charged or convicted of felony harassment required: *SHB 2702, CH 186 (1992)
- Sexual offenders, notice to be given police chief prior to release when future residence unknown, requirements: *SHB 2262, CH 45 (1992)
- Warrant officer position to be maintained by the city within the police department, revised nomenclature, powers, and duties: *HB 1732, CH 99 (1992)
- Warrant servers, authority to maintain within department: HB 1732

Weapons on school premises, arrest for probable cause authorized: SB 6122

POLLUTION

Marine safety and spill prevention office established in department of ecology: SB 5183
 Oil and hazardous substance spill prevention and response requirements: SB 5183
 Oil heat tank pollution liability act: SB 5677, SSB 5677
 Oil spill prevention and response, Pacific Ocean resources compact adopted: SB 5428, SSB 5428, 2SSB 5428
 Pacific Ocean resources compact, adoption of: SB 5428, SSB 5428, 2SSB 5428
 Prevention programs, commission on environmental strategies to review and recommend alternative strategies: SB 6036, SSB 6036
 Shellfish tidelands, plans and programs to protect: SHB 2363, SB 6132, *SSB 6132, CH 100 (1992)
 Waste entering state waters, parks and recreation commission to consider funding for portable boat pumpout facilities: SHB 2363, SB 6132, *SSB 6132, CH 100 (1992)
 Watershed financial assistance program created in department of ecology to assist counties to form and implement watershed protection districts: SHB 2363
 Watershed protection districts and programs to protect shellfish in counties with saltwater tidelands: SB 6132, SSB 6132

POLLUTION CONTROL BOARD

Biosolid use and disposal permits, local health department may appeal department decision to pollution control hearings board: *SHB 2640, CH 174 (1992)
 Sludge, local health department may appeal a department of ecology permit decision to the board: *SHB 2640, CH 174 (1992)

POLLUTION LIABILITY INSURANCE AGENCY

Oil heat tank pollution liability act, duties: SB 5677, SSB 5677

PORNOGRAPHY

Erotic sound recordings, "adults only" labeling required: *HB 2554, CH 5 (1992)
 Minors, erotic sound recordings' ready accessibility to minors prohibited: *HB 2554, CH 5 (1992)

PORT DISTRICTS

Aircraft noise abatement, programs of soundproofing structures executed if owner waives damages and conveys easement: HB 2375
 Airport expansion to be consistent with air transportation policy plan, duties: SHB 2609
 Airport runways, moratorium placed on Seattle-Tacoma expansion: SB 6371
 Airports, Moses Lake supported in application as international port of entry: SB 6371
 Airports, referendum approval for expansion of large commercial airports, procedures for placing question on ballot: SB 5826
 Bidding practices revised: SHB 2505
 Commissioners, commissioner districts, division of port district into: *SHB 1150, CH 146 (1992)
 Commissioners, compensation per diem and additional, revised provisions: *SHB 1150, CH 146 (1992)
 Commissioners, election procedures revised: *SHB 1150, CH 146 (1992)
 Commissioners, increase in number of commissioners to five, procedures established: *SHB 1150, CH 146 (1992)
 Commissioners, term of office reduced to four years: *SHB 1150, CH 146 (1992)
 Compensation of nonunion employees through lump-sum or bonus payments prohibited: SB 5636
 Creation of less than county-wide district authorized in county bordering on saltwater which already has such a district, procedures established: *HB 2287, CH 147 (1992)
 Fees based on gross receipts of business involved in port-related activity, restrictions on port's authority to charge: SB 5833
 Referendum procedures for district resolutions: SB 5258
 Resolutions of, referendum procedures for: SB 5258
 Runway construction of one thousand feet or more or runway expansion by any political subdivision or municipal corporation prohibited until air transportation commission submits final report: *SHB 2609, CH 190 (1992)
 Runway construction or expansion by any large political subdivision or municipal corporation in western Washington prohibited until air transportation commission presents its final report: *SHB 2609, CH 190 (1992)

Small works rosters, process for districts to award contracts on works estimated to cost less than one hundred thousand dollars: SHB 2505
 Whistleblower program establishment encouraged, auditor approval: SB 6321

PORTER, NORA

Trustee, Peninsula Community College District No. 1,
 GA 9156 124

POVERTY

Child poverty assessment and assistance act: SB 5854
 Child poverty project, child poverty project coordinating council to commission assessment: SSB 5854
 Community child poverty project created, state assistance and funding: SB 5854

PREGNANCY

Alcohol and drug abuse, family planning services training for substance abuse counselors: SHB 2364
 Alcohol and drug abuse, pretreatment pilot demonstration projects, project requirements: SB 5774
 Alcohol and drug abuse, secondary prevention strategies to increase use of services by women before, during, and after pregnancy: SB 5774
 Chemically dependent pregnant women, mothers, and infants, interagency coordination of service delivery required: SB 6051
 Drug exposed infants, program to assess and monitor: SSB 5193
 Fetal alcohol syndrome and fetal alcohol effect included in definition of developmental disability: SB 6260, SSB 6260
 Infant drug exposure assessment and monitoring program established: SB 6051
 Prenatal drug or alcohol exposure, planning for learning project created to prepare strategies for teaching children with: SB 6366, SSB 6366
 Substance abuse by pregnant women, training and education of health professionals regarding effects of: SB 6051

PRENATAL CARE

Prenatal drug or alcohol exposure, planning for learning project created to prepare strategies for teaching children with: SB 6366, SSB 6366

PRESIDENT OF THE SENATE (See also LIEUTENANT GOVERNOR, PRITCHARD JOEL, RULINGS AND REPLIES BY THE PRESIDENT, PARLIAMENTARY INQUIRIES)

Presiding Officer, Joint Session	52
Welcomed Senator Wanda Hansen to State Senate	167
Welcomed Senator Susan Sumner to State Senate	381
Voted "aye" to defer SB 6124	422
Voted "aye", striking committee amendment, as amended, to ESHB 2470	584
Voted "nay", Senator Wojahn amendment to committee amendment to SB 6054	604
Voted "nay", Senator Linda Smith amendment to SB 6158	656
Welcomed members of military forces to State Senate	797
Voted "aye" to Call of the Senate	1418
Voted "aye" to adjourn	1646

PRINSEN, MELANIE

Trustee, Bellingham Technical College, GA 9219 39,212

PRINTERS AND PRINTING

State printing, union labels required on, exceptions: SB 5729

PRISONS AND PRISONERS

Alternatives to total confinement, inmate work responsibility program to reduce prison costs, repay cost of confinement, and provide job skills: SHB 2834
 Boot camp program for adult offenders established: SB 5286

* - Passed Legislation

- Convict labor authorized for work on state correctional facilities: SJR 8224
 Correctional facilities, correction of references to state correctional facilities: *SHB 2263, CH 7 (1992)
 Crimes committed in state correctional institutions, consecutive sentences for offenders committing serious violent crimes while incarcerated: SHB 2834
 Electronic monitoring, day reporting, and telephone reporting, offender to pay cost of services rendered when able to do so: HB 2266
 Indeterminate jurisdiction of all inmates and parolees to be terminated by June 30, 1998, indeterminate sentence review board to recommend a detailed plan to legislature by December 31, 1992: SHB 2834
 Inmate work and responsibility board of directors, membership and duties: SHB 2834
 Inmate work programs, leasehold tax exemption for interests used for operation of correctional industries: *SHB 2268, CH 123 (1992), SB 6026
 Inmate work programs, operation and management of employer model and customer model free venture industries, revised provisions: *SHB 2268, CH 123 (1992), SB 6026
 Inmate work programs, participants in free venture industries may deduct gross inmate wages from measure of business and occupation tax amounts: *SHB 2268, CH 123 (1992), SB 6026
 Inmate work programs, wage standards for inmates working in tax reduction industries and community work industries, revised provisions: *SHB 2268, CH 123 (1992), SB 6026
 Inmate work responsibility program, development of comprehensive strategy for reducing prison costs through an: SHB 2834
 Intensive rehabilitation program, conditions for participation in: SSB 5623
 Jail industries, comprehensive work programs for inmates: SHB 2334, SB 6341
 Jail industries, inmate compensation for work in: SHB 2334, SB 6341
 Limitations on actions by prisoners, statute not tolled during term of imprisonment: HB 1689
 New construction, general contractor/construction manager method to expedite awarding state contracts, limitation: SB 5529
 Parole periods established for sex and violent offenders and for all other offenders, terms, conditions, sanctions for violations, and final discharge provisions established: SHB 2834
 Parole, indeterminate sentence review board not to release offender unless the board determines that the offender does not present a serious risk to the community while on parole: SHB 2834
 Partial confinement, department of corrections authority to substitute for total confinement, conditions: SB 5623
 Prison industries, twenty-five percent participation in class I and II industries to be achieved by December 30, 1996, and fifty percent participation by December 30, 1998, application of inmate wages to incarceration costs: SHB 2834
 Punishment units, definition, use in sentencing process: SHB 2834
 Recidivism, secretary of department of corrections to file annual report with legislature on: SB 5623, SSB 5623, 2SSB 5623
 Sentence reduction for defendant convicted of murder prior to July 23, 1989, when victim subjected defendant or defendant's children to continuing sexual or physical abuse and the murder was in response to that abuse: SHB 2703
 Sentencing alternatives, sentencing guidelines commission to continue development of alternatives to confinement for nonviolent offenders: SCR 8429
 Special services for offenders, offender to pay for services when financially able to do so: HB 2266
 Subsistence account to be used for expenses upon release, portion of prison earnings to be deposited in: SB 6125, SSB 6125
 Subsistence account to be used in search for employment upon release, portion of prison earnings to be allocated to account: SB 5949
 Violent offenders, additional community placement authorized: SHB 2354
 Work crews, program of partial confinement for offenders authorized, conditions for participation in: SSB 5852

PRITCHARD, JOEL (See also PRESIDENT OF THE SENATE, LIEUTENANT GOVERNOR, RULINGS AND REPLIES BY THE PRESIDENT, PARLIAMENTARY INQUIRIES)

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PRIVACY

Administrative search warrants prohibited for searches of private residences, informed consent of occupant required: SB 5572, SSB 5572	
Caller identification technology, use authorized, conditions to protect privacy: SB 5336	
Caller, location, or number identification service, privacy act does not apply to commission approved services: SB 5397	
Child sexual abuse, monitoring of conversations regarding not violation of privacy guarantees: SB 5905	
Credit card users, merchants prohibited from obtaining personal identification information from: SB 5002	
Discrimination, employer discrimination against employee for consumption of lawful products off premises during nonworking hours prohibited: SHB 2274	
Employer discrimination against employee for consumption of lawful products off premises during nonworking hours prohibited: SHB 2274	
Health care records, authorization for information disclosure by provider to expire ninety days after issuance: SHB 2568	
Health care records, information disclosure by provider, fee: SHB 2568	
Health care records, third-party payor allowed access to beneficiary's health information for payment purposes: SHB 2568	
Health care records, unauthorized disclosure of name, residence, and sex allowed for purposes of identification, further disclosures allowed in cases of public record: SHB 2568	
Infant mortality review by local health department authorized, confidentiality of records: SHB 2571, *SB 6296, CH 179 (1992)	
Mentally ill, release of patient records in event of death authorized, restrictions: SB 6121	
Organic food producers, confidentiality of valuable trade information protected: *SHB 2502, CH 71 (1992)	
Reproductive rights, initiative 120: *SI 120, CH 1 (1992)	

PRIVATE INVESTIGATORS

Private detective agencies with fewer than two licensed employees, license fee limitation: SB 6224	
Private detectives, licensing requirements: SB 5125, SSB 5125	

PROBATE

Costs of administration deductible from decedent's estate: SHB 1061	
Funeral expenses deductible from decedent's estate: SHB 1061	
Holders of financial assets, duties of, repeal of RCW 11.92.095: *SB 6008, CH 224 (1992)	
RCW 11.92.095 repealed: *SB 6008, CH 224 (1992)	
Slayers denied state retirement system beneficiary benefits, considered to have predeceased decedent for purposes of distribution: SHB 2246	

PROBATION AND PAROLE

Electronic monitoring authorized as a condition for release or probation, defendant may be required to bear monitoring costs: *SB 6103, CH 86 (1992)	
Final discharge, grant of final order of discharge and issuance of certificate of discharge to parolee, revised conditions: SHB 2834	
Juvenile serious habitual offender program established, probation departments duties: SB 5739, SSB 5739	
Parole periods established for sex and violent offenders and for all other offenders, terms, conditions, sanctions for violations, and final discharge provisions established: SHB 2834	
Parole, indeterminate sentence review board not to release offender unless the board determines that the offender does not present a serious risk to the community while on parole: SHB 2834	
Sanction grid to be developed in cooperation with the department of corrections for dealing with parole violations with revocation reserved as the last alternative: SHB 2834	
Victim-offender mediation program, referral to be made when request for a predisposition study is received, conditions and exceptions: SB 5623, SSB 5623, 2SSB 5623	

Violent offenders, additional community placement authorized: SHB 2354

PROCESS SERVERS

Registration fee: *SHB 2370, CH 125 (1992), SB 6264, SSB 6264

Registration required, procedures and exceptions: *SHB 2370, CH 125 (1992), SB 6264, SSB 6264

PROPERTY

Crimes, market value of stolen property or service redefined: SHB 2323

Criminal profiteering, asset forfeiture procedures: SB 5881

Document preparation for property sales or loans, repeal of obsolete RCW sections: *SB 6329, CH 91 (1992)

Donated or worthless property exempted from the uniform unclaimed property act: *HB 2841, CH 122 (1992)

Forfeited property, seizing agency to make reports to and remit portion of proceeds to state treasurer for deposit in drug enforcement and education account: *2SSB 5318, CH 210 (1992)

Forfeiture of property by criminal profiteers, procedures: SB 5881

Fraudulent means to obtain or use rental or leased property, penalties: SB 6415

Insurance, credit history may not be used in determining eligibility or rates for property insurance: SB 5733

Intangible property, when presumed abandoned and subject to state custody: *HB 2682, CH 48 (1992)

Lease-purchase agreement act: *SHB 2299, CH 134 (1992)

Personal property used in making another retail sale, rent or lease of property exempted from sales and use taxes: SB 5773

Property rights protection act: SB 5122

Rental or leased property, fraudulent means to obtain or use, penalties: SB 6415

Repossession of collateral upon default, duty of secured party to return property of debtor not covered by security interest within forty-eight hours: SSB 6083

Repossession of motor vehicle, secured party's duty to protect and return personal property in repossessed vehicle: SB 6083, SSB 6083

Restriction of landowner rights, less-restrictive alternative means, rule-making hearing, notice requirements: SB 5539

Sales and use tax exemptions, personal property rented or leased to make another retail sale: SB 5390

Taking of private property, establishes a process to determine when a taking has occurred: SB 5122, SB 5419

Trailers, use tax exemption applicable if purchased outside state more than ninety days before becoming resident: SB 6145, SSB 6145

PROSECUTING ATTORNEYS

Fire protection sprinkler system contractors, authority to bring civil proceedings to enforce chapter: *HB 2290, CH 116 (1992)

HIV testing of juvenile offenders in sexual offense, prostitution, and drug offense cases required: SB 6092, SSB 6092

Habitual juvenile offenders, serious habitual offender grant program established to assist in early identification, recordkeeping, prosecution, and supervision activities: SB 6115

Involuntary commitment or detention, prosecutor to represent petitioner for commitment and defend all challenges to commitment or detention in judicial proceedings for or challenging involuntary commitment or detention: HB 2862

Juvenile serious habitual offender program established, duties: SB 5739, SSB 5739

Salary increases, state to reimburse county for additional costs incurred: SB 5695, SSB 5695

Sexually violent predator, to be notified of anticipated release of, requirements: *SHB 2262, CH 45 (1992)

PROSTITUTION

HIV testing of adult and juvenile offenders in sexual offense, prostitution, and drug offense cases required: SSB 5086

HIV testing of juvenile offenders in sexual offense, prostitution, and drug offense cases required: SB 6092, SSB 6092

PROTEST

Working through dinner hour and taking short lunch break (Vognild) 1101

PSYCHOLOGISTS

- Professional service corporation, may render services through one with physicians: SB 5491
- Psychologist disciplinary committee, revised provisions relating to quorums and appointment of members pro tempore: *HB 2358, CH 12 (1992)
- Quality assurance system revisions to professional practice act: SB 6029

PUBLIC ASSISTANCE

- Adoption, extension of general assistance eligibility for recipients who give up child for adoption: SB 5452, SSB 5452
- Aid to families with dependent children and dependent child, revised definitions: *HB 2350, CH 136 (1992), SB 6060
- Aid to families with dependent children, definition of "dependent child" revised: SB 6439
- Aid to families with dependent children, eligibility of eighteen to twenty year old students: SB 5307, SSB 5307
- Aid to families with dependent children-employable, mandatory participation in JOBS program required for non-exempt parents under age twenty-four and at least one parent in two-parent households: *SHB 2983, CH 165 (1992)
- Automated client eligibility system (ACES), conditions and limitation on expenditures for the system: SB 5659
- Birth expenses, department of social and health services to enforce support obligation to reimburse state for prenatal, delivery, and postnatal costs: SB 6114, SSB 6114, 2SSB 6114
- Children's mental health, department to endeavor to redirect Title XIX funds to placements within state: SB 6215
- Children's mental health, planning study to determine level of residential and treatment services required: SB 6214
- Community work experience program to be implemented for general assistance recipients not expected to be eligible for supplemental security income and capable of doing public service work: *SHB 2983, CH 165 (1992)
- Conflicts with federal requirements, state law inoperative to the extent of the conflict: SB 5452, SSB 5452
- Direct landlord pay task force created to study whether housing for recipients would increase were direct pay available: SHB 2152
- Earned income, recipients allowed to retain half of their earned income, department to seek waiver to permit: SHB 2527
- Eligibility for person living in state less than twelve months limited to level received in state of previous residence: SB 6367
- Eligibility for students over eighteen and demonstrating progress towards secondary school completion, pilot program established: SB 6098
- Eligibility for students under twenty-one years of age, pilot program established to demonstrate improved school completion rates: SB 6098, SSB 6098
- Excess real property, agreements regarding: SB 5452, SSB 5452
- Federal funds, services and programs to be designed and implemented to maximize allocation to state: SB 6215
- Food stamps, child support income exempted by federal law not to be considered in determining need or eligibility: SB 5921
- Food stamps, expedited issuance within twenty-four hours of application to eligible recipients: SB 5921
- Funeral expenses of recipients, responsibility of department of social and health services and surviving children for transportation and funeral services: *SHB 2874, CH 108 (1992)
- General assistance eligibility for students over eighteen and demonstrating progress towards secondary school completion, pilot program established: SB 6098
- General assistance, cash bonus to recipient for tubal ligation, conditions: SB 6379
- General assistance, cash bonus to recipient for vasectomy, conditions: SB 6379
- General assistance, community work experience program to be implemented for recipients not expected to be eligible for supplemental security income and capable of doing public service work: *SHB 2983, CH 165 (1992)
- General assistance, coordination of program with other assistance programs, revised provisions: *HB 2350, CH 136 (1992), SB 6060
- General assistance, eligibility for person living in state less than twelve months limited to level received in state of previous residence: SB 6367
- General assistance, extension of eligibility for recipients who give up child for adoption: SB 5452, SSB 5452

- Immunization of children, demonstration projects and required immunizations for children of state service recipients and state employee health benefit recipients: SB 6034, SSB 6034
- JOBS program, mandatory participation in program required for non-exempt parents under age twenty-four and at least one parent in two-parent households as eligibility condition for aid to dependent children-employable: *SHB 2983, CH 165 (1992)
- Job opportunities and basic skills training program: SB 5452, SSB 5452
- Medicaid, hospitalization of recipient, nursing home to hold bed open for at least three days following discharge, reimbursement rate: SB 6446
- Medical assistance, foot care services by podiatric physicians included in program: SB 6316
- Medical care costs, department of social and health services to enforce support obligation to reimburse state for prenatal, delivery, and postnatal costs: SB 6114, SSB 6114, 2SSB 6114
- Medical care vendors, billing period changed to twelve months: SB 5213
- Medical services, department of social and health services authorized to purchase services by contract or at rates set by department: *HB 2314, CH 8 (1992), SB 6061
- Mental health care included in medical assistance services provided: SB 5316
- Nursing homes to hold bed of hospitalized medicaid recipient open for at least three days following discharge, reimbursement rate: SB 6446
- Nursing homes, requirements for participation in prospective cost-related reimbursement system, exemption: SB 6354, *SSB 6354, CH 215 (1992)
- Public assistance and employment self-sufficiency, joint task force to develop implementation plan: SCR 8405
- Rural hospitals providing essential health care services to medical assistance clients, payment: SB 5597
- Social and health services financial partnership plan, liability for and recovery of costs for services rendered: SB 5281
- Students, eligibility for students under twenty-one years of age, pilot program established to demonstrate improved school completion rates: SB 6098
- Students, general assistance eligibility for students over eighteen and demonstrating progress towards secondary school completion, pilot program established: SB 6098
- Support enforcement, department of social and health services to enforce obligation to reimburse state for prenatal, delivery, and postnatal costs: SB 6114, SSB 6114, 2SSB 6114
- Tubal ligation, cash bonus to public assistance recipient for obtaining, conditions: SB 6379
- Vasectomy, cash bonus to public assistance recipient for obtaining, conditions: SB 6379
- Vendor rates, additional rate increases authorized in 1992 and 1993: *SB 5961, CH 238 (1992)
- Washington work opportunities program created to foster job training and financial independence: SB 6397, SSB 6397
- Women, infants, and children supplemental food program, number of eligible participants increased: SB 5921

PUBLIC CORPORATIONS

- Washington timber development corporation established to respond to needs of timber-dependent communities: SB 5207

PUBLIC DEBTS

- Collection costs, state and local governments authorized to assess collection costs for amounts paid to collection agencies making collections: SB 5902
- Public debt collections task force created to review existing policies and procedures and to develop model policies and procedures: SB 5902

PUBLIC DISCLOSURE

- Agency employees, information revealing identity of agency employee seeking advice regarding a possible unfair practice under the discrimination laws and requesting that information not be disclosed exempt from disclosure: *SHB 2876, CH 139 (1992)
- Attorney general review of agency determination that a record is exempt from disclosure, requestor may ask for: *SHB 2876, CH 139 (1992)
- Business, financial, and commercial information related to the community economic revitalization board's program services, exemption from disclosure: HB 2595
- Child sexual abuse victims, dissemination of identifying information about victim prohibited without consent of victim or victim's legal guardian other than as specifically allowed: SHB 2348
- Child sexual abuse victims, information revealing identity of child victims of sexual assault confidential and not subject to public disclosure, courts authorized to seal information identifying child victim: *SHB

- 2348, CH 188 (1992)
- Contribution and expenditure reporting for candidates for state elective office, penalties for violations: SHB 2986
- Contributions, listing or report of contributions to be given candidate or group supporting or opposing ballot proposition named in report: SB 5617
- Department of labor and industries, confidentiality of information acquired through research, demonstrations, experiments, and employer-requested services: SB 5212
- Executive state officer, redefinition to include certain higher education board officers for reporting responsibilities: SB 6228, SSB 6228
- Gifts to public officials, disclosure requirements: SB 5088
- Health care records, information disclosure by provider, authorization to expire ninety days after issuance absent agreement as to expiration date: SHB 2568
- Health care records, information disclosure by provider, limit on fees for copying records: SHB 2568
- Health care records, third-party payor allowed access to beneficiary's health information for payment purposes: SHB 2568
- Health care records, unauthorized disclosure of name, residence, and sex allowed for purposes of identification, further disclosures allowed in cases of public record: SHB 2568
- Immunity from liability for damages resulting from release of public record when public agency, official, employee, or custodian was acting in good faith when the information was released: *SHB 2876, CH 139 (1992)
- Independent expenditures, reporting to public disclosure commission, local elections officer, and candidates, requirements: SHB 2986
- Infant mortality review by local health department authorized, confidentiality of records: SHB 2571
- Infant mortality review, local health departments authorized to conduct, confidentiality of records provided by families, department officials and employees, and health care professionals participating in reviews established: *SB 6296, CH 179 (1992)
- Initiative, referendum, and recall petitions, public disclosure prohibited: SB 5621
- Legislature included in coverage of act: SB 6291
- Liberal construction of public records subdivision of chapter and narrow construction of its exemptions required to support a well informed public: *SHB 2876, CH 139 (1992)
- Lobbyists, reporting of gifts to public officials, requirements: *SSB 5149, CH 18 EX (1991)
- Local office candidates, campaign contribution and spending limits apply to candidates for local office beginning July 1, 1995, exceptions: SHB 2986
- Medical disciplinary board, authority to obtain driving record to assist in identifying impairment due to alcohol abuse: SB 5658
- Mentally ill, release of patient records in event of death authorized, restrictions: SB 6121
- Multicandidate political committees, annual report filing requirements, required contents: SHB 2986
- Open public meetings act, joint select committee on open government to investigate special meetings and notice procedures, executive sessions, meeting agenda publication, and penalties for open meeting violations: *SHB 2876, CH 139 (1992)
- Open public meetings act, revised provisions: SHB 2876, SB 6411
- Patients and clients of public emergency medical service, confidentiality of personal information: SHB 1275
- Personnel files of state civil service employees, exemption: SB 6252
- Political advertising, accompanying statement of responsibility required: SHB 2376
- Public disclosure commission, campaign financing limits for candidates for state elective office, authority to revise dollar amounts and to conduct audits and investigations: SHB 2986
- Public employee or agent of elected official, lobbying restrictions and provisions for compliance: SB 6250
- Public facilities loans and grants, business records supplied during application process, exemption: SB 6323
- Public meetings, records of proceedings available to public: SHB 2876, SB 6411
- Public officials, reporting of political gifts and public office funds, requirements: *SSB 5149, CH 18 EX (1991)
- Solid waste disposal facilities, county to give two weeks notice before making final siting decision in open public meeting: SB 5932
- Spending limits, candidate for state office limited in total expenditures that may be made during two or four year election cycle for the office sought, reporting requirements: SHB 2986
- State agencies, list of records disclosure exemptions required: *SHB 2876, CH 139 (1992), SB 6411
- Trade information submitted to state employees' benefits board or health care authority may be withheld: SB 5196, SSB 5196
- Witnesses to and victims of crimes, information revealing the identity of witnesses and victims exempt from

disclosure: *SHB 2876, CH 139 (1992)

Writing, redefinition: *SHB 2876, CH 139 (1992), SB 6411

PUBLIC DISCLOSURE COMMISSION

- Betty G. Shreve, Reappointed Member, GA 9244 45
- Audits and field investigation, to conduct sufficient number to provide statistically valid findings regarding compliance: SSB 5864
- Campaign financing limits for candidates for state elective office, authority to revise dollar amounts and to conduct audits and investigations: SHB 2986
- Contributions to candidate for state legislative or executive office limited to one thousand dollars per contributor, duties: SB 6043
- Contributions, listing or report of contributions to be given candidate or group supporting or opposing ballot proposition named in report: SB 5617
- Independent expenditures, reporting to public disclosure commission, local elections officer, and candidates, requirements: SHB 2986
- Multicandidate political committees, annual report filing requirements, required contents: SHB 2986

PUBLIC EMPLOYEES' RETIREMENT SYSTEM (See also RETIREMENT AND PENSIONS)

- "Veteran" redefined for purposes of military service credit: SB 5414
- City employees, portability of benefits for Seattle, Spokane, and Tacoma employees, cities to pay additional cost of coverage: SB 6233
- Community corrections officers, early retirement provisions: SB 5415
- Contribution rate for legislators and state officials: SB 5224
- Contribution rates, basic state contribution rates established as of September 1, 1992: SB 6286, *SSB 6286, CH 239 (1992)
- Cost-of-living increases, calculation of target benefit modified: SB 5352
- Cost-of-living increases, changes in terminology: SB 5354
- Cost-of-living increases, minimum benefit increased: SB 5353
- Cost-of-living increases, retiree's benefit age retirement allowance: SB 6312, SB 6313
- Early retirement authorized for plan I employees meeting specified criteria, prohibition on rehiring as temporary or project employees or through personal services contracts: *SHB 2947, CH 234 (1992)
- Early retirement eligibility, computation of service credit: SB 5223
- Funds established for use by system, simplification of designation of: *HB 2259, CH 212 (1992), SB 6020
- Funds, investment in state infrastructure required, limitations: SB 6359
- Higher education employees employed incidentally to their education may obtain service credit by paying cumulative contributions plus interest on past waived credit: SB 6388
- Initial retirement allowance: SB 6311
- Military service, additional service credit allowed member, one year for every five years of state service: SB 5257
- Military service, service credit authorized for members during period in which employment is interrupted by military service, conditions and restrictions: *SSB 5092, CH 119 (1992)
- Northern Ireland, investment of state funds in United States corporations operating in, standards for corporate activity: SB 5649
- Operation Desert Shield service, death benefits allowed for members' beneficiaries: SB 5224
- Overpayments based on miscalculation of the "age sixty-five allowance," recovery prohibited: *HB 2259, CH 212 (1992)
- Overpayments for certain cost of living adjustments, recovery prohibited: HB 2645, SB 6242
- Part-time employees, computation of service credit: SB 5223
- Recodification of retirement provisions, technical corrections made to 1991 recodification: *HB 2260, CH 72 (1992), SB 6019
- Reorganization of statutes governing the system: SB 5222
- Restoration of withdrawn contributions by members reentering system allowed through June 30, 1992: SB 5933
- Retirement allowance, calculation of initial allowance: SSB 5380
- Retirement planning and potential consequences of early retirement, department of personnel to prepare information regarding: *SHB 2947, CH 234 (1992)
- School employees, computation of service credit: SB 5223
- Seattle police relief and pension fund system, members who withdrew contributions to that system, procedure established to establish service credit in public employees' retirement system: *SHB 2985, CH 157

(1992)

Service credit authorized for members during period in which employment is interrupted by military service, conditions and restrictions: *SSB 5092, CH 119 (1992)

Service credit for full-time and part-time employees, computation: SB 5223

Spouses of students, service credit for employment at college or community college, conditions: SB 5468

University of Washington law enforcement officers to be members of law enforcement officers' and fire fighters' retirement system: SB 5703

Withdrawn contributions, reentering members allowed to restore in annual installments: *SB 5510, CH 195 (1992)

PUBLIC FACILITIES

System improvements to public facilities, credits to be provided when impact fees are imposed or mitigation measures are required under state environmental policy act: SHB 2842

System improvements to public facilities, duplication of mitigation and impact fees on the same system improvements prohibited: *SHB 2842, CH 219 (1992), SB 6400

PUBLIC FACILITIES DISTRICTS

Sales and use taxes, authority to impose, procedure to obtain voter authorization: SB 5731

PUBLIC FUNDS AND ACCOUNTS

Accountancy financial assistance account created to provide assistance to economically disadvantaged students in accountancy programs in their last thirty semester hours of college: SHB 2293

Agricultural local fund, nursery dealer license surcharge to be deposited in: SHB 2315, *SB 6027, CH 23 (1992)

Air pollution control account created: SB 5326

Appropriation, goals and objectives must be specified in bill or amendment that authorizes: SB 6412

Art acquisition program, higher education capital construction funds set aside for program to remain with institution: SB 6227

Art acquisition program, higher education institution participation optional and on a project-by-project basis: SB 6227

Ballot propositions, use of funds to support or oppose prohibited: SB 6173, SSB 6173

Basic health plan employer tax account created: SB 6089

Basic health plan subscription account created: SHB 2590, SB 6035, SSB 6035, SB 6089

Bond debt service retirement account created, authorized uses for reserved funds in account: SB 5952

Border areas account created, department of community development to distribute funds to border areas: HB 2539

Budget stabilization account appropriations, conditions: SB 5970

Budget stabilization account, transfer of funds into emergency reserve fund: SB 6470

Budget stabilization account, transfer of one hundred sixty million dollars to general fund: *SB 6284, CH 236 (1992)

Budget stabilization account, transfer of two hundred sixty million dollars to general fund: SB 6284

Certified public accountants account, all fees collected by the board of accountancy to be deposited in account beginning with the 1993-1995 biennium: *SHB 2293, CH 103 (1992)

Children's investment trust account created: SHB 2471

College mascot license plate account created, expenditures to be used only for nonathletic scholarships: SB 6490

Common school construction fund, transfers to fund from geothermal account from funds received until June 30, 2001, limited: HB 2399

Community assessment fund created, expenditures authorized to fund grants to local jurisdictions: SB 5890, SB 5901

Compulsive gambling fund created: SHB 2411

Consumer protection fund created, allocation and uses of: SB 5313

County research services account created: SHB 2338

County sales and use tax equalization account, additional distribution in place of department of wildlife in-lieu tax distribution: SHB 2520

Dairy products commission facility account created: *SHB 2950, CH 235 (1992)

Data processing building construction account created: *SHB 2950, CH 235 (1992)

Department of licensing services account created: *SHB 2643, CH 216 (1992)

Drug abuse resistance education fund created, expenditures authorized, additional tax imposed on beer,

spirits, and wines: SB 5920

Drug enforcement and education account, seizing agency to make reports to and remit portion of proceeds from property forfeitures to state treasurer for deposit in: *2SSB 5318, CH 210 (1992)

Economic development account created within the public facilities construction loan revolving fund, authorized uses: SB 5602, SSB 5602

Education construction account created, emergency reserve fund earnings to be transferred to: SB 6470

Education support account created, lottery revenues to be deposited in: SB 5994

Emergency reserve fund created, transfer of earnings to education construction account: SB 6470

Emergency reserve fund, constitutional amendment to create: SJR 8226

Employment security reserve fund created, receipts from reserve tax to be deposited into fund for payment of unemployment benefits: SHB 2603

Fingerprint identification account created for deposit of fees from school district fingerprint checks and expenditures authorized only for the cost of background checks: *SHB 2518, CH 159 (1992)

Fire mobilization account created, expenditures to be made only for expenses of mobilizing fire fighting resources: SB 6272, SSB 6272

Fire services trust fund created: SB 5541, SSB 5541, SB 5606

Firemen's pension fund, investment policies revised: *SB 6226, CH 89 (1992)

Flood control assistance revolving funds account established: SB 5817

Food processing inspection account created: SB 6393, *SSB 6393, CH 160 (1992)

Funeral directors and embalmers account created: HB 2468, SSB 5759

General fund, transfer of one hundred sixty million dollars from budget stabilization account to: *SB 6284, CH 236 (1992)

General fund, transfer of two hundred sixty million dollars from budget stabilization account to: SB 6284

Geothermal account, continued additional ten years: SB 5423, SSB 5423

Geothermal account, transfers from account to common school construction fund from funds received until June 30, 2001, limited: HB 2399

Good health care account created and appropriations made to various health care programs: SB 6034, SSB 6034

Hanford sublease rent account created: SB 6494, *SSB 6494, CH 228 (1992)

Health professions and research account created: SB 6110

Health services trust fund created: SHB 2590, SB 6089, SB 6110

Higher education financial aid account created: SHB 2729

Higher education financial aid, institutions to match state funds with grant funds from private sources: SHB 2729

Higher education operating fee account created for each institution: SHB 2729

Higher education operating fees account to be established for each four-year institution and one to be established for the community colleges as a whole: *SB 6285, CH 231 (1992)

Highway safety fund, all drivers' license fees to be deposited in: SB 5431

Housing trust fund, contributions from lottery account eliminated: SHB 2411

Intrastate rapid rail account created: SB 5546

Intrastate rapid rail account created in the motor vehicle fund: SB 5890, SB 5901

Job training trust fund created, funds to be used to train and retrain adults who need vocational skills to be employed: SHB 2603

Legislative facilities account created: SB 5783

Litter control account renamed waste reduction, recycling, and litter control account, expenditures from account authorized for specified programs: *SHB 2635, CH 175 (1992)

Local government administrative hearings account created: *SSB 6321, CH 44 (1992)

Long-term care ombudsman account created: SB 6170

Master license fund created: SB 6461, *SSB 6461, CH 107 (1992)

Minority and women-owned businesses loan fund established: SHB 1737

Mobile-manufactured housing account created: SB 5911

Monetary fines pilot program account established: SB 6343

Money market fund and mutual fund, definitions for public fund investment purposes: SB 6171

Money market fund designated for moneys remitted to treasurer for investment on behalf of state investment board: SB 6176

Municipal criminal justice account, revised distribution procedures: *HB 2655, CH 55 (1992), SB 6270

Municipal criminal justice assistance account, "criminal justice purposes" defined: SB 5989

Mutual fund and money market fund, definitions for public fund investment purposes: SB 6171

Natural resources real property replacement account created: SHB 2533, *SB 6161, CH 167 (1992)

Natural resources stewardship account created: SB 5972
Oil heat pollution liability fund created, expenditures authorized for remedial actions, third-party claims, and administrative costs: SB 5677, SSB 5677
Paint and coating applicators account created: SB 6300
Personal health services account created: SB 6109, SB 6110
Private vocational school account created and expenditures authorized: SHB 2423
Public facilities construction loan revolving fund, economic development account created within fund, authorized uses: SB 5602, SSB 5602
Public health account created: SB 6109, SB 6110
Public safety and education account, funding of qualified legal aid program civil representation for indigent persons from account authorized: *SHB 1378, CH 54 (1992)
Public safety and education account, percentage of superior court filing fees deposited in account increased: *SHB 1378, CH 54 (1992)
Public safety and education account, safety education officer program and commercial vehicle enforcement program to be funded from: SB 5432
Public safety and education account, study to examine issues, including funding priorities, related to: SB 5432
Public transportation systems account, use of funds for public transit planning and capital projects development: HB 2941, SB 6464
Public works assistance account, project loans recommended by public works board: *SHB 2302, CH 135 (1992), SB 6146, SSB 6146
Puget Sound capital construction account in motor vehicle fund, removal of provisions relating to the Hood Canal bridge: SB 5945
Puget Sound ferry operations account in motor vehicle fund, removal of provisions relating to the Hood Canal bridge: SB 5945
Puget Sound public transportation systems account, use of funds for public transit planning and capital project development: HB 2941, SB 6464
Real estate education account created: SB 6184
Regional game fish enhancement group account created: SB 5500, SSB 5500
Retirement systems funds, investment in state infrastructure required, limitations: SB 6359
Rural health access account created: *SHB 2993, CH 120 (1992)
Safe drinking water account established: SB 5551, SSB 5551
Sales and use tax equalization account, county, additional distribution in place of wildlife in-lieu tax distribution: SHB 2520
Search and rescue fund established: SB 5206
Secured benefit fund established: SB 5917
Small business export finance assistance center fund created, expenditures authorized: SSB 5639
Special educational services demonstration projects, unnecessary labeling of children discouraged while funding necessary services for children with identifiable needs: *SHB 2551, CH 180 (1992)
Specialized transportation services fund established, authorized uses: SB 5427
Sports franchise account created: SB 6165
State lands management fund created: SB 5470
Surface mining reclamation account created: SB 6119, SSB 6119
Tobacco prevention account created, additional cigarette tax deposited in: SB 6331
Traffic safety and enforcement account, moneys to be used to promote programs related to driver and vehicle safety: SB 5432
Treasurer-managed funds and accounts, changes to fee system: SB 5194
Treasurer-managed funds and accounts, treatment of earning from investment of balances: SB 5194
Treasury accounts, crediting of earnings on the balances of certain accounts, revised provisions: SB 6282
Tutor account created and authorized use of funds specified: SB 6302
Unemployment compensation, correction of statutory reference relating to purposes for which moneys in account to provide financing for special programs may be expended: HB 2278
Use of funds to support or oppose ballot propositions prohibited: SB 6173, SSB 6173
Veteran's assistance fund, allowable tax levy rate increased: SB 5131
Veterans' award fund, payments to Washington veterans for service in the Persian Gulf theater authorized: SSB 5843
Veterans' compensation account, payments to Washington veterans for service in the Persian Gulf theater authorized: SB 5843
Volunteer emergency workers' relief and pension fund: SB 5335, SSB 5335

Volunteer fire fighters relief and pension fund, inclusion of volunteer emergency service workers in benefits provided by fund: 2SSB 5335
 Volunteer fire fighters' relief and pension administrative fund created: *HB 2398, CH 97 (1992)
 Volunteer fire fighters' relief and pension fund, revised provisions: *HB 2398, CH 97 (1992), SB 6185
 Waste reduction, recycling, and litter control account created as successor to the litter control account, expenditures from account authorized for specified programs: *SHB 2635, CH 175 (1992)
 Waste reduction, recycling, and litter control account, expenditures for programs: SB 6358, SSB 6358
 Water pollution control account created, authority to make expenditures from: SSB 5355
 Water restoration account created: SB 5736
 Watershed protection account created: SB 6059
 Weights and measures account established: SB 6483
 Wildlife and recreation lands management account created, allocation and distribution of moneys in account specified: *SHB 2594, CH 153 (1992), SB 6257, SSB 6257
 Youth recreation account created: SB 6164

PUBLIC HEALTH

Bone marrow donor recruitment and education program created: SB 6069, *SSB 6069, CH 109 (1992)
 Community-based long-term care and support services system for functionally disabled, establishment and administration: SB 5917
 Drinking water quality, federal environmental protection agency given primary responsibility for regulation of safe drinking water act: SB 6493
 Explosives, classification of unlawful uses and destruction of seized explosives: SB 6153, SSB 6153
 HIV diseases, testing of persons charged with criminal offenses: SSB 5086, 2SSB 5278
 Infant mortality review by local health department authorized, confidentiality of records: SHB 2571, *SB 6296, CH 179 (1992)
 Tobacco, prevention of tobacco-caused disease, programs to reduce use by youth and to promote tobacco use reduction: SB 5567, SSB 5567

PUBLIC HEALTH, DEPARTMENT OF

Biosolid use and disposal permits, department of ecology authorized to delegate authority to issue and enforce to local health departments: *SHB 2640, CH 174 (1992)
 Biosolid use and disposal permits, local health department may appeal department of ecology decision to pollution control hearings board: *SHB 2640, CH 174 (1992)
 Community outreach health programs, assistance in establishing pilot local programs using volunteers: SSB 5650
 Financial considerations may not be used by local boards of health to coerce persons into connecting to sewer systems: SB 5136
 HIV diseases, testing of persons charged with criminal offenses: SSB 5086
 Health promotion and disease prevention regions, establishment of state-wide system, development of proposals to meet system objectives, duties: SB 6034, SSB 6034
 Immunization assessment and enhancement proposals, requirements, departmental duties: SB 6034, SSB 6034
 Infant mortality review by local health department authorized, confidentiality of records: SHB 2571
 Infant mortality review, local departments authorized to conduct, confidentiality of records provided by families, department officials and employees, and health care professionals participating in reviews established: *SB 6296, CH 179 (1992)
 Moratorium affecting water or sewer hookups or septic systems, public hearings, findings of fact, and effective period requirements for adoption of: *SSB 5727, CH 207 (1992)
 On-site sewerage system permit may not be refused for failure to meet gross area requirement when surrounded by sites approved before June 30, 1984: SB 5135
 Population-based health care services plan development, responsibility for content and evaluation of local plans: SB 6034, SSB 6034
 Regional health promotion and disease and injury prevention within the public health system with the assistance of other public and private resources: SB 6034, SSB 6034
 Rulemaking authority of local boards of health limited to subjects directly affecting public health: SB 5136
 School children, assessment of health services needs of school children and provision of school health services for: SB 6034, SSB 6034
 Sludge, department of ecology may delegate authority to issue and enforce permits to use or dispose of municipal sludge to local health departments, department may review permits issued: *SHB 2640, CH 174 (1992)

Sludge, local health department may appeal a department of ecology permit decision to the board: *SHB 2640, CH 174 (1992)

Water well construction enforcement authority, delegation to local government agencies authorized: *SHB 2796, CH 67 (1992)

PUBLIC HOSPITAL DISTRICTS

Chaplains employment: SHB 1651, SB 5241

Chaplains, employment by public health care facilities, constitutional amendment to allow: SHJR 4216

Cooperative agreements and contracts between public hospital districts allowed: SHB 2495

Rural public hospital district agreements and contracts with other rural districts authorized: SHB 2495

