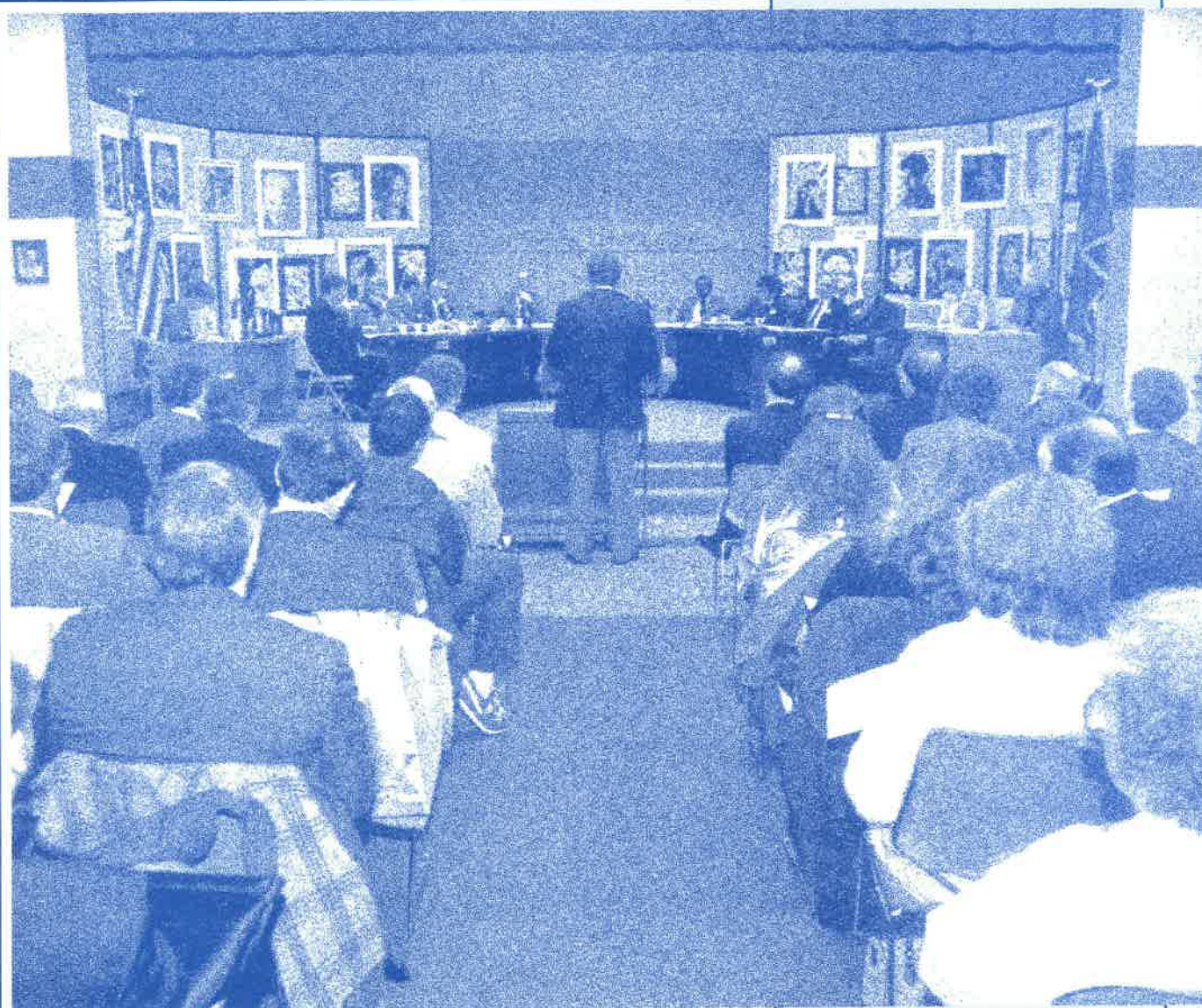


# 1990 INTERIM COMMITTEE REPORTS

STATE OF WASHINGTON  
SENATE COMMITTEE SERVICES

A summary of the major work done by the standing and joint committees of the Washington State Senate during the 1990 interim. Additional information is available from the committee or the staff contact listed following each topic.

Edward D. Seeberger, Director  
Senate Committee Services



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## AGRICULTURE (Senator Barr, Chair)

### Biological Control

The Committee has been examining the need for development of a state biological control program. Interest in this topic stems from concern over a number of non-native insects and weeds which have become severe menaces in this state. These pests have been unintentionally introduced from other parts of the world and because they came without their natural predators, were able to spread rapidly. Various states have initiated biological control programs for those situations where effective natural predators can be found to control pests which cannot be controlled by other means.

The Committee received updates from Washington State University and the state Department of Agriculture at both the May and September Committee meetings. The updates included a history of biological control in Washington and an assessment of the need for a coordinated program.

The Department of Agriculture has been preparing legislation for the upcoming session, assuming that funding is approved by the Governor's budget office. If the department's legislation is not approved by the Office of Financial Management, the Committee will consider introducing its own legislation patterned after the program developed by Oregon. (Staff Contact: Bob Lee)

### Wetlands

The Committee has been monitoring federal, state and local activities relating to wetland protection. During the summer the Committee toured a number of wetlands to better understand current federal programs administered by the Corp of Engineers and the Department of Agriculture. The tours showed the Committee the range of different areas that are now classified as wetlands including examples of high value wetlands and low value wetlands. Also being monitored are the various activities of state agencies regarding implementation of the Growth Management Act and the Governor's Wetland Executive Order. (Staff Contact: Bob Lee)

### Pest Control Products for Minor Crops

Many pest control products that were registered for use by the federal government in previous decades are now subject to re-registration under new more stringent federal testing procedures. The significant cost of complying with the new testing requirements for products that are used on what are considered as "minor crops" from a national perspective have raised concerns about the continued availability of pest control products for many of the crops grown in Washington State. Since many of the larger crops



## AGRICULTURE (Continued)

grown in Washington State are considered as "minor crops," the Committee has been reviewing the need for legislation to ensure the availability of adequate resources and incentives to encourage manufacturers to submit sufficient products to the re-registration process. The need to reintroduce SB 6526 has been the center of attention on this subject. (Staff Contact: John Stuhlmiller)

### Groundwater Quality

Staff has continued to monitor activity within the Department of Ecology regarding the proposed groundwater quality rules, including reviewing the Small Business Economic Impact Study examining the impact of the proposed rules on agriculture and other small businesses. (Staff Contact: John Stuhlmiller)

### Farmworker Housing

Staff has been monitoring the implementation of 2SSB 6780 which related to farmworker housing. The Committee was given an update on rule development as well as movement toward an intergovernmental agreement at the September 27 Committee meeting. (Staff Contact: John Stuhlmiller)

### Industrial Insurance

Staff has examined the impact of the Adams Fruit Co. v. Barrett court case on Washington State's Industrial Insurance System. The Committee heard this issue at the September 27 Committee meeting. Representatives of the Department of Labor and Industries, agricultural labor and employers presented testimony on the topic. The Committee was requested to consider the need to develop a resolution to Congress asking for amendments to the Migrant and Seasonal Agricultural Worker Protection Act. (Staff Contact: John Stuhlmiller)

### Recordkeeping

Staff has been monitoring the development of the Departments of Agriculture and Labor and Industries' pesticide recordkeeping forms and the possible need for legislation. This issue was discussed further at the October 16 Committee meeting in Wenatchee including a review of SB 6246. (Staff Contact: John Stuhlmiller)

### Right-to-Farm

Staff has been monitoring the adoption this summer of Right-to-Farm ordinances by a number of counties in Eastern Washington. These ordinances are similar to a state nuisance statute that is designed to protect farmers from nuisance actions or other

## AGRICULTURE (Continued)

restrictions that hamper the ability to conduct normal farming practices. The Committee received public testimony on the Right-to-Farm issue at a hearing on October 16 in Wenatchee regarding the reasons for the ordinances. The Committee received some suggestions for similar action at the state level including a review of state agricultural nuisance laws and a mission statement for the Department of Agriculture. (Staff Contact: Bob Lee/John Stuhlmiller)

### Purple Loosestrife Control

Purple loosestrife is a weed that first appeared in this state about 1977 and has spread to infest over 25,000 acres of wetlands. The weed creates a monoculture which is not a desirable habitat for birds and animals. The Legislature appropriated \$250,000 to establish a program that would begin to bring purple loosestrife under control. The Committee has been monitoring the program being developed by the Department of Wildlife to control purple loosestrife. (Staff Contact: Bob Lee)

### PIRT Review Panel

Staff has been monitoring the activities of the Pesticide Incident Reporting and Tracking Review Panel since its first operational meeting in February. The PIRT Panel has dealt with a number of major pesticide incidents already this year, and is in the final stages of establishing its policies and procedures. (Staff Contact: John Stuhlmiller)

## CHILDREN AND FAMILY SERVICES (Senator Smith, Chair)

### Links Between Social Services and K-12 Education

Staff is investigating interagency activities between DSHS, OSPI, and DCD, with particular attention to the Family Academy activities. In addition, coordination of client data for use in program and legislation analysis is being studied. (Staff Contact: Susan Mosborg)

### The Role of Midwives in Perinatal

Staff, in cooperation with House Committee staff, has developed a study outline, compiled a reading file, and met with interested parties. Staff will be interviewing education representatives, making site visits, and mailing out a survey to providers. A joint report is envisioned. (Staff Contact: Jan Sharar)

### Improving Foster Care

1. Foster Parent Survey -- Staff mailed over 5,200 surveys to current DSHS licensed foster parents, and foster parents who have terminated the provision of foster care in the past year. Staff tabulated information from 792 surveys. The results from the survey, both answers to the questions and a summary of additional comments, were incorporated into a report to the Committee presented at the September 28 hearing. (Staff Contact: Lidia Mori)
2. Early Appropriate Placement in Foster Care -- Through the survey results and numerous constituent cases from around the state, staff has become concerned about the policies and practice of the Division of Children and Family Services regarding placement of foster children with relatives and placement of children to achieve cultural or ethnic relevance. Both administrative and legislative solutions are being explored to address these factors and to eliminate placement disruption based on cultural or ethnic relevancy. (Staff Contacts: Lidia Mori/Jan Sharar)
3. Expansion of Foster Care Citizen Review Board Program -- Staff is comparing Citizen Review Teams with Foster Care Citizen Review Boards (FCCRB) to better understand the differences and similarities which exist between the two systems. Barriers to expansion of the FCCRB's are being examined. Concerns raised by Indian tribes are also being investigated. (Staff Contact: Lidia Mori)

## CHILDREN AND FAMILY SERVICES (Continued)

### Legal Services for Children

Staff is reviewing current statutes as to when a child has a right to an attorney under RCW 13.34 and RCW 13.32. Some inconsistencies exist and should be remedied. (Staff Contact: Lidia Mori)

### Child Welfare Caseworkers

Successful out-of-home care relies heavily on qualified and well trained caseworkers. Staff has inquired into the areas of qualifications and training. Prior to the end of the interim, staff plans to attend caseworker training seminars and review materials against outside standards. (Staff Contact: Jan Sharar)

### Contract for Monitoring Family Unification Efforts

Staff is reviewing laws of other states that use a contract to specify steps parents must take in order for their child to be returned home after removal by DSHS. Staff is also reviewing other states' laws, current literature, and soliciting information from knowledgeable people regarding the benefits and costs of defining in statute a time point when termination of parental rights proceedings shall commence, absent unusual circumstances. (Staff Contact: Lidia Mori)

### Out-of-Home Care for Older Children

Staff is collaborating on this issue with a group consisting of representatives from private residential care providers and the Division of Children and Family Services. The group is examining out-of-home care options for older children with an emphasis on the development of independent living skills. (Staff Contact: Lidia Mori)

### Out-of-Home Care for Drug Affected Infants

In conjunction with researching training for caseworkers, the staff is also investigating training for caregivers, including foster parents who deal with special needs children. Drug affected infants present very challenging situations to their caregivers and many times require intensive medical and rehabilitative treatments. (Staff Contact: Jan Sharar)