Rural public hospital districts authorized to enter into interlocal agreements and contracts with other rural districts to cooperatively purchase equipment and provide services: *SHB 2495, CH 161 (1992)

PUBLIC INSTRUCTION, SUPERINTENDENT OF

Academic and vocational integration development program, pilot projects: *SHB 2359, CH 137 (1992)

Academic and vocational integration task force, membership and duties: *SHB 2359, CH 137 (1992)

Appointment by governor: SB 5095

Apportionment from state general fund, district may receive in equal or proportional installments, rulemaking authority: SB 5189

Basic education allocation, ratio of certificated instructional staff to students made factor for 1993-94 on: SB 5402

Basic education allocation, ratio of certificated instructional staff to students made factor through 2001: SB 5403

Bringing education home act: SSB 5919

Business-school partnerships, employers encouraged to give release time for, annual award to be established: SSB 5234, 2SSB 5234

Certificate or permit revocation or suspension, authority of superintendent to conduct investigation without complaint from school district or education service district superintendent or private school administrator: *SHB 2518, CH 159 (1992)

Child care programs in public schools, rulemaking authority: SB 5095

Child care, before-and-after-school care program, plan to implement to be submitted to legislature by December 1, 1992: SSB 6259

Child care, before-and-after-school care program, rulemaking authority: SB 6259

Citizenship education, to develop guidelines and model curriculum and provide information by June 30, 1992: SB 5836

Commission on student learning established, membership and duties, coordination of activities with superintendent required: *SSB 5953, CH 141 (1992)

Competency testing of grade twelve students, superintendent of public instruction and districts to conduct annual assessment to determine student competency in specified areas: SSB 5953

Complex needs factor formula, superintendent to adopt: SB 5981

Cost-of-living differences, study used as basis for salary allocation for future salary fiscal policy: SB 5981

Criminal record check through state patrol and federal bureau of investigation required for potential school employees, powers and duties: *SHB 2518, CH 159 (1992), SB 6240, SSB 6240

Distribution formulas, to evaluate and report to the legislature on: SB 5279

Dropout retention and retrieval pilot programs, duties: SB 5697

Earthquake preparedness policy in schools, duties: SB 5238

Education centers, name changed from educational clinics: HB 2320

Educational clinics, name changed to education centers: HB 2320

Educational employees compensation, study of total compensation and development of compensation maintenance plan: SSB 5234, 2SSB 5234

Educational progress oversight panel created to report annually on progress of education reform, panel membership and report content requirements established: SSB 5953

Educational reform, duties: SB 5095

Elementary grades special emphasis grant program created to provide early prevention and intervention services to students: SSB 5919

Excellence in education award program, classified employees included: SB 6327, *SSB 6327, CH 50 (1992)

Excellence in education award program, reimbursement and stipend limits established: SB 6326, *SSB 6326, CH 83 (1992)

Extended school year learning experiences demonstration program created, duties: SB 5743

- Extended school year, funds distribution responsibilities: SB 5239
- Fair start program established to assist in providing prevention and intervention programs for elementary students: SHB 2695
- Fair start program established to provide early intervention and prevention services for elementary school children, duties: SB 5235, SSB 5235, 2SSB 5235, SB 6180, *SSB 6180, CH 196 (1992)
- Family policy council created to solicit proposals to facilitate greater flexibility and responsiveness of service to families at the community level, duties, requirements for consideration of proposals: SHB 2846, SB 6428, *SSB 6428, CH 198 (1992)
- Family-school partnership program established, superintendent's duties: SB 5657
- Health and mental health services, duty to develop a marketing and technical assistance plan to increase the provision of medicaid assistance to local school districts providing: SHB 2547
- Health care benefits for retired and disabled school district employees and their dependents, provision of continued benefits: *SHB 2857, CH 152 (1992)
- Holocaust instruction, high schools encouraged to include in their curriculum, course may also use other examples from ancient and modern history: *SHB 2212, CH 24 (1992)
- Holocaust instructional materials, superintendent may prepare and distribute to districts for use in high school classes: *SHB 2212, CH 24 (1992)
- Improvement of teaching centers, establishment by educational service districts, data collection and rulemaking duties: SSB 5698
- Institution education program advisory council established, purposes: SB 6482
- Institution education programs, interlocal cooperation agreement with juvenile court administrators and department of social and health services: SB 6482
- Institution education programs, provisions revised: SB 6482
- Investigative powers of superintendent when conducting investigation of violation of certification statutes: *SHB 2518, CH 159 (1992)
- Learning problems and academic delays prevention, pilot program extended, implementation review board created, duties: SB 5565
- Local control of education act, technical assistance duties: SB 5822
- Local education program enhancement funds, eligibility and funding provisions: SB 6180, SSB 6180
- Medical assistance billing agent contract review committee, social and health services department and superintendent to establish to review proposed contracts between school districts and billing services: SHB 2547
- Medical assistance reimbursement for health-related services provided in schools, revised provisions to generate federal medical assistance matching funds for: SHB 2547
- Migrant student record transfer system, superintendent authorized to establish and operate a national system with federal funds: HB 2933
- Nutrition programs authorized by U.S. department of agriculture, state support for participation in: SB 5921
- Outcome based education, reach for excellence program created to provide funds for planning and implementation: SSB 5919
- Pacific Rim language scholarship, duties: SB 5505
- Paperwork reduction requirements: SB 5819
- Paraprofessional training, school districts to develop training program, funding: SB 5698
- Pedestrian, bicycle, and school bus safety instruction, duties regarding: SB 5115, SSB 5115
- Performance-based compensation for teachers, duties: SB 5851, SSB 5919
- Performance-based education, superintendent to provide technical assistance to schools and school districts: SHB 2546
- Private schools, authorization to become scholarship-redeeming schools, procedure: SB 6438
- Professional practices unit to investigate complaints of unprofessional conduct by certificated staff, duties: SSB 5543
- Professional standards unit to investigate complaints of unprofessional conduct by school staff, duties: SB 5543
- Public assistance eligibility for students over eighteen and demonstrating progress towards secondary school completion, pilot program reporting requirements: SB 6098
- Public assistance eligibility for students under twenty-one years of age, pilot program established to demonstrate improved school completion rates, reporting requirements: SB 6098, SSB 6098
- Reach for excellence grant program created to provide funds for planning and implementation of school restructuring: SSB 5919
- Reach for excellence grant program, duties: SB 5234, SSB 5234, 2SSB 5234
- Regional interagency councils for children, youth, and families created, agency duties: SB 6238

- Remedial higher education classes, process established to charge school districts for part of the cost of classes for recent high school graduates: SB 6302
- Retired and disabled school district employees and their dependents, provision of continued health care benefits for: *SHB 2857, CH 152 (1992)
- Salary schedule for 1991-92 and 1992-93 increasing salaries in September 1991 and September 1992, duty to develop: SB 5950
- Scholarship provided for every resident school-age child redeemable at any scholarship-redeeming school: SB 6438
- Scholarship-redeeming schools, enrollment capacity open to children regardless of residence: SB 6438
- School buses, failure to stop for, pilot program to use video cameras to identify violators: *SSB 5116, CH 39 (1992)
- School buses, replacement of, revised provisions relating to allocation of funds and letting of bids for: SB 5691
- Scoliosis screening of students: SB 5323
- Security monitors, appropriation to fund monitors in schools: SB 5252, SSB 5252
- Site-based councils authorized to allow parents, teachers, and citizens to participate in making school decisions, duties: SSB 5234, 2SSB 5234, SB 5463, SSB 5463, 2SSB 5463, SSB 5919, SB 6177
- Site-based councils, duties: SSB 6177
- Small schools grant program created to help districts meet special needs: SSB 5919
- Special educational services demonstration projects, duties: SB 5182
- Special needs grants, criteria to qualify for and receive grants, superintendent's duties: SB 5420, SSB 5420
- Special needs tuition assistance program, duties: SB 5698
- Student achievement tests, revised requirements and duties: SB 5851, SSB 5919
- Student learning alternative program, administrative duties: SB 5499
- Student learning, establishment of commission on student learning, membership and duties, coordination of activities with superintendent required: *SSB 5953, CH 141 (1992)
- Student teaching centers established, duties: SB 5698
- Summer motivation and academic residential training program created, duties: SB 5697
- Suspension of students, superintendent to encourage school districts to utilize community service as alternative to suspension, minimum requirements set: *SSB 5305, CH 155 (1992)
- Teachers for the twenty-first century program, responsibilities: SB 5254, SSB 5254
- Teaching materials, funding from budget stabilization account to replace out-of-date teaching materials, duties: SB 5984
- Technical colleges, funds for high school students enrolled in technical colleges to be allocated to the serving technical college rather than the school district: SHB 2602
- Traffic safety education programs, additional sales and use tax imposed on rental cars to fund: SHB 2964
- Twelfth grade assessment, superintendent of public instruction and districts to conduct annual assessment to determine student competency in specified areas: SSB 5953
- Violence-prevention materials for schools, duty to develop: HB 2599, SB 6195
- Vocational and academic integration development program, pilot projects: *SHB 2359, CH 137 (1992)
- Vocational education, staff to student ratio, duties: SB 6180, SSB 6180
- Voter registration of high school students, duties: HB 1073
- Waiver of school year requirement allowed for districts submitting plan for restructuring program, conditions: SB 6177, SSB 6177
- Weighted student formula, development of at least two options for consideration by oversight committee: SB 5981

PUBLIC LANDS

- State agencies with management control over federal or state lands subject to mosquito and noxious weed control requirements: SB 5614
- State wildlife and recreation lands management act adopted: *SHB 2594, CH 153 (1992), SB 6257, SSB 6257
- Wildlife and recreation lands management, task force to develop and report recommendations on funding sources for: *SHB 2594, CH 153 (1992), SB 6257, SSB 6257

PUBLIC LANDS, COMMISSIONER OF

- Fisheries and wildlife departments transferred to department of natural resources, duties: SB 5971
- Outdoor recreation, interagency committee on, authority to appoint director and public members: SB 5971
- Parks and recreation commission, authority to appoint: SB 5971

Wildlife and fisheries departments transferred to department of natural resources, duties: SB 5971

PUBLIC OFFICERS AND EMPLOYEES

"Veteran" defined to include "Desert Storm" and "Desert Shield" veterans: SB 5991

Administrative law judge, former employee of agency not to act in any controversy involving agency for two years: SHB 1847

Civil service employees, personnel files exempt from public records disclosure provisions: SB 6252

Committee on state government employment created, membership and duties: SB 6175

Elected officials, candidate to be registered voter of district or political subdivision and may not adopt residency requirement in excess of that: SB 6067, SSB 6067

Elective officers, twelve-year limit on service in elective office: SB 5119

Gifts, public disclosure of gifts to public officials, requirements: SB 5088

Identity of agency employee seeking advice regarding a possible unfair practice under the discrimination laws and requesting that information not be disclosed exempt from public disclosure: *SHB 2876, CH 139 (1992)

Immunity from liability for damages resulting from release of public record when public agency, official, employee, or custodian was acting in good faith when the information was released: *SHB 2876, CH 139 (1992)

Lobbying, restrictions and provisions for compliance: SB 6250

Local government employees, whistleblower protection, revised provisions: SSB 5121

Management service, Washington management service created, purposes and duties: SB 5337

Public disclosure requirements, gifts to public officials: SB 5088

Retirement system, portability of benefits for Seattle, Spokane, and Tacoma employees, cities to pay additional cost of coverage: SB 6233

Salaries not to be increased or diminished during term of office: SJR 8229

Salaries to be determined by legislature, constitutional amendment to allow: SJR 8229

Salaries, 1992 pay raise for state elected officials contingent on implementation of teacher and state employee salary increases: SB 6360, SB 6501

Salaries, citizens' commission on salaries for elected officials abolished: SB 6001

Salaries, commission on salaries for elected officials may file schedule more frequently than biennially: SB 5999

State employee child care advisory subcommittee to child care coordinating committee established, duties set out: SHB 2308

State employee child care program and policy development, requirements and conditions: SHB 2308, SB 6131

State military leave to report for active duty in Persian Gulf: SB 5521

State officials, time limit to solicit or accept contributions: SSB 5864

State, "Whistleblower" defined: *SSB 5121, CH 118 (1992)

State, 1992 pay raise for elected officials contingent on implementation of teacher and state employee increases: SB 6360, SB 6501

State, Washington management service created, organization and duties: SB 5944

State, Washington management service created, purposes and duties: SB 5337

State, accumulated service credit, notice to employees of, schedule for provision of: SB 5828

State, agency officials' salaries, committee on, membership and duties: SB 5337

State, auto liability insurance for state employees who drive personal car for official duties, part payment be state authorized: SB 5296

State, candidates for elective office who are employees or officials may not appear in public broadcast announcements in their official capacity: SB 6207

State, collective bargaining, state employees granted right to organize and bargain, conditions and procedures: SHB 1655, SB 5545

State, college career entry program created: SB 5337, SB 5944

State, commuter ride sharing, employee use of department of transportation-owned vehicles authorized as demonstration of effectiveness of ride sharing as a commute trip reduction measure: SHB 2763

State, contributions, elected officials and legislators prohibited from soliciting or accepting during legislative session: SB 5424

State, disabled employees exempted from automobile license fees: SB 5076

State, diversity in the workplace, policy adopted respecting and valuing individual differences and encouraging productive potential: SB 5944

State, drug testing required for state elected officials, candidates: SB 5227

- State, eastern and western state hospitals, department of labor and industries to conduct study of causes and solutions to assaults on state employees at: SB 6268
- State, elective and executive officials, statement of financial affairs, gifts to be reported: *SSB 5149, CH 18 EX (1991)
- State, former employees prohibited from accepting employment or compensation from company when that employee provided substantial professional advice in contract negotiations with the company while a state employee: SB 6291
- State, growth of state government employment limited to no more than the annual rate of growth of the state's population: SB 6075
- State, hard-to-fill positions, procedures to fill: SB 5337
- State, immunity from civil liability when acting within scope of duties: SB 6251
- State, immunization of children, required immunizations for children of state employee health benefit recipients: SB 6034, SSB 6034
- State, insurance plans approved to receive payment through voluntary payroll deductions: HB 1083, SB 5197
- State, management employee limitation established: SB 6175
- State, misrepresentation of daily operations to inspectors prohibited: SB 5349
- State, nonprofit employee organizations to contract for the provision of child care services authorized: SHB 2308, SB 6131
- State, payroll deductions for political committees no longer authorized: SSB 5864
- State, payroll deductions, deposit into bank or savings bank authorized, requirements: *SHB 2025, CH 192 (1992)
- State, political gifts, reporting requirements: *SSB 5149, CH 18 EX (1991)
- State, public broadcast announcements, state employees and officials who have declared candidacy may not appear in official capacity in announcements: SB 6207
- State, public office funds, reporting requirements: *SSB 5149, CH 18 EX (1991)
- State, sick leave, one hundred percent cash out on leaving state service: SB 5178
- State, staff of hospitals for the mentally ill, assault on, class C felony: SSB 5199
- State, twelve-year limit on term of elected state executive officer: SJR 8206
- State, vacation time, elimination of limits on accrual of: SB 5416
- State, whistleblower protection, revised provisions: *SSB 5121, CH 118 (1992)
- State, workers' compensation, temporary total disability, dates for which compensation will be received: SB 5200
- State, workplace diversity programs: SB 5337
- Whistleblower protection, revised provisions for state and local public employees: SSB 5121

PUBLIC RECORDS

- Attorney general review of agency determination that a record is exempt from disclosure, requestor may ask for: *SHB 2876, CH 139 (1992)
- Attorney general to publish pamphlet explaining provisions relating to public records: *SHB 2876, CH 139 (1992)
- Court review of agency decision to deny access to record, revised provisions: *SHB 2876, CH 139 (1992)
- Death and funeral notices, newspapers to print at no cost, sales tax exemption forfeited for noncompliance: SB 6149
- Disclosure exemptions list required from state agencies: *SHB 2876, CH 139 (1992), SB 6411
- Disclosure exemptions, institute for public policy to review: SB 6411
- Electronic data and records, legislature urges consideration of policies and procedures for access to: SHB 2876, SB 6411
- Immunity from liability for damages resulting from release of public record when public agency, official, employee, or custodian was acting in good faith when the information was released: *SHB 2876, CH 139 (1992)
- Liberal construction of public records subdivision of chapter and narrow construction of its exemptions required to support a well informed public: *SHB 2876, CH 139 (1992)
- Name change orders, district court to collect fee for filing and transmit fee and order to county auditor for filing and recording: *SSB 6135, CH 30 (1992)
- Name change orders, permanent retention required: SB 6135
- Open government, joint select committee on, to examine consistent treatment of information under present law, treatment of investigatory records, and groups to include under the open meeting laws: *SHB 2876, CH 139 (1992)
- Personnel files of state civil service employees, exemption from disclosure provisions: SB 6252

Public facilities loans and grants, business records supplied during application process, disclosure exemption: SB 6323

Requests for records, denial of requests, procedure: *SHB 2876, CH 139 (1992), SB 6411

Requests for records, notification of person named in record: *SHB 2876, CH 139 (1992), SB 6411

Requests for records, response within five business days required: *SHB 2876, CH 139 (1992), SB 6411

Requests for records, retention required until request is resolved: *SHB 2876, CH 139 (1992), SB 6411

Writing, redefinition: *SHB 2876, CH 139 (1992), SB 6411

PUBLIC SAFETY TESTING LABORATORIES

Business and occupation tax credits for services provided by: SB 5319

PUBLIC TRANSIT

Annexation of city transit system into public transportation benefit area in counties of over one hundred fifty thousand planning under growth management act: HB 2938

Fare revenue, use as match for motor vehicle excise tax funds authorized: HB 2942, SB 6465

Funds, allocations to transit agencies from Puget Sound public transportation account and public transportation systems account, procedures: SB 6464, SSB 6464

High capacity transportation systems, regional transportation planning and interlocal agreements, revised provisions: SB 5948

High capacity transportation, capital cost per mile to be considered in deciding upon a plan and implementation program: SB 5918

High occupancy vehicle programs, limitation on funds that may be used for transit agency programs removed: SB 5889

Land-use patterns and state-wide transit goals and policies, six-year municipal transit development plan to address: SHB 2940

Land-use transportation benefit districts, establishment allowed for creating local transportation systems: SB 6484

Land-use transportation special benefit areas, transportation centers to increase public transit and business related to transit users: SB 6484

Mediation and arbitration provisions when collective bargaining agreement cannot be negotiated within time limits: SB 5594

Optical strobe light devices to control traffic signals, authority to mount and use such devices on transit vehicles: SHB 2291

Public transportation benefit areas, city annexation of territory within benefit area boundaries, inclusion of that territory in benefit area: SB 6426

Public transportation policy plan to be developed by transportation commission as party of the state transportation policy plan, required elements: SHB 2939

Public transportation systems account, use of funds for planning and capital projects' development: HB 2941, SB 6464, SSB 6464

Puget Sound public transportation account, use of funds for planning and capital projects' development: HB 2941, SB 6464, SSB 6464

Puget Sound regional transportation council, certification, membership, funding, powers, and duties including development of regional transportation plan: SHB 2610

Regional transit authorities, formation to create high capacity transit system in urbanized areas, cooperation with local transit operators and planning consistency required: SB 6209

Regional transit authority, authority of certain counties to establish, governance, financing, powers, and duties of authority: *SHB 2610, CH 101 (1992)

Regional transit authority, consolidation of component metropolitan municipal corporation with authority, procedure: SB 6209

Regional transportation authorities, authority to establish, governance, financing, powers, and duties of authority: *SHB 2610, CH 101 (1992)

Rental cars, agencies imposing local motor vehicle excise tax authorized to impose a sales and use tax at a rate equal to the motor vehicle excise tax with revenues distributed in the same way: *SHB 2964, CH 194 (1992)

State public transit plan, state-interest component of state-wide transportation plan to include, required elements set out: SHB 1816

Withdrawal of city operating transit system from participation in public transportation benefit area, approval of county legislative authority required: HB 2938

PUBLIC TRANSPORTATION BENEFIT AREAS

Regional transit authorities, formation to create high capacity transit system in urbanized areas, cooperation with local transit operators and planning consistency required: SB 6209

PUBLIC UTILITIES

Telecommunications companies, tariff reduction to promote service authorized for not more than sixty days: SB 6144, SSB 6144

Water system, local government must implement water conservation program to qualify for public works board loans: SB 6258

Water systems, rate techniques to encourage water conservation: SB 6258

Water systems, source meters required: SB 6258

PUBLIC UTILITY DISTRICTS

Condemnation proceedings, valuation of system to be purchased to include property assets contributed by customers and system improvements: SB 6453

Election of initial commissioners, procedures revised: SB 5448

Electric and magnetic fields, one-time residential inspection to determine amount provided: SB 5877, SSB 5877

Electric and magnetic fields, program to inform customers about characteristics required: SB 5877, SSB 5877

Electric transmission lines, removal of trees or vegetation that constitute a hazard, procedures: SB 6473

Fluoridation of water supply, commissioners may submit proposition to district voters who must approve proposition to become effective: SHB 2750

Home heating assistance for low-income persons extended to June 30, 1995: SB 5904

Managers, compensation may not include life insurance other than term life insurance with annual premium payments: SB 6244

Managers, full description of compensation package to be included in resolution fixing compensation: SSB 6244

Private contractors authorized to install services for which district would assess a direct service installation charge: SB 6208, SSB 6208

Privilege tax, redefinition of "impacted area" for thermal electric generating facility on a federal reservation: SB 5401

Utilities and transportation commission, actions of districts subject to jurisdiction and control of: SB 6065

Water conservation, evaluation of delivery rate structures to encourage: SHB 2629

Whistleblower program establishment encouraged, auditor approval: SB 6321

PUBLIC WATER SUPPLY SYSTEMS

Drinking water quality, investigation of consumer complaints regarding: SB 6455

Receivership, valuation for change of ownership to deduct value of improvements made during receivership and value of property contributed by customers: SB 6454

Utilities and transportation commission, burden of proof on system to demonstrate that it is exempt from regulation: SB 5503, SSB 5503

Valuation of system in receivership, value of improvements made during receivership and of property contributed by customers to be deducted: SB 6454

Water conservation to be a factor in the setting of water rates: SB 5736

Water conservation, alternative rate-setting formulas for water conservation to be provided to public water purveyors: SHB 2629

PUBLIC WORKS

Apprentices, determination of prevailing rate when employed on public works project: SB 5556

Appropriations for projects recommended by the public works board: SB 5625

Architectural and engineering services, negotiation policy not applicable to public works of less than fifteen thousand dollars: SB 5750

Attorney fees, award to prevailing party in action arising from public works construction contract to which a public body is a party, procedural requirements established: *SB 6407, CH 171 (1992)

Award of contract for public work, criteria for making award, revised provisions: SHB 2409

Basic health plan, timber impact areas, designation of additional socially and economically integrated communities as timber impact areas by economic recovery board authorized: *HB 2821, CH 21 (1992)

Bidding practices for municipalities revised: SHB 2505

Construction contracts, award to prevailing party of attorneys' fees: *SB 6407, CH 171 (1992)

- Contractor's duty to pay subcontractors within ten days of receiving payment, interest penalties for failure to do so authorized: SB 6404
- Contracts or purchases, interest rate of one percent per month payable on amounts due when public body fails to make timely payment: *SHB 1736, CH 223 (1992)
- Contracts or purchases, withheld payments for unsatisfactory performance or failure to meet contract requirements: *SHB 1736, CH 223 (1992)
- Contracts, timely payment of subcontractor by contractor: *SHB 1736, CH 223 (1992)
- First class cities, solicitation and employment of women and minority businesses by contractors with, revised requirements: SHB 2481
- In-state contractors, to receive preference for public works: SB 5176
- Interest rate of one percent per month payable on contract amounts due when public body fails to make timely payment: *SHB 1736, CH 223 (1992)
- Intrastate rapid rail transportation projects, prevailing wage to be paid: SB 5546
- Intrastate rapid rail transportation, prevailing wage to be paid on all public works development and construction projects: SB 5890, SB 5901
- Lowest responsible bidder, additional criteria for determination of: SHB 2409
- Minority and women's business enterprises office to work with state agencies to develop a plan for direct contracting with certified businesses for public works and construction: SHB 1737
- Notice required for projects costing more than thirty thousand dollars: SB 6256
- Preference for resident contractors based on preference given to nonresident contractors when bidding for contracts in their own state: SB 5233
- Prevailing wage law, failure to comply with, liability of state or local agency: HB 1246
- Prevailing wage, certification of hourly rate at least equal to, requirements: SB 5308
- Prevailing wage, requirements limited to on-site workers: SB 6422
- Prevailing wage, to be paid on works estimated to cost more than one hundred thousand dollars, posting requirements: SB 5662
- Prisons, new construction expedited by general contractor/construction manager method of awarding contracts, limitations: SB 5529
- Project loans recommended by public works board, appropriation: *SHB 2302, CH 135 (1992), SB 6146, SSB 6146
- Prompt payment requirements for public owners and for contractors established and remedies set for violations: SB 6404
- Public improvement contracts, moneys held in trust for payment of claims or taxes arising from contract: *SHB 1736, CH 223 (1992)
- Public improvement contracts, retainage held in trust for claims arising under contract: SHB 2659
- Retainage held in trust for claims arising under public improvement contract: SHB 2659
- Retainage requirements revised in regard to amount, release, and placement of funds in interest bearing account or securities at contractor's request: SB 6404
- Small works rosters, process for municipalities to award contracts on works estimated to cost less than one hundred thousand dollars: SHB 2505
- State, negotiation of bid price adjustments, criteria: SHB 2409
- Water system projects, local government must implement water conservation program to qualify for public works board loans: SB 6258
- Women and minority businesses, requirements for the solicitation and employment of by contractors with first class cities: SHB 2481
- Work of improvement, retainage of moneys in trust until completion: SB 6404

PUBLIC WORKS BOARD

- Appropriations for projects recommended by the board: SB 5625
- Project loans recommended by board, appropriation: *SHB 2302, CH 135 (1992), SB 6146, SSB 6146
- Timber impact areas, public works loans authorized to local governments in: SB 5656, SSB 5656
- Water system projects, local government must implement water conservation program to qualify for loans from board: SB 6258

PUGET SOUND WATER QUALITY AUTHORITY

- Extension of authority to protect Sound: SB 5074, SB 5355, SSB 5355
- Senior environmental corps created, powers and duties: *SHB 2560, CH 63 (1992)
- Storm water control programs required as part of comprehensive plan: SB 5074, SB 5145, SB 5355
- Storm water, special committee on government storm water pollution and liability created, membership and

duties: SB 6459, SSB 6459

PULFER, PHYLLIS

Member, Human Rights Commission, GA 9220 43

RADIATION

Low-level radioactive waste haulers, demonstration of financial assurance required: *SHB 2873, CH 61 (1992), SB 6383

Northwest low-level waste compact, payment of costs for compact meeting held outside Washington state prohibited: SB 6203

Radioactive waste, inspections to be conducted at newly designated ports of entry and public safety tariff to be collected from each highway transporter to defray inspection facility and operating costs: HB 2779

Radioactive waste, public safety tariff imposed on each highway transporter of: HB 2779

Radioactive waste, state to intervene and request that NEPA environmental impact statement be prepared if actions pursuant to federal law are likely to result in waste entering state at other than approved port of entry: HB 2779

RADIO (See also NEWS MEDIA)

Amateur radio antennas, city and county ordinances must conform to limited federal preemption contained in federal communications commission guidelines: SB 6480

RADIOLOGIC TECHNOLOGISTS

Certification and registration requirements, revised provisions: SB 5775

Quality assurance system revisions to professional practice act: SB 6029

RADON

Defense in civil action for damages for injury caused by indoor air pollution that builder or designer complied with radon resistive construction requirements under RCW 19.27.190 authorized: *SSB 6386, CH 132 (1992)

Residences, radon testing requirements for new single and multifamily residences at time of final inspection: SHB 2690, SB 6386, *SSB 6386, CH 132 (1992)

RAILROADS

Disposal of abandoned rights of way, occupant of adjoining real property, right of first refusal, terms and conditions: SSB 5768

Freight rail plan, light density lines identification, preservation, priorities: SHB 1816

Intrastate rapid rail transportation system, state to construct and develop: SB 5890

Locomotive bells and whistles, certain counties allowed to adopt ordinance restricting the ringing of bells and sounding of whistles at certain railway crossings: SB 6353, SSB 6353

Passenger train crews, no law or regulatory order to prevent staffing in accordance with collective bargaining agreements or settlements on train crew size: *SHB 2281, CH 102 (1992)

Passenger train operating with less than two crew members, utilities and transportation commission authorized to conduct safety review in absence of collective bargaining agreement and to order two member crews: *SHB 2281, CH 102 (1992)

Rail freight property acquisition statutes, correction of internal references in: SB 5863

Stampede Pass rail line, purchase by department of transportation: SB 5519, SSB 5519

State intercity passenger rail plan, state-interest component of state-wide transportation plan to include, required elements set out: SHB 1816

Train emergency braking telemetry system, requesting the United States secretary of transportation to adopt rules requiring rear of train braking system: HJM 4029

RAPID TRANSIT

Airport siting policy issues, moratorium on Seattle-Tacoma airport expansion until air transportation commission studies completed and approved by legislature: SB 6371

High-speed ground transportation system steering committee, moratorium on Seattle-Tacoma airport expansion until studies completed and approved by legislature: SB 6371

Intrastate rapid rail account created in motor vehicle fund for deposit of additional motor vehicle fuel tax of one cent per gallon: SB 5890

Intrastate rapid rail transportation system, state to construct and develop, system declared a public highway:

SB 5890

Intrastate rapid rail transportation, prevailing wage to be paid on all public works development and construction projects: SB 5890

Moses Lake airport, assistance and support for application as international port of entry: SB 6371

RASMUSSEN, SENATOR A.L. "SLIM"

Point of Order, Beyond hour to reconsider Senate	
Bills, E2SSB 6178	726
Point of Order, Amendment to SHB 2281	870
Point of Order, Amendment to SHB 2867	926
Point of Order, Amendment to committee amendment to SHB 2284	1526
Parliamentary Inquiry, Which calendars are current	1532
Personal Privilege, File political campaign fund report	1658
Point of Order, Question Speaker ruling amendments to HB 2514 out of order	1685
Parliamentary Inquiry, ESSB 6180 beyond cutoff resolution	1867
Point of Order, Past midnight, last day of session	1869

REAL ESTATE AND REAL PROPERTY

Assessed valuation, increase limited to one percent per year, exceptions: SB 5914	
Assessed valuation, increase limited to six percent per year for owner-occupied residences: SJR 8219	
Assessed value of residential property limited to increase of five percent per year: SJR 8204	
Assessment based on use not permitted by zoning law authorizes use of the property in the manner assumed by the assessment: SSB 5137	
Assessment of new construction or remodelled owner-occupied homes: SB 5368	
Assessments to be at lesser of true value or most recent assessment plus six percent annually: SB 5368	
Assessments, large increases in property assessments may be phased-in over time: SJR 8214	
Billing procedures changes: SB 5250	
Brokerage commissions, withholding and release by closing agent: SB 5232	
Brokers and salespersons, continuing education requirements and curricula: *SB 6184, CH 92 (1992)	
Brokers and salespersons, continuing education requirements, completion period changed from two years to four: SB 5134	
Brokers and salespersons, license fees to go to real estate commission account: SSB 5554	
Brokers, demand for withheld commission, form and procedure: SB 5232	
Building codes, residential buildings moved into or within city or county not required to meet all building code requirements if occupancy classification of building is not changed: *SHB 2673, CH 79 (1992)	
Capital projects funded from real estate excise tax to be identified in city or county budget where it is to be indicated that tax is intended to be in addition to other available funds: *SB 6408, CH 221 (1992)	
Capital projects, limitations on use of revenues from real estate excise tax to finance capital projects revised: *SB 6408, CH 221 (1992)	
Certificate of occupancy issued on completion of construction or alteration work on residential building, copy to be transmitted to auditor in county where property is located: HB 2494	
Closing agent, withholding and release of brokerage commissions: SB 5232	
Commencement of actions regarding real property rights, times extended for commencement: SB 5362	
Commissions, broker's demand for withheld commission, form and procedure: SB 5232	
Compensation to be paid when private property is diminished in value for a public purpose: SB 5797	
Controlled business arrangements prohibited unless disclosed at or prior to the time referral is made to real estate settlement service: SHB 2248	
Current use valuation of low-income housing and single family residences authorized: SJR 8220	
Current use valuation of real property: SB 5248	
Current use valuation, compensating taxes on land removed from classification, variable rate of interest on additional tax set: SB 6099, SSB 6099	
Damages for governmental actions adversely affecting real property, restrictions on actions removed: SB 5571	
Diminution in value for a public purpose, compensation to be paid when private property suffers diminution: SB 5797	

- Disabled persons with guide or service dogs, discrimination against in real estate transactions prohibited, remedies: SB 6431
- Disclosure of ownership interest in real estate settlement service providers extended to all real estate transactions except those now governed by federal law: SHB 2248
- Disposal of abandoned railroad rights of way, occupant of adjoining real property, right of first refusal, terms and conditions: SSB 5768
- Document preparation for property sales or loans, repeal of obsolete RCW sections: *SB 6329, CH 91 (1992)
- Environmental impact statements, threshold determination on completed application to be made within ninety days although applicant may request an additional thirty days for determination: *SSB 5728, CH 208 (1992)
- Environmental impact statements, threshold determination to be completed in fifteen to sixty days: SSB 5728
- Environmental impact statements, threshold determination to be completed in fifteen to thirty days: SB 5728, SSB 5728
- Equalization, county board of, appeals to county board of equalization, revised provisions: SHB 2925
- Equalization, state board of, appeal may be taken directly to state board without hearing before county board of equalization: SHB 2925
- Escrow agents, bond required for protection of customers of agent: SB 6012
- Excise tax, additional growth management related tax, rates, authorization, and use, revised provisions: SB 5941
- Excise tax, cities and counties authorized to impose additional tax to finance capital facilities only if growth management plan and regulation enacted: SB 6408
- Excise tax, city or county budget to identify capital projects funded from tax and to indicate that tax is intended to be in addition to other available funds: *SB 6408, CH 221 (1992)
- Excise tax, limitations on use of revenues from tax for financing capital projects revised: *SB 6408, CH 221 (1992)
- Fair pay act: SHB 1736, SB 5430
- Families with children, discrimination against in real estate transactions prohibited, remedies: SB 6431
- Federal tax liens on real property, county auditor's recording duties, auditor to bill internal revenue service or other federal agency monthly for document filing fees: *HB 1185, CH 133 (1992)
- Flood insurance documents, inclusion in mortgage or deed recording: SB 6163
- Hazardous substances release, reporting and notice requirements: SSB 5055, SB 5094
- Hazardous waste clean-up, notice of remedial action taken, issuance by department of ecology: SSB 5055
- Home owner association terms and conditions to be included in land developer's public offering statement with other required contents: *SHB 1495, CH 191 (1992)
- Improvements, moneys to be held in trust for benefit of those making payment and those providing materials or labor: SHB 1736, SB 5430
- Insurance, "actual cash value" and "cost of replacement" defined: SB 5923
- Insurance, credit history may not be used in determining eligibility or rates for property insurance: SB 5733
- Joint tenancy, each tenant has unilateral right to sever tenancy: HB 2538
- Land development act applicable to developments of twenty-six or more lots, additional exemptions from compliance with act established: SHB 1495
- Land development, delivery of public offering statement to purchaser prior to closing of sale, contents requirements and penalties for violations established: *SHB 1495, CH 191 (1992)
- Landowner rights restriction, less-restrictive alternative means, rule-making hearing, notice requirements: SB 5539
- Leasehold excise tax, exemption of residential property from tax: SB 5021
- Lender's security protection provision for real estate loans: SB 6389
- Loans, lender's security protection provision, requirements: SB 6389
- Low-income homeowners, state assistance eligibility: SB 5272
- Low-income homeowners, tax exemption provisions: HB 1298, SB 5271
- Low-income housing and single family residences, current use valuation authorized for: SJR 8220
- Low-income housing tax exemption, constitutional amendment to allow: SJR 8212
- Low-income housing, tax exemption: SB 5249
- Low-income property owners, constitutional amendment to allow legislature to grant relief from property taxes on their residences and to place conditions and restrictions on the grant of the relief: SJR 8205
- Low-income property owners, property tax relief on owner-occupied residences: HJR 4208, SJR 8213
- Natural resources department property, disposition without public auction allowed under specified conditions: *SB 6161, CH 167 (1992)
- Natural resources department property, replacement funded from consideration for property transfer or

- disposition: SHB 2533, *SB 6161, CH 167 (1992)
- Natural resources department property, transfer or disposition allowed, conditions: SHB 2533, *SB 6161, CH 167 (1992)
- Natural resources department property, transfer or disposition nonpermanent when funds used to acquire replacement property: SHB 2533, SB 6161
- Natural resources department resurvey may not impair the bona fide rights of a landowner who may be affected by the survey, resurveys limited to dependent surveys only: SB 6355, SSB 6355
- Natural resources department resurvey, landowner right to challenge a resurvey and to receive compensation when bona fide rights were impaired: SB 6356
- Open space corridors, identification of corridor not to restrict authorized development of private property in corridor unless city or county acquires sufficient interest to prevent or control development: SB 6401
- Open space corridors, identification of corridor not to restrict use or management of lands in corridor for agricultural or forest purposes unless city or county acquires sufficient interest to prevent control or development: *SB 6401, CH 227 (1992)
- Open space lands, classification and current use valuation of, revised definitions and procedures: *SHB 2928, CH 69 (1992)
- Open space lands, farm and agriculture conservation land category created and eligibility requirements established: *SHB 2928, CH 69 (1992)
- Private property protection act adopted: SB 6201
- Property tax aggregate increase limited to six percent per year: SB 5246
- Property tax aggregate increase limited to six percent per year, constitutional amendment: SJR 8209
- Property tax reimbursement for excessive taxes paid on owner-occupied residence, constitutional amendment to allow: SJR 8210
- Property tax, "conveyance" defined: SB 6503
- Property tax, 1989 valuations and assessments, use for 1991 property taxes, authorization: SB 5195
- Property tax, assessment in 1991 exceeding one hundred-fifty percent of 1990 assessment, delinquency deferred to April 30, 1992: SSB 5812
- Property tax, assessment of all property to be at one hundred percent of true and fair value unless county legislative authority sets lower rate: SSB 5818
- Property tax, if 1993 taxes exceed one hundred fifty percent of 1992 taxes, interest and penalties on excess may not be assessed through April 30, 1994: SSB 5812
- Property tax, reimbursement for excessive taxes paid on owner-occupied residence, procedures: SB 5247
- Property tax, tax on conveyance of real property, revised provisions: SB 6503
- Property tax, waiver of delinquent tax interest and penalties when mortgage lien removed but county has not notified owner of taxes owed: SHB 2326
- Property valuation administrative practices, department of revenue to study: SB 5273
- Public benefit property, compensation must be paid at time of designation: SB 6303
- Public benefit property, identification may precede designation, compensation procedures: SB 6303
- Public benefit property, studies, mapping, and plans to be paid for by governmental entity considering designation: SB 6303
- Public offering statement, developer to deliver to purchaser prior to closing of sale, contents requirements and penalties for violations established: *SHB 1495, CH 191 (1992)
- Public offering statements, registration with department of licensing no longer required: *SHB 1495, CH 191 (1992)
- Radon resistive construction requirements under RCW 19.27.190, compliance constitutes defense in civil action for damages for injury caused by indoor air pollution against builder or designer: *SSB 6386, CH 132 (1992)
- Radon testing requirements for new single and multifamily residences at time of final inspection: *SSB 6386, CH 132 (1992)
- Real estate education account created: SB 6184
- Real estate settlement service, controlled business arrangement prohibited unless disclosed at or prior to the time referral is made to: SHB 2248
- Receivers to manage real property, civil action to appoint, when city may authorize action by private individual: SSB 5180
- Regulatory takings of private property, owner or user right to compensation established, exceptions and alternatives set out: SB 6201
- Rental property, conversion of occupied property to condominium prohibited: SB 5648
- Residential buildings moved into or within city or county not required to comply with all building code requirements if occupancy classification of building not changed: *SHB 2673, CH 79 (1992)

Residential property valuation based on current use: SB 5248
 Revaluation of property, physical inspection and interim adjustments, requirements: SB 5250
 Revaluation of real property to be conducted annually beginning no later than January 1, 1999: HB 2924
 Senior citizens tax exemption, maximum income limits increased: SB 5270
 Septic system, seller to disclose existence before sale of property in sensitive area: SB 5074, SB 5145, SB 5355, SSB 5355
 Settlement services, disclosure of ownership interest in real estate settlement service providers extended to all transactions except those now governed by federal law: SHB 2248
 Shoreline local master programs to contain standards for the protection of single family residences and appurtenant structures from damage or loss due to shoreline erosion, required provisions specified: *SB 6128, CH 105 (1992)
 Shoreline residences and appurtenant structures, erosion protection prioritized: *SB 6128, CH 105 (1992)
 Shoreline residences and associated uplands, erosion protection prioritized: SB 6128
 Single family residences and low-income housing, current use valuation authorized for: SJR 8220
 Taking of private property, establishes a process to determine when a taking has occurred: SB 5122, SB 5419
 Tax appeals board, appeal of action by county board of equalization deemed to be timely filed if postmarked on or before thirtieth day after the mailing of the decision of the board of equalization: SHB 2925
 Tax foreclosed property, sale by county legislative authority through private negotiation, when authorized: SHB 2271
 Tax notices, county treasurer to send notices to vested owner of property, at the owner's request, when name on tax roll is that of a lienholder: SB 6079
 Towns authorized to dispose of property by lease, sublease, or conveyance: SHB 1275
 Valuation of large property tax increase averaged over four years: SB 5274
 Valuation of real property to be at seventy percent of true and fair value: SB 5914
 Valuation of real property to be based on its current use, constitutional amendment: SJR 8201
 Valuation of real property, governmental restrictions affecting value to be considered: SB 6370
 Valuation of residential property based on current use: SB 5248
 Valuation of residential property to be based on current use, constitutional amendment: SJR 8211
 Valuation, increase in property values limited to five percent per year: SB 5169
 Wetlands, inventory map of land to be prepared before adopting development regulations, notice requirements: SB 6255, SSB 6255, 2SSB 6255

REAL ESTATE APPRAISERS

Licensing and certification requirements, enforcement authority of director of licensing: SHB 2430

RECALL

Public disclosure of petitions prohibited: SB 5621

RECORDING

Flood insurance documents, inclusion in real estate mortgage or deed recording: SB 6163

RECORDING RIGHTS

Erotic sound recordings, "adults only" labeling required: *HB 2554, CH 5 (1992)

Erotic sound recordings, ready accessibility to minors prohibited: *HB 2554, CH 5 (1992)

RECORDS

Business, financial, and commercial information related to the community economic revitalization board's program services, exemption from public disclosure: HB 2595

Health care records, information disclosure by provider, authorization to expire ninety days after issuance: SHB 2568

Health care records, information disclosure by provider, fee: SHB 2568

Health care records, third-party payor allowed access to beneficiary's health information for payment purposes: SHB 2568

Health care records, unauthorized disclosure of name, residence, and sex allowed for purposes of identification, further disclosures allowed in cases of public record: SHB 2568

Infant mortality review by local health department authorized, confidentiality of records: SHB 2571, *SB 6296, CH 179 (1992)

Mentally ill, release of patient records in event of death authorized, restrictions: SB 6121

RECREATIONAL VEHICLES

Drivers' training, minimum curriculum for commercial driver training schools and traffic safety organizations to be established: SHB 2453
Emissions testing, exemption: SB 6489
Mobile home park relocation assistance extended to vehicles used as residences: HB 2894