### Teen Pregnancy Prevention

A hearing on teen pregnancy prevention will be held on November 28, 1990. Staff is arranging presentations by agency representatives, researchers in the field, and an evaluator of the federal

## CHILDREN AND FAMILY SERVICES (Continued)

abstinence-based Adolescent and Family Life program. The teen pregnancy problem defies simple solution but there is a growing research base to help guide policy. A briefing paper by staff will be made available. (Staff Contact: Susan Mosborg)

### Children's Mental Health

The Steering Committee for the Statewide Action Plan on Children's Mental Health met regularly over the interim. Their report is due on December 1, 1990. Staff has worked closely with the Committee to monitor the policy development. Staff also monitored the King County Regional Support Network's development of its children's mental health plan. (Staff Contact: Susan Mosborg)

### Guardianship

During the 1990 legislative session, a bill passed correcting numerous deficiencies in the Washington State guardianship statute. Several revisions to this statute are being developed by a sub-committee of the Washington State Bar Association and other interested persons. (Staff Contact: Lidia Mori)

### Poverty in Washington State

The Senate Children and Family Services Committee, with the House Human Services Committee, held two public hearings and one work session around the state to get input on poverty issues. The hearings focused on FIP, education, grant standards, self-sufficiency, and other related subjects. (Staff Contact: Jan Sharar)

### At-Risk Youth

Staff supported the work of three citizen volunteer groups organized to develop background information, analysis, and policy recommendations for the Committee's consideration on the subject of "at-risk youth". The groups were: current statute and services, parents issues, and out-of-home care. A final meeting was held with all three groups together on November 9, 1990. (Staff Contact: Jan Sharar)

### Washington State Adoption Commission

This summer staff met with House and agency staff to organize the Commission. A series of four meetings was approved by the Commission at its first meeting on September 12, 1990. SCR 8429 requires the Commission to recommend state standards of practice for adoption practice. The Commission will conduct its final



## CHILDREN AND FAMILY SERVICES (Continued)

meeting on November 15, 1990, at which time the members will review its recommendations. (Staff Contact: Jan Sharar)

### Miscellaneous Program Evaluation

Staff has also participated with the LBC in the evaluation of the "First Steps Maternity Care Access Program" and the "State Operated Living Alternatives" (SOLA) program for persons moved from the residential habilitation centers. Ongoing "FIP Watch" meetings have been coordinated and attended by staff. (Staff Contact: Jan Sharar)

## ECONOMIC DEVELOPMENT AND LABOR (Senator Lee, Chair)

### Rural Revitalization

Promoting economic vitality in the rural regions of the state has been an ongoing issue in the Committee for several years. Since the early 1980s, numerous programs have been established or expanded to promote economic diversification in our state's distressed rural areas. A major component of the interim study is the review of rural development program activities and profiling their funding and staffing levels. A Committee hearing on this issue was held on June 1 in Yakima with a panel of individuals from several agencies outlining their role in meeting the development needs of rural regions. As a result of Committee discussion and direction, the panel members were requested to develop greater levels of coordination between the various agencies. It should also be noted the Service Delivery Task Force established under Substitute House Bill 2929 is also reviewing the issue of economic development programs and their delivery throughout the state with special emphasis on rural areas. A policy report is scheduled for distribution prior to session. (Staff contact: Patrick Woods)

### Service Delivery Task Force

The task force was established under Substitute House Bill 2929 to review the current system for the delivery of economic development services in Washington and make recommendations for improving the effectiveness of the state's development services especially in rural areas. The task force has held several meetings and requested legislative staff briefings on economic development programs and previous efforts to review the effectiveness of the state's delivery system. In addition, the task force held discussion groups throughout the state to determine the level of client satisfaction. The task force final report is scheduled to be delivered prior to the 1991 session. (Staff contact: Patrick Woods/Jack Brummel)

### Pacific Northwest Legislative Leadership Forum

The Legislative Leadership Forum which is comprised of legislative members from throughout Alaska, Oregon, Idaho, Montana, Washington, Alberta and British Columbia held their first conference in Seattle in October of 1989. The forum's goal is to facilitate greater economic cooperation throughout the region to ensure a healthy economy for the citizens of the Northwest. The specific areas of cooperation include human resources/worker training, telecommunications in higher education, value added wood products, creating markets for recycled materials, creating an environmental technology industry for the global economy and expanding joint tourism promotion. The forum held an organizational meeting on June 22 in Edmonton, Alberta and sponsored the North Pacific

## ECONOMIC DEVELOPMENT AND LABOR (Continued)

Goodwill Games Roundtable which included delegates from the Soviet Far East. The forum is actively pursuing new avenues of increased cooperation throughout the northwest and is holding its second conference in Seattle on December 13. (Staff contact: Traci Anderson/Patrick Woods)

### Apprenticeship

Staff conducted informational interviews with interested parties and has gathered extensive written materials regarding the organization and operation of the current state apprenticeship system, collecting and analyzing data reflecting trends in apprenticeship applications and enrollment, and preparing a briefing report describing the present system and the relevant policy issues. A hearing was held September 28 to examine models for expanding apprenticeship into non-traditional areas. In addition, Committee staff have monitored the promulgation of new administrative rules by the State Apprenticeship and Training Council. (Staff contact: Jonathan Seib)

### Employer-Assisted Child Care

The Committee has continued to monitor implementation of SB 6051 (1989), particularly the distribution of awards from the Child Care Facility Fund. In addition, staff gathered information and monitored efforts of the Department of Social and Health Services to streamline the licensing process to eliminate those requirements which are obstacles to employer-assisted child care. A hearing will be held on December 7 to allow DSHS and others to brief the Committee on efforts in this area. (Staff contact: Jonathan Seib)

### Workforce Training

Created this past session by SB 6411, the Advisory Council on Investment in Human Capital has been meeting regularly since their appointment in the Spring. Committee staff participated in the selection of the consultants hired to study our state's adult training system and present its findings to the council. Staff has made a presentation to the council on adult literacy and met with consultants and OFM staff to track the progress of the study. The Advisory Council is currently considering action options for recommendation to OFM and the Legislature. (Staff Contact: Jack Brummel)