RECTOR, SHIRLEY

Member, Spokane Joint Center Board of Governors,
GA 9221, Confirmed 36,87,337

RECYCLING

Clean Washington center, development of markets for recyclable materials: SSB 6358
Litter assessment, revisions: SB 6358, SSB 6358
Markets for recyclable materials, promotion through clean Washington center and other means: SSB 6358
Model litter control and recycling act, renamed waste reduction, recycling, and model litter control act: SB 6358, SSB 6358
Public recycling of materials fostered: SSB 6358
Recycling and anti-litter programs, termination of department of ecology administration of: SB 6036
Recycling and solid waste laws, technical corrections: *SB 6357, CH 131 (1992)
Solid waste and recycling laws, technical corrections: *SB 6357, CH 131 (1992)
State and local governments, increased purchase and use of recycled products: SB 5829
Vending machines located on passenger ferry or in highway rest area, requirements for the recycling of bottles and cans established: SHB 2390
Waste reduction, recycling, and litter control account, expenditures for programs: SB 6358, SSB 6358
Waste tire recycling or energy production, department of ecology grants to other agencies for projects involving: SB 5878

REDISTRICTING COMMISSION

Report and Plan 10
Maps, Appendix A 1891

REID, APRIL

Apple Blossom Princess introduced 747

REPOSSESSION

Motor vehicles, secured party's duty to protect and return personal property in repossessed vehicle: SB 6083, SSB 6083
Secured party to return property of debtor not covered by security interest within forty-eight hours after repossession of collateral upon default: SSB 6083

REPRODUCTIVE PRIVACY

Abortion, birth control decisions are rights of individuals: *SI 120, CH 1 (1992)

RESPIRATORY CARE PRACTITIONERS

Quality assurance system revisions to professional practice act: SB 6029

RETAIL INSTALLMENT SALES

Late payment of balance, penalty limitation: SB 6477
National competitive retail credit market task force created, membership and duties: SSB 6305
Service charge not to exceed schedule or rate agreed to by contract: *HB 2944, CH 193 (1992), SB 6305, SSB 6305

RETIREMENT AND PENSIONS

Accumulated service credit, notice to state employees of, schedule for provision of: SB 5828
Benefits, exemption of property from execution of out-of-state judgment for failure to pay that state's income tax on benefits: SB 5000, SB 5001, SB 5024, SSB 5309
Benefits, exemption of property received by designated beneficiary from out-of-state judgment for failure to pay that state's income tax on benefits: SB 6016
City employees, portability of benefits for Seattle, Spokane, and Tacoma employees, cities to pay additional

* - Passed Legislation

- cost of coverage: SB 6233
- Corrections employees who are retired early from an on the job injury, state to pay full cost of premiums for health care coverage: SHB 2770
- Desert Shield, health and retirement coverage continued for employees called to active service: SSB 5092
- Early retirement by plan I public employees' retirement system and teachers' retirement system members meeting specified criteria, prohibition on rehiring as temporary or project employees or through personal services contracts: *SHB 2947, CH 234 (1992)
- Fire district pension board membership, retired fire fighters eligible to elect and to be elected to membership on board: *HB 2261, CH 6 (1992), SB 6018
- Firemen's pension fund, investment policies revised: *SB 6226, CH 89 (1992)
- Funds established for use by teachers' and public employees' retirement systems, simplification of designation of: *HB 2259, CH 212 (1992), SB 6020
- Higher education employees employed incidentally to their education may obtain service credit by paying cumulative contributions plus interest on past waived credit: SB 6388
- Higher education faculty and other designated members, mandatory retirement eliminated after July 1, 1992: SHB 1409
- Law enforcement officers and fire fighters, credit for past service under a prior pension system for plan I members who withdrew contributions to that system, procedure to establish credit in current system: *SHB 2985, CH 157 (1992)
- Law enforcement officers and fire fighters, credit for prior service under a prior pension system for plan I members who had not yet become members of the prior system, procedure to establish service credit in current system: *SHB 2985, CH 157 (1992)
- Life insurance, "insurable interest" defined for employers responsible for employee welfare benefit plans: SB 6206
- Military service, retirement service credit authorized for members of state retirement systems during period in which employment is interrupted by military service, conditions and restrictions: *SSB 5092, CH 119 (1992)
- Public employees retirement system, cost-of-living increases, calculation of target benefit: SB 5352
- Public employees retirement system, cost-of-living increases, terminology changes: SB 5354
- Recodification of retirement provisions, technical corrections made to 1991 recodification: *HB 2260, CH 72 (1992), SB 6019
- Reorganization of statutes governing state retirement systems: SB 5222
- Retirement planning and potential consequences of early retirement, department of personnel to prepare information regarding: *SHB 2947, CH 234 (1992)
- School district employees, provision of continued health care benefits for retired or disabled employees and their dependents: *SHB 2857, CH 152 (1992)
- School employees meeting Plan I early retirement criteria, eligibility for accrued sick leave remuneration under district's attendance incentive program: *SHB 2947, CH 234 (1992)
- Seattle police relief and pension fund system, members who withdrew contributions to that system, procedure established to establish service credit in public employees' retirement system: *SHB 2985, CH 157 (1992)
- Service credit authorized for members of state retirement systems during period in which employment is interrupted by military service, conditions and restrictions: *SSB 5092, CH 119 (1992)
- Slayers denied retirement system beneficiary benefits, considered to have predeceased decedent for purposes of distribution: SHB 2246
- State employees, accumulated service credit, notice of, schedule for provision of: SB 5828
- State retirement systems, basic state contribution rates established as of September 1, 1992: SB 6286, *SSB 6286, CH 239 (1992)
- Tax liability of resident for failure to pay out-of-state income tax on retirement or pension benefits, courts not to recognize claims: SB 5310
- Teachers retirement system, cost-of-living increases, calculation of target benefit modified: SB 5352
- Teachers retirement system, cost-of-living increases, changes in terminology: SB 5354
- Teachers' retirement system, disability retirement for persons with half-time contracts, retroactive application and choice of survivor option provisions: HB 2419
- Teachers' retirement system, service credit authorized for periods of unpaid leave as elected official of a Washington education association: SHB 2418, SB 6186, *SSB 6186, CH 3 (1992)
- Volunteer fire fighters' relief and pension fund, revised provisions: *HB 2398, CH 97 (1992), SB 6185

RETIREMENT CENTERS

Nonprofit homes for aging, increase of residents' maximum income limits for property tax exemption purposes: SB 5993, SSB 5993
 Property tax exemption, increase of nonprofit homes for aging residents' maximum income limits: SB 5993, SSB 5993

RETIREMENT SYSTEMS, DEPARTMENT OF

Accumulated service credit, notice to state employees of, schedule for provision of: SB 5828
 Overpayments based on miscalculation of the "age sixty-five allowance," recovery prohibited: *HB 2259, CH 212 (1992)
 Overpayments for certain cost of living adjustments, recovery prohibited: HB 2259, HB 2645, SB 6242
 Retirement planning and potential consequences of early retirement, department to distribute information to eligible members regarding: *SHB 2947, CH 234 (1992)

REVENUE, DEPARTMENT OF

Aircraft excise tax, authority to collect back taxes, penalties, and interest from persons who register in another state or country to avoid tax: *HB 2727, CH 154 (1992)
 Amnesty for excise tax liability accrued prior to January 1, 1992, conditions: SB 6508, SSB 6508
 Amnesty for excise tax liability, report on effectiveness of program: SB 6508, SSB 6508
 Cellular communications, taxation and assessment of property and services, department to study: *SHB 2672, CH 218 (1992)
 Cigarette and tobacco laws, transfer of enforcement powers and duties to liquor control board: SB 5560, SB 6469
 Cigarette sales enforcement fund expenditure authorization: SB 5259
 Commercial ships and vessels, property tax listing requirements and tax payment procedures: SHB 2110
 Excise tax on aircraft, watercraft, and travel trailers and campers, authority to collect back taxes, penalties, and interest from persons who register in another state or country to avoid tax: *HB 2727, CH 154 (1992)
 Excise tax, amnesty for tax liability accrued prior to January 1, 1992, conditions: SB 6508, SSB 6508
 Export of timber from state trust lands, department to prepare enforcement plan under federal law permitting limits on: SB 5373
 Forest land classification withdrawal or removal, notice requirements: *SHB 2330, CH 52 (1992), SB 6160, SSB 6160
 Forest land, special benefit assessments, exemption, provisions: *SHB 2330, CH 52 (1992), SB 6160, SSB 6160
 Forest resources conservation and shortage relief act of 1990, to prepare enforcement plan for federal act with department of natural resources: SSB 5925
 Open space taxation, advisory committee created to assist department in recommending changes in rules regarding: SHB 2928
 Open spaces classification, rulemaking authority and requirements: SSB 5481
 Property assessments, equalization of assessments in multicounty taxing districts, duties: SSB 5818
 Property tax exemption for nonprofit homes for the aging, to conduct study on: *SHB 2639, CH 213 (1992)
 Property tax, commercial ships and vessels, listing requirements and tax payment procedures: SHB 2110
 Property valuation administrative practices, department to study: SB 5273
 Refund or credit for overpaid taxes discovered after taxpayer signs waiver of four-year limitation, taxpayer waiver will automatically provide for: *HB 2681, CH 169 (1992)
 Revaluation of real property annually, duties in development of implementation plan for: HB 2924
 Small businesses, guidelines to mitigate economic impact of agency excise tax rules on: SB 6166
 Tax amnesty act: SB 6508, SSB 6508
 Travel trailer and camper excise tax, authority to collect back taxes, penalties, and interest from persons who register in another state or country to avoid tax: *HB 2727, CH 154 (1992)
 Waiver of four-year limitation on assessments, taxpayer waiver will automatically provide for refund or credit for overpaid taxes discovered after taxpayer signs waiver: *HB 2681, CH 169 (1992)
 Watercraft excise tax, authority to collect back taxes, penalties, and interest from persons who register in another state or country to avoid tax: *HB 2727, CH 154 (1992)

REVISED CODE OF WASHINGTON

Department of health, revision of statutory references affected by the creation of the department: SB 5165
 Document preparation for property sales or loans, repeal of obsolete sections: *SB 6329, CH 91 (1992)

Handicapped, statutory references to handicapped changed to disabled: SB 5582
 Holders of financial assets, duties of, repeal of RCW 11.92.095: *SB 6008, CH 224 (1992)
 Manufactured housing and mobile homes, correction of double amendments to RCW 46.04.302 and 46.12.290: HB 2492
 Military land acquisition, obsolete sections repealed: *SB 6351, CH 90 (1992), SB 6374
 Obsolete provisions regarding military land acquisition repealed: HB 2460
 Public records and public disclosure law to be given liberal construction: *SHB 2876, CH 139 (1992)
 RCW 11.92.095 repealed: *SB 6008, CH 224 (1992)
 Recreational boating code recodified: *HB 2543, CH 15 (1992)
 Retirement provisions, recodification and technical corrections: *HB 2260, CH 72 (1992)
 Retirement systems, reorganization of statutes governing systems: SB 5222

RIEGER, ERWIN O.

Designating portion of state route number 501 as the Erwin O. Rieger Memorial Highway: SB 5808

RIVERS

Conservation of water, programs to increase instream flows in areas where wild salmonids are in decline: SHB 2629
 Conservation programs, economic incentives offered to water users to conserve: SHB 2629
 Minimum water flow levels for salmonid recovery, department of ecology to prioritize evaluation and implementation of minimum flow levels in basins with declining salmonid stock: SHB 2629

ROACH, SENATOR PAM

Statement for the Journal, Roll call vote missed,
 SHB 2212, March 5, 1992 971

ROADS AND HIGHWAYS

"Keep right" signs to be placed on multilane state and interstate highways: SB 5561
 Bicycle and pedestrian facilities on route 520 corridor studied: SB 6372, SSB 6372
 Commute trip reduction, local government responsibilities: SB 5326
 County road maintenance materials, awards may be made to multiple bidders when haul distance considered: SB 5816
 County roads, vacation of, resale of property to party from which the county obtained it made a valid reason: SB 5679
 Culvert construction and maintenance, fish passage required: SB 6118
 Fish passage required in culvert construction and maintenance: SB 6118
 High occupancy vehicle lanes, at least two occupants required in private vehicle using lane: SB 5562
 High-occupancy vehicle lane violations, charging and reporting procedures relating to: SHB 2272
 Highway system plan, improvement and preservation to ensure acceptable operating conditions: SHB 1816
 Intrastate rapid rail transportation declared a public highway: SB 5890
 Lane use requirements, trucks over twenty-six thousand pounds: SSB 5237
 Naches Pass tunnel construction: SB 5034
 Pedestrian and bicycle facilities on route 520 corridor studied: SB 6372, SSB 6372
 Pedestrians, vehicle operators required to stop for pedestrians lawfully within intersection control area: SHB 2442
 Recreational and scenic highway system, route revisions: SHB 2589
 Recycling requirements established for machines located on passenger ferry or in highway rest area: SHB 2390
 Rieger, Erwin O., designating portion of state route number 501 as the Erwin O. Rieger Memorial Highway: SB 5808
 Right hand lane use by motor vehicles with gross weight of ten thousand pounds or more required, exceptions: SSB 5237
 Scenic and recreational highway system, route revisions: SHB 2589
 School pathway and bus stop improvement program and council established, council membership and duties set out: HB 2780
 Sixty-five mile per hour speed limit established on four lane roads: SB 5398
 Speed limits, sixty-five mile per hour limit on four lane roads: SB 5398
 State route 901, removal from state scenic highway system: *SB 6078, CH 26 (1992)
 Tort liability of state and local governments limited for damages relating to the planning, construction, or

signing of highway or other public facility: SSB 5721
 Traffic signals, use of optical strobe light devices to control signals by public transit and department of transportation vehicles authorized: SHB 2291
 Vending machines located on passenger ferry or in highway rest area, requirements for the recycling of bottles and cans established: SHB 2390

ROBERTSON, REVEREND LAWRENCE R.

Reappointed Trustee, Olympic Community College District No. 3,
 GA 9222, Confirmed 41,792,1414

ROE, THOMAS

Reappointed Member, Eastern State Hospital Advisory
 Board, GA 9262 49

RONEY, CYNTHIA L.

Trustee, State School for the Blind, GA 9031 810

RULINGS AND REPLIES BY THE PRESIDENT

Rulings Within Scope and
 Object 407,608,855,1026,1166,1187,1351,1699
 Rulings Beyond Scope and
 Object 685,889,891,925,1095,1149,1150,1167,1168(2),
 1335,1465,1858,1859
 Reply to Senator Snyder, Amend redistricting plan 150
 Reply to Senator Rasmussen, Deadline for hearing bills 250
 Reply to Senator Talmadge, Possible to have single vote
 on entire consent calendar 343
 Reply to Senator Snyder, Number of votes needed to
 advance ESB 6054 to third reading 604
 Reply to Senator Talmadge, going to ninth order of
 business 611
 Reply to Senator Snyder, Question being at ninth
 order of business 611
 Reply to Senator Talmadge, Second reconsideration of
 amendment not possible, SSB 6262 686
 Reply to Senator Vognild, Clarification of amendment,
 SSB 6262 691
 Reply to Senator Owen, Question if amendment to SB 6315 692
 Reply to Senator Newhouse, Return to SB 6315 after special order of business 693
 Reply to Senator Rasmussen, Beyond hour to reconsider
 Senate Bills, E2SSB 6178 726
 Reply to Senator Talmadge, Question when to raise point
 of order, SB 6509 properly before Senate 761
 Reply to Senator Wojahn, Question if subject matter of
 SB 6124 beyond cutoff resolution 841
 Reply to Senator Talmadge, Clarification of amendments susceptible to scope and object 856
 Reply to Senator Anderson, Question if under
 three-minute rule, SHB 1481 983
 Reply to Senator Kreidler, Additional amendment to
 committee amendment to SB 6089 1058
 Reply to Senator Talmadge, Question if call of Senate
 need to be put to vote of Senate 1081
 Reply to Senator Talmadge, Question if ESHB 2990
 properly before Senate 1097
 Reply to Senator Talmadge, Question if ESHB 2389 in
 physical possession of Senate 1101
 Reply to Senator Talmadge, Amendment to SHB 2676 1108
 Reply to Senator Talmadge, SHB 2695 still alive after
 special order of business 1174

GENERAL INDEX

2245

Ruling to Senator Niemi, Number of votes needed to pass
 SHB 2695 1187
 Reply to Senator McCaslin, Slow pace down 1193
 Reply to Senator Rasmussen, Which calendars are current 1532
 Ruling to Senator Craswell, Number of votes needed to
 pass ESSB 6180 1614
 Reply to Senator Metcalf, If motion to strike HCR 4441
 in order 1637
 Ruling to Senator McDonald, Number of votes needed to
 pass RESB 6004 1642
 Reply to Senator Snyder, Immediate reconsideration
 within last ten days of session, SSB 6286 1645
 Reply to Senator Newhouse, Motion to adjourn 1645
 Reply to Senator Snyder, Notice of reconsideration
 still valid if Senate adjourns, SSB 6286 1645
 Reply to Senator Saling, Motion to immediately
 reconsider SSB 6286 1646
 Reply to Senator Rasmussen, Speaker ruling on
 amendment to HB 2514 out of order 1685
 Reply to Senator Talmadge, Motion pending to
 reconsider SSB 6286 1777
 Reply to Senator Newhouse, Proper order of business 1861
 Reply to Senator Newhouse, Motion to defer action
 two-pronged motion, EHB 2053 1861
 Reply to Senator Rasmussen, ESSB 6180 beyond cutoff resolution 1867
 Reply and Ruling to Senator Roach, midnight, last
 day of session 1868,1869
 Reply and Ruling to Senator Rasmussen, past midnight,
 last day of session 1869
 Reply to Senator Snyder, Money expended, SCR 8427,
 Roll Call Vote needed 1871

RULINGS AND REPLIES BY THE PRESIDENT PRO TEMPORE

Reply to Senator McCaslin to "unrap" gavel, ESHB 2274. 1018
 Reply to Senator Snyder, Question if committee amendment
 to ESHB 2274 reconsidered. 1019

RULINGS AND REPLIES BY THE VICE PRESIDENT PRO TEMPORE

Ruling Beyond Scope and Object 687
 Reply to Senator Newhouse, One speaker on each side
 of point of order 676

RUNESTRAND, ART

Trustee, Bellingham Technical College, GA 9223 39,213

RURAL DEVELOPMENT

Diamond Point trust parcel, sale to parks and recreation commission by board of natural resources, authority
 to vary boundaries and acreage of parcel transferred: *SHB 2990, CH 185 (1992)
 Urban/rural economic partnerships project created to encourage transfer of excessive Puget Sound business
 growth to rural areas: SB 6279
 Washington rural development council created, membership, organization, and duties: SB 6278, SSB 6278
 Washington rural development council recognized by legislature and state entities encouraged to participate
 in council activities, council to be located in branch or agency of state or federal government: SHB 2526

RURAL HEALTH

Certificate of need requirements revised for rural hospitals and rural health care facilities: SHB 2420, SB
 6076, *SSB 6076, CH 27 (1992)
 Hospitals, essential health care services to medical assistance clients, payment provisions: SB 5597
 Immunization schedule compliance for all personnel required, exceptions: SSB 5540

* - Passed Legislation

Professional loan repayment and scholarship program, revised provisions: SB 5514, SSB 5514
 Rural health access account created: *SHB 2993, CH 120 (1992)
 Rural health care plan, authority of department of health to monitor for continued compliance with plan:
 SHB 2420, SB 6076, *SSB 6076, CH 27 (1992)
 Rural health care services program pilot project established: 2SSB 5782
 Rural public hospital district agreements and contracts with other rural districts allowed: SHB 2495
 Rural public hospital districts authorized to enter into interlocal agreements and contracts with other rural
 districts to cooperatively purchase equipment and provide services: *SHB 2495, CH 161 (1992)

RYAN, TOM

Trustee, Clover Park Technical College, GA 9253 48,214

RYLES, RUBY N.

Reappointed Trustee, State School for the Blind,
 GA 9281 225,810

SALARIES

Elected officials, citizens' commission on salaries for elected officials abolished: SB 6001
 Elected officials, commission on salaries for elected officials may file schedule more frequently than
 biennially: SB 5999
 Elected officials, constitutional amendment to allow salaries to be determined by legislature: SJR 8229
 Elected officials, constitutional amendment to prohibit increase or decrease in compensation during term of
 office: SJR 8229
 Elected officials, salary schedule: SB 6001
 Elected officials, state committee on salaries to study duties and salaries: SB 6001
 Elected state officials, salary increases linked to implementation of 1992 teacher and state employee salary
 increases: SB 6501

SALES

Out-of-state mail order sales, sales tax to fund school construction: SSB 6127, 2SSB 6127
 Retail installment contracts, service charge of one and one-half percent per month may be charged on
 balances for contracts entered into between July 1, 1992, and July 1, 1994: HB 2944
 Retail installment sales, service charge not to exceed schedule or rate agreed to by contract: *HB 2944, CH
 193 (1992)
 Sales representatives and principals, regulation of contractual relationship between representatives and
 principals including payment of wages and commissions: *SSB 6120, CH 177 (1992)
 Sales representatives, principal's obligations for commission payment: SB 6120, SSB 6120

SALING, SENATOR GERALD L. (JERRY)

Personal Privilege, Senator Hayner's lost book 127
 Motion to immediately reconsider SSB 6286 1646

SALMON (See also FISHERIES, DEPARTMENT OF; FISHING, COMMERCIAL; FISHING, RECREATIONAL)

Agricultural and grazing practices, development of practices to protect riparian-associated fish and wildlife
 habitat: SHB 2628
 Blackmouth salmon, increased production for recreational fishery, director of fisheries to study: SSB 5158
 Catch accounting system, fisheries and wildlife departments to develop plan to accurately record salmon and
 steelhead catches: SB 6150
 Catch reporting, incentives and penalties to improve accuracy to be examined: SB 6150
 Chinook and coho salmon, hatchery-produced salmon marking requirements, submission of act to voters: SB
 6385
 Chinook, minimum length of commercial troll caught salmon: SB 5057
 Coho and chinook salmon, hatchery-produced salmon marking requirements, submission of act to voters: SB
 6385
 Coho salmon enhancement floating pen project: SB 5014, SSB 5014
 Commercial fishery gear reduction task force, plan and recommendations to legislature by January 1993: SSB
 6047
 Commercial licenses, Columbia River/Willapa Bay and Columbia River/Grays Harbor licenses buy back

- program: SB 6324
- Commercial licenses, additional Puget Sound gill net licenses prohibited: SB 6429
- Commercial licenses, implementation of temporary commercial salmon fishing license leasing program: SHB 2626
- Commodity commission, authority for Washington commercial salmon producers to elect to form commission: SHB 2275, SB 6335, SSB 6335
- Conservation of water, programs to increase instream flows in areas where wild salmonids are in decline: SHB 2629
- Fisheries department, salmon production designated as primary mission of department: SB 5302
- Guide vessel operators, license required for person to operate vessel for salmon guide: SB 6126
- Harvest management of anadromous fish, committee on, created to study ways to increase returns of weak salmon and steelhead stocks: SSB 6151
- Hood Canal coho salmon, department of fisheries to conduct study on decline in runs of: SB 6197, SSB 6197, 2SSB 6197
- Hood Canal marine fish preservation area established, taking of food fish prohibited until stocks have been restored: SB 6197, SSB 6197
- Hood Canal south of Hood canal floating bridge designated "unique marine resources area": 2SSB 6197
- Hood Canal, department of fisheries to consider additional area closures and restrictions to improve food fish resource: 2SSB 6197
- Hood Canal, management of commercial fishery: SSB 5158
- Hood Canal, no fishing zones to be established at mouths of Hood Canal streams and rivers that are actual or potential coho salmon spawning grounds: SB 6197, SSB 6197
- Labeling, identification by source and common name requirements: SHB 2369
- Licenses for commercial fishing, revised provisions relating to issuance of, renewal of, transfer of, and conditions imposed on: SB 6047
- Minimum water flow levels for salmonid recovery, department of ecology to prioritize evaluation and implementation of minimum flow levels in basins with declining salmonid stock: SHB 2629
- Mitchell act salmon hatchery facilities, funding for operations and capital improvements urged: HJM 4034
- Pink salmon, department of fisheries to improve fishery through use of "Alaska" method: SB 5059
- Protection from nonendangered marine mammals, departments of fisheries and wildlife to pursue authority to lethally remove: SSB 5666
- Puget Sound chinook salmon, director to increase opportunity for recreational fishers to harvest to correct past errors in catch accounting between treaty Indian fishers and nonIndian fishers: SB 6293
- Quinault, Queets, and Raft rivers, commercial fishing seasons to be established for chum and sockeye salmon: SB 5685
- Regional fisheries enhancement groups, participation in coho salmon enhancement floating pen project: SB 5014, SSB 5014
- Salmon and steelhead stock, committee created to develop comprehensive plan to protect and strengthen, membership and duties: SB 6151
- Skagit river salmon recovery plan, director of fisheries to prepare: *SB 5675, CH 88 (1992)
- Wild salmon, harvest or taking prohibited, hatchery-produced coho and chinook salmon marking requirements, submission of act to voters: SB 6385
- Wild salmonid review and inventory team, departments of fisheries and wildlife to establish, membership and duties: SHB 2626

SAVINGS AND LOAN ASSOCIATIONS

- Division of financial institutions created to combine divisions of banking and savings and loan associations: SB 5737
- Payroll deductions, state employees, deposit into savings and loan association authorized, requirements: *SHB 2025, CH 192 (1992)

SCHAEFER, SALLY G.

- Reappointed Trustee, Clark Community College District No. 14,
GA 9033, Confirmed 795,1221

SCHOOLS AND SCHOOL DISTRICTS

- Academic and vocational integration development program, pilot projects: *SHB 2359, CH 137 (1992)
- Accountability and assessment program, basic education act and program requirements amended with effective date of September 1, 1998, unless law is enacted stating that no such program is in place:

***SSB 5953, CH 141 (1992)**

Accountability report, district to publish annually, content requirements established: SSB 5953

Adult family home, siting notification requirements: SB 6243

American sign language course satisfies public school foreign language requirement: *HB 1664, CH 60 (1992)

Apportionment from state general fund, district may receive in equal or proportional installments: SB 5189

Attendance, notification of students and parents of compulsory attendance requirements: *SHB 2466, CH 205 (1992), SB 6216

Attendance, unexcused student absences, procedures: SB 6216

Basic education act and program requirements amended with effective date of September 1, 1998, unless law is enacted stating that no school accountability and assessment program is in place: *SSB 5953, CH 141 (1992)

Basic education allocation, ratio of certificated instructional staff to students made factor in formula: SB 5950

Basic education allocation, ratio of certificated instructional staff to students made factor for 1991-92 on: SB 5951

Basic education allocation, ratio of certificated instructional staff to students made factor for 1993-94 on: SB 5402

Basic education allocation, ratio of certificated instructional staff to students made factor through 2001: SB 5403

Basic education funding formula, revised provisions to increase funding and add additional certificated staff: SB 5888

Basic education program provided by state, revised provisions: SB 5822

Basic education requirements, interim waivers to assist development of performance-based education system: SHB 2546

Basic education requirements, restructuring to achieve student performance enhancement: SB 5279

Basic education requirements, revised provisions to reflect development of performance-based education system: SHB 2546

Before-and-after-school child care facility grant program established, promotion of programs in or near public schools established as state policy: SHB 2528

Bids, competitive bids required on building or improvement contracts costing in excess of fifty thousand dollars: SHB 1212

Bids, competitive bids required on purchases or improvements costing in excess of fifteen thousand dollars: SHB 1212

Bilingual education, congress requested to provide funds for: SJM 8018

Block grant program created for local education enhancements, eligibility and funding provisions: SB 5951

Board of directors, annual district accountability report required: SB 6178, SSB 6178, 2SSB 6178

Board of directors, authority to adopt policies for program development and implementation, conditions: SB 6178, SSB 6178, 2SSB 6178

Board of directors, policy making authority of school boards expanded to promote educational quality and school district management and operation: *SSB 5953, CH 141 (1992)

Boards of directors, power to determine and adopt policies for the development and implementation of programs, activities, services, and practices promoting education, procedural requirements: SHB 2546

Bringing education home act: SSB 5919

Bus stops, school pathway and bus stop improvement program and council established, council membership and duties set out: HB 2780

Business and school partnership, business and occupation tax credits: SB 5095

Business-school partnerships, employers encouraged to give release time for, annual award to be established: SSB 5234, 2SSB 5234

Certificated employees contract negotiations, conditions of employment not to be changed during proceedings: SB 5738

Certificated employees contract negotiations, interest arbitration panel decision final and binding: SB 5738

Certificated employees contract negotiations, mediation and factfinding to be completed before July 15th of year contract will expire: SB 5738

Certificated employees contract negotiations, to begin no later than May 1st of year contract will expire: SB 5738

Certificated employees, contract nonrenewal period extended to three years with exception of employees with three years of previous experience in Washington schools: SSB 5953

Certificated employees, contracts nonrenewal period extended to two years except that experienced

- employees are subject to one year probationary period when transferring to another district: *SSB 5953, CH 141 (1992)
- Certificated employees, employment contract with district officer's spouse, conditions: HB 2559
- Certificated instructional staff for kindergarten through third grade classes increased: SB 5981
- Certificated staff, cost-of-living salary increase allowed only by separate contract: HB 2580
- Certification of teachers and administrators, board of education to study current requirements in conjunction with council on education reform and funding and present options for improving certification system: *SSB 5953, CH 141 (1992)
- Child care programs in public schools, rulemaking authority of local school boards and superintendent of public instruction: SB 5095
- Child care, before-and-after-school care program created, rulemaking authority of superintendent of public instruction: SB 6259
- Child care, before-and-after-school care program, plan to implement to be submitted to legislature by December 1, 1992: SSB 6259
- Citizenship education, each district to adopt written policy on, review of citizenship education in curriculum encouraged: SB 5836
- Classified employees, inclusion in excellence in education award program: SB 6327, *SSB 6327, CH 50 (1992)
- Collective bargaining, subjects not subject to collective bargaining: SB 5851, SSB 5919
- Commission for the assessment of student learning created, membership and duties: SB 5279
- Commission on student learning created, membership, organization, and duties: SHB 2546
- Commission on student learning established, membership and duties: *SSB 5953, CH 141 (1992)
- Common school construction fund, transfers to fund from geothermal account from funds received until June 30, 2001, limited: HB 2399
- Common school construction, reservation of funds in bond debt service retirement account for: SB 5952
- Communication with students' families and parents' presence in schools given, importance made explicit: SB 5657
- Community service, site-based councils to adopt plan for student community service: SSB 6177
- Competency testing of grade twelve students, superintendent of public instruction and districts to conduct annual assessment to determine student competency in specified areas: SSB 5953
- Complex needs factor formula, superintendent of public instruction to adopt: SB 5981
- Constitution of the United States, Bill of Rights, and the Federalist papers, urging schools to instruct students in meaning and history of: HJM 4030
- Construction and renovation projects, prevailing wage statute not applicable to: SB 5282
- Construction and repair of common schools, reservation of portion of revenues from increased debt capacity for: SB 5324
- Construction funds, geothermal account continued ten years: SB 5423, SSB 5423
- Construction funds, out-of-state mail order sales, sales and use tax to fund school construction: SSB 6127, 2SSB 6127
- Construction of school buildings, board of education to adopt rules on the preparation and use of modifiable basic plans: SB 5862
- Contracts, interest rate of one percent per month payable on amounts due when public body fails to make timely payment: *SHB 1736, CH 223 (1992)
- Corporal punishment prohibited: HB 1159, SB 5240
- Costs of new programs or increased levels of services under existing programs, state to reimburse district for: SB 5726
- Council on education reform and funding, goals and mission endorsed: SCR 8422
- Counseling, suspension of student reduced for participation in, district not obligated to pay for the counseling: *SSB 5305, CH 155 (1992)
- Crimes, interference with school activities defined and made misdemeanor, protection of RCW 28A.635.020 extended to approved private schools: SSB 6182
- Criminal record check through state patrol and federal bureau of investigation required for potential school employees: *SHB 2518, CH 159 (1992), SB 6240, SSB 6240
- Desert Shield, health and retirement coverage continued for employees called to active service: SSB 5092
- Developmentally disabled high school graduates, regional disabilities employment function to provide services for: 2SSB 5780
- Developmentally disabled high school students, regional disabilities employment function to provide school to employment transition services for: 2SSB 5780
- Director districts, division of district into, responsibility of district's board of directors: SB 5191

- Directors, authority for board of directors to appeal adverse school siting decision to state board of education, procedures: SB 5364
- Directors, policy making authority of school boards expanded to promote educational quality and school district management and operation: *SSB 5953, CH 141 (1992)
- Directors, powers of the board of directors of each school district expanded to promote local control of education: SB 5822, SSB 5919
- Directors, reimbursement provisions revised: SHB 2809
- District officers, contract with officer's spouse for certificated or classified employment, conditions: HB 2559
- Drivers' education funding: SB 6009
- Dropout retention and retrieval pilot programs, design and evaluation: SB 5697
- Dropouts, high school dropouts prohibited from obtaining or keeping drivers' permits or licenses: SB 5129
- Drug and alcohol abuse prevention and intervention programs, parent and community involvement encouraged: SB 5822
- Early childhood education, availability to eligible children not served by federal program: SB 5095
- Earthquake preparedness policy, requirements: SB 5238
- Education centers, name changed from educational clinics: HB 2320
- Education construction account created, emergency reserve fund earnings to be transferred to: SB 6470
- Education reform and funding, endorsement of charge and plan of work of council on education reform and funding: HCR 4429
- Education reform and funding, goals and mission of council on education reform and funding endorsed: SCR 8422
- Education summit to address issues pertaining to immediate and long-term needs of basic education, legislature to convene: SCR 8412
- Educational clinics, name changed to education centers: HB 2320
- Educational employees compensation study of total compensation and development of compensation maintenance plan: SSB 5234, 2SSB 5234
- Educational employees compensation, department of personnel to conduct study of total compensation for: SSB 5919
- Educational opportunity grant pilot programs to be implemented in Seattle, Tacoma, and Spokane school districts, requirements: SB 5912
- Educational progress oversight panel created to report annually on progress of education reform, panel membership and report content requirements established: SSB 5953
- Educational progress oversight panel, membership and duties: SB 6178, SSB 6178, 2SSB 6178
- Educational reform, comprehensive program to improve the public school system: SB 5095
- Educational resources and research, state library commission to assist teachers to acquire in timely manner: SSB 5234, 2SSB 5234
- Educational service districts, establishment of centers for the improvement of teaching, duties: SSB 5698
- Elementary grades special emphasis grant program created to provide early prevention and intervention services to students: SSB 5919
- Employee salary and benefit increases to be responsibility of districts: SB 5981
- Employees meeting Plan I early retirement criteria, eligibility for accrued sick leave remuneration under district's attendance incentive program: *SHB 2947, CH 234 (1992)
- Employees, criminal record check through state patrol and federal bureau of investigation required for potential employees: *SHB 2518, CH 159 (1992), SB 6240, SSB 6240
- Employment, contract with district officer's spouse for certificated or classified employment, conditions: HB 2559
- Employment, contract with district officer's spouse for substitute teacher employment, conditions: HB 2559
- Equipment acquisitions, local decisions on: SB 5095
- Excellence in education award program, classified employees included: SB 6327, *SSB 6327, CH 50 (1992)
- Excellence in education award program, reimbursement and stipend limits established: SB 6326, *SSB 6326, CH 83 (1992)
- Excess levies, calculation of maximum dollar amounts: SB 6211
- Excess levies, levy base increased to cover lag in revenue availability for expenditures that occur at the beginning of the school year but are funded from levies collected in the second half of the year: *SHB 1932, CH 49 (1992)
- Excess levy and bond elections, mail balloting allowed: SB 5893
- Extended school year learning experiences demonstration program created: SB 5743
- Fair start program established to assist in providing prevention and intervention programs for elementary students: SHB 2695

- Fair start program, prevention and intervention services for elementary grade students: SB 5235, SSB 5235, 2SSB 5235, SB 6180, *SSB 6180, CH 196 (1992)
- Family-school partnership program established in the office of the superintendent of public instruction: SB 5657
- Federal impact aid to local governments near federal military installations, congress requested to increase: SJM 8017
- Financing reform: SB 5095
- Fingerprint identification account created for deposit of fees from school district fingerprint checks and expenditures authorized only for the cost of background checks: *SHB 2518, CH 159 (1992)
- Fingerprinting of educational employees, state patrol and federal bureau of investigation to accept fingerprints only if they can assure that no record will be kept after background check is completed: *SHB 2518, CH 159 (1992)
- Fish and wildlife education council to raise and distribute funds for environmental education programs that emphasize species conservation and projects in fish and wildlife preservation and management: SHB 2630
- Freedom of speech and of the press granted to public school student, conditions and limitations: SB 5370, SSB 5370
- Funding, basic education funding formula, ratio of certificated instructional staff to students added as factor: SB 5950
- Funding, basic education funding formula, ratio of certificated instructional staff to students made factor for 1991-92 on: SB 5951
- Funding, basic education funding formula, revised provisions to increase funding and add additional certificated staff: SB 5888
- Funding, lottery revenues to be deposited in education support account: SB 5994
- Gang risk prevention and intervention pilot programs, implementation: SB 6433
- Geothermal account for school construction fund continued ten years: SB 5423, SSB 5423
- Geothermal account, transfers from account to common school construction fund from funds received until June 30, 2001, limited: HB 2399
- Handicapped student spending four hours or more a day in regular education classroom counted as one and one-half full time equivalent student for state allocation: SB 5819
- Health and mental health services, development of a marketing and technical assistance plan to increase the provision of medicaid assistance to local districts providing: SHB 2547
- Health care benefits for retired and disabled school district employees and their dependents, provision of continued benefits: *SHB 2857, CH 152 (1992)
- Health care, group insurance coverage for retired and disabled school district employees, health care authority to study: *SHB 2857, CH 152 (1992)
- Health services for school children, authority to contract with local health jurisdictions to provide: SB 6034, SSB 6034
- High school credit for courses taken before attending high school, revised requirements for receiving credit: *SSB 5953, CH 141 (1992)
- High school credit for courses taken by student before entering high school, academic level of course must exceed seventh or eighth grade class requirements: SHB 2546
- High school graduation requirements, authority of state board of education to set: SB 5822, SB 6178, SSB 6178, 2SSB 6178
- High school graduation requirements, board of education to establish requirements and equivalents: *SSB 5953, CH 141 (1992)
- High-technology education, study committee to identify issues related to leadership in: SCR 8427
- Highly capable students, programs for: SB 5095
- Holocaust instruction, high schools encouraged to include in their curriculum, course may also use other examples from ancient and modern history: *SHB 2212, CH 24 (1992)
- Improvement of teaching centers, duty of educational service districts to establish: SSB 5698
- Indebtedness, authority of district to contract indebtedness and issue bonds without voter approval extended: SB 5192
- Institution education programs, provisions revised: SB 6482
- Interference with school activities, misdemeanor: SB 6182
- Juvenile serious habitual offender program established, duties: SB 5739, SSB 5739
- K-12 education, state operating budget for to be increased by minimum of one percent until percent at or above fifty percent: SB 5956
- Learning problems and academic delays prevention, pilot program extended, implementation review board

- created, duties: SB 5565
- Levy base determination formula revised: SB 5981
- Levy base increased to cover lag in revenue availability for expenditures that occur at the beginning of the school year but are funded from levies collected in the second half of the year: *SHB 1932, CH 49 (1992)
- Levy measures, number of electors needed to approve: HJR 4234, SB 6414, SJR 8230
- Local control of education act: SB 5822
- Local education enhancements, block grant program created for, eligibility and funding provisions: SB 5951
- Local education program enhancement funds, eligibility and funding provisions: SB 6180, SSB 6180
- Local effort assistance funds, distribution: SB 6211
- Local school governance leave provided for employee to participate in school organizations, conditions: SB 6177
- Lottery revenues to be deposited in education support account: SB 5994
- Low-income students, assistance with school supplies and summer school tuition: SB 5291, SSB 5291
- Maintenance and operation supplemental levy approved by voters may be imposed: SB 5981
- Medical assistance billing agent contract review committee, social and health services department and superintendent of public instruction to establish to review proposed contracts between districts and billing services: SHB 2547
- Medical assistance reimbursement for health-related services provided in schools, revised provisions to generate federal medical assistance matching funds for: SHB 2547
- Mentally ill high school students, regional disabilities employment function to provide school to employment transition services for: 2SSB 5780
- Migrant student record transfer system, superintendent of public instruction authorized to establish and operate a national system with federal funds: HB 2933
- Modernization and construction of school facilities, allocation of funds to be based on priorities set by state board of education: SHB 2631
- Modifiable basic plans for school building construction, board of education to adopt rules on the preparation and use of: SB 5862
- Nonresident students registered under RCW 28A.225.220 and 28A.225.225, districts prohibited from charging transfer fees for: HB 2549
- Nonresident students registered under RCW 28A.225.220 and 28A.225.225, districts prohibited from charging tuition or transfer fees: HB 2549
- Nurse/student ratios established for school years 1991-92 through 1996-97: SB 5340
- Nurses, excess levies authorized to fund school nurse programs: SB 5579
- Nutrition programs authorized by U.S. department of agriculture, state support for participation in: SB 5921
- Occupational therapists, physical therapists, and nurses, determination of "years of service" for salary allocation purposes: SHB 2548
- Operating budget for K-12 education to be increased by minimum of one percent until percent at or above fifty percent: SB 5956
- Outcome based education, reach for excellence program created to provide funds for planning and implementation: SSB 5919
- Pacific Rim language scholarship, provisions expanded: SB 5505
- Paraprofessionals, districts to develop training program for classroom assistants: SB 5698
- Parents' bill of rights and responsibilities: SB 5851
- Parents' rights and responsibilities: SSB 5919
- Pathway and bus stop improvement program and advisory council created, council membership and duties: SB 5113, SSB 5113
- Pathway and bus stop improvement program and council established, council membership and duties set out: HB 2780
- Pedestrian, bicycle and school bus safety instruction required: SB 5115, SSB 5115
- Performance-based education, technical assistance to be provided by superintendent of public instruction: SHB 2546
- Performance-based school accountability system development required: SHB 2546
- Planning for learning project created to prepare strategies for teaching children with prenatal drug or alcohol exposure: SB 6366, SSB 6366
- Policy making authority of school boards expanded to promote educational quality and school district management and operation: *SSB 5953, CH 141 (1992)
- Prenatal drug or alcohol exposure, planning for learning project created to prepare strategies for teaching children with: SB 6366, SSB 6366

- Prevailing wage, statute not applicable to renovation or construction of common schools: SB 5282
- Private schools, "approved" and "church-approved" private schools defined: SB 5593
- Private schools, authorization to become scholarship-redeeming schools, procedure: SB 6438
- Private schools, protection of RCW 28A.635.020 extended to approved private schools in order to protect children from disturbances or interference with school activities: SSB 6182
- Private schools, state-approved private schools, revised regulatory provisions: SB 5593
- Professional practices unit to investigate complaints of unprofessional conduct by certificated staff: SSB 5543
- Professional standards unit to investigate complaints of unprofessional conduct by school staff: SB 5543
- Property tax levy base increased to cover lag in revenue availability for expenditures that occur at the beginning of the school year but are funded from levies collected in the second half of the year: *SHB 1932, CH 49 (1992)
- Property tax, exemption from excess levy limits for specified nonbasic education program activities: SB 5896
- Property tax, school excess levy limits raised, revised provisions: *SHB 1932, CH 49 (1992)
- Property tax, special five percent levy authorized for purposes of funding grants under the bring education home act: SSB 5919
- Property tax, state-wide average ten percent levy rate raised to twenty percent: SB 5896
- Provisional employment period for certificated employees changed to three years: SB 5861
- Provisional employment period, certificated employees who have completed three years in another district subject to nonrenewal in first year with new district: SB 5861
- Public works, retainage of moneys in trust until completion of work of improvement: SB 6404
- Quality schools act: SB 5851
- Ratio of certificated classroom teachers to students, revised provisions: SB 5819
- Ratio of certificated instructional staff to students, factor in determining basic education allocation: SB 5950
- Ratio of certificated instructional staff to students, factor in determining basic education allocation for 1991-92 on: SB 5951
- Ratio of certificated instructional staff to students, factor in determining basic education allocation for 1993-94 on: SB 5402
- Ratio of certificated instructional staff to students, factor in determining basic education allocation through 2001: SB 5403
- Reach for excellence grant program: SB 5234, SSB 5234, 2SSB 5234
- Reach for excellence grant program created to provide funds for planning and implementation of school restructuring: SSB 5919
- Reach for excellence program, special levy authorized to establish: SB 6179
- Regional disabilities employment function to provide school to employment transition services for developmentally disabled and mentally ill high school students: 2SSB 5780
- Regional disabilities employment function to provide services for developmentally disabled high school graduates established: 2SSB 5780
- Reimbursement for costs of new programs or increased levels of services under existing programs, state to provide: SB 5726
- Remedial higher education classes, process established to charge districts for part of the cost of classes for recent high school graduates: SB 6302
- Restructuring plan, waiver of statutory requirements regarding school building self-study, classroom teacher contact hours, and basic education program hours authorized as part of: *SSB 5953, CH 141 (1992)
- Retired and disabled school district employees and their dependents, provision of continued health care benefits for: *SHB 2857, CH 152 (1992)
- Retired and disabled school district employees, health care authority to study group health insurance coverage for: *SHB 2857, CH 152 (1992)
- Safe environment to protect ability of students to learn and staff to work, district authority: SB 5819
- Salaries for certificated staff, cost-of-living increase allowed only by separate contract: HB 2580
- Salaries, cost-of-living differences study to be used as basis for allocation for future salary fiscal policy: SB 5981
- Salary allocation, "years of service" determination for occupational and physical therapists and nurses: SHB 2548
- Salary schedule for 1991-92 and 1992-93 increasing salaries in September 1991 and September 1992: SB 5950
- Schedule of days for students to attend school, establishment and publication of schedule, requirements, schedule not subject to collective bargaining: SSB 5953
- Scholarship provided for every resident school-age child redeemable at any scholarship-redeeming school: SB 6438

Scholarship-redeeming schools, code of conduct and enforcement: SB 6438
 Scholarship-redeeming schools, enrollment capacity open to children regardless of residence: SB 6438
 Scholarship-redeeming schools, school may become independent and nondistrict related, procedure: SB 6438
 School activities, interference with, defined and made misdemeanor, protection of RCW 28A.635.020 extended to approved private schools: SSB 6182
 School boards, child care programs in school, rulemaking authority: SB 5095
 School buses, bus drivers may report drivers who fail to stop as required: *SSB 5116, CH 39 (1992)
 School buses, failure to stop for, pilot program to use video cameras to identify violators: *SSB 5116, CH 39 (1992)
 School buses, hazard strobe lamp may be mounted and used on bus, conditions and restrictions: SSB 5116
 School buses, replacement of, revised provisions relating to allocation of funds and letting of bids for: SB 5691
 School buses, safety instruction required in grades kindergarten through six: SB 5115, SSB 5115
 School buses, single hazard strobe lamp allowed, requirements and conditions for use: SB 6481
 School day and year, changes in: SB 5095
 School employees, housing assistance programs for classified and certificated employees encouraged: SSCR 8402
 School pathway and bus stop improvement program and advisory council created, council membership and duties: SB 5113, SSB 5113
 School premises, prohibition on possession on school premises extended to all persons, exemption and penalty provisions established: SHB 2537, SB 6157, SSB 6157
 School year extended: SB 5239
 School year, board of directors to establish schedule of days for school attendance, schedule not subject to collective bargaining: SB 5851, SSB 5919
 School year, designated days for attendance not subject to collective bargaining: SB 6178, SSB 6178, 2SSB 6178
 Schools for the twenty-first century program, final report to legislature and governor, information to be included: *SB 6220, CH 112 (1992)
 Schools for the twenty-first century program, supplemental contracts for participating employees: *SB 6220, CH 112 (1992)
 Scoliosis screening of students: SB 5323
 Second class districts with fewer than 200 students, authority to hire spouse of district officer as certificated or classified employee, conditions: HB 2559
 Second class districts, authority to hire spouse of district officer as substitute teacher when board has found there to be a shortage of substitute teachers in district: HB 2559
 Security monitors, appropriation to fund monitors in schools: SB 5252, SSB 5252
 Sick leave, medical expenses reimbursement plan may be provided for unused sick leave: SB 5711
 Sign language, American sign language course to satisfy state or local public school foreign language requirement: *HB 1664, CH 60 (1992)
 Site-based councils authorized to allow parents, teachers, and citizens to participate in making school decisions: SSB 5234, 2SSB 5234, SB 5463, SSB 5463, 2SSB 5463, SSB 5919, SB 6177
 Site-based councils, district board of directors may adopt policy to authorize: SSB 6177
 Site-based councils, funding to schools for restructuring educational programs: SSB 6177
 Site-based councils, modifications to existing local bargaining agreements to be stated in written agreement: SSB 6177
 Site-based councils, staff participation in: SB 6177, SSB 6177
 Site-based councils, student community service plan required: SSB 6177
 Siting decisions, authority for state board of education to review denial of permit to build on proposed site, appeal procedure: SB 5364
 Small schools grant program created to help districts meet special needs: SSB 5919
 Special education students, board of education to develop alternatives for special education students to receive a high school diploma: SSB 5953
 Special educational services demonstration projects: SB 5182
 Special educational services demonstration projects, unnecessary labeling of children discouraged while funding necessary services for children with identifiable needs: *SHB 2551, CH 180 (1992), SB 6269
 Special levies, levy authorized to establish reach for excellence program: SB 6179
 Special needs grants, criteria to qualify for and receive grants: SB 5420, SSB 5420
 Student achievement assessment, requirements: SB 6178, SSB 6178, 2SSB 6178
 Student achievement tests, revised requirements: SB 5851, SSB 5919

- Student assessment and testing, district required to adjust curriculum in areas where scores indicate that students need additional help, parental notification of scores required: *SSB 5953, CH 141 (1992)
- Student competency achievement test: SB 5095
- Student learning alternative program, district participation requirements: SB 5499
- Student learning, commission on, creation, membership, organization, and duties: SHB 2546
- Student learning, establishment of commission on student learning, membership and duties: *SSB 5953, CH 141 (1992)
- Student motivation, summer motivation and academic residential training program, created: SB 5697
- Student performance enhancement, restructuring of basic education requirements to achieve: SB 5279
- Student records, availability to law enforcement and court officials required when directed by court order, parent notification: *SHB 2466, CH 205 (1992)
- Students, opportunity should be provided for physical and emotional health in order to achieve skills in school: SB 6005
- Summer motivation and academic residential training program created: SB 5697
- Summer school tuition, assistance for low-income students: SB 5291, SSB 5291
- Supplies, schools to adopt policy on provision of school supplies and waivers or reductions of school program fees: SSB 5291
- Supplies, schools to supply free of charge to low-income students: SB 5291
- Suspension of student reduced for participation in counseling, district not obligated to pay for the counseling: *SSB 5305, CH 155 (1992)
- Suspension of students, superintendent of public instruction to encourage school districts to utilize community service as alternative to suspension, minimum requirements set: *SSB 5305, CH 155 (1992)
- Teacher certification, revised provisions: SB 6178, SSB 6178, 2SSB 6178
- Teacher in-service training provisions: SB 5239
- Teachers for the twenty-first century program created: SB 5254, SSB 5254
- Teaching materials, funding from budget stabilization account to superintendent of public instruction to replace out-of-date teaching materials: SB 5984
- Technical colleges, funds for high school students enrolled in technical colleges to be allocated to the serving technical college rather than the school district: SHB 2602
- Transfer fees for nonresident students registered under RCW 28A.225.220 and 28A.225.225 prohibited: HB 2549
- Transfer or tuition fees for nonresident students registered under RCW 28A.225.220 and 28A.225.225 prohibited: HB 2549
- Truancy, school's duties and obligations regarding, revised provisions: *SHB 2466, CH 205 (1992), SB 6041, SSB 6041, 2SSB 6041
- Tuition or transfer fees for nonresident students registered under RCW 28A.225.220 and 28A.225.225 prohibited: HB 2549
- Tuition waivers at state colleges and universities, inclusion of public school employees among those eligible for: SB 5412
- Tuition, nonresident district may not charge student if attending for child care location requirements: SB 6178
- Twelfth grade assessment, superintendent of public instruction and districts to conduct annual assessment to determine student competency in specified areas: SSB 5953
- Unexcused absences by student, school's duties and obligations regarding, revised provisions: *SHB 2466, CH 205 (1992), SB 6041, SSB 6041, 2SSB 6041
- Urban schools grant program created, Seattle, Tacoma, Spokane, Yakima, and Pasco districts eligible to apply for: SSB 5919
- Violence-prevention materials, superintendent of public instruction to develop and provide to schools: HB 2599, SB 6195
- Vision: Education 2001 statement endorsed: SCR 8400
- Vocational and academic integration development program, pilot projects: *SHB 2359, CH 137 (1992)
- Vocational education, staff to student ratio established: SB 6180, SSB 6180
- Voter registration of high school students: HB 1073
- Waiver of school year requirement allowed for districts submitting plan for restructuring program, conditions: SB 6177, SSB 6177
- Waivers of statutory requirements regarding school building self-study, classroom teacher contact hours, and basic education program hours authorized as part of restructuring plan containing required elements: *SSB 5953, CH 141 (1992)
- Weapons on school premises, arrest for probable cause authorized: SB 6122

Weapons, prohibition on possession of dangerous weapons on school premises extended to all persons, exemption and penalty provisions established: SHB 2537, SB 6157, SSB 6157
 Weighted student formula, development of at least two options for consideration by oversight committee: SB 5981
 Whistleblower program establishment encouraged, auditor approval: SB 6321
 Years of service, definition for salary allocation purposes, determination for occupational and physical therapists and nurses: SHB 2548

SCROGGS, ANN H.

Reappointed Trustee, Grays Harbor Community College
 District No. 2, GA 9035. 122

SEARCH AND RESCUE WORKERS AND ACTIVITIES

Search and rescue grant program established: SB 5206

SEARCH AND SEIZURE

Administrative search warrants prohibited for searches of private residences, informed consent of occupant required: SB 5572, SSB 5572
 Felonies, seizure and forfeiture of property involved in commission of a felony: SHB 1616
 Fisheries patrol officers, authority to conduct searches of recreational fishers limited: SB 5099

SEATTLE

Educational opportunity grant pilot program to be implemented in Seattle school district: SB 5912
 Police relief and pension fund system, members who withdrew contributions to that system, procedure established to establish service credit in public employees' retirement system: *SHB 2985, CH 157 (1992)
 Urban schools grant program created, eligibility to apply for grant: SSB 5919

SEATTLE COMMUNITY COLLEGE DISTRICT NO. 6

Reverend Lowell E. Knutson, Reappointed Trustee,
 GA 9208 40,792
 Paul J. Wysocki, Trustee, GA 9170 789

SEAWEED

Harvesting on state-owned aquatic lands, regulation by department of natural resources: SHB 1455
 Marine aquatic plant research, department of natural resources and department of fisheries to explore possibility of private funding for: SHB 1455
 Maximum daily wet weight harvest or possession limit set at ten pounds per person for seaweed taken from private and state tidelands and state bedlands for personal use, violation is a misdemeanor: SHB 1455

SECRETARY OF STATE

Transmittal of Mandatory Recount of Initiative
 to Legislature 120 14
 Message on Certification of Initiatives,
 Referendums, Constitutional Amendments
 and Joint-Judicial Offices 16
 Message of Provisional Certification and Copy of
 Initiative to Legislature 134 17
 Message on Partial Vetoes (Senate Bills-1991)
 by the Governor 31
 Message on Vetoes (Senate Bills-1991) by the Governor 32
 Message on Certification of Initiative to
 Legislature 134 178
 Message on Initiatives to the People filed 251
 Candidates' pamphlet to indicate which candidates signed and abided by spending limits and those who did not agree to spending limits: SHB 2986
 Charitable organizations and commercial fund raisers required to register with: SSB 6246
 Charitable organizations and commercial fund raisers, registration, regulatory, and fee setting requirements, authority to set: SHB 2637

* - Passed Legislation

Constitutional amendments, print, radio, and televisions advertising requirements: SB 5603
 Costs of election, allocation between state and counties, special provisions for 1994, 1996, 1998, and 2000 elections: SB 5620
 Division of elections established: *SHB 2319, CH 163 (1992)
 Election administration and certification board, membership and duties: *SHB 2319, CH 163 (1992)
 Election assistance and clearinghouse program established: *SHB 2319, CH 163 (1992)
 Election review section established in division of elections, responsibilities: *SHB 2319, CH 163 (1992)
 Elections administration officials and personnel, training and certification programs: *SHB 2319, CH 163 (1992)
 Elections appeals, procedure: *SHB 2319, CH 163 (1992)
 Filing fees, candidate without sufficient assets to pay, submission of information supporting claim, rulemaking authority: SB 5619
 Labor relations consultants, registration with secretary of state: HB 1122
 Political party election observers, training and certification programs: *SHB 2319, CH 163 (1992)
 Training and certification programs for elections administration officials and personnel: *SHB 2319, CH 163 (1992)
 Voter registration by mail, duties: SHB 1310

SECURITIES

Business and occupation tax on stock brokers, broker-dealers, and security houses, rate set: SB 5712, SSB 5712, SB 6395, SSB 6395
 Business function or activity, director of licensing may censure, fine, or restrict: SB 6390
 Holders of financial assets, duties of, repeal of RCW 11.92.095: *SB 6008, CH 224 (1992)
 Investment adviser, use of CHFC as designation exempted from definition: SB 6485
 RCW 11.92.095 repealed: *SB 6008, CH 224 (1992)
 Registration actions against registrant or person occupying similar status, range of sanctions increased: SB 5844
 Supervision of salespersons and employees, actions against supervisor to "supervise reasonably," exceptions: SB 6390
 Supervision of salespersons and employees, registration action and fines against supervisor for failure to "reasonably supervise": SB 5844

SECURITY INTERESTS

Federal tax and other liens to be filed with department of licensing: *HB 1185, CH 133 (1992)

SELECT COMMITTEE REPORTS

Washington State Redistricting Commission	10
Department of Veteran's Affairs seeking medicaid certification for veterans' homes	78
Juvenile rehabilitation institutions leaves and escapes	88
Adult family home care multiple facility ownership	114
Forest products division report	197
Displaced homemaker program	216
Center for environmental and molecular sciences at Tri-Cities branch campus (WSU)	216
Child care coordinating committee	698
Washington telephone assistance program	866

SELF DEFENSE

Intruder in a dwelling, use of force, including deadly force, against, conditions justifying, immunity from civil and criminal liability: SB 5140

SELLAR, SENATOR GEORGE L.

Replaced Senator Patterson on Committee on Environment and Natural Resources	77
Replaced by Senator Sumner on Committee on Environment and Natural Resources	434

SENIOR CITIZENS

* - Passed Legislation

Crimes against, penalties increased: SB 6236
 Gatekeeper outreach program established to assist impaired elderly persons living in their own homes: SB 6034, SSB 6034
 Medicare beneficiaries, notice of discharge and appeal rights, hospital required to provide to: SB 5880
 Nonprofit homes for aging, increase of residents' maximum income limits for property tax exemption purposes: SB 5993, SSB 5993
 Property tax deferral increased: SB 5270
 Property tax exemption for nonprofit homes for the aging, revised income and eligibility provisions and study requirements: *SHB 2639, CH 213 (1992)
 Property tax exemption, "disposable income" redefined: SB 6169
 Property tax exemption, calculation of disposable income for claimant whose spouse has recently died: *HB 2514, CH 187 (1992)
 Property tax exemption, change in qualifying age for: SB 5005
 Property tax exemption, increase of nonprofit homes for aging residents' maximum income limits: SB 5993, SSB 5993
 Property tax exemption, maximum income limits increased: SB 5270
 Property tax exemptions, renewal application for exemption required at least every four years to be accompanied by documented verification of income: HB 2926
 Property tax, exemption from and deferral of: SB 5085, SB 5162, SB 5368
 Retired senior citizen volunteer programs, funds distribution: *HB 2374, CH 65 (1992), SB 6181
 Second-family residential units on existing single-family lots, variance to allow, conditions: SSB 5810
 Senior environmental corps created, goals: *SHB 2560, CH 63 (1992)
 Specialized transportation services for, provision of: SB 5427
 Wood burning stoves and fireplaces, exemption from restrictions on use for persons over sixty-two when used for heating: SSB 5891

SENTENCING

Alcoholic beverage violations, penalties increased: SB 6137
 Alternative to total confinement available for offenders with sentences to two years or less: SB 5623
 Alternatives to confinement, sentencing guidelines commission to continue development of alternatives for nonviolent offenders: SCR 8429
 Alternatives to total confinement, act to encourage use of alternative while protecting the general public: SB 5623
 Alternatives to total confinement, inmate work responsibility program to reduce prison costs, repay cost of confinement, and provide job skills: SHB 2834
 Assault against a child in the first, second, and third degree, seriousness level, sentencing grid table, and offender score positions assigned to various levels of assault: SHB 2532, SB 6104, *SSB 6104, CH 145 (1992)
 Boot camp program for adult offenders established: SB 5286
 Child, crimes of assault against child in the first, second, and third degree, seriousness level, sentencing grid table, and offender score positions assigned to various levels of assault: SHB 2532, SB 6104, *SSB 6104, CH 145 (1992)
 Controlled substances, selling for profit, penalties increased: SB 5875
 Crime laboratory analysis fee to be levied on persons found guilty to pay costs associated with analysis of forensic evidence by state crime laboratory: SB 6057, SSB 6057
 Crimes committed in state correctional institutions, consecutive sentences for offenders committing serious violent crimes while incarcerated: SHB 2834
 Criminal street gang activities, behavior defined, imposition of exceptional sentences: SHB 2344, SB 6205
 Death penalty sentencing proceedings, victims and survivors of victims entitled to make victim impact statements at: SB 6245
 Drug offenders, mitigating factors to be considered in determining sentence: SB 5623
 Drug offenders, responsibility for treatment costs: SSB 6210, 2SSB 6210
 Drug offenders, special evaluation to determine appropriateness of drug offender treatment option, minimum requirements of report and for consideration of imposition of treatment option: SB 6210, SSB 6210, 2SSB 6210
 Drug offenders, special sentencing alternative, eligibility for, conditions for receiving: SB 5623
 Electronic monitoring authorized as a condition for release or probation, defendant may be required to bear monitoring costs: *SB 6103, CH 86 (1992)
 Firearms, penalties increased for crimes committed while armed: SB 5054

- Gang activities, criminal street gang behavior defined and imposition of exceptional sentences authorized: SHB 2344
- Intensive rehabilitation program, conditions for participation in: SSB 5623
- Juvenile sentencing standards and options, revised provisions: SHB 2466
- Mentally disordered offenders, sentencing guidelines commission to identify and suggest appropriate sentencing options for, required elements: SHB 2847
- Mentally retarded person may not be sentenced to death: SHB 1234
- Nonviolent first-time offenders, community-based punishment alternatives: SSB 6210, 2SSB 6210
- Nonviolent offenders, community-based punishment alternatives for, imposition in form of up to one hundred twenty punishment units: SB 6210
- Punishment units, definition, use in sentencing process: SHB 2834
- Rape, second conviction for rape in the first degree or rape of a child in the first degree, death sentence to be imposed: SB 5173
- Reduction of sentence for defendant convicted of murder prior to July 23, 1989, when victim subjected defendant or defendant's children to continuing sexual or physical abuse and the murder was in response to that abuse: SHB 2703
- Restitution agreements with victim, consideration as mitigating factor in determining sentence: SB 5623
- Vehicular homicide or assault, alcohol and drug evaluation and treatment as condition of community placement for persons convicted of: SHB 2388
- Vehicular homicide or assault, offenders subject to conditional community placement and must undergo alcohol and drug evaluation and treatment as condition of placement: SHB 2388
- Vehicular homicide under influence of intoxicating liquor or any drug, penalties increased: SB 6476
- Victim-offender mediation program, referral of offenders to, conditions and exceptions: SB 5623, SSB 5623, 2SSB 5623
- Victims of drunk or intoxicated drivers, offender may be required to attend educational program focusing on the emotional, financial, and physical suffering of victims: *SB 6295, CH 64 (1992)
- Violent offenders, additional community placement authorized: SHB 2354
- Work crews, program of partial confinement for offenders authorized, conditions for participation in: SSB 5852

SENTENCING GUIDELINES COMMISSION

- Mentally disordered offenders, sentencing guidelines commission to identify and suggest appropriate sentencing options for, required elements: SHB 2847
- Monetary fines, pilot program: SB 6343
- Monetary fines, to study feasibility in conjunction with department of corrections: SB 5623, SSB 5623, 2SSB 5623
- Sentencing alternatives, commission to continue development of alternatives to confinement for nonviolent offenders: SCR 8429

SERVICE STATIONS

- Above-ground tanks not distributing fuel to general public, exemption from fire code provisions: SB 6425
- Disclaimer stating that gasoline containing alcohol may be unsuitable as fuel for some engines required on fuel pumps: SB 5927
- Fire code, above-ground tanks not distributing fuel to general public, exemption from fire code provisions: SB 6425

SEWAGE

- Land application of conventionally treated municipal sludge prohibited until July 1, 1994: SB 5846
- Shellfish protection districts and programs, authority to create for protection of shellfish growing areas from animal waste and failing on-site sewage system pollution: *SSB 6132, CH 100 (1992)
- Sludge disposal, person liable for damages caused: SB 5751
- Sludge disposal, valid permit required, unlawful procedures: SB 5751
- Sludge task force created to study alternatives to land application or disposal of treated municipal sludge: SB 5846, SSB 5846

SEWARD, STEVEN T.

- Appointed Chair, Higher Education Coordinating Board,
GA 9176 789

* - Passed Legislation

SEWER DISTRICTS

- Bidding practices revised: SHB 2505
- Deposit of funds received: SB 5451
- Insurance, authority to provide to employees: SB 5451
- Property, sale provisions revised: SHB 2505
- Public works, award of contract for, criteria for making award, revised provisions: SHB 2409
- Public works, lowest responsible bidder, additional criteria for determination of: SHB 2409
- Service lien, acquisition of title to property subject to, order of discharge of liens: SB 5451
- Small works rosters, process for districts to award contracts on works estimated to cost less than fifty thousand dollars: SHB 2505

SEWERS

- Boundary review boards, county may waive review of water and sewer extensions by: SB 6085, *SSB 6085, CH 162 (1992)
- Financial considerations may not be used by local boards of health to coerce persons into connecting to sewer systems: SB 5136
- On-site sewage disposal systems, design and installation, board of health authority to require certification of persons other than engineers: SB 5798
- On-site sewage system permit may not be refused for failure to meet gross area requirement when surrounded by sites approved before June 30, 1984: SB 5135
- On-site systems, sale or use of additives prohibited, exceptions: SHB 1457
- Septic system, seller to disclose existence before sale of property in sensitive area: SB 5074, SB 5145, SB 5355, SSB 5355
- Waiver by county legislative authority of review of water and sewer extensions by boundary review board: SB 6085, *SSB 6085, CH 162 (1992)

SEX OFFENDER THERAPISTS

- Certification not required when offender has or is planning to move to another state, no certified providers are available near offender's home, and evaluation and treatment plan is approved: *SHB 2262, CH 45 (1992)
- Quality assurance system revisions to professional practice act: SB 6029

SEX OFFENSES AND OFFENDERS

- Child sexual abuse victims, dissemination of identifying information about victim prohibited without consent of victim or victim's legal guardian other than as specifically allowed: SHB 2348
- Child sexual abuse victims, information revealing identity of child victims of sexual assault confidential and not subject to public disclosure, courts authorized to seal information identifying child victim: *SHB 2348, CH 188 (1992)
- Child sexual abuse victims, video testimony of victimized children under ten allowed: SJR 8217
- Children, admission of child's statement regarding attempted acts of sexual contact: SB 5065, SSB 5065
- Children, definition of "corroborative evidence" for admission of child's hearsay statement regarding acts of sexual contact: SB 6107
- Children, matter harmful to minors, gross misdemeanor to display, sell, or present any matter, including live performance, that is harmful to minors: SB 6262, SSB 6262
- Children, monitoring of conversations regarding sexual abuse authorized, procedure: SB 5905
- Children, sexual assault on, monitoring of offenders: SB 5361, SSB 5361
- Children, sexual assault on, program to provide additional protection to children: SB 5361, SSB 5361
- Children, sexual exploitation of, defenses to prosecutions for, revised provisions: *SB 6261, CH 178 (1992)
- Civil commitment of sexually violent predators, commitment may occur when term of confinement is complete or nearly complete, criteria for release from commitment revised: *SHB 2262, CH 45 (1992)
- Communication with a minor for immoral purposes: SSB 5346
- Community placement, sex and violent offenders required to obtain department approval of living arrangements and residence location during period of: *SHB 2490, CH 75 (1992)
- HIV and sexually transmitted diseases, transmission of, penalties increased: 2SSB 5278
- HIV testing of accused sex offenders after first court appearance: SSB 5086, SB 5236, SSB 5236, 2SSB 5236
- HIV testing of adult and juvenile offenders in sexual offense, prostitution, and drug offense cases required: SSB 5086
- HIV testing of juvenile offenders in sexual offense, prostitution, and drug offense cases required: SB 6092,

SSB 6092

- Minors, communication with a minor for immoral purposes: SSB 5346
Notice to sheriff and state patrol prior to release when future residence unknown, requirements: *SHB 2262, CH 45 (1992)
Parole periods established for sex and violent offenders and for all other offenders, terms, conditions, sanctions for violations, and final discharge provisions established: SHB 2834
Sex and violent offenders required to obtain department approval of living arrangements and residence location during period of community placement: *SHB 2490, CH 75 (1992)
Sex offender therapist certification not required when offender has or is planning to move to another state, no certified providers are available near offender's home, and evaluation and treatment plan is approved: *SHB 2262, CH 45 (1992)
Sexual assault committee, state-wide, membership and duties: SB 5361, SSB 5361
Sexual contact with child, admission of child's statement regarding attempted acts of: SB 5065, SSB 5065
Sexual exploitation of children, defenses to prosecutions for, revised provisions: *SB 6261, CH 178 (1992)
Sexually violent predator, notice to prosecuting attorney of anticipated release of, requirements: *SHB 2262, CH 45 (1992)
Sexually violent predators, authorization to petition court for release, revised provisions: SB 6405
Victims of sexual assault and domestic violence, provision of chemical dependency services to: SHB 2477
Victims, evidence collection procedures: SB 6007
Victims, medical care protocols: SB 6007
Victims, prevention programs for persons at-risk of becoming victims of sex offenders, grant application requirements: SHB 2734, SB 6387, SSB 6387

SEXUALLY TRANSMITTED DISEASES (See also AIDS)

- AIDS/HIV and syphilis testing, proof of testing required as condition of issuance of a marriage license: SB 6045

SHELLFISH

- Animal waste pollution, conservation districts encouraged to contract with shellfish protection districts to control: *SSB 6132, CH 100 (1992)
Counties with saltwater tidelands, watershed protection districts and programs to protect shellfish authorized: SHB 2363, SB 6132, SSB 6132
Food fish and shellfish poaching hotline: SB 5118, SSB 5118
Food fish law violations, state-wide twenty-four hour toll-free hotline for reporting of: SB 5118, SSB 5118
Grower-raised shellfish exempt from excise tax: SB 5447
Growth management act, shellfish growing areas, land use element of comprehensive plan expanded to include protection of marine water quality in: SHB 2363
Growth management act, shellfish industry maintenance and protection added to natural resources based industries goals: SHB 2363
Habitat protection and restoration program, state and local government authority to protect harvest areas from water-borne pollution: SB 6059
Habitat protection, priority ranking of threatened areas for action under watershed action plan: SB 6059
Informational materials concerning food fish and shellfish, sale by department of fisheries authorized: *HB 2360, CH 13 (1992)
Protection programs, county watershed protection districts to receive priority water quality financial assistance: SSB 6132
Sanitary requirements, shellfish obtained for nonhuman consumption exempted from requirements: SB 6077
Shellfish protection districts and programs, authority to create for protection of shellfish growing areas from animal waste and failing on-site sewage system pollution: *SSB 6132, CH 100 (1992)
Shellfish protection districts, creation and operation of district, revised procedures and deadlines, powers of county legislative authority revised: *SSB 6132, CH 100 (1992)
Shellfish protection districts, fees, charges, and rates, authority of county legislative authority to fix, alter, and control, confined animal feeding operations and other facilities exempted from: *SSB 6132, CH 100 (1992)
Tidelands, plans and programs to protect: SHB 2363, SB 6132, *SSB 6132, CH 100 (1992)
Watershed financial assistance program created in department of ecology to assist counties to form and implement watershed protection districts: SHB 2363
Watershed protection districts, creation, abolition, powers, and funding provisions and procedures established: SHB 2363

SHERIFFS

- Deputy sheriffs may practice law, conditions: *HB 2368, CH 225 (1992)
- Fees for official services increased and new fees imposed: *SHB 2766, CH 164 (1992), SB 6337, SSB 6337
- Harassment, notification of the victim and law enforcement of release from prison or mental hospital of person who was charged or convicted of felony harassment required: *SHB 2702, CH 186 (1992)
- Office to be nonpartisan except in counties where home rule charter declares it to be partisan: SHB 1715
- Sexual offenders, notice to be given to sheriff and state patrol prior to release when future residence unknown, requirements: *SHB 2262, CH 45 (1992)
- Wild mushrooms, specialized forest products permit required to harvest, possess, and transport wild mushrooms, validation by county sheriff required: *SHB 2865, CH 184 (1992)

SHERIFFS AND POLICE CHIEFS, WASHINGTON ASSOCIATION OF

- Domestic violence incidents, law enforcement agencies to report to association for inclusion in the annual report of crime
- produced by the association: 2SSB 6347

SHERRILL, JAMES E.

- Reappointed Trustee, Centralia Community College District No. 12, GA 9224 41,792

SHINKLE, CLINT

- Trustee, Green River Community College District No. 3,
GA 9151 789

SHINPOCH, BARBARA

- Member, Transportation Commission, GA 9225 37

SHORELINE COMMUNITY COLLEGE DISTRICT NO. 7

- Linda S. Johnson, Reappointed Trustee, GA 9204 41,791

SHORELINES AND SHORELINE MANAGEMENT

- Aquaculture, shoreline aquaculture appeals to be heard in superior court: SB 5011
- Bulkheads, substantial development permit application, procedures: *SB 6128, CH 105 (1992)
- Coastal barriers resources system, congress requested to reject recommendations to include sites in Washington: SJM 8031
- Integration of shoreline management and growth management requirements into single program: SB 6036, SSB 6036
- Judicial review of review proceedings before the shorelines hearing board to be based on record developed by the local government along with written and oral arguments before the board: SSB 6113
- Local government zoning to be considered in implementing shoreline master programs: SB 6162
- Local master programs to contain standards for the protection of single family residences and appurtenant structures from damage or loss due to shoreline erosion, required provisions specified: *SB 6128, CH 105 (1992)
- Residences and appurtenant structures, erosion protection prioritized: *SB 6128, CH 105 (1992)
- Residences and associated uplands, erosion protection prioritized: SB 6128
- Review of final orders by shorelines hearings board to be based on record and supplemental evidence and limited to specified issues regarding local government's actions in regard to permit application: SSB 6113
- Review of final orders to be exclusively on the record and limited to specified issues regarding local government's actions in regard to permit application: SB 6113, SSB 6113

SHORELINES HEARINGS BOARD

- Judicial review of review proceedings before the shorelines hearing board to be based on record developed by the local government along with written and oral arguments before the board: SSB 6113
- Review of final orders to be based on record and supplemental evidence and limited to specified issues regarding local government's actions in regard to permit application: SSB 6113
- Review of final orders to be exclusively on the record and limited to specified issues regarding local government's actions in regard to permit application: SB 6113, SSB 6113

SHREVE, BETTY G.

Reappointed Member, Public Disclosure Commission,
GA 9244 45

SIGN LANGUAGE

American sign language course satisfies college foreign language admission requirement: *HB 1664, CH 60 (1992)
American sign language course satisfies public school foreign language requirement: *HB 1664, CH 60 (1992)
American sign language instructors' qualifications, state board of education to consult with various groups concerning standards for evaluation and certification of instructors: *HB 1664, CH 60 (1992)

SKAGIT COUNTY

Natural resource worker project for dislocated timber industry workers: SB 5674
Superior court judges, one position added: SSB 5338, SB 6458
Superior court, one additional judge authorized: *SHB 2459, CH 189 (1992)
Training pilot project for dislocated timber industry workers in Skagit county: SB 5673

SKAGIT RIVER

Salmon recovery plan, director of fisheries to prepare: *SB 5675, CH 88 (1992)

SKAGIT VALLEY COMMUNITY COLLEGE DISTRICT NO. 4

Debbie Aldrich, Trustee, GA 9000, Confirmed 121,202
Mary Ann Funk, Reappointed Trustee, GA 9196 40,791
Arlene Miller, Reappointed Trustee, GA 9026 121
Training pilot project for dislocated timber industry workers in Skagit county, duties: SB 5673

SLUDGE

Biosolid management program, department of ecology to establish a program that will conform with recent and proposed federal regulations on municipal sewage sludge, civil and criminal penalties for violations: *SHB 2640, CH 174 (1992)
Biosolid use and disposal permits, department of ecology authorized to delegate authority to issue and enforce to local health departments: *SHB 2640, CH 174 (1992)
Biosolid use and disposal permits, local health department may appeal department of ecology decision to pollution control hearings board: *SHB 2640, CH 174 (1992)
Biosolids, department of ecology authorized to promote beneficial uses of biosolids: *SHB 2640, CH 174 (1992)
Comprehensive sludge management program, department of ecology to establish: *SHB 2640, CH 174 (1992)
Disposal, permit requirements, unlawful procedures: SB 5751
Disposal, person liable for damages caused: SB 5751
Land application of conventionally treated municipal sludge prohibited until July 1, 1994: SB 5846
Permit issuance and enforcement, department of ecology may delegate authority to issue and enforce permits to local health departments, department may review permits issued: *SHB 2640, CH 174 (1992)
Pollution control hearings board, local health department may appeal a department of ecology permit decision to board: *SHB 2640, CH 174 (1992)
Sludge disposal and use pilot project on sludge task force's priority use alternative or alternatives: SB 5846, SSB 5846
Sludge task force created to study alternatives to land application or disposal of treated municipal sludge: SB 5846, SSB 5846

SMALL BUSINESS EXPORT FINANCIAL ASSISTANCE CENTER

Center's existence continued: SB 5277
Pacific Northwest export assistance project, purposes and duties: SSB 5639

SMITH, SENATOR LINDA A.

Point of Order, Amendment to SB 6262 608

SMITH, VICTORIA

Lakefair Queen, Introduced and welcomed Senators
to Olympia 1

SMOKING

Tobacco, prevention of tobacco-caused disease, programs to reduce use by youth and to promote tobacco
use reduction: SB 5567, SSB 5567

SNAKE RIVER

Minimum water flow levels for declining salmonid stock, department of ecology to determine if water
withdrawals or diversions are potentially hazardous: SHB 2629

SNOHOMISH COUNTY

Martha lake park, provision of matching funds for the purchase of: SB 5563
Superior court judges, one position added: SB 5285, SB 5338
Superior court judges, two positions added: SSB 5338, SB 6458
Superior court, two additional judges authorized: *SHB 2459, CH 189 (1992)

SNOQUALMIE RIVER

Snoqualmie river management program, county participation in development of: SB 5872

SNOWMOBILES

Helmet for operator and riders required: SB 5646

SNYDER, SENATOR SID

Parliamentary Inquiry, Amend Redistricting Plan 150
Parliamentary Inquiry, Votes needed to advance
ESB 6054 to third reading 604
Parliamentary Inquiry, Question if on ninth
order of business 611
Parliamentary Inquiry, Committee amendment to
ESHB 2274 reconsidered 1018
Point of Order, Immediate reconsideration of bills
within last ten working days 1645
Parliamentary Inquiry, Motion of reconsideration of
SSB 6286 valid next day 1645
Parliamentary Inquiry, Money expended, SCR 8427 needs
roll call vote 1871

SOCIAL AND HEALTH SERVICES, DEPARTMENT OF

Aging and adult services, advisory council on, membership and duties: SB 5297
Aid to families with dependent children, eligibility of eighteen to twenty year old students: SB 5307, SSB
5307
Aid to families with dependent children-employable, mandatory participation in JOBS program required for
non-exempt parents under age twenty-four and at least one parent in two-parent households: *SHB 2983,
CH 165 (1992)
Assaults on staff at state mental hospitals, reporting requirements: SB 6040
Assessment of children in care to determine appropriate level of residential and treatment services: SB 6334,
SSB 6334, 2SSB 6334
Automated client eligibility system (ACES), conditions and limitation of expenditures for the system: SB
5659
Before-and-after-school child care facility grant program established, promotion of programs in or near public
schools established as state policy: SHB 2528
Birth expenses, department to enforce support obligation to reimburse state for prenatal, delivery, and
postnatal costs: SB 6114, SSB 6114, 2SSB 6114
Chemically dependent pregnant women, mothers, and infants, interagency coordination of service delivery
requirements: SB 6051
Child abuse, responsibility for costs of treatment of person removed from home for: SB 5942
Child care coordinating committee appropriation: SB 5377

- Child care resources coordinator, revised duties: SSB 5580
- Child care, before-and-after-school care program, plan to implement to be submitted to legislature by December 1, 1992: SSB 6259
- Child welfare cases, citizen review board to review periodically: SB 5749
- Child welfare cases, citizens' oversight board to review periodically: SSB 5749
- Children in care, to conduct assessment to determine appropriate level of residential and treatment services: SB 6334, SSB 6334, 2SSB 6334
- Children in care, to conduct assessment to determine appropriate level of residential and treatment services for these children: SHB 2466, SB 6041, SSB 6041, 2SSB 6041
- Children in care, written notification of foster family of reason when child moved to another placement required, exceptions: SB 6334, SSB 6334, 2SSB 6334
- Children in out-of-home placements, monitoring requirements: SB 5061
- Children's mental health, department to endeavor to redirect Title XIX funds to placements within state: SB 6215
- Children's mental health, planning study to determine level of residential and treatment services required: SB 6214
- Children, youth, and families, regional interagency councils for, purpose and responsibilities: SB 6238
- Citizen review board to review child welfare cases, membership and responsibilities: SB 5749
- Citizens' oversight board to review child welfare cases periodically: SSB 5749
- Community work experience program to be implemented for general assistance recipients not expected to be eligible for supplemental security income and capable of doing public service work: *SHB 2983, CH 165 (1992)
- Complaint process, complaints against children and family services division brought by clients, foster parents, or other individuals, procedures established: SB 5664
- Complaints against department, judicial review allowed when complaint resolution process exhausted: SB 6334, SSB 6334, 2SSB 6334
- Criminally insane, clarification of references to responsibilities of departments and corrections officers regarding criminal procedure for the: HB 2265
- Crisis residential centers, license limitations: SB 6219
- Crisis residential centers, limitation on child's stay before alternative placement: SB 6219
- Crisis residential centers, number increased: SB 6219
- Crisis residential centers, revised provisions and duties relating to: *SHB 2466, CH 205 (1992), SB 6041, SSB 6041, 2SSB 6041
- Deaf persons, advisory committees or councils required by federal law to receive federal funds, secretary authorized to appoint: SSB 5458
- Deaf persons, telecommunications devices for the deaf advisory committee, progress reports: SB 6377, SSB 6377
- Deaf persons, telecommunications devices for the deaf, contract award procedures revised: SB 6377, SSB 6377
- Deaf services, regional service centers established, duties: SSB 5458
- Deferred compensation program, health care providers who are independent contractors with department of social and health services to provide care to recipients, considered employees only for participation in: SSB 6507
- Developmentally disabled high school graduates, regional disabilities employment function to provide services for: 2SSB 5780
- Developmentally disabled high school students, regional disabilities employment function to provide school to employment transition services for: 2SSB 5780
- Developmentally disabled, complaint resolution process to be created for persons applying for or receiving services from department: SB 6097
- Direct landlord pay task force created to study whether housing for recipients would increase were direct pay available: SHB 2152
- Domestic violence education available to professions dealing with domestic violence, to review and report on current level of, content requirements established: *2SSB 6347, CH 111 (1992)
- Educational opportunity grant pilot programs to be implemented in Seattle, Tacoma, and Spokane school districts, requirements: SB 5912
- Estates of residents at residential habilitation centers, liability of estate for costs of care, revised provisions: SSB 5506
- Family planning services, training for substance abuse counselors: SHB 2364
- Family policy council created to solicit proposals to facilitate greater flexibility and responsiveness of service

- to families at the community level, duties, requirements for consideration of proposals: SHB 2846, SB 6428, *SSB 6428, CH 198 (1992)
- Family preservation services program established to reduce or avoid the need for foster care placement of children: SHB 2472, SB 6111, *SSB 6111, CH 214 (1992)
- Family preservation services, department to conduct study in at least one region of state: SHB 2472, SB 6111, *SSB 6111, CH 214 (1992)
- Federal funds, services and programs to be designed and implemented to maximize allocation to state: SB 6215
- Financial partnership plan, liability for and recovery of costs for services rendered: SB 5281
- Fircrest school, appropriation to bring school into compliance with federal requirements: SB 5315
- Firearms, person committed under criminal insanity or involuntary treatment statutes prohibited from possessing a firearm, process to be established for person to regain right to possess firearm: *SHB 2373, CH 168 (1992)
- Foster care, placement with relative may not be denied for relative's belief or disbelief in criminal acts or convictions of child's parent: SB 6345, SSB 6345
- Foster care, visitation with relative may not be denied for relative's belief or disbelief in criminal acts or convictions of child's parent: SB 6345, SSB 6345
- Foster parent, basic health plan coverage extended to: SB 6434
- Fraudulent documents, identification procedures training requirements for agency screening personnel, immunity for actions taken by personnel regarding identification of fraudulent documents: 2SSB 6364
- Funeral expenses of recipients, responsibility of department of social and health services and surviving children for transportation and funeral services: *SHB 2874, CH 108 (1992)
- Galactosemia, screening of newborn infants for, duties: SB 5455
- Gatekeeper outreach program established to assist impaired elderly persons living in their own homes, duties: SB 6034, SSB 6034
- General assistance, community work experience program to be implemented for recipients not expected to be eligible for supplemental security income and capable of doing public service work: *SHB 2983, CH 165 (1992)
- General assistance, coordination of program with other assistance programs, revised conditions: *HB 2350, CH 136 (1992), SB 6060
- Harassment, department required to notify the victim and law enforcement of release from prison or mental hospital of person who was charged or convicted of felony harassment: *SHB 2702, CH 186 (1992)
- Homeless children, specialized child care and respite care authorized for children of homeless parents: SSB 5653
- Hospice program extended: SB 5761
- Immunization of children, required immunizations for children of state service recipients: SB 6034, SSB 6034
- Immunization schedule compliance for children receiving department services, required: SSB 5540
- Immunizations, voucher demonstration project established: SSB 5540
- Institution education programs, interlocal cooperation agreement with juvenile court administrators and superintendent of public instruction: SB 6482
- Institution education programs, provisions revised: SB 6482
- Interview of child in abuse and neglect cases by social and health services department to be recorded by audio or videotape when law enforcement officer is not present, admissibility of tape as evidence: SSB 6084
- Interviews with child in abuse and neglect cases to be recorded by audio or video tape or written transcript when a law enforcement officer is not present: SB 6084
- Interviews with child in abuse and neglect cases to be videotaped when a law enforcement officer is not present: SB 6084
- Involuntary commitment and treatment of minors requiring mental health care, duty to ensure that counties apply provisions in consistent and uniform manner: *SHB 2466, CH 205 (1992), SB 6041, SSB 6041, 2SSB 6041
- JOBS program, mandatory participation in program required for non-exempt parents under age twenty-four and at least one parent in two-parent households as eligibility condition for aid to dependent children-employable: *SHB 2983, CH 165 (1992)
- Job opportunities and basic skills training program: SB 5452, SSB 5452
- Juvenile offenders, department to develop plan to reduce reliance on large institutional facilities for: SHB 2466, SB 6041