### Apprenticeship Models

Apprenticeships, the school to work transition, and work-based learning are all being examined as program models for increasing

## ECONOMIC DEVELOPMENT AND LABOR (Continued)

the skill level of adult workers in the state by the Advisory Council on Investment in Human Capital. The Economic Development and Labor Committee heard testimony at its hearing on September 28, 1990 about German, Swedish, and Danish models as well as programs from Maryland, Michigan, and Pennsylvania. Staff has also met with personnel from L&I about apprenticeships for JTPA eligible workers. (Staff Contact: Jack Brummel)

### Economic Development Finance

The Economic Development and Labor Committee has been studying Washington's capital gap problem: the unavailability of capital to viable firms that do not meet current commercial bank or venture capital criteria. A number of measures have been introduced to deal with the problem, one being the Washington Economic Development Finance Authority (WEDFA). The Authority has adopted a general plan but has not yet provided any financing. Because the office of the Attorney General is interpreting the authorizing statute and the state of the law in Washington differently than the Legislature expected, and differently from bond counsel, a state Supreme Court ruling and amendments to the statute may be necessary before WEDFA is able to fulfill its mission. (Staff Contact: Jack Brummel)

### Private/Public Partnerships

Committee staff has participated in several meetings with public officials, private and public community development specialists, and technical assistance providers to community based organizations. Currently under review are three options for increasing the capacity of community groups to foster private/public partnerships: one would use the existing Local Development Matching Fund mechanism, another would establish a new technical assistance entity in DCD, and the last would create a new institution funded with private and public funds. (Staff Contact: Jack Brummel/Patrick Woods)

### Washington State Trading Company

A project reviewing the feasibility of establishing a comprehensive export assistance center is nearing completion. The feasibility study includes a review of the foreign trade promotion programs of nine foreign nations, a literature review of issues concerning export promotion, and a trend analysis of market share for our state's major manufacturing industries. The study is a detailed plan covering: counseling and service roles, administration, client selection criteria, export promotion grants, forecasted budget and staffing needs, cost recovery plan, management accountability and review, sunset provisions, and relationship with

## ECONOMIC DEVELOPMENT AND LABOR (Continued)

private sector companies. A strategic operating plan is also included in the report. (Staff Contact: Forrest Bathurst/Patrick Woods)

### European Integration 1992

Newspaper reports and journals are being monitored for developments in Europe. Negotiations are continuing in Brussels and no major complications have arisen. The Department of Commerce is lobbying for access to markets by U.S. firms, and is somewhat concerned national content requirements may be required by the EEC. (Staff Contact: Forrest Bathurst)

### U.S./Canada Free Trade Agreement

Like EEC integration in 1992, staff has not identified any noteworthy developments in implementation of the agreement. Tariffs are being reduced in accordance with the agreement, and business is expanding for each party. No significant problems are eminent, although certain sectors such as lumber and fisheries continue to criticize many of the agreements provisions. There are preliminary discussions proceeding between U.S. and Canada and Mexico regarding the expansion of the Free Trade Agreement to include Mexico. (Staff Contact: Forrest Bathurst)

### Labor and Industries Constituent Complaints

The Committee reviewed possible remedies to the recurrent problem of transitioning individuals off workers' compensation time loss. Several meetings were held with Labor and Industries and Employment Security to work out a plan for sharing information in a proactive way. L&I claimants about to have their time loss discontinued will be contacted by ES and notified of Job Skills Training programs. If ES cannot help these constituents, L&I will share information with DSHS so their program evaluations can be started early. Administrative remedies are adequate to solve this problem and no legislation is planned. (Staff Contact: Forrest Bathurst)

### Employment Security Research Capabilities

The trading company research project, along with other studies, have provided staff with numerous opportunities to work with research staff at ES and the Department of Revenue. The databases and software available in these departments, as well as the knowledge of their staff, are extremely useful for the analysis of legislative issues.

One major issue has come up in this area. The Washington State Input/Output Model is used by economists regularly in conducting



## ECONOMIC DEVELOPMENT AND LABOR (Continued)

research. The model is out of date and needs to be made current. It was developed during the 1982 recession and does not adequately reflect the status of our current economy. Projections based on this model must be viewed with caution, and 1987 is suggested as the best year in which to build a new version.

### Continuing Work on Construction Lien Law

The Construction Lien Law Task Force, composed of representatives of affected industries, has held ten meetings. It was originally thought that the work of the task force would be to simply polish last year's product and eliminate technical problems. However, the discussions have been highly substantive due mainly to the fact that some groups impacted by lien laws did not fully participate last year, and their concerns were not adequately addressed. A bill draft is now prepared, and although not in final form, it is ready to circulate to a committee of the Bar Association appointed to provide technical assistance, and to the staff of the Committee on Law and Justice. It is anticipated that the task force will have at least one more meeting. The draft was presented to the Economic Development and Labor Committee on October 18. (Staff Contact: Dave Cheal)

### Contractor Registration: Bonds, Assigned Accounts and Enforcement

These issues were addressed by a hearing of the Committee on October 18. Although, generally, everyone agrees that the present system is inadequate, there is still no apparent consensus on solutions. (Staff contact: Dave Cheal)

### Mobile Homes

A hearing was held on June 1 in Yakima on mobile home park dispute resolution. Staff and the Committee chair have met with tenant groups on three occasions to review their legislative agenda.

The Mobile Home Park Space Availability and Affordability Task Force has had monthly meetings since January. This is a group created by statute composed of legislators and local government officials, and staffed by the Department of Community Development and legislative staff. Their recommendations and report are in draft form and should be available shortly.

The Relocation Assistance Act was declared unconstitutional by a Thurston County Superior Court in early August. Staff has been directed to draft another bill that will hopefully avoid the constitutional problems.