- Juvenile rehabilitation, serious habitual offender program established, duties: SB 5739, SSB 5739
- Long-term care of children pilot project, two facilities to be established: SB 5495
- Long-term care of children policy established, department duties: SSB 5820
- Long-term care policy for special needs child and family to be developed, duties: SSB 5748
- Medicaid funding support for regionally managed mental health care, department to report on options and recommendations for maximizing: SB 6319
- Medicaid recipients, nutritional counseling pilot project in King, Pierce, and Spokane counties established, duties: SB 5496
- Medical assistance billing agent contract review committee, department and superintendent of public instruction to establish to review proposed contracts between school districts and billing services: SHB 2547
- Medical care costs, department to enforce support obligation to reimburse state for prenatal, delivery, and postnatal costs: SB 6114, SSB 6114, 2SSB 6114
- Medical care vendors, billing period changed to twelve months: SB 5213
- Medical services, department authorized to purchase services by contract or at rates set by department: *HB 2314, CH 8 (1992), SB 6061
- Medicare beneficiaries' handbook on hospital coverage, options, and appeal rights, advisory committee to develop: SB 5880
- Medicare beneficiaries, model forms for discharge notices and appeal rights, advisory committee to develop: SB 5880
- Mental health information system, operation dates for state and regional support network system components established: HB 2313, SB 6062
- Mental health programs, authority to provide employment services as part of: SB 5671, SSB 5671
- Mental health regional support networks, department and state hospitals to provide support services for: SB 6318
- Mental health regional support networks, funding for programs that provide periods of stable community living: SB 6318
- Mental illness, person committed under criminal insanity or involuntary treatment statutes prohibited from possessing a firearm, process to be established for person to regain right to possess firearm: *SHB 2373, CH 168 (1992)
- Mental illness, secretary of social and health services to develop system to discourage inappropriate placement of those with head injury, AIDS, the developmentally disabled, and substance abusers in state mental hospitals: *SB 6319, CH 230 (1992)
- Mentally disordered offenders, sentencing guidelines commission to identify and suggest appropriate sentencing options for, departmental cooperation in study: SHB 2847
- Mentally ill developmentally disabled persons, pilot projects authorized to provide alternatives to hospitalization: SB 5856
- Mentally ill high school students, regional disabilities employment function to provide school to employment transition services for: 2SSB 5780
- Mentally ill persons, incentives to discourage inappropriate placement of persons without primary diagnosis of mental disorder in state hospitals: SB 6319
- Minors requiring mental health care and treatment to receive continuum of culturally relevant care and treatment: *SHB 2466, CH 205 (1992), SB 6041, SSB 6041, 2SSB 6041
- Nursing home advisory council continued: HB 2810
- Nursing home medicare certification, exemption to requirement that facilities obtain and maintain, department may grant to facilities making good faith effort to obtain certification: HB 2931, *SSB 6354, CH 215 (1992)
- Nursing homes, auditing and cost reimbursement, compliance with requirements relating to land, depreciable assets, and resident finances: SB 5292
- Nursing homes, licensing and operating requirements, revised provisions: SB 5827
- Nursing pools providing temporary nursing services in nursing homes, regulation of rates charged by: SB 5589
- Out-of-home placement of children, monitoring requirements: SB 5061
- Performance agreements to ensure permanent placements for dependent children, duties: SB 5079
- Pregnant women, alcohol and drug abuse, pretreatment pilot demonstration projects, project requirements: SB 5774
- Pregnant women, alcohol and drug abuse, secondary prevention strategies to increase use of services by: SB 5774
- Public assistance eligibility for students over eighteen and demonstrating progress towards secondary school

- completion, pilot program and reporting requirements established: SB 6098
- Public assistance eligibility for students under twenty-one years of age, pilot program established to demonstrate improved school completion rates: SB 6098, SSB 6098
- Public assistance recipients allowed to retain half of their earned income, department to seek waiver to permit: SHB 2527
- Racial disproportionality in the juvenile justice system, submission date of report modified: *SHB 2466, CH 205 (1992), SB 6041, SSB 6041, 2SSB 6041
- Regional disabilities employment advisory councils, membership and duties: 2SSB 5780
- Regional disabilities employment function to provide school to employment transition services for developmentally disabled and mentally ill high school students: 2SSB 5780
- Regional disabilities employment function to provide services for developmentally disabled high school graduates established: 2SSB 5780
- Regional interagency councils for children, youth, and families created, purpose and responsibilities: SB 6238
- Removal of child from foster home to another placement, written notification required, exceptions: SB 6334, SSB 6334, 2SSB 6334
- Rural hospitals, essential health care services to medical assistance clients, payment provisions: SB 5597
- Sexual assault, provision of legal advocates to assault programs: SB 5361, SSB 5361
- Sexual offenders, notice to be given police chief prior to release when future residence unknown, requirements: *SHB 2262, CH 45 (1992)
- Sexually violent predator, notice to prosecuting attorney of anticipated release of, requirements: *SHB 2262, CH 45 (1992)
- Sexually violent predators, authorization to petition court for release, revised provisions: SB 6405
- Specialized care programs for persons with developmental disabilities, AIDS, or substance abuse, secretary authorized to establish: *SB 6319, CH 230 (1992)
- Students, general assistance eligibility for students over eighteen and demonstrating progress towards secondary school completion, pilot program and reporting requirements established: SB 6098
- Students, public assistance eligibility for students under twenty-one years of age, pilot program to demonstrate improved school completion rates: SB 6098
- Support enforcement, department to enforce obligation to reimburse state for prenatal, delivery, and postnatal costs: SB 6114, SSB 6114, 2SSB 6114
- Telecommunications devices for the hearing and speech impaired, department to develop program to provide for eligible persons: SB 6492
- Telecommunications relay service excise tax, utilities and transportation commission to determine amount of tax necessary to fund program based on information provided by the office of deaf services: *SSB 6377, CH 144 (1992)
- Telecommunications relay system advisory committee to make progress reports at least four times a year to administrators and operators of system, required elements of report established: *SSB 6377, CH 144 (1992)
- Telecommunications relay system and text telephone, department to maintain program for the hearing and speech impaired, revised requirements: SHB 2769, *SSB 6377, CH 144 (1992)
- Telecommunications relay system, department of social and health services to apply to federal communications commission for certification of the state-wide relay service: *SSB 6377, CH 144 (1992)
- Telecommunications relay system, department to apply to federal communications commission to have a state-controlled program by October 1, 1992: SHB 2769
- Telecommunications relay system, operation and maintenance of system, requirements for award of contract for provision of service commencing July 26, 1993: *SSB 6377, CH 144 (1992)
- Telecommunications relay system, operation of system to be bid out to a qualified contractor: SHB 2769
- Telephone excise tax ceiling raised to fourteen cents per month per telephone line to fund telephone relay system program: SHB 2769
- Timber impact areas, designation of additional socially and economically integrated communities as timber impact areas by economic recovery board authorized: *HB 2821, CH 21 (1992)
- Transitional living services for minors, duties: SB 5201, SSB 5201
- Utilization review of nursing facilities: SB 5214
- Vendor rates, additional rate increases authorized in 1992 and 1993: *SB 5961, CH 238 (1992)
- Victims of sexual assault and domestic violence, provision of chemical dependency services to, departmental duties: SHB 2477
- Washington work opportunities program created to foster job training and financial independence for public assistance recipients: SB 6397, SSB 6397

SOCIAL SECURITY

Attorneys' fees, reimbursement by state for establishing claim: SHB 1466

SOLID WASTE

- Animal waste falling from vehicles carrying live farm animals while crossing a ferry capable of transporting fewer than twenty-five vehicles, exemption from load containment requirements: SHB 2457
- Biomedical waste, state-wide definition adopted preempting local definitions: *SHB 2391, CH 14 (1992)
- Disposable diapers, sale and disposal of banned: SB 5687
- Incineration or landfill facility, liability limitation: SB 6232, SSB 6232
- Litter assessment, revisions: SB 6358, SSB 6358
- Load containment requirements, exemption for animal waste falling from vehicles carrying live farm animals while crossing a ferry capable of transporting fewer than twenty-five vehicles: SHB 2457
- Model litter control and recycling act, renamed waste reduction, recycling, and model litter control act: SB 6358, SSB 6358
- Out-of-state waste, fee payment required if the generating state charges a fee for waste generated in Washington: SHB 2636
- Out-of-state waste, report required sixty days prior to receiving waste generated outside the state: SHB 2636
- Recycling and solid waste laws, technical corrections: *SB 6357, CH 131 (1992)
- Siting of disposal facilities, county to give two weeks notice before making final siting decision in open public meeting: SB 5932
- Solid waste and recycling laws, technical corrections: *SB 6357, CH 131 (1992)
- Transportation of waste without a cover, minimum fees imposed on load without cover: SHB 2397
- Waste reduction, recycling, and litter control account created as successor to the litter control account, expenditures from account authorized for specified programs: *SHB 2635, CH 175 (1992)
- Waste reduction, recycling, and litter control account, expenditures for programs: SB 6358, SSB 6358
- Waste reduction, recycling, and model litter control act, model litter control and recycling act renamed and purposes and tax provisions revised: *SHB 2635, CH 175 (1992)

SONSTELIE, RICHARD R.

Member, State Board for Community and Technical

Colleges, GA 9227, Confirmed 37,155,436

SPAS, HOT TUBS, AND SWIMMING POOLS

Electrical equipment, certification requirements: HB 1102

SPECIAL DISTRICTS

- Commissioners, reimbursement provisions revised: SHB 2809
- Nonpartisan elections, removal of disqualified candidate from ballot: *HB 2662, CH 181 (1992), SB 6309
- Pesticide regulation, local regulation of pesticides prohibited except as expressly authorized by legislature: SB 6273
- Water-related districts, cooperation with county to establish watershed protection districts and implement programs: SSB 6132

SPEECH IMPAIRED PERSONS

- Telecommunications devices for the deaf, contract award procedures revised: SB 6377, SSB 6377
- Telecommunications devices for the hearing and speech impaired, department of social and health services to develop program to provide for eligible persons: SB 6492
- Telecommunications relay service excise tax, utilities and transportation commission to determine amount of tax necessary to fund program based on information provided by the office of deaf services: *SSB 6377, CH 144 (1992)
- Telecommunications relay system advisory committee to make progress reports at least four times a year to administrators and operators of system, required elements of report established: *SSB 6377, CH 144 (1992)
- Telecommunications relay system and text telephone, department to maintain program for the hearing and speech impaired, revised requirements: SHB 2769, *SSB 6377, CH 144 (1992)
- Telecommunications relay system, department of social and health services to apply to federal communications commission to have a state-controlled program by October 1, 1992: SHB 2769
- Telecommunications relay system, department of social and health services to apply to federal communications commission for certification of the state-wide relay service: *SSB 6377, CH 144 (1992)

* - Passed Legislation

- Telecommunications relay system, discounted long distance rates for service in conjunction with system required: *SSB 6377, CH 144 (1992)
 Telecommunications relay system, operation and maintenance of system, requirements for award of contract for provision of service commencing July 26, 1993: *SSB 6377, CH 144 (1992)
 Telecommunications relay system, operation of system to be bid out to a qualified contractor: SHB 2769
 Telephone excise tax ceiling raised to fourteen cents per month per telephone line to fund telephone relay system program: SHB 2769

SPECIAL ORDER OF BUSINESS

- Motions, SB 6470 681,692
 Motions, ESHB 2610 1149,1173

SPOKANE

- Educational opportunity grant pilot program to be implemented in Spokane school district: SB 5912
 Urban schools grant program created, eligibility to apply for grant: SSB 5919

SPOKANE COMMUNITY COLLEGE DISTRICT NO. 17

- Roberta J. Greene, Trustee, GA 9163, Confirmed 212,1472
 Dorothy Knechtel, Reappointed Trustee,
 GA 9019, Confirmed 86,203

SPOKANE COUNTY

- Public assistance eligibility for students under twenty-one years of age, pilot program established to demonstrate improved school completion rates: SSB 6098

SPOKANE JOINT CENTER BOARD OF GOVERNORS

- David A. Clack, Member, GA 9189, Confirmed 34,86,265
 Richard A. Davis, Member, GA 9190, Confirmed 34,86,265
 Roberta J. Greene, Member, GA 9197 35,212
 Gerald P. Leahy, Member, GA 9211, Confirmed 35,87,304
 Maurice L. McGrath, Member, GA 9214, Confirmed 35,87,290
 Michael C. Ormsby, Member, GA 9217, Confirmed 35,87,304
 Thomas L. Perko, Member, GA 9218, Confirmed 35,87,291
 Shirley Rector, Member, GA 9221, Confirmed 36,87,337
 Carol A. Wendle, Member, GA 9233, Confirmed 36,88,381
 Public disclosure reporting, "executive state officer: redefined to include board members: SBN 6228,
 SSB 6228

SPORTS

- Assault of coach, referee, or umpire, class C felony: SB 6164
 Athlete agents, registration requirements, revised provisions: HB 2270
 Athletic agents, licensing requirements, prohibited acts and practices: SB 5735
 Collectibles, sale regulated: SB 6123
 Franchise relationships, discrimination prohibited in, civil action for specific performance of the franchise agreement and to recover damages and costs authorized: SHB 2954
 Motor vehicle rental, county may impose tax to acquire or operate public sports stadium facility or youth sport activities: *SHB 2964, CH 194 (1992)
 Professional events, admission ticket surcharge to fund youth recreational facilities and activities: SB 6164
 Professional sports franchise in King county, public nonprofit corporation formed to fund acquisition of, bonds issuance authorized: SB 6165
 Professional sports franchise in King county, special lodging tax imposed to fund acquisition of: SB 6165
 Professional sports franchises, cities, code cities, and counties authorized to own an interest in: SHB 2722
 Professional sports franchises, the state and its political subdivisions given cause of action for economic damages caused by wrongful removal of a sports franchise from state: HB 2977
 Youth recreational activities, immunity from civil liability for coaches, referees, and umpires: SB 6164

STAMPEDE PASS

- Rail line, purchase by department of transportation: SB 5519, SSB 5519

STATE ACTUARY

Early retirement of plan I public employees' retirement system and teachers' retirement system members, state actuary to conduct study on utilization of: *SHB 2947, CH 234 (1992)

STATE AGENCIES AND DEPARTMENTS

Administrative law judge, former employee of agency not to act in any controversy involving agency for two years: SHB 1847

Administrative procedure act, regulatory agency efficiency and equity practices: SB 5786

Attorney fees and costs, award when state is not prevailing party in civil action: SB 6249

Audits, internal audit requirements: SB 5643, SSB 5643

Birth-to-six interagency coordinating council created to ensure coordination of and collaboration in delivery of early intervention services to infants and toddlers with disabilities: *SSB 6428, CH 198 (1992)

Commercial activities, government engaging in authorized activity to impose fair and reasonable price: SB 6253

Commercial activities, government engaging in prohibited, exceptions: SB 6253

Committee on state government employment created, membership and duties: SB 6175

Competitive pricing impact statement required for agency to provide goods and services for fee or price to governmental units: SB 6253

Contractor or subcontractor, whistleblower provisions extended to employees of: SB 6497

Employment, growth of state government employment limited to no more than the annual rate of growth of the state's population: SB 6075

Environmental impact statements, threshold determination on completed application to be made within ninety days although applicant may request an additional thirty days for determination: *SSB 5728, CH 208 (1992)

Environmental impact statements, threshold determination to be completed in fifteen to sixty days: SSB 5728

Environmental impact statements, threshold determination to be completed in fifteen to thirty days: SB 5728, SSB 5728

Fire protection services to state-owned facilities, cities and towns may enter into contracts with state agencies requiring that agencies provide a share of the jurisdiction's fire protection funding: *SHB 2937, CH 117 (1992)

Fire protection, separate contract between city or town and state agency allowed: SB 5947

Fiscal legislation, council on, created to oversee preparation of fiscal notes: SB 6188

Fiscal legislation, council on, membership and duties: SB 6188

Fiscal note council created, membership and duties: SSB 6188

Flood damage, inclusion as factor in assessment of appropriate state actions: SB 5411

Goals and objectives, agency to establish and develop success measures for: SB 6412

Government storm water pollution and liability, special committee created, membership and duties: SB 6459, SSB 6459

Information resources, agencies to adopt strategic information technology plan: *SHB 2814, CH 20 (1992), SB 6456, SSB 6456

Information technology projects, criteria for funding agency requests: *SHB 2814, CH 20 (1992)

Interlocal agreements, revised provisions relating to filing, approval, scope, and form of agreements: *SHB 2495, CH 161 (1992)

Land purchases of more than one hundred acres in one county, three public hearings to be held prior to purchase and written finding of economic effects of purchase to be made: SB 6399

Landowner rights restriction, less-restrictive alternative means, rule-making hearing, notice requirements: SB 5539

Management employees, limitation established: SB 6175

Minority and women's business enterprises office to work with state agencies to develop a plan for direct contracting with certified businesses for public works and construction: SHB 1737

Moratoria and interim zoning, state standards established to minimize impacts and avoid litigation: SSB 5727

Parking and transportation, development and implementation of comprehensive program for agencies and facilities: SB 5471

Performance audits of agencies and department by state auditor authorized: SB 6291

Performance audits of agency programs, auditor to conduct: SB 6412

Performance audits of state agency programs, auditor given authority to conduct: SHB 2462

Personal services contracts, review and approval procedures: SHB 1133

Pilot rule procedure encouraged for agencies adopting rules to implement or establish new program: SB 6314

Private enterprise review commission created, membership and duties: SB 5507, SSB 5507

Private enterprise, competition prohibited with: SB 5507, SSB 5507
 Public officials, reporting of political gifts and public office funds, requirements: *SSB 5149, CH 18 EX (1991)
 Public records, list of disclosure exemptions required: *SHB 2876, CH 139 (1992), SB 6411
 Public records, retention of requested record required until request is resolved: *SHB 2876, CH 139 (1992), SB 6411
 Public works, notice required for projects costing more than thirty thousand dollars: SB 6256
 Public works, office of minority and women's business enterprises to work with state agencies to develop a plan for direct contracting with certified businesses for public works and construction: SHB 1737
 Recycled materials, increased purchase and use of recycled products: SB 5829
 Regional offices to maintain uniform state-wide hours and practices: SB 5786
 Rules, agencies adopting rules to implement or establish new program, pilot rule procedure encouraged: SB 6314
 Senior environmental corps created, powers and duties of certain agencies: *SHB 2560, CH 63 (1992)
 Small businesses, guidelines to mitigate economic impact of agency rules on: SB 6166
 State offices, authority to locate offices outside the city of Olympia clarified: SJR 8207, SSJR 8207
 Taking of private property, establishes a process to determine when a taking has occurred, implementation duties: SB 5122, SB 5419

STATE AUDITOR

Improper governmental activity, duty to investigate: *SSB 5121, CH 118 (1992)
 Performance audits of agencies and department by state auditor authorized: SB 6291
 Performance audits of state agency programs, auditor given authority to conduct: SHB 2462
 Performance audits of state agency programs, auditor to conduct: SB 6412
 Whistleblower programs, auditor to establish and consult with committee to develop model programs for local governments: SB 6321
 Whistleblowers, duty to acknowledge and investigate reports received from, revised provisions: *SSB 5121, CH 118 (1992)
 Whistleblowers, duty to investigate reports from local government employees of improper governmental action: SB 6321
 Whistleblowers, investigation of reports from local government employees of improper governmental action, surcharge of five cents per audit hour: *SSB 6321, CH 44 (1992)
 Whistleblowers, provisions extended to government contractor or subcontractor employees: SB 6497

STATE BUILDINGS

Facility land bank, authority for department of general administration to purchase real property for inclusion in: SB 5470
 Fire protection services to state-owned facilities, cities and towns may enter into contracts with state agencies requiring that agencies provide a share of the jurisdiction's fire protection funding: *SHB 2937, CH 117 (1992)
 Leases of real property must comply with lowest responsible bidder statutes: SB 5230
 Legislative building and other buildings occupied one-half or more by legislature, control shifted to legislature: SB 5783
 Real property, authority for department of general administration to purchase for inclusion in facility land bank: SB 5470
 Rent, excess receipts to be returned to treasury: SB 5472, SSB 5472

STATE DEBT

Limit raised from seven to eight percent, reservation of additional revenues to specified uses: SB 5324

STATE EMPLOYEES' BENEFITS BOARD

Insurance plans approved to receive payment through voluntary payroll deductions, duties: HB 1083, SB 5197
 Labor representation increased by one: SB 5376
 Trade information submitted by health care provider may be withheld from public inspection: SB 5196, SSB 5196

STATE FINANCE COMMITTEE

Water resource related projects, to report on capital needs and alternative funding methods for meeting such

needs: SB 5339

STATE GOVERNMENT

- Commission on efficiency and accountability in government, membership and duties, revised provisions under government accountability act of 1992: SHB 2462
- Fire protection services to state-owned facilities, cities and towns may enter into contracts with state agencies requiring that agencies provide a share of the jurisdiction's fire protection funding: *SHB 2937, CH 117 (1992)
- Goals, objectives, and desired outcomes to be included in budget proposals and appropriations bills by each state agency: SHB 2462
- Government accountability act of 1992 adopted: SHB 2462
- Government accountability task force, membership and duties: SHB 2462
- Hydroelectric projects, declaration that state has no regulatory authority over federally owned or licensed hydroelectric projects: SB 6475
- Hydroelectric projects, state has no regulatory authority over federally owned or licensed unless authority granted by federal government: SSB 6475
- Investment plan, state investment board required to prepare plan every two years, policy making, reporting, and contract review duties of board revised: SHB 2462
- Land purchase of more than one hundred acres in one county, three public hearings to be held prior to purchase and written finding of economic effect of purchase to be made: SB 6399
- Performance audits of agencies and department by state auditor authorized: SB 6291
- Performance audits of state agency programs, auditor given authority to conduct: SHB 2462
- Program evaluation system, commission on efficiency and accountability in government's duties in establishing state-wide system: SHB 2462
- Restructuring plan to facilitate strategic planning and state-wide program evaluation system, office of financial management office's duties: SHB 2462
- Sports franchises, the state and its political subdivisions given cause of action for economic damages caused by wrongful removal of a professional sports franchise from state: HB 2977
- Strategic planning process for key functional areas, office of financial management to establish plans for: SHB 2462

STATE INVESTMENT BOARD

- Annual report required: SSB 5590
- Cason, Jimmy, reappointment: SGA 9274
- Conflicts of interest, disclosure requirements: SB 5954
- Executive director, compensation to be set by board: SSB 5590
- Investment plan, board required to prepare plan every two years, policy making, reporting, and contract review duties of board revised: SHB 2462
- Investment responsibilities, transfer between board and state treasurer: SB 6176
- Investment return, revision of provisions relating to administration and accountability to maximize: SB 5954
- Membership increased from 14 to 18 members: SSB 5590
- Money market fund, state treasurer authorized to invest funds at request of board: SB 6176
- Northern Ireland, investment of state funds in United States corporations operating in, standards for corporate activity: SB 5649
- Oath of office, vacancies in office, quorum, and disclosures of conflicts of interest, revised provisions: SSB 5590
- Organization, powers, and duties, revisions to create administrative flexibility and improve public accountability: SB 5954
- Reporting requirements, revised provisions: SB 5954
- Retirement systems, funds investment in state infrastructure required, policies and procedures: SB 6359
- Three members added to board, one member each from the house and the senate and the state actuary: SB 5730
- Voting authority granted to all members of the board: SB 6419

STATE LANDS

- Diamond Point trust parcel, sale to parks and recreation commission by board of natural resources, authority to vary boundaries and acreage of parcel transferred: *SHB 2990, CH 185 (1992)
- Export of timber from state trust lands, department of revenue to prepare enforcement plan under federal law permitting limits on: SB 5373

- Forest lands, department of natural resources authorized to purchase and manage for sustainable commercial forestry: SSB 5445
- Geothermal resources, leasing of state-owned lands for development, department of natural resources to adopt rules: SB 5681
- Land purchase by state agency of more than one hundred acres in one county, three public hearings to be held prior to purchase and written finding of economic effect of purchase to be made: SB 6399
- Natural resources department property, disposition without public auction allowed under specified conditions: *SB 6161, CH 167 (1992)
- Natural resources department property, replacement funded from consideration for property transfer or disposition: *SB 6161, CH 167 (1992)
- Seaweed, maximum daily wet weight harvest or possession limit set at ten pounds per person for seaweed taken from private and state tidelands and state bedlands for personal use, violation is a misdemeanor: SHB 1455
- Trust lands, board of natural resources and parks and recreation commission to negotiate a sale of withdrawn trust lands to the commission for inclusions in specified state parks, terms and conditions of sale: *SHB 2990, CH 185 (1992)
- Wildlife and recreation lands management act adopted: *SHB 2594, CH 153 (1992), SB 6257, SSB 6257
- Wildlife and recreation lands management, task force to develop and report recommendations on funding sources for: *SHB 2594, CH 153 (1992), SB 6257, SSB 6257

STATEMENTS FOR THE JOURNAL

Senator Talmadge, Roll Call Votes missed	
January 24, 1992	125
Senator Sutherland, Roll Call Votes missed	
January 29, 1992	168
Senator Sutherland, Roll Call Votes missed	
February 7, 1992	265
Senator Cantu, Roll Call Vote missed	
February 7, 1992, SJM 8008	266
Senator Talmadge, Roll Call Vote missed	
February 17, 1992, SB 6270	596
Senator Talmadge, Roll Call Votes missed	
February 18, 1992	664
Senator Roach, Roll Call Vote missed	
March 5, 1992, SHB 2212	971
Senator Talmadge, Roll Call Votes missed	
March 8, 1992	1357
Senator Gaspard, Roll Call Vote missed	
March 8, 1992, SB 6054	1395
Senator Talmadge, Roll Call Votes missed	
March 10, 1992	1508
Senator Murray, Mistake on Roll Call Vote on	
ESHB 2274, March 11, 1992	1631

STATE PARKS

- Diamond Point trust parcel, sale to parks and recreation commission by board of natural resources, authority to vary boundaries and acreage of parcel transferred: *SHB 2990, CH 185 (1992)
- Environmental interpretation activities authorized: SSB 5225
- Trust lands, board of natural resources and parks and recreation commission to negotiate a sale of withdrawn trust lands to the commission for inclusions in specified state parks, terms and conditions of sale: *SHB 2990, CH 185 (1992)

STATE PATROL

- Bicycle helmets, riders and passengers under sixteen years of age to wear state patrol approved helmets: SB 6030
- Commercial vehicle enforcement program to be funded from public safety and education account: SB 5432
- Crime laboratories to be maintained in at the least same locations as of December 31, 1990: HB 1395
- Crime laboratory analysis fee to be levied on persons found guilty to pay costs associated with analysis of forensic evidence by state crime laboratory: SB 6057, SSB 6057

* - Passed Legislation

- Crime laboratory system, forensic evidence analysis fee: SHB 2349
- Crime laboratory, certified copy of analytical report admissible in evidence in controlled substances prosecutions, criminologist may be subpoenaed to testify: *SSB 6055, CH 129 (1992)
- Crime laboratory, certified copy of analytical report admissible in evidence in controlled substances prosecutions, defendant may subpoena the criminologist to testify: SSB 6055
- Crime laboratory, reports by or testimony of criminologists admissible as evidence in controlled substances prosecutions: SB 6055
- Crime laboratory, reports by or testimony of forensic scientists admissible as evidence in controlled substances prosecutions: SHB 2303
- Educational employees, state patrol and federal bureau of investigation to accept fingerprints only if they can assure that no record will be kept after background check is completed: *SHB 2518, CH 159 (1992)
- Fisheries patrol officers and wildlife agents, consolidation into fish and wildlife enforcement division within state patrol: SB 6046
- Identification document fraud, organized crime advisory board to report on all aspects of: 2SSB 6364
- Lieutenant governor, to provide protection to: SB 5050
- Optical strobe light devices to control traffic signals, authority to mount and use such devices on public transit and transportation department vehicles, rulemaking authority: SHB 2291
- Radioactive waste, inspections to be conducted at newly designated ports of entry and public safety tariff to be collected from each highway transporter to defray inspection facility and operating costs: HB 2779
- Rehabilitation of criminal offender, use of criminal history background check to determine status of prospective employee or volunteer: SHB 2055
- Retirement system, basic state contribution rates established as of September 1, 1992: SB 6286, *SSB 6286, CH 239 (1992)
- Retirement system, funds investment in state infrastructure required, limitations: SB 6359
- School buses, hazard strobe lamp may be mounted and used on bus, conditions and restrictions, rulemaking authority: SSB 5116
- School employees, criminal record check through patrol and federal bureau of investigation required for potential employees, duties: *SHB 2518, CH 159 (1992), SB 6240, SSB 6240
- Sexual offenders, notice to be given to sheriff and state patrol prior to release when future residence unknown, requirements: *SHB 2262, CH 45 (1992)
- Spare tires required to be of same size as other tires: SB 5046

STATE PURCHASES

- Clean-fuel vehicles, purchasing requirements: SB 5326
- Colleges and universities, exemption from bidding requirements for purchases funded from research grant, contract, or other nonstate funds of fifteen thousand dollars or less, record of price competition required for audit purposes: *SSB 6328, CH 85 (1992)
- Colleges and universities, procedures for purchases not requiring competitive bids: SB 6328, SSB 6328
- Facility land bank, authority for department of general administration to purchase real property for inclusion in: SB 5470
- Land purchase of more than one hundred acres in one county, three public hearings to be held prior to purchase and written finding of economic effect of purchase to be made: SB 6399
- Personal services contracts, review and approval procedures: SHB 1133
- Printing for state, union labels required on, exceptions: SB 5729
- Real property, authority for department of general administration to purchase for inclusion in facility land bank: SB 5470
- Tropical hardwoods, government purchase of products made from prohibited, exceptions: SB 6310, SSB 6310

STATE TREASURER

- Cigarette sales enforcement fund created: SB 5259
- Emergency reserve fund created, transfer of earnings to education construction account: SB 6470
- Emergency reserve fund, constitutional amendment to create: SJR 8226
- Forfeited property, seizing agency to make reports to and remit portion of proceeds to state treasurer for deposit in drug enforcement and education account: *2SSB 5318, CH 210 (1992)
- Funds and accounts managed by treasurer, changes to fee system: SB 5194
- Funds and accounts managed by treasurer, treatment of earnings from investment of balances: SB 5194
- Investment responsibilities, transfer between treasurer and state investment board: SB 6176
- Money market fund, state treasurer authorized to invest funds at request of state investment board: SB 6176

Persian Gulf theater, voluntary compensation for service of Washington residents in Persian Gulf, treasurer's duties: SB 5843, SSB 5843

Treasury accounts, crediting of earnings on the balances of certain accounts, revised provisions: SB 6282

STATEHOOD

Eastern Washington, petitioning congress to consent to the formation of new state from the crest of the Cascades east: SJM 8013

STEELHEAD

Catch accounting system, fisheries and wildlife departments to develop plan to accurately record steelhead and salmon catches: SB 6150

Catch record cards, two-day and annual: SB 5081, SSB 5081

Catch reporting, incentives and penalties to improve accuracy to be examined: SB 6150

Cutthroat trout, department of wildlife to implement experimental captive broodstock program for wild sea-run: SHB 2626

Harvest management of anadromous fish, committee on, created to study ways to increase returns of weak salmon and steelhead stocks: SSB 6151

Protection from nonendangered marine mammals, departments of fisheries and wildlife to pursue authority to lethally remove: SSB 5666

Steelhead and salmon stock, committee created to develop comprehensive plan to protect and strengthen, membership and duties: SB 6151

STEFFENS, JOHN A.

Reappointed Member, Housing Finance Commission, GA 9228 43

STEINER, KATHERINE

Trustee, State School for the Deaf, GA 9282 239,811

STELL, PATRICIA

Reappointed Member, Higher Education Personnel Board, GA 9229 38

STEWART, LOUIS O.

Reappointed Member, Marine Employees' Commission, GA 9242 45

STORM WATER MANAGEMENT AND CONTROL

Cities and counties required to adopt management program as prerequisite to receipt of state grants or loans: SB 5145, SB 5355

Government storm water pollution and liability, special committee created, membership and duties: SB 6459, SSB 6459

Impact fees, storm water facilities are public facilities for which cities and counties may impose: SSB 5145

Planning requirements for cities and counties: SSB 5145

Puget Sound water quality agency, to conduct program for the management of storm water quality: SB-5074, SB 5145

STRAUSS, R. C.

Trustee, Bellevue Community College District No. 8, GA 9267 70,793

STROUM, SAMUEL

Reappointed, Board of Regents, University of Washington, GA 9230 39,793

SUTHERLAND, SENATOR DEAN

Statement for Journal, Roll Call votes missed January 29, 1992 168

Statement for Journal, Roll Call votes missed February 7, 1992 265

* - Passed Legislation

Point of Order, Amendment to HB 2633 906

STUDIES

- Aging, nonprofit homes for, property tax exemption, revised income and eligibility provisions and study requirements: *SHB 2639, CH 213 (1992)
- Air pollution, economic incentives to reduce, department of ecology to conduct study on: SB 5326
- Air transportation demand, aviation industry trends, and air capacity in Washington through 2020, air transportation commission to report on: *SHB 2609, CH 190 (1992)
- Air transportation planning options in Washington, air transportation commission to conduct a transportation systems planning evaluation of: *SHB 2609, CH 190 (1992)
- Air transportation system, air transportation commission to conduct review of environmental, social, and economic costs associated with expansion and operation of: *SHB 2609, CH 190 (1992)
- Air transportation, air transportation commission to evaluate the importance of air transportation in the economic and social vitality of the state including costs and effects of delaying air capacity expansion: *SHB 2609, CH 190 (1992)
- Amnesty program for excise tax liability, report on effectiveness by department of revenue: SB 6508, SSB 6508
- Anadromous fish, committee on harvest management of, study of ways to increase returns of weak salmon and steelhead stocks: SSB 6151
- Animal breeders, department of licensing to evaluate the need to license and regulate commercial breeding of pet animals: SB 6087
- Bicycle and pedestrian facilities on route 520 corridor, study authorized: SB 6372, SSB 6372
- Blackmouth salmon, increased production for recreational fishery, director of fisheries to study: SSB 5158
- Building codes, building code council to study methods to simplify and clarify residential construction codes: SB 6495
- Business assistance center to study how it can best coordinate information regarding agency regulations affecting small businesses: *SHB 2498, CH 197 (1992)
- Cellular communications, taxation and assessment of property and services, department of revenue to study: *SHB 2672, CH 218 (1992)
- Certification of teachers and administrators, board of education to study current requirements in conjunction with council on education reform and funding and present options for improving certification system: *SSB 5953, CH 141 (1992)
- Certified health plans, legislative budget committee to determine desirability and feasibility of consolidating various programs, services, and funding sources into: SB 6110
- Child poverty project, child poverty project coordinating council to commission assessment: SSB 5854
- Children in care of department of social and health services, department to conduct assessment to determine appropriate level of residential and treatment services for these children: SHB 2466, SB 6041, SSB 6041, 2SSB 6041
- Consolidation of state and federal medical and health services and programs, legislative budget committee to determine feasibility and desirability of: SHB 2590
- Consortia on children, youth, and families, juvenile issues task force to study the establishment and role of a network of consortia and the need for an institute on children and family services: SSB 6428
- Consumer credit transactions, joint select committee on consumer credit transactions created, membership and duties: HB 2944
- Consumer credit, joint select committee on consumer credit created, duties: HB 2944
- Crab fishing in coastal waters, participation in coast-wide study of Dungeness crab fishery by the Pacific States Marine Fisheries Commission: *HB 2294, CH 9 (1992), SB 6052
- Direct landlord pay task force created to study whether housing for public assistance recipients would increase were direct pay available: SHB 2152
- Distribution formulas, superintendent of public instruction to evaluate and report to the legislature on: SB 5279
- Domestic violence education available to professions dealing with domestic violence, department of social and health services to review and report on current level of, content requirements established: *2SSB 6347, CH 111 (1992)
- Driving privileges, revocation, suspension, or denial of, summary procedures, traffic safety commission to study effectiveness: SSB 5064
- Early retirement of plan I public employees' retirement system and teachers' retirement system members, state actuary to conduct study on utilization of: *SHB 2947, CH 234 (1992)
- Eastern and western state hospitals, department of labor and industries to conduct study of causes and

- solutions to assaults on state employees at: SB 6268
- Educational employees compensation, department of personnel to conduct study of total compensation for: SSB 5919
- Educational employees compensation, study of total compensation and development of compensation maintenance plan: SSB 5234, 2SSB 5234
- Escrow agents, committee on financial institutions and insurance to review financial responsibility requirements of escrow agents: SFR 8723
- Ethanol, energy self-sufficiency commission created to study the production and use of ethanol in the state: SB 5682
- Excise tax amnesty program, report on effectiveness by department of revenue: SB 6508, SSB 6508
- Family preservation services, department of social and health services to conduct study in at least one region of state: SHB 2472, SB 6111, *SSB 6111, CH 214 (1992)
- Fish nets, assessment of feasibility of increasing the degradability of nets: SB 5327
- Gambling policy task force established, membership and duties: SCR 8430
- Government regulation impact on small businesses, interim study to review: SB 5700
- Guide and service dogs, governor's committee on disability issues and employment to study issues relating to the implementation of the white cane law: *SHB 2333, CH 10 (1992)
- Habitat management practices, departments of wildlife and natural resources to study methods of application as standards to agricultural and grazing lands owned or managed by their agencies: SHB 2628
- Health care services practice parameters and risk management protocols, status report to legislature and governor, required contents: SB 6029
- Health insurance coverage for small employers, insurance commissioner to conduct study and develop legislation to promote the availability of: SHB 2817
- Health services act implementation, legislative budget committee to evaluate the implementation of: SB 6110
- Health services act, implementation of, legislative budget committee to conduct evaluation of: SHB 2590
- Health services commission, legislative budget committee to determine whether administrative structure should be continued: SB 6110
- Health services commission, legislative budget committee to study of whether administrative and service delivery structure should be continued: SHB 2590
- High-technology education, study committee to identify issues related to leadership in: SCR 8427
- Hood Canal coho salmon, department of fisheries to conduct study on decline in runs of: SB 6197, SSB 6197
- Identification document fraud, state patrol organized crime advisory board to report on all aspects of: 2SSB 6364
- Jury duty, excuse from for financial hardship, county clerks association requested to conduct study of appropriate standards: SB 5026, SSB 5026
- Jury source list, task force created to develop and recommend methodology and standards for merging registered voters list with licensed driver and identicaid holders list: SHB 2945
- Juvenile issues task force to develop statutory community-based planning, allocation, and service system for children and families, duties: SHB 2466, SB 6041
- Juvenile issues, joint select committee on, to develop statutory community-based planning, allocation, and service system for children and families, duties: *SHB 2466, CH 205 (1992)
- Juvenile justice act task force, joint select committee created to review and evaluate work of task force and to make recommendations regarding further changes and funding mechanisms: SSB 6041, 2SSB 6041
- Juvenile justice system, independent study of racial disproportionality in, submission date of report modified: *SHB 2466, CH 205 (1992), SB 6041, SSB 6041, 2SSB 6041
- Juvenile offenders, economic or racial disparity in processing of juvenile offenders, department of social and health services to make annual report: SHB 2466
- Legislative practices and institutions, task force established to examine and report on: SB 6291
- Long-term care, development and financing of community-based long-term care and support services system to be studied for later inclusion in health services act: SHB 2590
- Longshore and harbor workers, workers' compensation act coverage, commissioner to study methods of establishing a reasonable plan to provide: SHB 2720
- Longshore and harbor workers, workers' compensation coverage by private and public insurance plans, feasibility study authorized: SB 6322
- Longshore and harbor workers, workers' compensation coverage, study of ability of private insurers to provide affordable plans: *SHB 2720, CH 209 (1992)
- Manufactured housing task force reporting date extended to December 1, 1993, with task force to terminate December 31, 1993: HB 2487

- Marine aquatic plant research, department of natural resources and department of fisheries to explore possibility of private funding for: SHB 1455
- Marine transportation, department of marine transportation to study all facets of marine transportation: SB 5945
- Medicaid funding support for regionally managed mental health care, department of social and health services to report on options and recommendations for maximizing: SB 6319
- Mentally disordered offenders, sentencing guidelines commission to identify and suggest appropriate sentencing options for, required elements: SHB 2847
- Mobile home park health and sanitation, department of health to develop minimum procedures for responding to complaints about: SHB 2904
- Monetary fines for criminal offenders, sentencing guidelines commission and department of corrections to study feasibility: SB 5623, SSB 5623, 2SSB 5623
- National competitive retail credit market task force created, study authorized: SSB 6305
- Pedestrian and bicycle facilities on route 520 corridor, study authorized: SB 6372, SSB 6372
- Pedestrian safety program, traffic safety commission to perform an evaluation of state's overall pedestrian safety program: SHB 2442
- Poison information center, department of health to report on funding, efficiencies, and fees associated with establishing a single center and to recommend funding levels and how center should be funded: SHB 2016
- Preschools, child care coordinating committee to study whether preschools should be regulated like agencies providing care for children, expectant mothers, and developmentally disabled persons: HB 2905
- Property tax exemption for nonprofit homes for the aging, department of revenue to conduct study on: *SHB 2639, CH 213 (1992)
- Property valuation administrative practices, department of revenue to study: SB 5273
- Public debt collections task force created to review existing policies and procedures and to develop model policies and procedures: SB 5902
- Public records disclosure exemptions, institute for public policy to review: SB 6411
- Public safety and education account, study to examine issues, including funding priorities, related to: SB 5432
- Puget Sound air transportation committee's flight plan report, air transportation commission to conduct review of final draft of: *SHB 2609, CH 190 (1992)
- Racial disproportionality in juvenile justice system, department of social and health services' children, youth, and family services division to contract for study: 2SSB 6041
- Racial disproportionality in the juvenile justice system, submission date for report modified: *SHB 2466, CH 205 (1992), SB 6041, SSB 6041
- Reclaimed water and greywater, ecology and health departments to study potential uses and effects: SSB 6391
- Reclaimed water use, department to report to legislature on progress, compliance, and participation in the use of reclaimed water and the resulting savings of water: *SHB 2833, CH 204 (1992)
- Salaries and duties of elected officials, state committee on salaries to study and make recommendations: SB 6001
- School district employees, health care authority to study group health insurance coverage for retired and disabled school district employees: *SHB 2857, CH 152 (1992)
- School employees, study of cost-of-living differences to be used as basis for allocation for future salary fiscal policy: SB 5981
- School pathway and bus stop improvement program council to make recommendations for standards for safety improvement: HB 2780
- Skagit river salmon recovery plan, director of fisheries to prepare: *SB 5675, CH 88 (1992)
- Sludge dispersal, study of epidemiological effects: SB 5751
- Sludge task force created to study alternatives to land application or disposal of treated municipal sludge: SB 5846
- Teacher and administrator certification, board to study current requirements in conjunction with council on education reform and funding and present options for improving certification system: *SSB 5953, CH 141 (1992)
- Teacher career ladder system, task force to develop: SB 5095
- Transportation planning, department of transportation authorized to conduct special studies: SHB 1816
- Uniform benefits package and workers' compensation, workers' compensation advisory committee to conduct study of the relationship between: SB 6089
- Upland game bird populations and habitat restoration, department of wildlife to study: 2SSB 5753

Van pools, Washington state transportation center to study and make recommendations concerning: SB 5564
 Wastewater and greywater reuse potential, department of health to study: SB 6258
 Water resource related projects, state finance committee to report on capital needs and alternative funding methods: SB 5339
 Weights and measures programs, office of financial management to conduct review of: *SSB 6483, CH 237 (1992)
 Wetland maps, community development department to study feasibility of contracting with federal, state, and private agencies to expedite development of maps for use by local governments: SSB 6255, 2SSB 6255
 White cane law, governor's committee on disability issues and employment to study issues relating to the implementation of the: *SHB 2333, CH 10 (1992)
 Wild salmonid review and inventory team, to review and recommend recovery methods for stocks outside the Columbia river basin: SHB 2626
 Wildlife and recreation lands management, task force to develop and report recommendations on funding sources for: *SHB 2594, CH 153 (1992), SB 6257, SSB 6257
 Wildlife department, joint select committee created to study: SCR 8409
 Work force training and retraining, task force on to study funding structure and sources: HCR 4433
 Workers' compensation and uniform benefits package, workers' compensation advisory committee to conduct study on the relationship between: SB 6089