## ECONOMIC DEVELOPMENT AND LABOR (Continued)

A hearing is scheduled for November 30 on the issue of mobile home park evictions without cause. (Staff Contact: Dave Cheal)

### Industrial Insurance

A hearing is scheduled on November 30 at which the department is expected to discuss initiatives they are developing in the vocational rehabilitation field. Committee staff has met with the department staff for a preview. Also on the agenda for November 30 is the issue of pain clinics as a component of treatment for injured workers in appropriate cases. Staff has met with some providers and department personnel in preparation for that hearing as well as a representative of an injured worker group. At issue is the mandatory use of this type of treatment, as well as its effectiveness. (Staff Contact: Dave Cheal)

### Definition of Independent Contractor for Industrial Insurance and Unemployment Insurance Purposes

The Department of Labor and Industries and the Department of Employment Security have established a joint staff task force to come up with a common definition. Committee staff has been monitoring the progress of the task force. A product is expected in late November. (Staff contact: Dave Cheal)

### Low Income Housing/Homeless Issues

Committee staff are monitoring implementation of low income housing and homeless programs within the Department of Community Development and the Housing Trust Fund. (Staff Contact: Traci Anderson)

## EDUCATION (Senator Bailey, Chair)

As of November 30, the Senate Education Committee had met in: Ellensburg, Yakima, Manson, Moses Lake, Bainbridge Island, Federal Way, Highline, Olympia (2), Redmond and Seattle during the 1990 interim.

### National Conference of State Legislatures Project

Staff participated in the National Conference of State Legislatures' summer institute on the "Better Education Through Informed Legislation Project," and will be working with House staff on follow-up activities in November and in 1991. (Staff Contact: Larry Davis)

### Teachers' Salary Study

In cooperation with Ways and Means staff, the Committee has prepared a comprehensive workplan to study: teachers' compensation in Washington; teachers' compensation in Washington compared with the nation; and the status of teacher supply and demand in Washington. The study involves the Senate (Education and Ways and Means Committees), the House (Education and Appropriations Committees), the Office of Financial Management, the Washington Education Association, and the Superintendent of Public Instruction. (Staff Contact: Leslie Goldstein)

### Statewide Education Questionnaire

Staff prepared and mailed out in late September/early October a statewide education questionnaire (12,000 mailing), with tabulated results expected in late December. (Staff Contact: Larry Davis)

### Focus on Restructuring, Accountability/Assessment, and Parent Involvement

Staff have worked on several draft measures relating to educational excellence:

1. Interim hearings were held on the REACH for Excellence Grant Program (introduced in the 1990 session), which provides incentive grants to school buildings based on their progress toward achieving building-level goals and educational outcomes. (Staff Contact: Larry Davis)
2. Interim hearings were held on the Building Learning Communities Act, which includes incentives for the voluntary creation of school site councils, lifting the levy lid and fully funding the levy equalization program, expanding and placing under basic education the Early Childhood Education and Assistance Program, extending the contract year for

## EDUCATION (Continued)

- teachers, and providing in-service funding. (Staff Contact: Leslie Goldstein)
3. Staff has drafted teacher preparation legislation which authorizes school-based (K-12) teacher preparation programs. (Staff Contact: Susan Mosborg)
  4. Staff has drafted family-school partnership legislation which provides grants to support locally initiated programs to promote parent involvement. (Staff Contact: Susan Mosborg)
  5. Staff is drafting vocational education legislation which will include grants for innovative vocational programs, enhancing the vocational funding formula ratio, and providing funds to update equipment. (Staff Contact: Leslie Goldstein)
  6. Staff has drafted an omnibus education measure which includes provisions relating to: a 200 day school year by the year 2000; encouraging year-round school schedules; development of a weighted student funding formula; increasing funding to reduce class sizes; establishing a career ladder task force; lifting restrictions on local salary collective bargaining; establishing a high school graduation test; before-and-after school child care; providing for state operated school districts; and repealing the Basic Education Act in 1994. (Staff Contact: Leslie Goldstein)

### Other Activities

Staff have monitored or attended the following events, activities and studies:

- \* Attended annual Education Commission of the States meeting in Seattle (Staff Contacts: Susan Mosborg/Leslie Goldstein)
- \* OSPI Commercialism in Schools Study (Staff Contact: Larry Davis)
- \* Special Education Advisory Council (Staff Contact: Leslie Goldstein)
- \* Gifted Education Advisory Committee (Staff Contact: Leslie Goldstein)
- \* Video Telecommunications Advisory Committee (Staff Contacts: Larry Davis/Leslie Goldstein/Susan Mosborg)
- \* Advisory Council on Investment in Human Capital (Staff Contacts: Larry Davis/Leslie Goldstein)
- \* Professional Education Advisory Committee and Subcommittee on Alternative Certification (Staff Contact: Larry Davis)

## EDUCATION (Continued)

- \* Washington Association of Colleges of Teacher Education  
(Staff Contact: Larry Davis)
- \* House study of the Seattle School District (Staff  
Contact: Leslie Goldstein)
- \* Phase II of the rewrite of the education code - Title 28A  
RCW (Staff Contacts: Larry Davis/Leslie Goldstein/Susan  
Mosborg)



## ENERGY AND UTILITIES (Senator Hankins, Chair)

### Puget Sound Area Potential Voltage Collapse

The Bonneville Power Administration (BPA) has begun an effort to avoid a potential voltage collapse due to a failure in the electricity transmission system for the Puget Sound Area. Staff has monitored BPA meetings and has been involved with the technical panel working on potential solutions. (Staff Contact: Phil Moeller)

### Low-income Energy Assistance

Pursuant to HB 2667 staff has been gathering information on alternatives for promoting low-income energy assistance throughout the state. Activities have included attending meetings of the Department of Community Development's advisory group on low-income energy assistance. Several alternatives are expected to be included in legislation introduced next session. (Staff Contact: Phil Moeller)

### Endangered Fish Species

Petitions to list several runs of Columbia River fish as endangered species -- and subsequent attempts to develop plans to avert a listing -- have led to speculation on the possibility of reduced power generation from Columbia River dams. Committee staff has been monitoring federal efforts to resolve the issue, including a regional coordinating committee charged with developing a pre-listing management plan by February 1. Legislation may be forthcoming from various groups on this subject. (Staff Contact: Phil Moeller)