STYROFOAM

Dishes and containers, sale and use of, prohibited: SB 5017

SUBDIVISIONS

Dedications, restrictions on alterations that diminish dedication: SB 5066
 Landowner's rights vested at issuance of approved building permit: SB 6368
 Record of survey not required when it is a retracement or resurvey and no discrepancy is found when compared to recorded information or other public survey map records: *SSB 5557, CH 106 (1992)
 Wildland/urban interface areas, fire protection requirements for plat approval in high or extreme risk level area: SB 6202

SUMNER, SENATOR SUSAN

Letter of Appointment	380
Oath of Office	381
Introduction of Senator Sumner's family	381
Appointed member Committees on Health and Long-Term Care and Environment and Natural Resources	434

SUNSET REVIEW

Basic health plan continued: SB 5926
 Center for international trade in forest products at University of Washington, duties of center modified and program and sunset review provisions repealed: SB 6023
 Center for international trade in forest products at University of Washington, termination date moved to June 30, 1996: HB 2257, SB 6023
 Center for international trade in forest products at the University of Washington, duties of center modified and sunset termination date changed to June 30, 1994: *SB 6023, CH 121 (1992)
 Counselor registration requirements, termination provisions repealed: HB 2467
 Emergency medical services committee, repeal of termination provisions: *SB 6032, CH 84 (1992)
 Environmental programs, commission on environmental strategies to review and recommend termination of certain programs: SB 6036, SSB 6036
 Industrial insurance labor-management cooperation program, expiration date repealed: SB 6361
 Industrial insurance labor-management cooperation program, expiration date repealed and remainder of statute codified: SSB 6361
 Information services department and information services board, sunset review date extended: *SHB 2814, CH 20 (1992)
 International marketing program for agricultural commodities and trade (IMPACT) continued: *HB 2316, CH 95 (1992)
 International marketing program for agricultural commodities and trade at Washington State University, sunset date extended: SB 6022
 International marketing program for agricultural commodities and trade at Washington State University,

sunset provisions repealed: SB 6022
 Nursing home advisory council continued: HB 2810
 Small business export finance assistance center continued in existence: SB 5277
 Tax preferences, termination: SB 6500
 Technology center at University of Washington, termination on June 30, 1994: SSB 6472
 Technology center at University of Washington, termination on June 30, 1996: SSB 6472

SUPERIOR COURT

Alternative dispute resolution, use by court: SB 5163
 Appointment of judges with retention vote thereafter: SJR 8218
 Collective bargaining for court employees, definitions revised to include: HB 1286, *SB 5105, CH 36 (1992)
 Fee schedule modified: *SHB 1378, CH 54 (1992), SB 6394
 Filing fees increased and percentage of fee deposited in public safety and education account increased: *SHB 1378, CH 54 (1992)
 Filing fees increased, portion of fees to be deposited in the public safety and education account: SB 6283
 Indeterminate sentence review board powers, duties, and functions transferred to court: SHB 2834
 Indigent persons, civil representation by qualified legal aid programs funding, waiver of filing fees: *SHB 1378, CH 54 (1992)
 Indigent persons, funding of qualified legal aid program civil representation for indigent persons from public safety and education account authorized: *SHB 1378, CH 54 (1992)
 Involuntary commitment and treatment of minors requiring mental health care, parental petition to seek review of determination that child does not meet criteria authorized and procedures established: SHB 2466, SB 6041, SSB 6041, 2SSB 6041
 Judges, additional judges authorized in King, Grays Harbor, Skagit, Snohomish, and Mason counties: *SHB 2459, CH 189 (1992)
 Judges, additional positions added in King, Grays Harbor, Snohomish, and Mason counties: SB 5285, SB 5338, SSB 5338
 Judges, additional positions added in King, Skagit, Snohomish, and Mason counties: SB 6458
 Judges, additional positions added in Skagit and Snohomish counties: SSB 5338
 Judges, revised procedures concerning time for filing of motion to establish prejudice of judge: SB 6100, SSB 6100
 Judicial review of review proceedings before the shorelines hearing board to be based on record developed by the local government along with written and oral arguments before the board: SSB 6113
 Jury source list, to use either list merged by the county or furnished by the department of information services, notice requirements: SHB 2945
 Law libraries, filing fee amount deposited in library fund for each superior court or district court filing increased: *SHB 1378, CH 54 (1992)
 Legislature to determine number of judges and the powers, duties, and jurisdiction of those judges: SJR 8221
 Natural resources department resurvey, landowner right to challenge a resurvey and to receive compensation when bona fide rights were impaired: SB 6356
 Partial summary judgment allowed in civil actions for damages: SHB 1638
 Salary of judges to be prescribed by legislature in biennial budget: SB 6001
 Shoreline aquaculture appeals to be heard in superior court: SB 5011
 Workers' compensation appeals, notice of appeal and copy of record before board of industrial insurance appeals to be served on either the worker or the beneficiary and to any other party: SHB 2496

SUPREME COURT

Appointment of justices with retention vote thereafter: SJR 8218
 Filing fees increased: *SHB 2887, CH 140 (1992)
 Jury source list, task force created to develop and recommend methodology and standards for merging registered voters list with licensed driver and identicaid holders list, adoption of recommendations by rule authorized: SHB 2945
 Salary of justices to be prescribed by legislature in biennial budget: SB 6001

SURETYSHIP AND GUARANTY

Liability limitations: SB 6451, *SSB 6451, CH 115 (1992)

SURPLUS PROPERTY

Homeless persons, division of purchasing authorized to donate surplus tangible personal property to shelters

necessary conditions: SB 5900

SURVEYS AND MAPS

- Natural resources department resurvey may not impair the bona fide rights of a landowner who may be affected by the survey, resurveys limited to dependent surveys only: SB 6355, SSB 6355
- Natural resources department resurvey, landowner right to challenge a resurvey and to receive compensation when bona fide rights were impaired: SB 6356
- Record of survey not required when it is a retracement or resurvey and no discrepancy is found when compared to recorded information or other public survey map records: *SSB 5557, CH 106 (1992)
- Record of survey not required when no material variance found in boundary retracement: SB 5557, SSB 5557

SVINTH, MARIAN

Member, Work Force Training and Education Coordinating Board, GA 9261 47,215

SWANTZ, ALEXANDER

Reappointed Trustee, Walla Walla Community College District No. 20, GA 9231 41

TACOMA

- Educational opportunity grant pilot program to be implemented in Tacoma school district: SB 5912
- Metropolitan park district to be divided into five electoral districts for election of commissioners: SB 6277
- Stampede Pass rail line, purchase, negotiations authorized, city of Tacoma and department of transportation participation: SSB 5519
- Urban schools grant program created, eligibility to apply for grant: SSB 5919

TACOMA COMMUNITY COLLEGE DISTRICT NO. 22

John Lantz, Trustee, GA 9288 326

TALMADGE, SENATOR PHIL

Statement for Journal, Roll Call Votes missed, January 24, 1992	125
Parliamentary Inquiry, Possible to have single vote on entire consent calendar	343
Statement for Journal, Roll Call Vote missed, February 17, SB 6270	596
Point of Order, Question going to ninth order of business	611
Statement for Journal, Roll Call Votes missed, February 18, 1992	664
Point of Order, Second reconsideration not possible, SSB 6262	686
Parliamentary Inquiry, Question time to raise point of order on SB 6509, properly before Senate	761
Point of Order, Amendments to HB 2514	835
Parliamentary Inquiry, Clarification of amendments susceptible to scope and object	855
Point of Order, Question if SB 6509 within cutoff resolution	865
Point of Order, Committee amendment to ESHB 2628	892
Parliamentary Inquiry, Question if Call of the Senate be put to vote of Senate	1081
Point of Order, Question if ESHB 2990 properly before Senate	1097
Point of Order, Committee amendment to SHB 2695	1105
Point of Order, Amendment to SHB 2676	1108
Point of Order, Question if SHB 2695 still alive after special order of business	1174

* - Passed Legislation

Statement for Journal, Roll Call Votes missed March 8, 1992	1357
Point of Order, House amendment to SSB 6428	1464
Statement for Journal, Roll Call Votes missed March 10, 1992	1508
Point of Order, Conference Committee Report on SSB 6428 beyond scope and object	1698
Parliamentary Inquiry, Question if motion pending to reconsider SSB 6286	1777

TAX APPEALS BOARD

Lucille Carlson, Reappointed Member, GA 9172	289
Appeal of action by county board of equalization deemed to be timely filed if postmarked on or before thirtieth day after the mailing of the decision of the board of equalization: SHB 2925	

TAX CONSULTANTS AND PREPARERS

Licensing requirements established: SB 6058

TAXES - ADULT ENTERTAINMENT ADMISSIONS TAX

One dollar tax imposed upon all customers of adult entertainment business: SSB 5644

TAXES - ALCOHOL SALES TAX

Health services trust fund, additional tax imposed on liquor sales for deposit in fund: SB 6089

TAXES - BASIC HEALTH PLAN EMPLOYER TAX

Small business health insurance hardship program established to assist employers severely effected by
payment of tax: SB 6089
Tax levied to fund program, procedures for determining tax liability and deductions designated, penalties set
for failure to report or pay tax: SB 6089

TAXES - BEER TAX

Health services trust fund, additional tax imposed on beer sales for deposit in fund: SB 6089

TAXES - BUSINESS AND OCCUPATION TAX

"Redeemable credits or deposits" defined, exempted from "gross proceeds of sales" for tax purposes: SSB
5435
Alcohol fuel production, tax exemption extended through 1999: HB 2387
Assessment and collection, revised provisions: *HB 2680, CH 206 (1992)
Child care facilities, tax credit for employer-sponsored facilities: SB 5915
Church day care services, exemption from business and occupation tax: *SB 6010, CH 81 (1992)
Convention, tourism, and economic development promotions, exemption for payments and contribution to
nonprofit corporations by public entities: SB 5661
Exemptions, nonprofit organizations serving meals for fundraising purposes: SSB 5929
Fishers, exemption on initial sale in state by commercial fishers of fish caught outside state waters: SB 5898
Fishery business, commercial, persons engage in exempt from tax: SB 5058
Fishing, exemption for extractors taking fish in waters without this state for initial sale in state: SB 5300,
SSB 5300
Hospitals eligibility for deduction, charity care percentage requirement: SB 5794
Hospitals, exemption from tax for nonprofit hospital conditioned on providing specified amount of charity
care: SB 5574
Hospitals, tax applied to: SB 6381
Inmate work programs, participants in free venture industries may deduct gross inmate wages from measure
of tax amounts: *SHB 2268, CH 123 (1992), SB 6026
Insurance agents, brokers, and solicitors, measure of tax adjusted: SB 5210, SSB 5210
Intangibles tax, deposit of revenues in bond debt service retirement account, authorized uses for reserved
funds in account: SB 5952
Intangibles tax, funding for local education enhancements block grant program from revenues from: SB 5951
Local education enhancements block grant program, funding from revenues from intangibles tax: SB 5951
Nursing homes, tax imposed to equal three dollars per patient day of provided care: SB 6505

Public safety testing laboratories, tax credits for services provided by: SB 5319
 Registration, exception for business until gross income is one thousand dollars per month: SB 6471, SSB 6471
 School and business partnership tax credits: SB 5095
 Small business innovation research program awards exempted from tax: SB 6290
 Stock brokers, broker-dealers, and security houses, rate set: SB 5712, SSB 5712, SB 6395, SSB 6395

TAXES - CIGARETTE TAX

Health service trust fund, additional tax imposed on tobacco products for deposit in fund: SB 6089
 Tobacco education program, use of additional cigarette tax for: SB 6331

TAXES - ENHANCED FOOD FISH TAX

Bivalve shellfish, rate set with revenues to be deposited in watershed protection account: SB 6059
 Mussels and clams, tax imposed on: SB 5016, SSB 5016

TAXES - EXCISE TAX

Admission ticket to professional sports events, surcharge to fund youth recreational facilities and activities: SB 6164
 Aircraft excise tax, payment of interest authorized when refund is made for overpayment of tax: *HB 2727, CH 154 (1992)
 Aircraft excise tax, persons who register aircraft in another jurisdiction to avoid tax are liable for unpaid tax, penalties, and interest: *HB 2727, CH 154 (1992)
 Amnesty for tax liability accrued prior to January 1, 1992, conditions: SB 6508, SSB 6508
 Amnesty program, report on effectiveness by department of revenue: SB 6508, SSB 6508
 Cogeneration facilities, deferral for eligible investment projects: SB 6116
 Enhanced food fish tax imposed on mussels and clams: SB 5016, SSB 5016
 Forest-related product, excise tax on wholesale value of finished item, exemptions: SB 5616
 Grower-raised shellfish exemption: SB 5447
 Hotel and motel new construction, excise tax exemption: SB 5549
 Leasehold tax, alcohol fuel production, tax exemption extended through 1999: HB 2387
 Leasehold tax, assessment and collection provisions revised: *HB 2680, CH 206 (1992)
 Leasehold tax, exemption for interests held by lessee who would qualify for senior citizen property tax exemption: SB 5699
 Leasehold tax, exemption from tax of interests used for operation of correctional industries: *SHB 2268, CH 123 (1992), SB 6026
 Leasehold tax, exemption of residential property from tax: SB 5021
 Motor vehicle tax, governor may withhold revenues from county or city not in compliance with growth management planning requirements: SB 5369, SB 5809
 Motor vehicle tax, public transit fare revenue use as match for tax funds authorized: HB 2942, SB 6465
 Motor vehicle tax, vehicle emission and fuel economy based taxes: SB 5326
 Motor vehicle, rental cars exempted from excise taxes and additional sales and use taxes imposed in lieu of, additional tax imposed to fund traffic safety education programs: SHB 2964
 Motor vehicles, active duty military exempted from obligation to pay: SB 5622
 Motor vehicles, authority to use for transportation purposes: SJR 8216
 Motor vehicles, deposit of one percent in community assessment fund: SB 5890, SB 5901
 Professional sports events, admission ticket surcharge to fund youth recreational facilities and activities: SB 6164
 Real estate, additional growth management related tax, rates, authorization and use, revised provisions: SB 5941
 Real estate, cities and counties authorized to use for financing capital facilities only if growth management plan and regulations enacted: SB 6408
 Real estate, city or county budget to identify capital projects funded from tax and to indicate that tax is intended to be in addition to other available funds: *SB 6408, CH 221 (1992)
 Real estate, conservation area acquisition, tax eliminated for: SB 5436
 Real estate, limitations on use of revenues from tax for financing capital projects revised: *SB 6408, CH 221 (1992)
 Real estate, transfer of property subject to tax, revised provisions: SB 6503
 Reductions: SB 6502
 Registration, exception for business until gross income is one thousand dollars per month: SB 6471, SSB

6471

Rental cars exempted from motor vehicle excise taxes and additional sales and use taxes imposed in lieu of:

*SHB 2964, CH 194 (1992)

Tax amnesty act: SB 6508, SSB 6508

Telecommunications relay service excise tax, utilities and transportation commission to determine amount of tax necessary to fund program based on information provided by the office of deaf services: *SSB 6377, CH 144 (1992)

Telephone excise tax ceiling raised to fourteen cents per month per telephone line to fund telephone relay system program: SHB 2769

Travel trailer and camper excise tax, payment of interest authorized when refund is made for overpayment of tax: *HB 2727, CH 154 (1992)

Travel trailer and camper excise tax, persons who register trailer or camper in another jurisdiction are liable for unpaid tax, penalties, and interest: *HB 2727, CH 154 (1992)

Watercraft excise tax, payment of interest authorized when refund is made for overpayment of tax: *HB 2727, CH 154 (1992)

Watercraft excise tax, persons who register vessel in another jurisdiction to avoid tax are liable for unpaid tax, penalties, and interest: *HB 2727, CH 154 (1992)

Watercraft excise tax, revenues between five and six million dollars to be used for purposes specified in RCW 88.36.100: SB 6059

TAXES - GAMBLING TAX

Punchboards and pulltabs, rate not to exceed ten percent of net proceeds: SB 5637

Social card games, tax rate not to exceed ten percent of gross revenue: SB 5638

TAXES - GENERAL

Assessment and collection, revised provisions: *HB 2680, CH 206 (1992)

County tax revenues, expenditure limitations by state removed: SB 6307

Creation of a new tax or increase in an existing one, favorable vote of three-fifths of legislature required: SJR 8225

Elections, challenges to elections concerning bonds or levies must commence within thirty days of election: SB 5502

Federal tax and other liens to be filed with department of licensing: *HB 1185, CH 133 (1992)

Federal tax liens on real property, county auditor's recording duties, auditor to bill internal revenue service or other federal agency monthly for document filing fees: *HB 1185, CH 133 (1992)

Municipal tax revenues, expenditure limitations by state removed: SB 6307

Overpayments, refund or credit provisions revised: HB 2681

Preferences terminated: SB 6500

Refund or credit for overpaid taxes discovered after taxpayer signs waiver of four-year limitation, taxpayer waiver will automatically provide for: *HB 2681, CH 169 (1992)

Refund or credit for overpayments, revised provisions: HB 2681

Waiver of four-year limitation on assessments, taxpayer waiver will automatically provide for refund or credit for overpaid taxes discovered after taxpayer signs waiver: *HB 2681, CH 169 (1992)

TAXES - INCOME TAX

Constitutional amendment to allow: SJR 8232

Established: SB 6502

Exemption for children, congress urged to raise to three thousand five hundred dollars per child: SJM 8021

Prohibition of imposition of an income tax, constitutional amendment: SJR 8223

Retirement and pension benefits, exemption of property from execution of out-of-state judgment for failure to pay that state's tax on: SB 5000, SB 5001, SB 5024, SSB 5309

Retirement and pension benefits, exemption of property received by designated beneficiary from execution of out-of-state judgment for failure to pay that state's tax on: SB 6016

Tax consultants and preparers, licensing requirements established: SB 6058

Tax liability of resident for failure to pay out-of-state tax on retirement or pension benefits, courts not to recognize claim: SB 5310

TAXES - INSURANCE PREMIUM TAX

Health care insurance, exemption of plans offered by employers of fewer than twenty-five employees from tax until July 1, 1994: SB 6039, SSB 6039

TAXES - LIQUOR TAX

Drug abuse resistance education fund created, expenditures authorized, additional tax imposed on beer, spirits, and wines: SB 5920
Health services trust fund, additional tax imposed on liquor sales for deposit in fund: SB 6089

TAXES - LITTER TAX

Imposed on privilege of engaging in business as manufacturer, wholesaler, or retailer of listed products manufactured or sold in state, rates set: *SHB 2635, CH 175 (1992)
Waste reduction, recycling, and litter control account created as successor to the litter control account, expenditures from account authorized for specified programs: *SHB 2635, CH 175 (1992)

TAXES - LOCAL BUSINESS ACTIVITIES TAX

Credit allowed for persons collecting and reporting sales and use tax: SB 5242

TAXES - LODGING TAX

Assessment and collection, revised provisions: *HB 2680, CH 206 (1992)
Festivals, city or county may use proceeds for the promotion of community-oriented festivals: SB 5930
Professional sports franchise in King county, special lodging tax imposed in county to fund acquisition of: SB 6165
Thurston county, authority to impose removed and use of revenues collected limited to tourism, arts, cultural, historical, and parks and recreation sites with historical significance activities: *HB 2961, CH 156 (1992)

TAXES - MEDICAID TAX

Intermediate care facilities for the mentally retarded, tax imposed on each facility for act or privilege: *SHB 2967, CH 80 (1992)
Intermediate care facilities for the mentally retarded, tax imposed on facility for act or privilege of doing business, rate set, appropriation made for prospective rate increases to cover medicaid share of tax: SHB 2967

TAXES - MOTOR VEHICLE FUEL TAX

Intrastate rapid rail account, deposit of additional tax of one cent per gallon in account: SB 5890
Intrastate rapid rail account, one cent per gallon additional tax to be deposited in: SB 5546
Power take-off units, calculation of fuel usage for exemption: HB 2583, SB 6172

TAXES - OIL AND HAZARDOUS SUBSTANCE SPILL PREVENTION TAX

Levied on first possession for commercial use in this state, uses of tax revenue: SB 5183

TAXES - OIL HEAT TANK POLLUTION LIABILITY TAX

Imposed on heating oil dealers: SB 5677, SSB 5677

TAXES - OIL SPILL RESPONSE TAX

Collection of tax, revised provisions: *SHB 2389, CH 73 (1992)
Refund or credit, eligibility for: *SHB 2389, CH 73 (1992)

TAXES - OUTDOOR EQUIPMENT TAX

Imposed on possession of outdoor equipment for commercial use: SB 5616

TAXES - PERSONAL PROPERTY TAX

Charitable fund-raising organizations, exempts real and personal property from taxation when organization meets specified conditions: HB 2892

TAXES - PREMIUM TAX

Health services trust fund, additional tax imposed to be deposited in fund: SB 6089

TAXES - PRIVILEGE TAX

Public utility districts, redefinition of "impacted area" for thermal electric generating facility on a federal reservation: SB 5401
Remote hydroelectric generating facilities, additional tax imposed on facilities owned by cities and towns in certain counties: SB 5832

TAXES - PROPERTY TAX

- 1989 valuations and assessments, use for 1991 taxes, authorization: SB 5195
- Aging, exemption for nonprofit homes for the aging, revised income and eligibility provisions and study requirements: *SHB 2639, CH 213 (1992)
- Alcohol fuel production, tax exemption extended through 1999: HB 2387
- Assessed valuation, increase limited to one percent per year, exceptions: SB 5914
- Assessed valuation, increase limited to six percent per year for owner-occupied residences: SJR 8219
- Assessment in 1991 exceeding one hundred-fifty percent of 1990 assessment, delinquency deferred to April 30, 1992: SSB 5812
- Assessment of all property to be at one hundred percent of true and fair value unless county legislative authority sets a lower rate: SSB 5818
- Assessment of new construction or remodelled owner-occupied homes: SB 5368
- Assessment rolls, corrections involving revaluation of property, conditions to be met in order for correction to be made: SHB 2925
- Assessments to be at lesser of true value or most recent assessment plus six percent annually: SB 5368
- Assessments, large increases in property assessments may be phased-in over time: SJR 8214
- Billing procedures changes: SB 5250
- Charitable fund-raising organizations, exempts real and personal property from taxation when organization meets specified conditions: HB 2892
- Commercial ships and vessels, listing requirements and tax payment procedures: SHB 2110
- Community colleges, authority to levy excess levies: SB 5937
- Conveyance of real property, tax exemptions: SB 6503
- Conveyance of real property, taxable value is true and fair value: SB 6503
- Conveyance, definition: SB 6503
- Current use valuation of low-income housing and single family residences authorized: SJR 8220
- Current use valuation of residential property: SB 5248
- Current use valuation of residential property authorized: SJR 8211
- Current use valuation, compensating taxes on land removed from classification, variable rate of interest on additional tax set: SB 6099, SSB 6099
- Deferrals, senior citizen and disability deferrals, interest rate reduced to six percent: SB 5085, SB 5194
- Deferrals, senior citizen and disability deferrals, restrictions relating to the residence and to foreclosure: SB 5085, SB 5162, SB 5368
- Delinquency deferral until April 30, 1992, when 1991 assessment exceeds one hundred-fifty percent of 1990 assessment: SSB 5812
- Delinquent tax interest and penalties waived when mortgage lien removed but county has not notified owner of taxes owed: SHB 2326
- Delinquent tax, if 1993 taxes exceed one hundred fifty percent of 1992 taxes, interest and penalties on excess may not be assessed through April 30, 1994: SSB 5812
- Delinquent taxes subject to variable rate of interest: SB 6003
- Disposable income, calculation for senior citizen exemption claimant whose spouse has recently died: *HB 2514, CH 187 (1992)
- Disposable income, redefinition for purposes of senior citizen tax exemption: SB 6169
- Emergency medical service district, authority to impose additional tax levy: SB 5018
- Equalization, county board of, appeals to county board of equalization, revised provisions: SHB 2925
- Equalization, state board of, appeal may be taken directly to state board without hearing before county board of equalization: SHB 2925
- Excess levies for school districts, levy base increased to cover lag in revenue availability for expenditures that occur at the beginning of the school year but are funded from levies collected in the second half: *SHB 1932, CH 49 (1992)
- Excessive taxes paid on owner-occupied property, reimbursement allowed: SJR 8210
- Excessive taxes paid, owner-occupied property, reimbursement procedures: SB 5247
- Exemption for nonprofit homes for the aging, revised income and eligibility provisions and study requirements: *SHB 2639, CH 213 (1992)
- Exemption for residents of homes for the aged, increase of residents' maximum income limits: SB 5993, SSB 5993
- Exemptions, low-income persons, qualifications for: SB 5168
- Exemptions, senior citizen and disabled persons who do not meet qualifying disposable income amount qualification: SB 5085
- Exemptions, senior citizen exemption, change in qualifying age for: SB 5005

- Exemptions, senior citizen exemption, renewal application for exemption required at least every four years to be accompanied by documented verification of income: HB 2926
- Exemptions, senior citizens and disability exemptions, qualifying disposable income amount raised: SB 5085, SB 5162, SB 5368
- Federal impact aid to local governments near federal military installations, congress requested to increase: SJM 8017
- Foreclosed property, sale by county legislative authority through private negotiation, when authorized: SHB 2271
- Home health care, tax relief for persons receiving: SB 5368
- Installment payments, interest and penalties may be paid to local governments in: SB 5078
- Interest and penalties may be paid to local governments in monthly installments: SB 5078
- Interest and penalties on delinquent tax, waiver when mortgage lien removed but county has not notified owner of taxes owed: SHB 2326
- Interest and penalties, if 1993 taxes exceed one hundred fifty percent of 1992 taxes, interest and penalties on excess may not be assessed through April 30, 1994: SSB 5812
- Interest rate variable on delinquent property taxes: SB 6003
- Levy base for schools increased to cover lag in revenue availability for expenditures that occur at the beginning of the school year but are funded from levies collected in the second half of the year: *SHB 1932, CH 49 (1992)
- Loss of revenue to local governments from tax relief to be reimbursed from state general fund: SB 5368
- Low-income homeowners, state assistance eligibility: SB 5272
- Low-income homeowners, tax exemption provisions: HB 1298, SB 5271
- Low-income housing and single family residences, current use valuation authorized for: SJR 8220
- Low-income housing tax exemption, constitutional amendment to allow: SJR 8212
- Low-income housing, tax exemption: SB 5061
- Low-income persons, exemption, qualifications for: SB 5168
- Low-income property owners, constitutional amendment to allow legislature to grant relief from property taxes on their residences and to place conditions and restrictions on the grant of the relief: SJR 8205
- Low-income property owners, property tax relief on owner-occupied residences: HJR 4208, SJR 8213
- Nonprofit homes for aging, increase of residents' maximum income limits for property tax exemption purposes: SB 5993, SSB 5993
- Notice of tax to be sent to person making payments for security interest holder: SB 5791
- Notices, county treasurer to send tax notices to vested owner of property, at the owner's request, when name on tax roll is that of a lienholder: SB 6079
- Nurses, excess levies authorized to fund school nurse programs: SB 5579
- Open space lands, classification and current use valuation of, revised definitions and procedures: *SHB 2928, CH 69 (1992)
- Open space lands, farm and agriculture conservation land category created and eligibility requirements established: *SHB 2928, CH 69 (1992)
- Open space taxation, advisory committee created to assist department in recommending changes in rules regarding: SHB 2928
- Owner-occupied property tax reimbursement for excessive property taxes paid, constitutional amendment to allow: SJR 8210
- Owner-occupied property, tax reimbursement for excessive property taxes paid, procedures: SB 5247
- Public assembly halls or meeting places, property tax exemption not lost for inadvertent use to promote business gain unless part of a pattern of inconsistent use: SHB 2346
- Public assembly halls or meeting places, property tax exemption unaffected by use for casual and isolated sales activities exempt from state sales tax: SHB 2346
- Real property, assessed value of residential property limited to increase of five percent per year: SJR 8204
- Residential property tax aggregate increase limited to six percent per year: SB 5246
- Residential property tax aggregate increase limited to six percent per year, constitutional amendment: SJR 8209
- Revaluation of property, physical inspection and interim adjustments, requirements: SB 5250
- Revaluation of real property to be conducted annually beginning no later than January 1, 1999: HB 2924
- School excess levy limits raised, revised provisions: *SHB 1932, CH 49 (1992)
- School levy base increased to cover lag in revenue availability for expenditures that occur at the beginning of the school year but are funded from levies collected in the second half of the year: *SHB 1932, CH 49 (1992)
- Schools, excess levy calculation: SB 6211

Schools, exemption from excess levy limits for specified nonbasic education program activities: SB 5896
 Schools, special five percent levy authorized for purposes of funding grants under the bringing education home act: SSB 5919
 Schools, state-wide average ten percent levy rate raised to twenty percent: SB 5896
 Senior citizen exemption, calculation of disposable income for claimant whose spouse has recently died: *HB 2514, CH 187 (1992)
 Senior citizen exemption, renewal application for exemption required at least every four years to be accompanied by documented verification of income: HB 2926
 Senior citizen tax exemption, "disposable income" redefined: SB 6169
 Senior citizen tax exemption, change in qualifying age for: SB 5005
 Senior citizen tax exemption, income limits increased: SB 5270
 Senior citizens and disabled persons, limits on increases in aggregate taxes imposed on residence: SB 5085
 Senior citizens tax deferral increased: SB 5270
 Senior citizens tax exemption, maximum income limits increased: SB 5270
 Ships and vessels, commercial, listing requirements and tax payment procedures: SHB 2110
 Single family residences and low-income housing, current use valuation authorized for: SJR 8220
 State property tax eliminated: SB 6502
 Tax appeals board, appeal of action by county board of equalization deemed to be timely filed if postmarked on or before thirtieth day after the mailing of the decision of the board of equalization: SHB 2925
 Transportation benefit district, authority to impose additional tax levy: SB 5018
 Valuation of large property tax increase averaged over four years: SB 5274
 Valuation of property administrative practices, department of revenue to study: SB 5273
 Valuation of real property to be at seventy percent of true and fair value: SB 5914
 Valuation of real property, governmental restrictions affecting value to be considered: SB 6370
 Valuation of residential property based on current use: SB 5248
 Valuation of residential property to be based on current use, constitutional amendment: SJR 8211
 Valuation, increase in property values limited to five percent per year: SB 5169
 Veteran's assistance fund, allowable levy rate increased: SB 5131
 Waiver of delinquent tax interest and penalties when mortgage lien removed but county has not notified owner of taxes owned: SHB 2326
 Watershed management areas, authority of county to levy tax to carry on water resource protection programs in: SB 6059

TAXES - SALES TAX

"Newspaper" defined for purpose of tax exemption on distribution and newsstand sales of: SB 5596
 Adult entertainment tax imposed, revenues to be used to compensate victims of crimes: SB 5845
 Assessment and collection, revised provisions: *HB 2680, CH 206 (1992)
 Business assistance program, participation, rules of conduct: SHB 1731
 Children's investment trust account, revenues from out-of-state taxpayers who do not maintain a place of business in state but engage in specified activities to be deposited in account: SHB 2471
 County sales and use tax equalization account, additional distribution in place of department of wildlife in-lieu tax distribution: SHB 2520
 Credit allowed for persons collecting and reporting sales tax: SB 5242
 Criminal justice purposes, revised provisions relating to eligible counties and ballot title requirements of tax for: SB 6094
 Diabetic supplies and equipment, exemption for prescribed items: SB 5161
 Exemptions, nonprofit organizations serving meals for fundraising purposes: SSB 5929
 Exemptions, personal property rented or leased to make another retail sale: SB 5390
 Free hospitals, exemption on necessary items: SB 5524
 Local government service agreements, alteration in rate and distribution as a consequence of: SHB 1015
 Motor vehicle rental, county may impose tax to acquire or operate public sports stadium facility or youth sport activities: *SHB 2964, CH 194 (1992)
 Natural resources stewardship account, tax on retail sales to be deposited in: SB 5972
 Newspapers to print death and funeral notices at no cost, sales tax exemption forfeited for noncompliance: SB 6149
 Out-of-state mail order sales, sales tax to fund school construction: SSB 6127, 2SSB 6127
 Personal property used in making another retail sale, rent or lease of property exempted from sales tax: SB 5773
 Personal property, rental or lease of to make another retail sale, exemption from tax: SB 5390

Public assembly halls or meeting places, property tax exemption unaffected by use for casual and isolated sales activities exempt from state sales tax: SHB 2346
 Public facilities districts, authority to impose, procedure to obtain voter authorization: SB 5731
 Rate increased to six and six-tenths percent of selling price: SB 5950
 Rate reduced to three and twenty-five one-hundredths percent of selling price: SB 6502
 Rental cars exempted from motor vehicle excise taxes and additional sales and use taxes imposed in lieu of: *SHB 2964, CH 194 (1992)
 Rental cars exempted from motor vehicle excise taxes and additional sales and use taxes imposed in lieu of, additional tax imposed to fund traffic safety education programs: SHB 2964
 Syringes exempted from retail sales tax: SB 5652

TAXES - UNEMPLOYMENT COMPENSATION RESERVE TAX

Imposed on all covered employers, rates set, receipts to be deposited in employment security reserve fund: SHB 2603

TAXES - USE TAX

Adult entertainment tax imposed, revenues to be used to compensate victims of crimes: SB 5845
 Business assistance program, participation, rules of conduct: SHB 1731
 Children's investment trust account, revenues from out-of-state taxpayers who do not maintain a place of business in state but engage in specified activities to be deposited in account: SHB 2471
 County sales and use tax equalization account, additional distribution in place of department of wildlife in-lieu tax distribution: SHB 2520
 Credit allowed for persons collecting and reporting use tax: SB 5242
 Criminal justice purposes, revised provisions relating to eligible counties and ballot title requirements of tax for: SB 6094
 Diabetic supplies and equipment, exemption for prescribed items: SB 5161
 Exemptions, nonprofit organizations serving meals for fundraising purposes: SSB 5929
 Exemptions, personal property rented or leased to make another retail sale: SB 5390
 Free hospitals, exemption on necessary items: SB 5524
 Local government service agreements, alteration in rate and distribution as a consequence of: SHB 1015
 Motor vehicle rental, county may impose tax to acquire or operate public sports stadium facility or youth sport activities: *SHB 2964, CH 194 (1992)
 Out-of-state mail order sales, sales tax to fund school construction: SSB 6127, 2SSB 6127
 Personal property used in making another retail sale, rent or lease of property exempted from use tax: SB 5773
 Personal property, rental or lease of to make another retail sale, exemption from tax: SB 5390
 Public facilities districts, authority to impose, procedure to obtain voter approval: SB 5731
 Rental cars exempted from motor vehicle excise taxes and additional sales and use taxes imposed in lieu of: *SHB 2964, CH 194 (1992)
 Rental cars exempted from motor vehicle excise taxes and additional sales and use taxes imposed in lieu of, additional tax imposed to fund traffic safety education programs: SHB 2964
 Syringes exempted from use tax: SB 5652
 Trailers, exemption applicable if purchased outside state more than ninety days before becoming resident: SB 6145, SSB 6145

TAXES - WINE TAX

Health services trust fund, additional tax imposed on liquor sales for deposit in fund: SB 6089

TAXICABS

Revised provisions relating to: *SSB 6460, CH 114 (1992)

TEACHERS

Basic education funding formula, revised provisions to increase funding and add additional certificated staff: SB 5888
 Career ladder system, task force to develop: SB 5095
 Certificate or permit revocation or suspension, authority of superintendent of public instruction to conduct investigation without complaint from district superintendent or private school administrator: *SHB 2518, CH 159 (1992)
 Certificated employees, nonrenewal of contracts, probationary periods for new and experienced personnel,

- revised provisions: SSB 5919
- Certification examinations revised requirements: SB 5851, SSB 5919
- Certification of teachers and administrators, board of education to study current requirements in conjunction with council on education reform and funding and present options for improving certification system: *SSB 5953, CH 141 (1992)
- Certification, alternative method for persons with baccalaureate degree and extensive, relevant work experience: SB 5640, SSB 5919
- Certification, alternative teacher certification, eligibility standards: SB 5851
- Certification, initial certificate to be valid for seven years with reinstatement available under board of education rules: SSB 5953
- Certification, investigative powers of superintendent of public instruction when conducting investigation of violation of certification statutes: *SHB 2518, CH 159 (1992)
- Certification, masters degree requirement for continuing teacher certification repealed: *SSB 5953, CH 141 (1992)
- Certification, revised provisions: SB 6178, SSB 6178, 2SSB 6178
- Child abuse issues, professional preparation program required for certification: HB 1985
- Collective bargaining, subjects not subject to collective bargaining: SB 5851, SSB 5919
- Conditional scholarships authorized for teachers seeking master's degree required for continuing certification: SHB 2729
- Contract negotiations, conditions of employment not to be changed during proceedings: SB 5738
- Contract negotiations, deadline for beginning: SB 5738
- Contract negotiations, mediation and fact-finding deadlines: SB 5738
- Contracts, nonrenewal period extended to three years with exception of teachers with three years of previous experience in Washington schools: SSB 5953
- Contracts, nonrenewal period for probationary teachers extended to two years except that experienced teachers are subject to one year probationary period when transferring to another district: *SSB 5953, CH 141 (1992)
- Education association officials, retirement service credit authorized for periods of unpaid leave while serving as elected official: SHB 2418, SB 6186, *SSB 6186, CH 3 (1992)
- Educational employees compensation, study of total compensation and development of compensation maintenance plan: SSB 5234, 2SSB 5234
- Educational resources and research, state library commission to assist teachers to acquire in timely manner: SSB 5234, 2SSB 5234
- Entrance to practice examination, passage required to obtain initial certification, content requirements established: SSB 5953
- Extended school year, in-service training provisions: SB 5239
- Future teacher conditional scholarship program, enhancement and revised provisions: SHB 1598
- Housing assistance programs for classified and certificated employees encouraged: SSCR 8402
- Housing assistance programs for teachers, establishment encouraged: SCR 8402
- Improvement of teaching centers, recruitment and training programs, educational service districts to establish: SB 5698, SSB 5698
- Indian culture, history, and government, required teacher education course in state or Northwest history to include information on: HB 2541
- Interest arbitration panel decision final and binding: SB 5738
- Local master's degree teacher training program: SB 5413, SSB 5413
- Master's degree requirement eliminated: SB 5375
- Masters degree requirement for continuing teacher certification repealed: *SSB 5953, CH 141 (1992)
- Minority teacher recruitment program, tuition assistance to classified classroom assistants: SB 5698
- Operation Desert Shield service, death benefits allowed for members' beneficiaries: SB 5224
- Performance-based compensation for teachers: SB 5851, SSB 5919
- Private school employment allowed in calculation of time retirement system member may retire: SB 6229
- Professional practices unit to investigate complaints of unprofessional conduct by certificated staff: SSB 5543
- Provisional employment period changed to three years: SB 5861
- Provisional employment period, certificated employees who have completed three years in another district subject to nonrenewal in first year with new district: SB 5861
- Retirement system contribution rate for legislators and state officials: SB 5224
- Retirement system eligibility for half-time employees: SB 5224
- Retirement system, basic state contribution rates established as of September 1, 1992: SB 6286, *SSB 6286, CH 239 (1992)

- Retirement system, calculation of initial retirement allowance: SSB 5380
- Retirement system, calculation of time member may retire, private school employment allowed: SB 6229
- Retirement system, computation of service credit for full-time and part-time teachers: SB 5223
- Retirement system, cost-of-living increases for retiree's benefit age retirement allowance: SB 6312, SB 6313
- Retirement system, cost-of-living increases, calculation of target benefit modified: SB 5352
- Retirement system, cost-of-living increases, changes in terminology: SB 5354
- Retirement system, cost-of-living increases, minimum benefit increased: SB 5353
- Retirement system, disability retirement for persons with half-time contracts, retroactive application and choice of survivor option provisions: HB 2419
- Retirement system, early retirement authorized for plan I employees meeting specified criteria, districts prohibited from hiring persons retiring under this act through personal services contracts: *SHB 2947, CH 234 (1992)
- Retirement system, employees meeting Plan I early retirement criteria, eligibility for accrued sick leave remuneration under district's attendance incentive program: *SHB 2947, CH 234 (1992)
- Retirement system, funds established for use by system, simplification of designation of: *HB 2259, CH 212 (1992), SB 6019
- Retirement system, funds investment in state infrastructure required, limitations: SB 6359
- Retirement system, initial retirement allowance: SB 6311
- Retirement system, military service credit, conditions for receiving up to five years additional credit: SB 5485
- Retirement system, military service credit, member eligible upon reemployment whether or not contributions were withdrawn: SB 5641
- Retirement system, military service, service credit authorized for members during period in which employment is interrupted by military service, conditions and restrictions: *SSB 5092, CH 119 (1992)
- Retirement system, overpayments based on miscalculation of the "age sixty-five allowance," recovery prohibited: *HB 2259, CH 212 (1992)
- Retirement system, overpayments for certain cost of living adjustments, recovery prohibited: HB 2259, HB 2645, SB 6242
- Retirement system, part-time teachers retirement services credit: SB 5223
- Retirement system, private school employment allowed for calculation of time member may retire: SB 6229
- Retirement system, recodification of retirement provisions, technical corrections made to 1991 recodification: *HB 2260, CH 72 (1992), SB 6019
- Retirement system, reorganization of statutes governing the system: SB 5222
- Retirement system, restoration of withdrawn contributions by members reentering system allowed through June 30, 1992: SB 5933
- Retirement system, service credit authorized for members during period in which employment is interrupted by military service, conditions and restrictions: *SSB 5092, CH 119 (1992)
- Retirement system, service credit authorized for periods of unpaid leave as elected official of a Washington education association: SHB 2418, SB 6186, *SSB 6186, CH 3 (1992)
- Salaries and working conditions, comprehensive reform program: SB 5095
- Salary allocation, claim for credits not currently counted for placement, application procedures: SB 5936
- Salary allocation, determination, consideration of credits in excess of those required for bachelor's or master's degree: SB 5936
- Salary allocation, masters degree requirements eliminated: SB 5366
- Salary increase, 1992 pay raise for elected officials contingent on implementation of teacher and state employee increases: SB 6360, SB 6501
- Salary schedule for 1991-92 and 1992-93 increasing salaries in September 1991 and September 1992: SB 5950
- Salary, cost-of-living increase allowed only by separate contract: HB 2580
- Schedule of days for students to attend school, establishment and publication of schedule, requirements, schedule not subject to collective bargaining: SSB 5953
- Second class districts with fewer than 200 students, authority to hire spouse of district officer as certificated or classified employee, conditions: HB 2559
- Sign language instructors' qualifications, state board of education to consult with various groups concerning standards for evaluation and certification of American sign language instructors: *HB 1664, CH 60 (1992)
- Site-based councils, staff participation in: SB 6177, SSB 6177
- Special needs tuition assistance program established: SB 5698
- Student teaching centers established, purposes: SB 5698

- Substitute teachers, authority to hire spouse of second class district officer as a substitute teacher when board has found there to be a shortage of substitute teachers in district: HB 2559
- Supplemental contracts to implement performance-based salary increases: SB 5851
- Teacher educators required to teach one hundred eighty hours in the public schools every five years: SB 5525
- Teachers for the twenty-first century program created: SB 5254, SSB 5254
- Teachers' retirement system, service credit authorized for periods of unpaid leave as elected official of a Washington education association: SB 6186, *SSB 6186, CH 3 (1992)
- Vocational instructors, board to education to adopt baccalaureate equivalency standards: *SSB 5953, CH 141 (1992)

TECHNOLOGY

- Washington technology center, revised organization and duties: *HB 2932, CH 142 (1992)

TELECOMMUNICATIONS

- Caller identification technology, use authorized, conditions to protect privacy: SB 5336
- Caller, location, or number identification service, privacy act does not apply to commission approved services: SB 5397
- Cellular communications, taxation and assessment of property and services, department of revenue to study: *SHB 2672, CH 218 (1992)
- Enhanced 911, funding priorities for state-wide implementation: SB 6376
- Enhanced 911, private branch exchange equipment capability required, enforcement: SB 6375
- Local exchange companies providing enhanced telecommunications services, regulatory provisions, formation of subsidiaries requirement: SB 5732
- Pen registers, use authorized, conditions: SSB 5126
- Planning, acquisition, and management of state information systems and services: SB 6006
- Price reductions, temporary reductions may be authorized to promote a telecommunication service: *SHB 2465, CH 68 (1992)
- Telecommunications devices for the deaf, contract award procedures revised: SB 6377, SSB 6377
- Telecommunications relay service excise tax, utilities and transportation commission to determine amount of tax necessary to fund program based on information provided by the office of deaf services: *SSB 6377, CH 144 (1992)
- Telecommunications relay system advisory committee to make progress reports at least four times a year to administrators and operators of system, required elements of report established: *SSB 6377, CH 144 (1992)
- Telecommunications relay system and text telephone, department to maintain program for the hearing and speech impaired, revised requirements: SHB 2769, *SSB 6377, CH 144 (1992)
- Telecommunications relay system, department of social and health services to apply to federal communications commission to have a state-controlled program by October 1, 1992: SHB 2769
- Telecommunications relay system, department of social and health services to apply to federal communications commission for certification of the state-wide relay service: *SSB 6377, CH 144 (1992)
- Telecommunications relay system, discounted long distance rates for service in conjunction with system required: *SSB 6377, CH 144 (1992)
- Telecommunications relay system, operation and maintenance of system, requirements for award of contract for provision of service commencing July 26, 1993: *SSB 6377, CH 144 (1992)
- Telecommunications relay system, operation of system to be bid out to a qualified contractor: SHB 2769
- Telephone excise tax ceiling raised to fourteen cents per month per telephone line to fund telephone relay system program: SHB 2769
- Trap and trace devices, use authorized, conditions: SSB 5126

TELEPHONES

- Enhanced 911, funding priorities for state-wide implementation: SB 6376
- Enhanced 911, private branch exchange equipment capability required, enforcement: SB 6375
- Private branch exchange equipment, enhanced 911 capability required, enforcement: SB 6375
- Rule-making hearings, facsimile and recorded telephone comments may be allowed by agency at: *SB 6289, CH 57 (1992)
- Tariff reduction to promote service authorized for not more than sixty days: SB 6144, SSB 6144
- Telecommunications relay service excise tax, utilities and transportation commission to determine amount of tax necessary to fund program based on information provided by the office of deaf services: *SSB

6377, CH 144 (1992)

Telecommunications relay system advisory committee to make progress reports at least four times a year to administrators and operators of system, required elements of report established: *SSB 6377, CH 144 (1992)

Telecommunications relay system and text telephone, department to maintain program for the hearing and speech impaired, revised requirements: SHB 2769, *SSB 6377, CH 144 (1992)

Telecommunications relay system, department of social and health services to apply to federal communications commission to have a state-controlled program by October 1, 1992: SHB 2769

Telecommunications relay system, department of social and health services to apply to federal communications commission for certification of the state-wide relay service: *SSB 6377, CH 144 (1992)

Telecommunications relay system, discounted long distance rates for service in conjunction with system required: *SSB 6377, CH 144 (1992)

Telecommunications relay system, operation and maintenance of system, requirements for award of contract for provision of service commencing July 26, 1993: *SSB 6377, CH 144 (1992)

Telecommunications relay system, operation of system to be bid out to a qualified contractor: SHB 2769

Telephone excise tax ceiling raised to fourteen cents per month per telephone line to fund telephone relay system program: SHB 2769

TELEVISION (See also NEWS MEDIA)

Broadcast media advertising volume levels enforcement urged: SJM 8014

Cable television systems, tenant's right of access in multi-unit housing assured, procedures relating to installation and compensation of landlord: SB 5870

Landlord and tenant cable television act: SB 5870

Television reception improvement districts, board membership: *SB 6444, CH 150 (1992)

TENANCIES

Joint tenancy, each tenant has unilateral right to sever tenancy: HB 2538

TERRORISM

Life insurance, limitation on liability, death from terrorism may not be included in limitation: SB 5205

THEATRES

Historic motion picture theatre, definition and conveyances that prohibit operation as a theatre for more than one year prohibited: SB 6091

THE EVERGREEN STATE COLLEGE

Frederick T. Haley, Trustee, GA 9245 45

Edward Kelly, Trustee, GA 9246 45

Enrollment, state-funded enrollment level increased: SSB 5174

Enrollment, state-funded enrollment level increased, funding provisions: SB 5814

THOMAS, BERNIE

Reappointed Trustee, Whatcom Community College

District No. 21, GA 9040 122

THURSTON COUNTY

Institutional trust lands in county, management plan to allow its use for housing mentally and developmentally disabled persons: SB 5331

Lodging tax, authority to impose removed and use of revenues collected limited to tourism, arts, cultural, historical, and parks and recreation sites with historical significance activities: *HB 2961, CH 156 (1992)

TICKETS

Admission tickets sale and resale, advertising must include range of prices: SB 5763

Admission tickets sale and resale, price and name of person conducting event to be printed on tickets: SB 5763

Admission tickets sale and resale, price not to exceed advertised price: SB 5763

Admission to professional sports events, surcharge to fund youth recreational facilities and activities, notice requirements: SB 6164

Commercial ticket resellers, required and unlawful practices defined, violations made a misdemeanor: SSB

5763

TIDELANDS

- Animal waste pollution, districts encouraged to contract with shellfish protection districts to control: *SSB 6132, CH 100 (1992)
- Counties with saltwater tidelands, watershed protection districts and programs to protect shellfish authorized: SHB 2363, SB 6132, SSB 6132
- Seaweed, maximum daily wet weight harvest or possession limit set at ten pounds per person for seaweed taken from private and state tidelands and state bedlands for personal use, violation is a misdemeanor: SHB 1455
- Shellfish protection districts and programs, authority to create for protection of shellfish growing areas from animal waste and failing on-site sewage system pollution: *SSB 6132, CH 100 (1992)
- Shellfish protection districts, creation and operation of district, revised procedures and deadlines, powers of county legislative authority revised: *SSB 6132, CH 100 (1992)
- Shellfish protection districts, fees, charges, and rates, authority of county legislative authority to fix, alter, and control, confined animal feeding operations and other facilities exempted from: *SSB 6132, CH 100 (1992)
- Shellfish tidelands, plans and programs to protect: SHB 2363, SB 6132, *SSB 6132, CH 100 (1992)
- Watershed financial assistance program created in department of ecology to assist counties to form and implement watershed protection districts: SHB 2363
- Watershed protection districts, creation, abolition, powers, and funding provisions and procedures established: SHB 2363

TIMBER AND TIMBER INDUSTRIES (See also FOREST PRACTICES, FOREST PRODUCTS INDUSTRY)

- Center for international trade in forest products at University of Washington, duties of center modified and program and sunset review provisions repealed: SB 6023
- Center for international trade in forest products at University of Washington, modification of duties of center and date: HB 2257
- Center for international trade in forest products at University of Washington, modification of duties of center and date of sunset termination moved to June 30, 1996: SB 6023
- Center for international trade in forest products at the University of Washington, additional duties: SB 5207
- Center for international trade in forest products at the University of Washington, duties of center modified and sunset termination date changed to June 30, 1994: *SB 6023, CH 121 (1992)
- Chaos in state forests, congress urged to enact legislation to remedy: SJM 8022
- Export of timber from state trust lands, department of revenue to prepare enforcement plan under federal law permitting limits on: SB 5373
- Export of timber, department of natural resources to report annually to legislature on: SB 5372
- Forest and families protection act, congress urged to enact: SHJM 4033
- Forest lands, department of natural resources authorized to purchase and manage for sustainable commercial forestry: SSB 5445
- Forest practice permits, fees imposed on applicants for, to assist with review and permitting costs related to environmental protection: SB 5604
- Forest resources conservation and shortage relief act of 1990, department of revenue and department of natural resources duties: SSB 5925
- Open space corridors, identification of corridor not to restrict use or management of lands in corridor for agricultural or forest purposes unless city or county acquires sufficient interest to prevent control or development: *SB 6401, CH 227 (1992)
- Public forests commission created, membership and duties: SB 5527
- Skagit River salmon recovery plan, director of fisheries plan to include strategies for employing displaced timber workers to conduct salmon restoration and other tasks in plan: *SB 5675, CH 88 (1992)
- Timber impact areas, designation of additional socially and economically integrated communities as timber impact areas by economic recovery board authorized: *HB 2821, CH 21 (1992)
- Timber impact areas, provision of upper division higher education opportunities to students in: SB 6021
- Timber impact areas, public works loans authorized to local governments in: SB 5656, SSB 5656
- Timber management and harvest, only rules in effect at time timber planted applicable to: SB 6447
- Timber retraining benefits program extended to workers who filed unemployment claim on or after January 1, 1989: *SB 6074, CH 47 (1992)
- Timber salvage in national forests, congress urged to authorize sale: SJM 8024, SSJM 8024

- Timber supply impact areas, public facility loans and grants authorized in: SB 5602, SSB 5602
- Timber workers fairness act, congress urged to pass act to provide benefits to timber workers affected by federal decisions: SJM 8020
- Training pilot project for dislocated timber industry workers in Skagit county: SB 5673
- Unemployment compensation benefits under timber retraining benefits program extended to workers who filed unemployment claim on or after January 1, 1989: *SB 6074, CH 47 (1992)
- Upper division higher education opportunities for students in timber impact areas, provision of: SB 6021
- Washington timber development corporation established to respond to needs of timber-dependent communities: SB 5207
- Wild mushrooms, specialized forest products permit required to harvest, possess, and transport wild mushrooms, limit set on amount that may be harvested: *SHB 2865, CH 184 (1992)

TIRES

- Spare tires required to be of same size as other tires: SB 5046
- Waste tire recycling or energy production, department of ecology grants to other agencies for projects involving: SB 5878

TITLE COMPANIES

- Controlled business arrangements prohibited unless disclosed at or prior to the time referral is made to real estate settlement service: SHB 2248
- Disclosure of ownership interest in real estate settlement service providers extended to all real estate transactions except those now governed by federal law: SHB 2248
- Document preparation for property sales or loans, repeal of obsolete RCW sections: *SB 6329, CH 91 (1992)

TITLE ONLY

- Constitutional reform amendment of 1991: SJR 8228
- Department of fisheries funding act of 1991: SB 5974
- Department of wildlife capital needs act of 1991: SB 5975
- Department of wildlife organization and funding act of 1991: SB 5978
- Education act of 1991: SB 5939, SB 5953
- Education act of 1992: SB 6435, SB 6462
- Fiscal matters act of 1991: *SB 5961, CH 238 (1992), SB 5963
- Flood control management act of 1991: SB 5955
- Higher education act of 1991: SB 5967
- Human services act of 1991: SB 5964
- Local government act of 1991: SB 5966
- Natural resource agencies funding act of 1991: SB 5977
- Natural resource organization and funding act: SB 5976
- Natural resources act of 1991: SB 5965
- Protected record act of 1991: SB 5938
- Revenue act of 1991: SB 5968, SB 5969
- School construction act of 1992: SB 6127
- State government act of 1991: SB 5962
- Vocational education act of 1992: SB 6336
- Wildlife fund license and fee act of 1991: SB 5973

TOBACCO

- Education program targeting youth and stressing dangers and problems of use, additional cigarette tax to fund: SB 6331
- Enforcement of cigarette and tobacco laws, powers and duties transferred to liquor control board: SB 5560, SB 6469
- Outdoor advertising of tobacco products prohibited, civil penalties: SB 5692
- Prevention of tobacco-caused disease, programs to reduce tobacco use by youth and to promote tobacco use reduction: SB 5567, SSB 5567

TOBIASON, DR. RAY

- Member, Higher Education Facilities Authority,
GA 9232, Confirmed 36,155,812

TORRES, DR. JULIAN, JR.

Trustee, Eastern Washington University, GA 9286 290

TORTS

Agricultural food products disparagement, action for damages: SB 6352

Attorney general to prepare comprehensive annual summary of all tort claims against state cases closed in previous year: SSB 5721

Certificate of merit to be filed within thirty days in professional negligence actions, requirements: SB 5386, SSB 5386

Childhood sexual abuse, clarification of the application of the statute of limitations to cases involving: SB 5811

Disparagement of agricultural products, action for damages: SB 6352

Health care services practice parameters and risk management protocols, compliance as affirmative defense to professional negligence claim: SB 6029

Highways and other public facilities, tort liability of state and local governments limited for damages relating to planning, construction, or signing of: SSB 5721

Local government entities, claims against, establishment of single uniform system to pursue: SHB 2499

Negligence per se, furnishing liquor to minors constitutes negligence per se in any civil action for damages resulting from a minor's consumption of liquor: SHB 2733

Parental action for loss of services and support of child, revised provisions: SSB 5506

Parental liability for child's act resulting in property destruction or personal injury, maximum amount of damages recoverable raised to five thousand dollars: SB 6294

Professional negligence actions, certificate of merit to be filed within thirty days, requirements: SB 5386, SSB 5386

Psychiatric facilities, immunity from civil and criminal liability if duties performed in good faith: SB 5530

Sports franchises, the state and its political subdivisions given cause of action for economic damages caused by wrongful removal of a professional sports franchise from state: HB 2977

TOURISM

Convention, tourism, and economic development promotions, business and occupation tax exemption for payments and contributions by public entities to nonprofit corporations for: SB 5661

Hotel and motel new construction, excise tax exemption: SB 5549

Timber supply impact areas, public facility loans and grants authorized in: SB 5602, SSB 5602

TOW TRUCKS

Deficiency claims for towing and storage, limitation on amount of claim does not apply to law enforcement impounds: *HB 2844, CH 200 (1992)

Impound charges, operator may receive compensation from private property owner for private impound of unauthorized vehicle with only scrap value: *HB 2746, CH 18 (1992)

Law enforcement impounds, limitation on amount of deficiency claim for towing and storage does not apply to: *HB 2844, CH 200 (1992)

Law enforcement impounds, limits on towing and storage charges inapplicable to: HB 2844

Towing and storage charge limits inapplicable to law: HB 2844

TRADE AND ECONOMIC DEVELOPMENT, DEPARTMENT OF

Business assistance center, center to coordinate information regarding agency regulations affecting small businesses: *SHB 2498, CH 197 (1992)

Business assistance center, center to study how it can best coordinate information regarding agency regulations affecting small businesses: *SHB 2498, CH 197 (1992)

Business assistance center, minority and women-owned businesses, education and technical assistance, eligibility: SHB 1737

Business assistance center, minority and women-owned businesses, export assistance, eligibility: SHB 1737

Business assistance center, minority and women-owned businesses, public works and construction, public facilities concessions: SHB 1737

Child care facilities, tax credit for employer-sponsored facilities, department duties: SB 5915

Hanford state-leased land, sublease promotion funding: SB 6494, SSB 6494

Minority and women-owned businesses, department to provide technical assistance to businesses with the capacity to participate in international trade: SHB 1737

Office of international relations and protocol created, department powers, duties, and functions transferred

to: SB 5598

Pacific Northwest export assistance project, purposes and duties: SSB 5639

Private enterprise review commission created, support duties: SB 5507, SSB 5507

Promotion of lease between state and federal government at Hanford, department to cooperate with associate development organizations located in or near the Tri-Cities area: *SSB 6494, CH 228 (1992)

Regulatory ombudsman to determine degree of ad hoc changes by local governments in regulatory requirements: SB 5786

Regulatory ombudsman to establish group to assess materials used in new technologies: SB 5786

Regulatory ombudsman to institute policies and programs to achieve regulatory goals more efficiently: SB 5786

Small business financing expanded: SB 5787

Small businesses, guidelines to mitigate economic impact of certain agency rules on, department duties: SB 6166

Technology center, collaborative effort between colleges and universities, private industry, and government headquartered at University of Washington: SB 6472, SSB 6472

Technology center, department duties: SB 6472, SSB 6472

Washington technology center, administrative duties in regard to: *HB 2932, CH 142 (1992)

TRAFFIC

"Keep right" signs to be placed on multilane state and interstate highways: SB 5561

Commuter ride sharing, employee use of department of transportation-owned vehicles authorized as demonstration of effectiveness of ride sharing as a commute trip reduction measure: SHB 2763

High occupancy vehicle lanes, at least two occupants required in private vehicle using lane: SB 5562

Pedestrians, vehicle operators required to stop for pedestrians lawfully within intersection control area: SHB 2442

Signals, use of optical strobe light devices to control signals by public transit and department of transportation vehicles authorized: SHB 2291

Van pools, Washington state transportation center to study and make recommendations concerning: SB 5564

TRAFFIC OFFENSES

Deferral of judicial determination that an infraction was committed, limitations and standards: SHB 1552, SB 6190

Disabled parking, fines imposed for improper parking in spaces for disabled to be used by local jurisdiction for law enforcement: SHB 1634

Disabled parking, fines increased for improper parking in spaces for the disabled: SHB 1634

Driving while suspended or revoked but eligible to reinstate license defined as driving while license suspended or revoked in the third degree, a misdemeanor: SB 6330, *SSB 6330, CH 130 (1992)

Failure to comply with promise to appear, gross misdemeanor: *SB 6140, CH 32 (1992)

Failure to yield, driver may not be cited if law enforcement vehicle not clearly marked and identified: SB 6168

First-degree negligent driving, defined and penalties established: SHB 1183

High-occupancy vehicle lane violations, charging and reporting procedures relating to: SHB 2272

Implied consent law, reversal of revocation when cause was nonalcohol or nondrug-related medical condition, expungement: SB 5399

Inattentive driving, defined and made a traffic infraction: SHB 1183, SB 5439

Negligent driving, penalty increased: SHB 1183, SB 5439

School buses, failure to stop for, law enforcement officers may request that owner of vehicle identify driver when violation occurred: *SSB 5116, CH 39 (1992)

Sound amplification, unreasonable sound amplification from vehicles prohibited: SB 6081

TRAFFIC SAFETY

Education programs, additional sales and use tax imposed on rental cars to fund: SHB 2964

Recreational vehicle drivers' training, minimum curriculum for commercial driver training schools and traffic safety organizations to be established: SHB 2453

Rental cars exempted from motor vehicle excise taxes and additional sales and use taxes imposed in lieu of, additional tax imposed to fund traffic safety education programs: SHB 2964

Safety education officer program to be funded from public safety and education account: SB 5432

School pathway and bus stop improvement program and council established, council membership and duties set out: HB 2780

Sobriety checkpoint programs authorized: HB 2013, SB 5071

Traffic safety and enforcement account, moneys to be used to promote programs related to driver and vehicle safety: SB 5432

TRAFFIC SAFETY COMMISSION

Legislative transportation committee recommendations regarding the traffic safety commission to be implemented: SB 5757

Pedestrian safety education program, traffic safety commission is to develop and execute a state-wide program: SHB 2442

Pedestrian safety program, commission to perform an evaluation of state's overall pedestrian safety program: SHB 2442

Revocation, suspension, or denial of driving privileges, summary procedures, commission to study effectiveness: SSB 5064

TRANSPORTATION

Air quality implementation plan, transportation plans and programs must conform to state plan for approval or funding: SB 5901

Audit of community resources required prior to conversion of transportation corridor to major transportation system: SB 5890

Bicycle and pedestrian facilities on route 520 corridor, study authorized: SB 6372, SSB 6372

Budget, 1992 supplemental transportation budget: *SHB 2553, CH 166 (1992)

Community assessment process on impacts of proposed major transportation corridors, requirements and procedures: SB 5890, SB 5901

Elderly and handicapped persons, provision of specialized transportation services for: SB 5427

Environmental elements and environmental cost estimates, pilot program to define for all projects within pilot district: SHB 2848

High capacity transportation service, public transit agencies authorized to impose sales and use tax on rental cars at rate equal to local motor vehicle excise tax to fund: *SHB 2964, CH 194 (1992)

High capacity transportation systems, local planning requirements, revised provisions: SB 5890

High capacity transportation systems, regional transportation planning and interlocal agreements, revised provisions: SB 5948

High capacity transportation, capital cost per mile to be considered in deciding upon a plan and implementation program: SB 5918

High occupancy vehicle lanes, at least two occupants required in private vehicle using lane: SB 5562

High occupancy vehicle programs, impounding of funds when transportation priorities and goals are not being met: SB 5889

High occupancy vehicle programs, limitation on funds that may be used for transit agency programs removed: SB 5889

High-speed ground transportation system steering committee, moratorium on Seattle Tacoma airport expansion until studies completed and approved by legislature: SB 6371

Intrastate rapid rail transportation system, state to construct and develop: SB 5890

Land use decisions to consider the availability of transportation, community disruption, and other factors: SB 5901

Legislative transportation committee, revised membership and organization of committee: SB 5209

Local government review process to be completed prior to conversion of transportation corridor to major transportation system: SB 5890

Motor vehicle taxes and fees, authority to use for transportation purposes: SJR 8216

Planning requirements of department of transportation, required elements to reflect policies of state transportation policy plan and federal planning requirements and be consistent with local and regional plans: SHB 1816

Public transportation benefit area in counties of over one hundred fifty thousand planning under growth management act, annexation of or withdrawal of city transit system: HB 2938

Public transportation policy plan to be developed by transportation commission as party of the state transportation policy plan, required elements: SHB 2939

Public transportation systems, mediation and arbitration provisions when collective bargaining agreement cannot be negotiated within time limits: SB 5594

Puget Sound regional transportation council, certification, membership, funding, powers, and duties including development of regional transportation plan: SHB 2610

Regional transit authorities, formation to create high capacity transit system in urbanized areas, cooperation

with local transit operators and planning consistency required: SB 6209
 Regional transit authority, consolidation of component metropolitan municipal corporation with authority, procedure: SB 6209
 Regional transportation authorities, authority to establish, governance, financing, powers, and duties of authority: *SHB 2610, CH 101 (1992)
 Regional transportation planning organizations, optional duties: SB 5941
 Rental cars, public transit agencies authorized to impose sales and use tax at rate equal to local motor vehicle excise tax to fund high capacity transportation service: *SHB 2964, CH 194 (1992)
 State agencies and facilities, development and implementation of comprehensive transportation and parking program: SB 5471
 State-interest component of state-wide transportation plan, required elements: SHB 1816
 State-owned facilities component of state-wide transportation plan, required elements: SHB 1816
 State-wide transportation plan, department of transportation to develop, required elements: SHB 1816
 Transportation policy plan to set goals, identify issues, recommend policies and strategies: SHB 1816
 Van pools, Washington state transportation center to study and make recommendations concerning: SB 5564

TRANSPORTATION BENEFIT AREAS

Addition of territory to area when city annexation extends city boundaries into a public transportation benefit area: *SHB 2714, CH 16 (1992)
 Annexation of city transit system into benefit area in counties of over one hundred fifty thousand planning under growth management act: HB 2938
 Withdrawal of city operating transit system from participation in public transportation benefit area, approval of county legislative authority required: HB 2938

TRANSPORTATION BENEFIT DISTRICTS

Tax levy, authority to impose additional tax levy: SB 5018

TRANSPORTATION COMMISSION

Aubrey Davis, Member, GA 9276 161
 Barbara Shinpoch, Member, GA 9225 37
 Ferries, declaration of intent to operate state ferry crossing, effect: SSB 5647
 Ferry system powers, duties, and functions, transfer to department of marine transportation: SB 5945
 Ferry vessel and terminal acquisition, construction, and materials, bond issuance authorized: *HB 2896, CH 158 (1992), SB 6450
 Open public meetings law, commission subject to: SB 5887
 Public transportation policy plan to be developed by commission as party of the state transportation policy plan, required elements: SHB 2939

TRANSPORTATION IMPROVEMENT BOARD

Membership of board increased by addition of citizen member with background in transportation issues: SB 6373, SSB 6373

TRANSPORTATION, DEPARTMENT OF

"Keep right" signs to be placed on multilane state and interstate highways: SB 5561
 Bicycle plan, needs identification, facilities funding: SHB 1816
 Commuter ride sharing, employee use of department-owned vehicles authorized as demonstration of effectiveness of ride sharing as a commute trip reduction measure: SHB 2763
 Environmental elements and environmental cost estimates, pilot program to define for all projects within pilot district: SHB 2848
 Ferry routes, state route may not be operated or maintained if it infringes upon an existing commercial ferry route: SSB 5647
 Ferry system plan, establishment of service standards, demand forecasting, strategies: SHB 1816
 Ferry system powers, duties, and functions, transfer to department of marine transportation: SB 5945
 Freight rail plan, light density lines identification, preservation, priorities: SHB 1816
 Governor, appointment of secretary of transportation by: SB 5019
 High capacity transportation systems, regional transportation planning and interlocal agreements, revised provisions: SB 5948
 Highway system plan, improvement and preservation to ensure acceptable operating conditions: SHB 1816
 Highways and other public facilities, tort liability of state and local governments limited for damages relating

- to planning, construction, or signing of: SSB 5721
- Intrastate rapid rail transportation a public highway, department administration: SB 5546
- Naches Pass tunnel construction, duties: SB 5034
- Optical strobe light devices to control traffic signals, authority to mount and use such devices: SHB 2291
- Pedestrian and bicycle facilities on route 520 corridor, study authorized: SB 6372, SSB 6372
- Planning requirements of department, required elements to reflect policies of state transportation policy plan and federal planning requirements and be consistent with local and regional plans: SHB 1816
- Public transportation systems annual report, inclusion of elements of six-year transit development and financial programs submitted by local governments authorized: SHB 2940
- Public transportation, planning and capital projects' development funding: HB 2941, SB 6464, SSB 6464
- Puget Island ferry funding: SB 6306, *SSB 6306, CH 82 (1992)
- Rail freight property acquisition statutes, correction of internal references in: SB 5863
- Secretary of transportation, appointment by governor: SB 5019
- Special transportation planning studies authorized: SHB 1816
- Stampede Pass rail line, purchase, negotiations authorized: SB 5519, SSB 5519
- State aviation plan, state-interest component of state-wide transportation plan to include, required elements set out: SHB 1816
- State bicycle transportation and pedestrian walkways plan, state-interest component of state-wide transportation plan to include, required elements set out: SHB 1816
- State intercity passenger rail plan, state-interest component of state-wide transportation plan to include, required elements set out: SHB 1816
- State public transit plan, state-interest component of state-wide transportation plan to include, required elements set out: SHB 1816
- State-interest component of state-wide transportation plan, required elements: SHB 1816
- State-owned facilities component of state-wide transportation plan, required elements: SHB 1816
- State-wide transportation plan, department to develop, required elements: SHB 1816
- Storm water, special committee on government storm water pollution and liability created, membership and duties: SB 6459, SSB 6459
- Transportation policy plan to set goals, identify issues, recommend policies and strategies: SHB 1816
- Transportation, secretary of, appointment by governor: SB 5019
- Van pools, Washington state transportation center to study and make recommendations concerning: SB 5564

TRAVEL TRAILERS AND CAMPERS

- Combination of travel trailer, boat trailer, and motor vehicle authorized: SB 6017
- Emissions testing, exemption: SB 6489
- Excise tax, payment of interest authorized when refund is made for overpayment of tax: *HB 2727, CH 154 (1992)
- Excise tax, persons who register in another jurisdiction to avoid tax are liable for unpaid tax, penalties, and interest: *HB 2727, CH 154 (1992)
- Use tax exemption applicable if purchased outside state more than ninety days before becoming resident: SB 6145, SSB 6145

TREES

- Electric transmission lines, removal of trees or vegetation that constitute a hazard, procedures: SB 6473

TRI-CITIES

- Promotion of lease between state and federal government at Hanford, department of trade and economic development to cooperate with associate development organizations located in or near the Tri-Cities area: *SSB 6494, CH 228 (1992)

TRUCKS AND TRUCKING

- Axle and gross weights, revised provisions: SB 6317, SSB 6317
- Combined vehicle licensing fees, distribution: SB 6317, SSB 6317
- Converter gears and tow dollies, exemption from licensing requirements: SB 5815
- Lane use requirements, trucks over twenty-six thousand pounds: SSB 5237
- Power take-off units, calculation of fuel usage for motor vehicle fuel tax exemption: HB 2583, SB 6172
- Proportional registration, nonpower vehicles, state assessment based on Washington prorata percentage: SSB 5769
- Proportional registration, nonpower vehicles, state may not retain more than its pro rata percentage for

in-state miles traveled: SB 5769
 Trip permits, gross weight limits: SB 6317, SSB 6317

TRUJILLO, DR. GREGORY

Reappointed Trustee, Yakima Valley Community College
 District No. 16, GA 9041, Confirmed. 123,904

TRULOVE, DR. WILLIAM T.

Reappointed Member, Pacific NW Electric
 Power and Conservation Planning Council, GA 9293. 750

TRUSTS AND TRUSTEES

Beneficiary to receive notice of right to receive copy of trust document and of contents, terms, and conditions of trust, trustee's duty: SB 6198, SSB 6198
 Holders of financial assets, duties of, repeal of RCW 11.92.095: *SB 6008, CH 224 (1992)
 RCW 11.92.095 repealed: *SB 6008, CH 224 (1992)
 Trustee required to notify beneficiary of right to receive copy of trust document and of contents, terms, and conditions of trust: SB 6198, SSB 6198

TUNNELS

Naches Pass tunnel construction: SB 5034

TURNER, MARCIA

Apple Blossom Queen, Introduced and addressed Senate 747

TWIGG, DENNIS

Member, Eastern State Hospital Advisory Board, GA 9249 46

UNCLAIMED PROPERTY

Donated or worthless property exempted from the uniform unclaimed property act: *HB 2841, CH 122 (1992)
 Intangible property, when presumed abandoned and subject to state custody: *HB 2682, CH 48 (1992)

UNDERGROUND STORAGE TANKS

Fire code, provisions of the uniform code not directly in conflict with rules regulating tanks remain in force: SSB 5263
 Fire code, provisions of uniform fire code not more stringent than nor directly in conflict with rules regulating tanks remain in force: SSB 5480
 Removal or closure of tank, department of ecology statement that action conforms to departmental rules: SSB 5055
 Tanks conforming to state and local laws as of their installation not required to meet later requirements: SSB 5263

UNEMPLOYMENT COMPENSATION

Account to provide financing for special programs in the administrative contingency fund, correction of statutory reference relating to purposes for which moneys in account may be expended: HB 2278
 Additional benefits under timber retraining benefits program extended to workers who filed unemployment claim on or after January 1, 1989: HB 2454, *SB 6074, CH 47 (1992)
 Benefits, aliens legally residing in United States at time services performed, eligibility: HB 2385
 Benefits, eligibility of worker who voluntarily leaves employment to relocate with spouse: SB 5255
 Benefits, no deduction made for social security recipient's contribution to program: HB 2385
 Conviction for or admission of work related felony or gross misdemeanor made grounds for disqualification for benefits: SHB 2437
 Corporate officers, exclusion from eligibility for benefits, revised provisions: SB 6063, SSB 6063
 Eligibility to be determined only on the basis of most recent employment: SHB 2437
 Employer contributions, revised rates and reporting requirements: SHB 2603
 Employment security reserve fund created, receipts from reserve tax to be deposited into fund for payment of unemployment benefits: SHB 2603
 Forest products workers, training and extended benefits program established for unemployed workers: SB

5208

- Lockouts, eligibility of workers unemployed due to lockout: HB 1279
- Reentry into workforce after absence for temporary total disability from nonwork-related injury or illness, eligibility for benefits provided under chapter 50.06 RCW: SHB 2438
- Reserve tax imposed on all covered employers, rates set, receipts to be deposited in employment security reserve fund: SHB 2603
- Spouse, eligibility of worker who voluntarily leaves employment to relocate with spouse: SB 5255
- Steel workers and salaried employees of steel mills, benefit period extended for unemployed: SB 5987
- Timber retraining benefits program, benefits extended to workers who filed unemployment claim on or after January 1, 1989: HB 2454, *SB 6074, CH 47 (1992)

UNIFORM ACTS

- Unclaimed property act, donated or worthless property exempted from the act: *HB 2841, CH 122 (1992)

UNIFORM COMMERCIAL CODE

- Federal tax and other liens to be entered in uniform commercial code filing system by department of licensing: *HB 1185, CH 133 (1992)
- Leases, article on leases added: SHB 1797
- Prescriptions, dispensing of prescription product is service not creating any implied warranty under code: SB 5466
- Repossession of collateral upon default, duty of secured party to return property of debtor not covered by security interest within forty-eight hours: SSB 6083
- Repossession of motor vehicle, secured party's duty to protect and return personal property in repossessed vehicle: SB 6083, SSB 6083

UNIFORM DISCIPLINARY ACT

- Health care professional quality assurance system revisions to uniform disciplinary act: SB 6029
- Nontraditional method of treatment, not of itself to constitute unprofessional conduct: SB 5012
- Physician's trained intravenous therapy technicians, airway management technicians, mobile intensive care paramedics, and ambulance operators, directors, and drivers, application of act to: *SB 6033, CH 128 (1992)
- Scope of practice redefined for purposes of: SB 5012

UNION BAY

- Wildlife habitat management area established: SHB 1448

UNIVERSITY OF WASHINGTON

- Judge Jerome Farris, Reappointed Member, Board of Regents, GA 9193 39,790
- Samuel Stroum, Reappointed Member, Board of Regents, GA 9230 39,793
- Don James, Husky Coach, Introduced and addressed Senate, SFR 1992-8719 345
- Don James, Husky Coach, Introduced wife, Nancy, and members of 1991 Husky team 345
- Aquatic animal health and disease training program, duties: SB 5198
- Bothell-Woodinville branch campus operations to cease: SB 5708
- Bothell-Woodinville branch campus, report of recommendations for resumption required: SB 5708
- Center for international trade in forest products at University of Washington, duties of center modified and program and sunset review provisions repealed: SB 6023
- Center for international trade in forest products at the University of Washington, duties of center modified and sunset termination date changed to June 30, 1994: *SB 6023, CH 121 (1992)
- Center for international trade in forest products, modification of duties of center and date of sunset termination moved to June 30, 1996: HB 2257, SB 6023
- Dental residents, limited license authorized: *SHB 2555, CH 59 (1992)
- Drug exposed infants, establishment of standards for conducting assessments to determine exposure: SSB 5193
- Enrollment, state-funded enrollment level increased: SSB 5174
- Enrollment, state-funded enrollment level increased, funding provisions: SB 5814

* - Passed Legislation

Fetal alcohol and drug unit, planning for learning project for teaching children with prenatal drug or alcohol exposure, duties: SB 6366, SSB 6366
 Infant drug exposure assessment and monitoring program established, duty to develop standards for: SB 6051
 Law enforcement officers to be members of law enforcement officers' and fire fighters' retirement system: SB 5703
 Limited license for postgraduate dental residents authorized: *SHB 2555, CH 59 (1992)
 Regents, two student members to be appointed to the board of regents: HB 1218, SB 6418
 Salmon and steelhead, committee created to develop comprehensive plan to protect and strengthen stock, school of fisheries duties: SB 6151
 Tacoma branch campus operations to cease: SB 5795
 Tacoma branch campus, report of recommendations for resumption required: SB 5795
 Technology center, board of directors membership and duties: SB 6472, SSB 6472
 Technology center, collaborative effort between colleges and universities, private industry, and government headquartered at University of Washington: SB 6472, SSB 6472
 Technology center, sunset termination June 30, 1994: SSB 6472
 Technology center, sunset termination on June 30, 1996: SSB 6472
 Van pools, Washington state transportation center to study and make recommendations concerning: SB 5564
 Washington technology center, revised organization and duties: *HB 2932, CH 142 (1992)

UTILITIES

Building permits, proof of adequate water and electrical service required before permit will be issued: SB 5328
 Charges to be made against customer requesting service and that charges against tenant be collected from tenant: SB 5262
 Electric and magnetic fields, one-time residential inspection to determine amount provided: SB 5877, SSB 5877
 Electric and magnetic fields, program to inform customers about characteristics required: SB 5877, SSB 5877
 Electric utilities, revised provisions relating to municipal utilities access to high voltage transmission lines: *HB 2347, CH 11 (1992)
 Electrical utilities and contractors exempted from licensing requirements, conditions and limitations: HB 2053, SB 5725, SSB 5725
 Electrical utilities and contractors retained by utilities, journeyman electrician certificate not required for employee registered with or graduated from state-approved lineman apprenticeship course: *HB 2053, CH 240 (1992)
 Electrical utilities, exemptions from licensing and inspection requirements for work in connection with installation, repair, and maintenance of lines, wires, apparatus, and equipment, conditions and limitations: *HB 2053, CH 240 (1992)
 Fraudulent means to obtain or use rental or leased property or services, penalties: SB 6415
 Home heating assistance for low-income persons, reporting duties, extension to June 30, 1995: SB 5904
 Municipal water and sewer utilities, restrictions on taxes imposed for the privilege of operating: SB 5298, SB 5595
 Municipal water system, nonresident customers, restrictions on consideration of location in setting rates for service: SB 5595
 Municipal water system, not to charge nonresident customers a higher rate for service without county approval: SB 5298, SB 5595
 Plats, designation of availability of utilities on recorded plats: SSB 5062
 Rental or leased property, fraudulent means to obtain or use, penalties: SB 6415
 Service charges, city and town ordinances relating to collections, deposits, and discontinuance of service for nonpayment, requirements: SB 5771, SSB 5771
 Services, fraudulent means to obtain or use, penalties: SB 6415

UTILITIES AND TRANSPORTATION COMMISSION

Caller, location, or number identification service, privacy act does not apply to commission approved services: SB 5397
 Commercial ferry operators, revised regulatory provisions: SSB 5647
 Drinking water quality, investigation of consumer complaints: SB 6455
 Electric transmission lines, removal of trees or vegetation that constitute a hazard, procedures: SB 6473
 Enhanced 911, private branch exchange equipment capability required, duties: SB 6375
 Horses, exemption from regulation for farmer transporting horses to his property for rehabilitation: SB 5892

- Local exchange companies providing enhanced telecommunications services, regulatory provisions, formation of subsidiaries requirement: SB 5732
- Oil company pricing practices, regulation of, duties: SB 5313
- Public utility districts' actions made subject to jurisdiction and control of commission: SB 6065
- Resident freight brokers and forwarders to be bonded and registered: SB 5800
- Steamboat operators, regulation revisions: SB 5647
- Telecommunications companies, tariff reduction to promote service authorized for not more than sixty days: SB 6144, SSB 6144
- Telecommunications devices for the deaf, rate setting: SB 6377, SSB 6377
- Telecommunications relay service excise tax, utilities and transportation commission to determine amount of tax necessary to fund program based on information provided by the office of deaf services: *SSB 6377, CH 144 (1992)
- Telecommunications relay system, discounted long distance rates for service in conjunction with system required: *SSB 6377, CH 144 (1992)
- Telecommunications services, temporary price reductions may be authorized to promote a telecommunication service: *SHB 2465, CH 68 (1992)
- Telephone excise tax ceiling raised to fourteen cents per month per telephone line to fund telephone relay system program: SHB 2769
- Trains, safety review of passenger train operating with less than two crew members, commission authorized to conduct in absence of collective bargaining agreement and to order two member crews: *SHB 2281, CH 102 (1992)
- Vessels hauling primarily freight required to have certificate of public necessity: SB 6449
- Water rates, joint select committee to study procedures for setting rates: SCR 8411
- Water systems, burden of proof on system to demonstrate that it is exempt from commission regulation: SB 5503, SSB 5503

UYEMURA, DENNIS

- Trustee, Bellevue Community College District No. 8,
GA 9043 123

VENDING MACHINES

- Recycling requirements established for machines located on passenger ferry or in highway rest area: SHB 2390

VETERANS

- "Desert Storm" and "Desert Shield" veterans included in definition of "veteran": SB 5991
- Assistance fund, allowable tax levy rate increased: SB 5131
- Charitable solicitations registration, director of veterans' affairs to be notified of application from entity purporting to raise funds to benefit, may advise secretary of state and attorney general regarding such entity: SHB 2637
- Charitable solicitations, written authorization required to use name of veterans' organization to solicit contributions: SSB 6246
- Counseling services for Persian Gulf veterans and families: SB 5865
- Desert Storm veterans made eligible for veterans' benefits: SB 6011, SSB 6011
- Disabled veterans, congress urged to allow military retirees to receive full retirement pay and full disability compensation: HJM 4027
- Hunting and fishing licenses, permanent free licenses for disabled veterans who have been residents for five years: SB 5426
- Middle east veterans affairs office, advisory council, created: SB 5696
- Persian Gulf theater, voluntary compensation for service of Washington residents in the Persian Gulf authorized, alternatives and conditions: SB 5843, SSB 5843
- Police officers and fire fighters, veterans credit allowed on civil service examinations for: SHB 1275
- Public employees' retirement system, "veteran" redefined for purposes of military service credit: SB 5414
- Public employees' retirement system, additional service credit for military service, one year for every five years of state service: SB 5257
- Skilled nursing care center in eastern Washington, planning and construction: SB 5035
- Submarine veterans of World War II, representation on the veterans' affairs advisory committee: SB 5243
- Veterans affairs advisory committee, revised membership provisions: SHB 2322, SB 6086, *SSB 6086, CH 35 (1992)

* - Passed Legislation

Vietnam veterans, payment for service in Vietnam combat zone, conditions, exceptions and alternatives: SB 5429

VETERANS AFFAIRS, DEPARTMENT OF

Advisory committee, membership and duties: SHB 2322, SB 6086, *SSB 6086, CH 35 (1992)
 Charitable organizations, notification by secretary of state of registration application from entity that claims to raise funds to benefit veterans: SSB 6246
 Charitable solicitations registration, director to be notified of application from entity purporting to raise funds to benefit, may advise secretary of state and attorney general regarding such entity: SHB 2637
 Counseling services for Persian Gulf veterans and families, duties: SB 5865
 Middle East veterans affairs office, advisory council, created: SB 5696
 Skilled nursing care center in eastern Washington, planning and construction duties: SB 5035

VETERINARIANS

License to practice specialized veterinary medicine authorized, requirements to obtain: SSB 5576
 Specialized veterinary medicine, license to practice authorized, requirements to obtain: SSB 5576

VICTIMS OF CRIMES

Adult entertainment tax imposed, revenues to be used to compensate victims of crimes: SB 5845
 Attorney general authorized to investigate and prosecute a crime at the victim's request when prosecuting attorney has declined to prosecute: SB 6108
 Child sexual abuse victims, dissemination of identifying information about victim prohibited without consent of victim or victim's legal guardian other than as specifically allowed: SHB 2348
 Child sexual abuse victims, information revealing identity of child victims of sexual assault confidential and not subject to public disclosure, courts authorized to seal information identifying child victim: *SHB 2348, CH 188 (1992)
 Death penalty sentencing proceedings, victims and survivors of victims entitled to make victim impact statements at: SB 6245
 Drunk or intoxicated drivers may be required to attend educational program focusing on the emotional, physical, and financial suffering of victims: *SB 6295, CH 64 (1992)
 Families of homicide victims, counseling provided: SB 6174, *SSB 6174, CH 203 (1992)
 HIV testing of accused criminal offender, right to request HIV testing of the accused, procedures: SSB 5086, SSB 5236, 2SSB 5236
 HIV testing of accused sex offenders after first court appearance, disclosure of test results to victim: SSB 5086, SSB 5236, 2SSB 5236
 Harassment, notification of the victim and law enforcement of release from prison or mental hospital of person who was charged or convicted of felony harassment required: *SHB 2702, CH 186 (1992)
 Homicide victims, counseling benefits for the families of: HB 2255
 Homicide victims, counseling for families provided: SB 6174, *SSB 6174, CH 203 (1992)
 Identity of witnesses to and victims of crimes, information revealing the identity of witnesses and victims exempt from public disclosure: *SHB 2876, CH 139 (1992)
 Office of crime victims' advocacy created, crime victims' ombud created within office, powers and duties, confidentiality of records: SHB 2734, SB 6387, SSB 6387
 Senior citizens, penalties increased for crimes against: SB 6236
 Sex offense victims, evidence collection procedures: SB 6007
 Sex offense victims, medical care protocols: SB 6007
 Sexual assault and domestic violence victims, provision of chemical dependency services to: SHB 2477
 Sexual assault, prevention programs for persons at-risk of becoming victims of sex offenders, grant application requirements: SHB 2734, SB 6387, SSB 6387
 Victim-offender mediation program, referral of offender to, conditions and exceptions: SB 5623, SSB 5623, 2SSB 5623
 Victim-offender reconciliation program for juvenile offenders: SB 5163
 Victims' panel, person convicted of driving under the influence of intoxicants may be required to attend: SHB 2675, *SB 6295, CH 64 (1992)

VIDEO COMMUNICATIONS

Video telecommunications advisory board created to advise the information services board, membership and duties: SB 5842

VIDEO DISPLAY TERMINALS

Employers to use safeguards and practices to enhance employee health and safety: SB 5493

VIDEO GAMES

Card games authorized for play, licensing and approval requirements, tax imposed on licensed video card games: SB 6436

Video card games run by nonprofit organizations authorized, conditions and taxation: SB 5535

VIDEOTAPE

Interview of child in abuse and neglect cases by social and health services department to be recorded by audio or videotape when law enforcement officer is not present, admissibility of tape as evidence: SSB 6084

Interviews of child in abuse and neglect cases by department of social and health services to be videotaped when law enforcement officer is not present: SB 6084

Interviews with child in abuse and neglect cases by department of social and health services to be recorded by audio or videotape or written transcript when a law enforcement officer is not present: SB 6084

VITAL RECORDS

Burial-transit permit and death certificate, subdeputy registrar in each funeral home authorized to issue: SB 6380

Death certificate, completion and filing procedures revised: SB 6380

Fees for copies to be established by department of health to make vital records program self-sufficient: SB 5958

VITAL STATISTICS

Death certificates, issuance and filing of, revised requirements and procedures: SHB 2300

Death certificates, vital statistics task force created to report and make recommendations on issues relating to: SHB 2300

Death registration, revised provisions and procedures: SHB 2300

Final disposition or removal of body not allowed until authorized by local registrar of vital statistics: SHB 2300

Vital statistics task force created to report and make recommendations on issues relating to death certificates: SHB 2300

VOCATIONAL EDUCATION

Agricultural education, emphasis on environmentally sound practices: 2SSB 5181, SSB 5919

Aircraft maintenance training, community or technical college program funding: *HB 2812, CH 183 (1992), SB 6350, SSB 6350

Bringing education home act: SSB 5919

Course equivalencies, admission to four-year colleges and universities: 2SSB 5181, SSB 5919

Forest products workers, tuition waiver at vocational-technical institutions for unemployed workers: SB 5208

Funding formula, student/teacher ratio made an element: 2SSB 5181

High-technology education, study committee to identify issues related to leadership in: SCR 8427

Instructors, board of education to adopt baccalaureate equivalency standards: *SSB 5953, CH 141 (1992)

Job training trust fund created, funds to be used to train and retrain adults requiring vocational skills to be employed: SHB 2603

Local advisory committees to be established by institutions receiving state fund for vocational programs, consultation duties: SSB 5919

Local planning including equipment purchases: 2SSB 5181

Private vocational schools, revised provisions relating to funding board administrative activities and handling of claims and complaints: SHB 2423

Private vocational schools, tuition recovery fund, increase in minimum operating balance through incremental licensee payments: SHB 2423

Staff to student ratio established for high schools: SB 6180, SSB 6180

Student/teacher ratio: 2SSB 5181

Teacher recruitment and training provisions: 2SSB 5181

Voc Ed Works 2000 program: 2SSB 5181, SSB 5919

Work force training and retraining, task force on to study funding structure and sources: HCR 4433

VOCATIONAL REHABILITATION

Transportation and child or dependent care costs related to worker's participation in rehabilitation program allowed as approved costs: HB 2765

VOGNILD, SENATOR LARRY L.