### Northwest Power Plan

The Northwest Power Planning Council has been in the process of developing an updated power plan for the Northwest region. A draft plan is scheduled for release in November. After public hearings throughout the region, a final plan is scheduled for release in March. With the region facing a power deficit in the near future, this version of the plan is the most significant ever produced by the Council. The Committee has heard testimony from the Council. Additional participation is planned after the release of the draft plan. (Staff Contact: Phil Moeller)

### Electric and Magnetic Fields

The Committee has been monitoring the implementation of two measures enacted during the 1990 session related to electric and magnetic fields, SB 6520 and SB 6771. In addition, staff has continued to collect information pertaining to various studies and

## ENERGY AND UTILITIES (Continued)

public concerns related to these fields that result from the transmission and distribution of electricity. Additional legislation may be considered on this issue next session. (Staff Contact: Phil Moeller)

### Low-level Radioactive Waste Disposal Policy

As directed by HB 2956, the Utilities and Transportation Commission (UTC) has been studying whether to recommend rate regulation of the commercial low-level radioactive waste disposal facility at Hanford. The operator of the site will have a regional monopoly on the disposal of this material after 1992. Staff has been working with the UTC's advisory committee and may prepare legislation for next session based on the UTC's recommendations. (Staff Contact: Phil Moeller)

### Transfer of EFSEC to the State Energy Office

SB 6573 mandated that the Energy Facility Site Evaluation Council (EFSEC) be transferred to the State Energy Office. The Committee has heard testimony on the transition and has heard from the new chair of EFSEC. Legislation modifying or expanding the role of EFSEC may be prepared for introduction next session. (Staff Contact: Dave Monthie)

### State Hydropower Plan

Staff has followed the development of the state hydropower development plan. With the process behind schedule and lacking a consensus on its direction, legislation may be introduced to clarify the objectives of the plan, the role of different state agencies, and the time frame in which it is developed. (Staff Contact: Dave Monthie)

### Gasoline Prices Study

The Committee has heard updates on the progress of the statewide gasoline pricing study conducted by the State Energy Office. Draft findings will be reported in January and may result in legislation, although the Energy and Utilities Committee may not be the committee of initial consideration. Additional legislation on petroleum pricing practices is being drafted by the Attorney General's Office. (Staff Contact: Phil Moeller)

### Regulation of Nuclear Materials

The Department of Health regulates users of radioactive materials. Permit fees intended to recover the costs of administering this program have caused concern to users of the material. The

## ENERGY AND UTILITIES (Continued)

Committee has heard testimony on proposed fee increases and administration of the program. Legislation is expected to be introduced next session to address this program. (Staff Contact: Phil Moeller)

### TELECOMMUNICATION ISSUES

#### Statewide Enhanced 9-1-1

As directed by SB 6827 the UTC has been studying whether to recommend a statewide system of enhanced 9-1-1 emergency service. Staff has participated in the UTC 9-1-1 Advisory Committee. It is expected that legislation will be drafted based on the UTC recommendations. The UTC is scheduled to complete its report by December 1. (Staff Contact: Phil Moeller)

#### Alternate Operator Services

Responding to a directive in HB 2526, the UTC has drafted rules pertaining to companies that provide alternate operator services for pay telephones and other public phones. Staff has monitored the proposed rules and will further monitor implementation of HB 2526. (Staff Contact: Phil Moeller)

#### Telecommunication Devices for the Deaf

The Legislature enacted SB 6290 during the 1990 session, extending the program of providing telecommunication devices to hearing impaired and speech impaired citizens. Committee staff has followed the implementation of the statewide relay system for TDD users. The Committee will hear from the Department of Social and Health Services on the status of the program. Legislation pertaining to funding of the system may be introduced in the 1991 session. (Staff Contact: Dave Monthie)

#### Washington Telephone Assistance Program

The program known as the Washington Telephone Assistance Program (WTAP) was extended for three years by HB 2546. The Committee is expected to hear from the DSHS on the status of the program and on recommendations for any legislative changes to WTAP. (Staff Contact: Phil Moeller)

#### Telephone Privacy Issues

The UTC has conducted several public hearings on the issues surrounding telephone privacy, especially in relation to the use of automatic number identification. Preliminary conclusions indicate that legislation would be needed before this service could

## ENERGY AND UTILITIES (Continued)

be offered within the state. Legislation may be introduced to clarify the issue. (Staff Contact: Dave Monthie)

### WATER ISSUES

#### Water Interties

There is some question as to the legality of the practice of water supply systems creating interconnections so as to physically move water from one entity to another. Staff has been following this issue with the Subcommittee on Public Water Supply of the Joint Select Committee on Water Resource Policy. Legislation may be introduced to address this issue in the context of regionalization of water supply. (Staff Contact: Dave Monthie)

#### Well Permits

Local health officials would like express authority to site wells and to be able to collect fees that would pay the costs of administering a well-siting program. The Department of Ecology will likely present legislation that will modify its existing authority on this issue. (Staff Contact: Dave Monthie)

#### Water Regulation by the UTC

There are several concerns regarding the current method and jurisdiction of the UTC in the area of regulating privately-owned water systems. Concerns include arbitrary and ambiguous criteria for determining UTC jurisdiction, the appropriateness of rate-based regulation, the level of communication with other state and local agencies responsible for regulating water systems, and the possibility of expanding the UTC's role. The UTC is expected to introduce legislation addressing some of these issues. (Staff Contact: Dave Monthie)

#### Increasing and Coordinating Funding Sources

The cost to rehabilitate substandard water systems to meet federal drinking water standards is likely to range into hundreds of millions of dollars. Many of the thousands of small private water systems in this state will find it virtually impossible to obtain necessary funding. Legislation is expected to facilitate better usage and integration of existing funding programs that may be used for small water system rehabilitation. (Staff Contact: Dave Monthie)

## ENERGY AND UTILITIES (Continued)

### Operating Permits for Financially Viable Systems

Staff has been working with the Department of Health on possible agency legislation that would allow a statewide permitting program for all water systems. Part of the authority would include the ability to require a demonstration of a water system's financial viability prior to the granting of an operating permit. (Staff Contact: Dave Monthie)

### Satellite System Management

Legislation is expected to facilitate the use of satellite management, where a larger water system either owns or operates smaller systems that might otherwise be unable financially to function. This concept may involve the designation of satellite management utilities in specific areas with the responsibility to provide water service where there is no other feasible operator. (Staff Contact: Dave Monthie)



## ENVIRONMENT AND NATURAL RESOURCES (Senator Metcalf, Chair)

### Endangered Fish Species

Five stocks of Columbia River salmon have been identified for listing under the federal Endangered Species Act. Additional stocks are also being considered for endangered or threatened classification by the National Marine Fisheries Service. Staff will be following the issue in order to assess the need for a state government role in the process. (Staff Contact: Ross Antipa)

### Regional Salmon Enhancement Groups

Currently seven of the 12 potential regional salmon enhancement groups authorized by 2SSB 6310 (1990) have been formed. There is a need to encourage the activities of the groups and to expand their funding. (Staff Contact: Ross Antipa)

### Salmon 2000 - Game Fish 2000

The Department of Fisheries progress on the Salmon 2000 planning process has not been outstanding. There is a continued need for legislative oversight of this program. The Game Fish 2000 report is due at the end of this year and the future of game fish programs will depend on that report. (Staff Contact: Ross Antipa)

### Wildlife Budget

The Department of Wildlife will be proposing hunting and fishing license fee increases that will range between 40 to 50 percent. At the same time there is a probability that the general fund component of the budget will be reduced (the Governor is presently proposing a 12.5 percent reduction). Many Committee members are concerned about the buyer-resistance factor and the public acceptance of such large user fee increases. (Staff Contact: Ross Antipa)

### Sportfishing

Persons who fish for sport across the state are requesting improvements in the opportunities to catch fish on recreational gear. In many cases the limited recreational opportunities are attributed to competition with persons who fish commercially. These needs and conflicts have been before the Legislature for years, but no solutions have been developed. (Staff Contact: Ross Antipa)

## ENVIRONMENT AND NATURAL RESOURCES (Continued)

### Forest Fire Liability

Recent Washington Supreme Court cases have expanded the Department of Natural Resources' liability for failure to protect private property from wildfires. There will be legislation to limit the state's liability based on studies of what other states do. (Staff Contact: Vic Moon)

### Ocean Resources

Amendments to the state's ocean resource management policy will be proposed to clarify existing law and extend the state moratorium on oil drilling and exploration through the year 2000. (Staff Contact: Vic Moon)

### Walleye Pike Sports Fishery

There is increasing evidence that walleye pike are being sold. This has traditionally been a sports fishery on the Columbia River where the species was introduced. Sports-caught walleye and those fish caught incidentally in salmon gill nets set by the Indian Tribal Fishery will be set aside for personal use only. (Staff Contact: Vic Moon)

### Elwha River Dams

The two dams on the Elwha River restrict the once abundant salmon runs on the river. The hatchery is not operating successfully enough to mitigate those runs and several agencies of the federal government have recommended removal of the dams. (Staff Contact: Vic Moon)

### Forest Practices

The continuing controversy over levels of cut log exports, environmental protection, habitat loss and maintaining the forest land base has resulted in the Sustained Yield Roundtable where industry and environmental groups are developing proposals for the 1991 session. A major rewrite of the Forest Practices Act will be required to implement these proposals. (Staff Contact: Vic Moon)

### Game Farm Closure

The Department of Wildlife is proposing to close its two game farms which raise pheasants for the release and take seasons in Western Washington. Proposals are being developed to continue the program and to secure a funding source. (Staff Contact: Vic Moon)

## ENVIRONMENT AND NATURAL RESOURCES (Continued)

### Joint Select Committee on Preferred Solid Waste Management

The Joint Select Committee on Preferred Solid Waste Management has held three interim meetings to date, primarily concerning monitoring of studies required by HB 1671 and agency implementation of programs required by the same legislation. The need for assistance to recycling markets has been determined to be the primary focus of new legislative proposals for the 1991 session. Potential subjects include public agency procurement of recycled content products, creation of a center to conduct recycling research, development and technical assistance, and new standards for product packaging. (Staff Contact: Ats Kiuchi)

### Federal Clean Air Act

Staff tracked congressional action on federal Clean Air Act. When approved, the amendments will make an impact upon state programs. The Department of Ecology indicates major legislation on a state clean air act for 1991 session. (Staff Contact: Ats Kiuchi)

### Procurement of Recycled Content Products

The Senate Environment and Natural Resources Committee considered public agency procurement of recycled content products at a hearing on September 30. Staff surveyed the present status of procurement by state agencies and local governments, with a primary focus upon paper products and recycled yard waste products. Existing legal authorities were reviewed and potential provisions for 1991 legislation were developed. (Staff Contact: Gabrielle Horner)

### Puget Sound Water Quality Management Plan

Implementation of HB 2482 to reauthorize the Puget Sound Water Quality Authority, and development of the 1991 Puget Sound Plan, have been monitored. The Committee hearings on this subject will be held in April and September. The Committee has reviewed potential plan costs under the 1991 Plan, including the development of priority elements as required by HB 2482. Potential funding sources for plan implementation in light of revenue forecasts have been reviewed. (Staff Contact: Gary Wilburn)

### Hazardous Waste Cleanup, Management Reduction and Disposal

The Committee was briefed by Department of Ecology staff in May on the progress of implementing the hazardous waste cleanup programs under the Model Toxics Control Act (MTCA), and a tour of cleanup sites was conducted in October. Staff has reviewed regulations by Ecology to implement MTCA, and responded to member inquiries regarding both the state and federal cleanup programs.