Point of Order, Amendment to SSB 6262 675
 Parliamentary Inquiry, Clarification of Amendment
 to SB 6261 691
 Protest - Working through dinner hour and short
 lunch breaks 1101
 Point of Order, Committee amendment to HB 2290 1126

VOLUNTEERS

Background checks on prospective volunteers who may have unsupervised access to children, developmentally disabled, or vulnerable adults, revised provisions: SB 5931
 Center for volunteerism and citizen service act, center for voluntary action renamed and its duties enhanced: *SHB 2735, CH 66 (1992)
 Community outreach for health pilot programs, establishment and duties: SB 6034, SSB 6034
 Community outreach health programs, assistance in establishing pilot local programs using volunteers: SSB 5650
 Emergency medical service district workers, death, disability, and pension benefits for: SB 5335, SSB 5335
 Emergency medical service district workers, inclusion in benefits available under the volunteer fire fighters relief and pension fund: 2SSB 5335
 Emergency services volunteers, state colleges and universities to grant paid leave to employees in training or on call as: SB 5417
 Gatekeeper outreach program established to assist impaired elderly persons living in their own homes: SB 6034, SSB 6034
 Immunity from civil liability, conditions and limitations: SB 6002, SSB 6002
 Negligence involving motor vehicle operation, liability and limitations: SSB 6002
 Rehabilitation of criminal offender, use of criminal history background check to determine status of prospective volunteer: SHB 2055
 Retired senior citizen volunteer programs, funds distribution: *HB 2374, CH 65 (1992), SB 6181
 Search and rescue grant program established: SB 5206
 Senior environmental corps created, goals: *SHB 2560, CH 63 (1992)

von REICHBAUER, SENATOR PETER

Point of Order, Amendment to committee amendment to
 ESHB 2643 886
 Personal Privilege, Acknowledges Senator Talmadge as
 new Senator from Vashon Island 1677

VOTING

Absentee voters, eligibility for ongoing absentee voter status expanded: HB 2403
 Absentee voters, requirements for ongoing absentee voter status, revised provision: SB 6200
 Absentee voting, registration to vote by absentee ballot allowed up to twenty days before election: SB 5618
 Address verification, revised procedures for verifying registrant's address: SB 5433
 High school students, registration of: HB 1073
 Identification documents and information, falsification by voter registration applicant is class C felony: SB 6364, SSB 6364, 2SSB 6364
 Jury source list, merger of list of persons issued a driver's license and list of all registered voters, plan requirements: SB 5026, SSB 5026
 Mail voter registration: SHB 1310
 Mail voting, nonpartisan special election may be conducted by mail in precincts with less than two hundred voters, conditions: SHB 1501, SB 5600
 Mail voting, primary or special election may be held by mail under specified conditions, voting and canvassing procedures established: SHB 1501
 Official ballot count to be made at precinct polling place, procedures: SB 5777
 Voter card issued to registrant to include words, "not valid for identification purposes": 2SSB 6364
 Voter qualifications, revision of provisions relating to who is eligible and ineligible to vote: SJR 8222

* - Passed Legislation

- Voter registration allowed until fifteen days before election: SB 5177
- Voter registration, fraudulent documents or false information, registrar notice to applicant that use is class C felony: SB 6364, SSB 6364, 2SSB 6364
- Voter registration, high school student registration: HB 1073
- Voter registration, registration up to fifteen days before election allowed for absentee voting: HB 1217
- Voters' pamphlet explanatory statement to summarize laws repealed by a ballot measure: SB 6080

VOZENILEK, DR. Z. J.

- 27th District Constituent introduced, achievements recognized, SFR 1992-8726 1465

VULNERABLE ADULTS

- Background checks for workers having access to children or vulnerable adults, merger of double amendments to provisions concerning: SB 6102
- Background checks on applicants for employment and volunteers who may have unsupervised access, revised provisions: SB 5931
- Criminal history background check of persons associated with licensed agency or facility for convictions and rehabilitation status: SHB 2055
- Criminal offenders, employment involving provision of services to vulnerable adults, disqualification for three to five years of certain criminal offenders depending on gravity of offense: *SHB 2055, CH 104 (1992)
- Licensure requirements for facilities providing services to vulnerable adults, conditions set for consideration of employment of persons with criminal history following period of disqualification: *SHB 2055, CH 104 (1992)

WAGES AND HOURS (See also MINIMUM WAGE)

- Automobile salespersons, overtime compensation requirements met by paying the greater of one and one-half the hourly rate for work in excess of forty hours a week or commission, salaries, or salaries plus commission: *SHB 2845, CH 94 (1992)
- Child labor laws, enforcement, penalties for violations: SB 5154
- Child labor, employer records requirements: SB 6442, SSB 6442
- Child labor, employment of children under age sixteen, hours and conditions: SB 6442, SSB 6442
- Child labor, joint select committee on nonagricultural child labor established: SB 6442, SSB 6442
- Child labor, prohibited employment: SB 6442, SSB 6442
- Commissions, principal's obligations for payment to sales representatives: SB 6120, SSB 6120
- Garnishment, forty times state minimum wage per hour made one measure of wages exempt from: HB 2405
- Intrastate rapid rail transportation, prevailing wage to be paid on all public works development and construction projects: SB 5890, SB 5901
- Minimum wage, enforcement of wage and hour standards: SB 5404
- Overtime compensation requirements for automobile salespersons met by paying the greater of one and one-half the hourly rate for work in excess of forty hours a week or commission, salaries, or salaries plus commission: *SHB 2845, CH 94 (1992)
- Overtime pay, employees may voluntarily agree to work more than eight-hour day or forty-hour week: SB 5409
- Overtime, enforcement of wage and hour standards: SB 5404
- Port districts, compensation of nonunion employees through lump-sum or bonus payments prohibited: SB 5636
- Prevailing wage law, failure to comply with, liability of state or local agency: HB 1246
- Prevailing wage law, intrastate rapid rail transportation projects: SB 5546
- Prevailing wage, certification of hourly rate at least equal to, requirements: SB 5308
- Prevailing wage, statute not applicable to renovation or construction of common schools: SB 5282
- Prevailing wage, to be paid on public works estimated to cost more than one hundred thousand dollars, posting requirements: SB 5662
- Public works, certification of hourly rate at least equal to prevailing wage, requirements: SB 5308
- Public works, prevailing wage requirements limited to on-site workers: SB 6422
- Sales representatives and principals, regulation of contractual relationship between representatives and principals including payment of wages and commissions: *SSB 6120, CH 177 (1992)
- Sales representatives, principal's obligations for commission payment: SB 6120, SSB 6120
- School construction and renovation projects, prevailing wage statute not applicable to: SB 5282

* - Passed Legislation

Wage payment laws, civil penalties for violations of: SB 5155

WAHAKIAKUM COUNTY

Puget Island ferry funding: SB 6306, *SSB 6306, CH 82 (1992)

WALLA WALLA COMMUNITY COLLEGE DISTRICT NO. 20

Alexander Swantz, Reappointed Trustee, GA 9231 41

WARD, DOUG

Member, Board of Pilotage Commissioners, GA 9273 105

WASHINGTON, MISS

So Young Kwon, Introduced and addressed Senate 730

Scholarship pageant contestants in gallery introduced 731

WASHINGTON SCHOLARS

SFR 1992-8730 1402

WASHINGTON STATE UNIVERSITY

John Ellis, Member, Board of Regents,

GA 9268, Confirmed 78,794,1083

Scott Lukins, Reappointed Member, Board of Regents

GA 9269, Confirmed 79,794,1191

Agricultural policy, joint select committee to study: SCR 8404

Aquatic animal health and disease training program, duties: SB 5198

Aquatic animal health diagnostic and extension laboratory and certification service: SB 5198

Center for sustaining agriculture and natural resources established, activities and duties: SB 5317, SSB 5317

Enrollment, state-funded enrollment level increased: SSB 5174

Enrollment, state-funded enrollment level increased, funding provisions: SB 5814

Fish and wildlife considerations, to report on integration with existing curriculum in the agriculture department and the cooperative extension service: SHB 2628

Fish and wildlife habitat protection, extension service to make information available to agricultural and range managers: SHB 2628

Food and environment quality laboratory established, duties: SB 5317, SSB 5317

International marketing program for agricultural commodities and trade (IMPACT) continued: *HB 2316, CH 95 (1992)

International marketing program for agricultural commodities and trade at Washington State University, sunset date extended: SB 6022

International marketing program for agricultural commodities and trade, sunset provisions repealed: SB 6022

Regents, two student members to be appointed to the board of regents: HB 1218, SB 6418

Technology center, collaborative effort between colleges and universities, private industry, and government, Washington State University and University of Washington to provide staff, faculty, and facilities: SB 6472, SSB 6472

WASTEWATER

Discharge fees, permit fee schedule for municipalities modified: SB 5700

Effluent water processing and commercial use, tax exemptions to encourage: SB 5736

Greywater, potential uses and effects, report to legislature: SSB 6391

Municipal water discharge fees, revised provisions: SB 5608

Net pen waste disposal permits not required for pens producing less than twenty thousand pounds of fin fish annually: SSB 5269

Pulp and paper mills discharging chlorinated organics, department of ecology may require that each submit an engineering report on cost of installing technology to reduce discharges, restrictions on establishing limits on discharges: *2SSB 5724, CH 201 (1992)

Pulp mills, issuance of permits for discharge of chlorinated organic compounds prohibited until federal government issues final guidelines: 2SSB 5724

Reclaimed water use, department to report to legislature on progress, compliance, and participation in the use of reclaimed water and the resulting savings of water: *SHB 2833, CH 204 (1992)

Reclaimed water, departments of ecology and health to adopt a single set of standards, procedures, and

- guidelines for land applications of reclaimed water: *SHB 2833, CH 204 (1992)
- Reclaimed water, departments of health and ecology to adopt a single set of standards, procedures, and guidelines for the industrial and commercial use of reclaimed water: *SHB 2833, CH 204 (1992)
- Reclaimed water, lawful users of reclaimed water prior to effective date of act exempted from compliance with standards, procedures, and guidelines adopted by the departments of health and ecology before July 1, 1995: *SHB 2833, CH 204 (1992)
- Treated wastewater, department of ecology to adopt standards for land applications: SHB 2833, SB 6391
- Water discharge fees to be set to recover fee eligible expenses except indirect and administrative expenses: 2SSB 5534
- Water discharge fees, limitations on increases in fees for permits issued by department of ecology: 2SSB 5534

WATER

- Agricultural water purveyors completing an application for proceeds from sale of bonds to identify whether and how rate structures could provide an incentive to water users to conserve water: SHB 2629
- Bottled water, health and manufacturing standards established regarding bottled water: *SHB 2747, CH 34 (1992), SB 6015, SSB 6015
- Boundary review boards, county may waive review of water and sewer extensions by: SB 6085, *SSB 6085, CH 162 (1992)
- Cities and towns authorized to issue revenue bonds to finance water conservation programs: *SB 6028, CH 25 (1992)
- Conservation and efficiency to be emphasized in comprehensive state water resources management policy: SB 5736
- Conservation of water, programs to increase instream flows in areas where wild salmonids are in decline: SHB 2629
- Conservation or more efficient use, cities may issue bonds for purposes of: SB 6258
- Conservation performance standards, plumbing fixtures to meet standards, testing and identification requirements: SB 5690, SB 5736
- Conservation programs, economic incentives offered to water users to conserve: SHB 2629
- Conservation programs, local government must implement program to qualify for public works board loans: SB 6258
- Conservation, public water system source meters required: SB 6258
- Conservation, rate techniques to encourage: SB 6258
- Conservation, water-efficient landscaping encouraged: SB 6258
- Counties authorized to issue revenue bonds to finance water conservation programs: *SB 6028, CH 25 (1992)
- Drinking water quality, federal environmental protection agency given primary responsibility for regulation of safe drinking water act: SB 6493
- Drinking water quality, investigation of consumer complaints regarding: SB 6455
- Ground water removal applications, approval or denial to be made within nine months: SB 5013
- Hydraulic projects permits, fees imposed upon applicants for: SB 5609
- Hydroelectric projects, declaration that state has no regulatory authority over federally owned or licensed hydroelectric projects: SB 6475
- Hydroelectric projects, state has no regulatory authority over federally owned or licensed unless authority granted by federal government: SSB 6475
- Hydropower plan, task force to prepare state comprehensive hydropower plan, extension of task force and revision of duties: SB 6475
- Interagency committee for water resource funding created: SB 5339
- Irrigation equipment, tax exemptions for purchase and installation of water conserving equipment: SB 5736
- Management, areas without significant water resource problems designation: SSB 5765
- Minimum water flow levels for salmonid recovery, department of ecology to prioritize evaluation and implementation of minimum flow levels in basins with declining salmonid stock: SHB 2629
- Permits established by department of ecology, fee increases limited to six percent per year: SB 5040
- Property damage from increase in flow of natural watercourse, liability for damages of person responsible: SSB 5145
- Public water systems, annual operating permit requirements: SB 5551, SSB 5551
- Public water systems, operator certification and registration requirements: SSB 5552
- Rates, joint select committee to study procedures for setting water rates: SCR 8411
- Reclaimed water use, department to report to legislature on progress, compliance, and participation in the

use of reclaimed water and the resulting savings of water: *SHB 2833, CH 204 (1992)

Reclaimed water, department of health to develop guidelines for land application use, pilot projects authorized: SSB 6391

Reclaimed water, department of health to develop standards for limited use: SHB 2833, SB 6391

Reclaimed water, department of health to form advisory committee to provide technical assistance to develop standards for limited use: *SHB 2833, CH 204 (1992)

Reclaimed water, departments of ecology and health to adopt a single set of standards, procedures, and guidelines for land applications of reclaimed water: *SHB 2833, CH 204 (1992)

Reclaimed water, departments of health and ecology to adopt a single set of standards, procedures, and guidelines for the industrial and commercial use of reclaimed water: *SHB 2833, CH 204 (1992)

Reclaimed water, lawful users of reclaimed water prior to effective date of act exempted from compliance with standards, procedures, and guidelines adopted by the departments of health and ecology before July 1, 1995: *SHB 2833, CH 204 (1992)

Reclaimed water, review and evaluation of use and effects, ecology and health departments to report to legislature: SSB 6391

Resources management, comprehensive water resources management policy to further conservation and efficiency in use of water: SB 5736

Safe drinking water act, federal environmental protection agency given primary responsibility for regulation: SB 6493

Surface mining reclamation, protection of ground and surface water: SB 6119, SSB 6119

Waiver by county legislative authority of review of water and sewer extensions by boundary review board: SB 6085, *SSB 6085, CH 162 (1992)

Water resource policy, extension of joint select committee on, revised duties: SSB 5716

Water, bottled, health and manufacturing standards established regarding bottled water: *SHB 2747, CH 34 (1992), SB 6015, SSB 6015

WATER COMPANIES

Utilities and transportation commission, burden of proof on system to demonstrate that it is exempt from regulation: SB 5503, SSB 5503

WATER DISTRICTS

Bidding practices on public works, revised provisions: SHB 2505

Condemnation proceedings, valuation of system to be purchased to include property assets contributed by customers and system improvements: SB 6453

Deposit of funds received: SB 5451

Insurance, authority to provide to employees: SB 5451

Property, sale provisions revised: SHB 2505

Public works, award of contract for, criteria for making award, revised provisions: SHB 2409

Public works, lowest responsible bidder, additional criteria for determination of: SHB 2409

Service lien, acquisition of title to property subject to, order of discharge of liens: SB 5451

Small works rosters, process for districts to award contracts on works estimated to cost less than fifty thousand dollars: SHB 2505

Water conservation, evaluation of delivery rate structures to encourage: SHB 2629

WATER POLLUTION

Animal waste pollution, conservation districts encouraged to contract with shellfish protection districts to control: *SSB 6132, CH 100 (1992)

Boat waste reduction efforts, revised funding provisions and consideration of portable pumpout facilities: SB 6059

Shellfish growing areas, land use element of comprehensive plan expanded to include protection of marine water quality in: SHB 2363

Shellfish habitat protection and restoration program, state and local government authority to protect harvest areas from water-borne pollution: SB 6059

Shellfish protection districts and programs, authority to create for protection of shellfish growing areas from animal waste and failing on-site sewage system pollution: *SSB 6132, CH 100 (1992)

Shellfish protection districts, creation and operation of district, revised procedures and deadlines, powers of county legislative authority revised: *SSB 6132, CH 100 (1992)

Shellfish protection districts, fees, charges, and rates, authority of county legislative authority to fix, alter, and control, confined animal feeding operations and other facilities exempted from: *SSB 6132, CH 100

(1992)

Watershed management areas, authority and procedure for counties to create for the purpose of funding water resource protection programs: SB 6059

Watershed protection programs, financing options including county taxes, fees, bond issues, and a high priority for state financial assistance, limitations on charges and fees to confined animal feeding operations: SHB 2363

WATER QUALITY

Ballast water, coast guard requested to prohibit dumping in United States waters: SJM 8002

Citizen suits for water quality enforcement: SB 5074, SB 5145, SB 5355

Drinking water, federal environmental protection agency given primary responsibility for regulation of safe drinking water act: SB 6493

Interagency committee for water resource funding created: SB 5339

Municipal water discharge fees, revised provisions: SB 5608

Pesticide application guidelines to protect water quality: SB 5074

Puget Sound water quality agency, extension of authority to protect Sound: SB 5074, SB 5355, SSB 5355

Pulp and paper mills discharging chlorinated organics, department of ecology may require that each submit an engineering report on cost of installing technology to reduce discharges, restrictions on establishing limits on discharges: *2SSB 5724, CH 201 (1992)

Pulp mills, issuance of permits for discharge of chlorinated organic compounds prohibited until federal government issues final guidelines: 2SSB 5724

Septic system, seller to disclose existence before sale of property in sensitive area: SB 5074, SB 5145, SB 5355, SSB 5355

Storm water control programs required as part of comprehensive plan: SB 5074, SB 5145, SB 5355, SSB 5355

Violations, civil and criminal penalties: SB 5074, SB 5145, SB 5355

Waste oil demonstration projects: SB 5074, SB 5145, SB 5355, SSB 5355

Water discharge fees to be set to recover fee eligible expenses except indirect and administrative expenses: 2SSB 5534

Water discharge fees, limitations on increases in fees for permits issued by department of ecology: 2SSB 5534

WATER RIGHTS

Claims with priority date prior to June 6, 1917, filing with department of ecology, procedure and filing in claim registry: SB 5389

Reservation of water rights by counties, issuance of permit and protection of senior water rights and minimum flow levels, revised provisions: SB 6050

Seasonal use right change to yearly use right, transfer criteria: SSB 5807

Trust water rights, acquisition and management by department of ecology: SB 5736

WATSON, BENJAMIN L.

Reappointed Member, Board of Pilotage Commissioners,

GA 9272 105

WEEDS

County noxious weed control board may classify land as range or scab land for weed control purposes: SB 5755

Noxious weed control, state agencies with management control over federal or state public lands subject to control requirements: SB 5614

WEIGHTS AND MEASURES

Agriculture department consumer protection program to be funded by general fund and device inspections activities to be funded on a fee-for-service basis until office of financial management concludes study of: *SSB 6483, CH 237 (1992)

Calibrator, license required, application and fees: SB 6483, SSB 6483

Certification, inspection, testing, and enforcement provisions revised, department of agriculture and city sealer duties relating to: *SSB 6483, CH 237 (1992)

City sealers, enforcement of weights and measures provisions, powers and duties: SB 6483, *SSB 6483, CH 237 (1992)

* - Passed Legislation

Commercial weighing and measuring instruments, technical requirements: SB 6483, *SSB 6483, CH 237 (1992)
 Definitions: SB 6483, *SSB 6483, CH 237 (1992)
 Inspection and testing fees, department of agriculture to convene a task force to recommend the appropriate level of fees before setting or changing fees: *SSB 6483, CH 237 (1992)
 Instruments to be inspected for accuracy at least once every two years, official seal of approval required: SB 6483, *SSB 6483, CH 237 (1992)
 Revision of statutes relating to: SB 5785
 Weights and measures programs, office of financial management to conduct review of: *SSB 6483, CH 237 (1992)

WELLS

Delegation of water well construction enforcement authority to local government agencies: *SHB 2796, CH 67 (1992)
 Identification and tagging of existing water wells, department of ecology to undertake pilot project: SB 5306
 Water well construction, improper notice, civil penalty increased for second or subsequent violation: SB 5400
 Water well construction, revised regulatory provisions: SB 5306

WENATCHEE VALLEY COMMUNITY COLLEGE DISTRICT NO. 15

Dale Brighton, Trustee, GA 9185	36,790
Wendell George, Trustee, GA 9287	290
Alicia Nakata, Trustee, GA 9215	36,792

WENDLE, CAROL A.

Member, Spokane Joint Center Board of Governors, GA 9233, Confirmed	36,88,381
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WEST, SENATOR JAMES E.

Motion to add Senator Wojahn as sponsor of ESB 6031	233
Point of Order, Subject matter of SB 6124 beyond cutoff resolution	840
Points of Order, Amendments to committee amendment to SHB 1258	923,924
Points of Order, Amendments to amendment to SSB 6286	1857,1858

WESTERN STATE HOSPITAL

Assaults on state employees at, department of labor and industries to conduct study of causes and solutions to assaults: SB 6268
 Institute for the study and treatment of mental disorders, community mental health program responsibilities: *SB 6319, CH 230 (1992)
 Institute for the study and treatment of mental disorders, training of community service providers and hospital staff, funding approval: *SB 6319, CH 230 (1992)
 Mentally ill patients, hospital to become clinical center for handling the most complicated long-term care needs of patients with primary diagnosis of mental illness: *SB 6319, CH 230 (1992)

WESTERN WASHINGTON UNIVERSITY

Enrollment, state-funded enrollment level increased: SSB 5174
 Enrollment, state-funded enrollment level increased, funding provisions: SB 5814
 Trustees, one student member to be appointed to the board of trustees: HB 1218, SB 6418

WETLANDS

Activities exempt from regulation by local governments when conducted on wetlands: SB 6096
 Development regulations, adoption by local governments, provisions to establish greater consistency among local jurisdictions within the state: SB 6096
 Development regulations, county with population under two hundred thousand may remove itself from requirements: SB 6096
 Inventory map of land to be prepared before adopting development regulations, notice requirements: SB 6255, SSB 6255, 2SSB 6255

- Local jurisdictions to use criteria in United States army corps of engineers delineation manual to designate and regulate: SB 6254
- Local regulations, required contents of locally adopted wetlands protection regulations: SB 6096
- Mapping, community development department to study feasibility of contracting with federal, state, and private agencies to expedite development of wetland maps for use by local governments: SSB 6255, 2SSB 6255
- Regulatory takings of private property, owner or user right to compensation established, exceptions and alternatives set out: SB 6201

WHATCOM COMMUNITY COLLEGE DISTRICT NO. 21

- Inez Johnson, Reappointed Trustee, GA 9203 41,791
- Bernie Thomas, Reappointed Trustee, GA 9040 122

WHISTLEBLOWERS

- Civil actions based on reprisal or retaliation, court may award costs as well as reasonable fees to prevailing party: *SSB 5121, CH 118 (1992)
- Government contractor or subcontractor, provisions extended to employees of: SB 6497
- Local government, governing body to adopt policy and procedures for reporting improper governmental action: *SSB 6321, CH 44 (1992)
- Local government, retaliatory action against employee who provides information in good faith prohibited, adjudicative hearing procedures: *SSB 6321, CH 44 (1992)
- Model whistleblower programs, state auditor to establish and consult with committee to develop: SB 6321
- Protection for, revised provisions: *SSB 5121, CH 118 (1992)
- Reprisal or retaliation against, human rights commission may fine violator and issue order to suspend violator for up to thirty days: *SSB 5121, CH 118 (1992)
- Retaliatory actions by employer against employee who makes good faith report of potential wrongdoing prohibited, remedies: SB 5871
- State auditor, duty to acknowledge and investigate reports received from whistleblowers, revised provisions: *SSB 5121, CH 118 (1992)
- Whistleblower, definition: *SSB 5121, CH 118 (1992)

WILDLIFE

- Agricultural and grazing practices, development of practices that protect riparian-associated fish and wildlife habitat: SHB 2628
- Big game, penalties increased for violations involving: SB 5102, SSB 5102, 2SSB 5102
- Commercial trafficking in wildlife, penalties increased: HB 2535
- Endangered species, penalties increased for violations involving: SB 5102, SSB 5102, 2SSB 5102
- Enforcement personnel, consolidation of enforcement officers into state patrol fish and wildlife enforcement division: SB 6046
- Exotic wild animals or native wildlife raised in captivity, director of agriculture authorized to make and enforce health rules relating to: SB 6274
- Fish and wildlife education council to raise and distribute funds for public school environmental education programs that emphasize species conservation and projects in fish and wildlife preservation and management: SHB 2630
- Illegal traffic in wildlife, penalties for commercial trafficking increased: HB 2535
- Mitigation of negative impacts to wildlife, department of wildlife duties: SB 5101
- Preservation of open spaces and purchase of recreational and wildlife lands, reservation of funds in bond debt service retirement account for: SB 5952
- State patrol, fisheries patrol officers and wildlife agents, consolidation into fish and wildlife enforcement division within: SB 6046
- State wildlife and recreation lands management act adopted: *SHB 2594, CH 153 (1992), SB 6257, SSB 6257
- Union Bay wildlife habitat management area established: SHB 1448
- Wildlife and recreation lands management, task force to develop and report recommendations on funding sources for: *SHB 2594, CH 153 (1992), SB 6257, SSB 6257
- Wildlife violator compact, department of wildlife authorized to enter into: HB 2534

WILDLIFE COMMISSION

- Mitchell S. Johnson, Member, GA 9205 36

Terry Karro, Reappointed Member, GA 9207 37
 Director of wildlife to be appointed by the wildlife commission and to serve at their pleasure: SB 6204
 Hunting and fishing fees, director and commission to make recommendations for changing rates for
 consumptive programs: SSB 5130
 Indian fishing and hunting rights outside reservation, agreement with department not effective without
 commission approval: SSB 5157
 Membership conditions modified: SB 5979
 Pheasant hunting enforcement punchcard for western Washington, commission to establish by rule: 2SSB
 5753

WILDLIFE, DEPARTMENT OF

Consumptive and nonconsumptive programs, expenditures to be segregated into, legislative budget committee
 duties: SSB 5130
 Cutthroat trout, to implement experimental captive broodstock program for wild sea-run: SHB 2626
 Director of wildlife to be appointed by the wildlife commission and to serve at their pleasure: SB 6204
 Expenditures to be segregated into consumptive and nonconsumptive activities categories, legislative budget
 committee duties: SSB 5130
 Fisheries, department of, legislative budget committee to study feasibility of merging with department of
 wildlife: HB 2366
 Game fish, purchase of resident game fish from aquatic farmer allowed for stocking for mitigation purposes,
 requirements: SSB 5343
 Habitat management practices, to develop best practices with technical advisory committee and other state
 agencies and parties: SHB 2628
 Habitat management practices, to study methods of application as standards to agricultural and grazing lands
 owned or managed by agency: SHB 2628
 Hunting dog training, workout, field trial, and show area to be developed, duties: SB 5211
 Hydraulic projects permits, fees imposed upon applicants for: SB 5609
 In-lieu tax distribution, additional county sales and use tax equalization account distribution to replace
 department's: SHB 2520
 Indian fishing and hunting rights outside reservation, agreement with department not effective without
 commission approval: SSB 5157
 Indian fishing and hunting rights outside reservation, limit on power of department to grant: SB 5157
 Joint select committee established to study: SCR 8409
 Mitigation of negative impacts to wildlife, departmental duties: SB 5101
 Pheasant hunting permit for western Washington required, harvest limits: *SB 6221, CH 41 (1992)
 Recreational fishing licenses, director to administer: SB 5764
 Recreational fishing licenses, director to establish administrative rules for combined license format: SB 5764
 Salmon and steelhead, committee created to develop comprehensive plan to protect and strengthen stock,
 department duties: SB 6151
 Salmon and steelhead, department to develop plan with fisheries department to accurately record catches:
 SB 6150
 Salmon and steelhead, department to pursue authority to lethally remove nonendangered marine mammals
 preying on: SSB 5666
 Salmon and steelhead, incentives to improve reporting accuracy to be examined: SB 6150
 Senior environmental corps created, powers and duties: *SHB 2560, CH 63 (1992)
 Steel jaw traps use restricted, permit required to use to alleviate animal nuisance problem: SB 5459
 Union Bay wildlife habitat management area established, responsibilities: SHB 1448
 Upland game bird permits, revised recordkeeping requirements and harvest limits for western Washington
 pheasant: *SB 6221, CH 41 (1992)
 Upland game bird populations and habitat restoration, department to study: 2SSB 5753
 Upland wildlife habitat advisory committee created, membership and duties: 2SSB 5753
 Western Washington upland game bird permits, fees set: 2SSB 5753
 Wild salmonid review and inventory team, departments of fisheries and wildlife to establish, membership
 and duties: SHB 2626
 Wildlife and fisheries departments transferred to department of natural resources: SB 5971
 Wildlife and fishery patrol officers, commensurate salaries recommended: SCR 8410
 Wildlife commission to appoint director of wildlife who will serve at their pleasure: SB 6204
 Wildlife violator compact, department authorized to enter into: HB 2534

WIRETAPPING

Child sexual abuse, monitoring of conversations regarding not violation of privacy guarantees: SB 5905
 Pen registers, use authorized, conditions: SSB 5126
 Trap and trace devices, use authorized, conditions: SSB 5126

WISEMAN, JUDITH

Reappointed Member, Higher Education Coordinating Board, GA 9234 34,793

WITNESSES

Identity of witnesses to and victims of crimes, information revealing the identity of witnesses and victims exempt from public disclosure: *SHB 2876, CH 139 (1992)
 Workers' compensation, excluded from definition of worker for purposes of: SSB 5070

WOJAHN, SENATOR R. LORRAINE

Added as sponsor of ESB 6031 233
 Point of Order, Amendment to SB 6124 400

WOMEN AND MINORITY BUSINESSES

First class cities, solicitation and employment of women and minority businesses by contractors with, revised requirements: SHB 2481

WOOD BURNING STOVES

Emission reduction program, woodstoves and fireplaces: SB 5326
 Exemption from restrictions on use of stove or fireplace for persons over sixty-two when used for heating: SSB 5891
 Fabric burning restricted, including flags: SB 5073
 Task force on the testing and certification of solid fuel burning devices created, membership and duties: SB 6315

WOODHOUSE, ROSSALIND Y.

Reappointed Trustee, Central Washington University, GA 9284 224

WOODSIDE, ERIN

Second Alternate Dairy Princess introduced 166

WOOD PRODUCTS

Tropical hardwoods, government purchase of products made from prohibited, exceptions: SB 6310, SSB 6310

WORK FORCE TRAINING AND EDUCATION COORDINATING BOARD

Dale Boose, Member, GA 9255 46,214
 Al Brisbois, Member GA 9256 46,214
 John Carter, Member, GA 9257 46,214
 Karen Carter, Member, GA 9258 47,215
 Roberta J. Green, Member GA 9259 47,215
 Betty Jane Narver, Appointed Chair, GA 9260 47,215
 Marian Svinth, Member GA 9261 47,215
 Educational progress oversight panel created to report annually on progress of education reform, panel membership and report content requirements established: SSB 5953
 Private vocational schools, revised provisions relating to funding board administrative activities and handling of claims and complaints: SHB 2423
 Private vocational schools, tuition recovery fund, increase in minimum operating balance through incremental licensee payments: SHB 2423
 Public disclosure reporting, "executive state officer" redefined to include board members: SB 6228, SSB 6228
 Work force training and retraining, task force on to study funding structure and sources: HCR 4433

* - Passed Legislation

WORKERS' COMPENSATION

- Acting in course of employment, travel to and from work, employer transportation assistance, exclusion from definition: SSB 5532
- Annuities, purchase by self-insured employers authorized: *SSB 5342, CH 124 (1992)
- Appeals, notice of appeal and copy of record before board of industrial insurance appeals to be served on either the worker or the beneficiary and to any other party: SHB 2496
- Arrears in industrial insurance taxes, notice and order to withhold procedures modified: SB 5217
- Assessments, notice requirements: SB 6363
- Basic health plan, timber impact areas, designation of additional socially and economically integrated communities as timber impact areas by economic recovery board authorized: *HB 2821, CH 21 (1992)
- Chiropractic services, inclusion among services provided: HB 1627
- Civil infractions, burden of proof on state to establish infraction by clear and convincing evidence: SB 5410
- Claims reopenings for aggravation of disability, self-insured employers: SSB 5329
- Compensation during appeals, technical amendments to statute governing during appeal: SHB 2434
- Compensation rate, provisions revised for surviving spouse, permanent and temporary total disability payments: SB 5489
- Confinement in institution, compensation canceled during period of: SB 5533
- Consolidation of state and federal medical and health services and programs, legislative budget committee to determine feasibility and desirability of: SHB 2590
- Contractors, coverage information required as part of application for registration or license including coverage in state of domicile for workers employed in Washington: *SHB 2686, CH 217 (1992)
- Contractors, out-of-state, coverage in state of domicile required: SHB 2686
- Covered employment, exclusions modified: SB 5216
- Damages, actions for damages by injured workers against contractors with joint supervision and control of premises prohibited: SSB 5858
- Death benefits, calculation and payment procedures: HB 1281
- Death benefits, compensation rate for surviving spouse revised: SB 5489
- Definitions of terms revised: SB 5216
- Disability claims, self-insured employers, authority to close claims after July 1990: SB 5345
- Disability compensation, calculation for permanent and temporary disabilities: HB 1281
- Disability compensation, payments increased for permanent partial disabilities: HB 1280
- Disability compensation, reduction for social security benefits, reimbursement of attorney fees for establishing claim: SHB 1466
- Disability payments, amount subject to collection by the office of support enforcement, inclusion of share of fees and costs: SB 5869
- Discharged worker, employer eligible for expedited preliminary review, procedures: SB 5788
- Employers, workers' compensation insurance purchase from private insurance providers authorized: SB 5492
- Federal targeted jobs tax credit program, fee exemption for employers with less than fifty employees: SB 5789
- Federal targeted jobs tax credit program, strategies to increase employer participation, reduce paperwork: SB 5789
- Harbor and longshore workers, coverage made available to all longshore and harbor workers, plan required for those unable to purchase through the normal insurance market: SB 6322
- Health care services, authority to deny payment or demand reimbursement for inappropriate charges by provider: SB 6299, SSB 6299
- Health care services, provider eligibility to participate may be terminated or suspended for patterns of medically unnecessary or inappropriate health care: SSB 6299
- Health care services, provider eligibility to participate may be terminated or suspended if payment for services induced by fraud: SSB 6299
- Health care services, provider repayment of sums deemed owing, civil procedure: SB 6299, SSB 6299
- Hospital, definition in regard to self-insurers: SHB 2574, SB 6362
- Industrial insurance labor-management cooperation program, expiration date repealed: SB 6361
- Industrial insurance labor-management cooperation program, expiration date repealed and remainder of statute codified: SSB 6361
- Juror in transit to or from jury duty not acting in course of employment: SSB 5070
- Law enforcement officers and fire fighters, heart disease and cancer presumed to be occupational diseases: SB 5044
- Lien on third party recovery by worker, state or self-insurer, compromise provision: SB 5747, SSB 5747
- Longshore and harbor workers, coverage made available to all longshore and harbor workers, plan required

- for those unable to purchase through the normal insurance market: SB 6322
- Longshore and harbor workers, insurance commissioner to establish plan available to those unable to purchase coverage through normal insurance market: *SHB 2720, CH 209 (1992)
- Longshore and harbor workers, study authorized of feasibility of private and public insurance plans: SB 6322
- Longshore and harbor workers, unauthorized insurer prohibited from soliciting or providing insurance: SHB 2720
- Medical evaluation to determine previous disability and subsequent injury to occur within thirty days, procedures: SB 5788
- Medical examinations, payment for time lost while attending: HB 1285, SB 5487
- Medical services, health care practitioner reimbursement allowed if comparable reimbursement to another practitioner allowed: SB 6463, SB 6496
- Overpayments, collection procedures: SB 5218
- Partial disability, permanent, benefits increase: SB 5490
- Permanent disability, compensation rate revised: SB 5489
- Permanent partial disability benefits, increase: SB 5490
- Permanent total disability benefits, calculation: HB 1281
- Premium liability of workers removed: SB 5486
- Reconsideration of department order in favor of injured worker, employer obligation to timely submit all relevant information: HB 2435
- Recreational activity, employer promoted or sponsored, exclusion from coverage when cause of injury, exceptions: SB 5344
- Self-insured employers, annuities purchase authorized: *SSB 5342, CH 124 (1992)
- Self-insured employers, claims reopening for aggravation of disability: SSB 5329
- Self-insured employers, disability claims, authority to close after July 1990: SB 5345
- Self-insurers, "hospital" defined in regard to: SHB 2574, SB 6362
- Self-insurers, allowance or denial of a claim must be requested within sixty days: SHB 1463
- Self-insurers, appeal of decision by worker or employee, payment of attorneys' fees and litigation costs: SHB 1463
- Self-insurers, copy of employee's claim file must be provided upon request of employee: SHB 1463
- State employees, temporary total disability, dates for which compensation will be received: SB 5200
- Surviving spouse, option to choose lump sum payment equal to two years of monthly payments: SB 5218
- Tax arrearages, notice and order to withhold procedures modified: SB 5217
- Temporary total disability benefits, calculation: HB 1281
- Temporary total disability, compensation rate revised: SB 5489
- Temporary total disability, returning employee's health and welfare benefits continued or resumed at level provided at time of injury: SB 5488
- Uniform benefits package and workers' compensation, workers' compensation advisory committee to conduct study on the relationship between: SB 6089
- Unlawful practices, civil penalties: SHB 1464
- Vocational rehabilitation costs, transportation and child or dependent care costs related to worker's participation in rehabilitation program allowed as approved costs: HB 2765
- Vocational services, authority to deny payment or demand reimbursement for inappropriate charges by provider: SB 6299, SSB 6299
- Vocational services, provider repayment of sums deemed owing, civil procedure: SB 6299, SSB 6299
- Witnesses excluded from definition of worker: SSB 5070

WRECKERS AND WRECKING YARDS

- Dealers in vehicles and second-hand parts over thirty years old excluded from definition of "motor vehicle wrecker": SB 5142

WRIGHT, ARNOLD

- Trustee, Clover Park Technical College, GA 9254 48,214

WYSOCKI, PAUL J.

- Trustee, Seattle Community College District No. 6,
GA 9170 789

YAKIMA

- Urban schools grant program created, eligibility to apply for grant: SSB 5919

* - Passed Legislation

YAKIMA COUNTY

Criminal justice enhancement, appropriation to provide grant for: SB 5091

Criminal justice facility, appropriation to fund construction of: SB 5479

YAKIMA VALLEY COMMUNITY COLLEGE DISTRICT NO. 16

Dr. Gregory Trujillo, Reappointed Trustee,

GA 9041, Confirmed 123,904

ZONING

Family day-care provider, home is permitted use in all areas zoned for residential or commercial purposes:
SB 6491

Local improvement district assessment based on use not permitted by zoning law authorizes use of the
property in the manner assumed by the assessment: SB 5137, SSB 5137

Mobile home parks, land use requirements, application to certain cities and counties: SB 5186

Moratoria or interim zoning, state standards established to minimize impacts and avoid litigations: SSB 5727

Moratorium or interim zoning map, ordinance, or official control, public hearings, findings of fact, and
effective period requirements for adoption of: *SSB 5727, CH 207 (1992)

Oil transmission lines to conform to local zoning and environment codes: SB 5676, SSB 5676

School siting decisions, authority for state board of education to review denial of permit to build on proposed
site: SB 5364

Second-family residential units on existing single-family lots, variance to allow, conditions: SSB 5810

Shoreline master programs, local zoning to be considered in implementing: SB 6162