## ENVIRONMENT AND NATURAL RESOURCES (Continued)

Staff have participated in a Hazardous Waste Planning Committee conducted by Ecology to develop a comprehensive state hazardous waste management plan. The implementation of HB 2390 regarding hazardous waste reduction has been monitored, including member inquiries regarding the fees upon generators of hazardous waste to fund the program. Hazardous waste facility siting regulations were reviewed. Overview information on hazardous waste programs was assembled at member request. (Staff Contact: Gary Wilburn)

### Solid Waste Management and Disposal

The development of sewage sludge management programs by state and federal agencies has been monitored, and the adequacy of state legal authorities to qualify for delegation of federal regulatory responsibilities were analyzed. The siting of waste management and disposal facilities were reviewed, and alternative procedures for decision making and appeals were analyzed. The status of local and state environmental reviews of several proposed waste disposal facilities were monitored at member request. (Staff Contact: Ats Kiuchi)

### Growth Management

Meetings of the Growth Strategies Commission were monitored for impact upon environmental quality and natural resources issues. The environmental quality provisions of the 1990 Growth Management Act were analyzed and a summary of these provisions and similar provisions in Initiative 547 was prepared for Committee members. (Staff Contact: Gary Wilburn)

### Oil Spill Cleanup

The 1990 federal oil spill legislation was analyzed for impact upon state cleanup programs. Spill prevention laws in other states were reviewed for potential spill prevention legislation in the 1991 session. (Staff Contact: Gary Wilburn)

### Air Quality

Staff reviewed provisions of the House and Senate versions of the federal Clean Air Act amendments for potential effects upon Washington programs; responded to member inquiries regarding air quality programs such as woodstove regulation; monitored development of potential 1991 legislation by the Department of Ecology. (Staff Contact: Ats Kiuchi)

## ENVIRONMENT AND NATURAL RESOURCES (Continued)

### Household Pesticides

A survey of laws requiring commercial application of pesticides in residential areas was conducted, and potential provisions for Washington developed. (Staff Contact: Ats Kiuchi)

### Water Quality

Staff reviewed the status of several water quality planning and regulatory programs, including ground water management area planning, watershed planning under the Puget Sound Plan, the development of groundwater quality regulations by the Department of Ecology, and state financial assistance for water quality facilities and planning.

The relationship to, and effect upon new growth management responsibilities was analyzed, and methods for integrating several planning programs developed.

A proposed study of the Lower Columbia River jointly by Oregon and Washington, and alleged discharges of pollutants to the Columbia River by sources in British Columbia were reviewed by staff. (Staff Contact: Gary Wilburn)

### Water Resources

Committee members participated in a water resources planning retreat in May attended by all interested groups, with a follow-up retreat scheduled for November. Staff have assisted with staffing of the Joint Select Committee on Water Resource Policy. Data management proposals developed at the direction of the Legislature were reviewed, particularly in the context of the integration of water quality data. (Staff Contact: Gary Wilburn)

### Parks and Wildlife Funding

Implementation of SB 6412 and the appropriation of \$53 million for parks and wildlife lands acquisition were monitored. Proposals for larger appropriations in the next biennium, and the relationship to other capital funding priorities, were monitored. (Staff Contact: Gary Wilburn)

## FINANCIAL INSTITUTIONS AND INSURANCE (Senator von Reichbauer, Chair)

### Earthquake Insurance

The Committee reviewed the potential for a major earthquake in Washington State and its resulting impact on the insurance industry and financial markets. The Committee also received an update on the federal earthquake project and reviewed proposals that were offered in other states to address the potential financial devastation that would follow a major earthquake. (Staff Contact: Benson Porter)

### Mandatory Auto Insurance - Update

The new mandatory auto insurance law took effect on January 1, 1990. Most law enforcement groups did not begin ticketing under the new law until after the first quarter. Since citations have been written, there have been several concerns raised by the courts and law enforcement regarding how the mechanics of the new law is working out. The Committee reviewed possible changes to perfect the 1989 legislation. (Staff Contact: Walt Corneille)

### Insurance Fraud

It is estimated that insurance fraud contributes up to 25 percent of the cost of insurance. The Committee has reviewed the prevalence of insurance fraud in Washington State and what other states such as California and Florida have done to address fraudulent practices. The Committee has studied the methods in which fraud is carried out, existing laws which address fraud, and modifications that might be appropriate. (Staff Contact: Walt Corneille)

### Insurance Company Solvency - Junk Bonds

The trade journals have been very active in discussing the subject of insurance company solvency. The federal government has considered possible regulation in this area to protect against insolvent insurance companies. A recent report by a congressional committee indicated that the insurance companies could be in the early stages of what happened to the savings and loan industry. The staff also reviewed information regarding the extent to which insurance companies may have invested in junk bonds that have not held their value. (Staff Contact: Walt Corneille)

## FINANCIAL INSTITUTIONS AND INSURANCE (Continued)

### Life Insurance Policy Selling and/or Brokering

Recently, several companies have sprung up that will purchase life insurance policies at less than the face amount from insureds that are terminally ill. While this provides the terminally ill insured with benefits while they are living, they receive less than the total amount of the policy. The potential for abuse in these situations is obvious and the Committee has reviewed legislation to regulate this practice. (Staff Contact: Walt Corneille)

### Insurance Benefits for Terminally Ill Policyholders

Along similar lines of the practice of buying and selling policies, some insurers in parts of the country have allowed terminally ill persons who have life insurance policies to convert those policies to a living benefit, partially or totally. This practice originally began in Canada and has been used in several states. The Committee has reviewed the availability of options of this type on life insurance policies as well as the possible need for regulation in this area. (Staff Contact: Walt Corneille)

### Auto Insurance Alternative

The Committee is reviewing the possible adoption of no-fault insurance in Washington State. Also, the Committee has reviewed the advisability of establishing a state-run insurance corporation for automobile insurance. (Staff Contact: Walt Corneille)

### Auto Theft

Recently, a group of insurance company officials have proposed legislation that would address auto theft. The staff has reviewed draft legislation and its potential for application to Washington State. A sticker program for vehicles not normally driven during late night and early morning hours was considered. (Staff Contact: Walt Corneille)

### Laundering of Drug Money/Financial Institutions

Illegal profits are the main motivation behind organized criminal activity that deals in the sale of illegal drugs. The Committee reviewed possible modifications of state banking laws to aid in drug enforcement. (Staff Contact: Benson Porter/Walt Corneille)

### Credit Privacy

With the increased sophistication of computer networks, a great deal of concern has been expressed over the extent to which individual privacy is invaded by current practices in the credit

## FINANCIAL INSTITUTIONS AND INSURANCE (Continued)

reporting industry. The Committee has reviewed the extent to which the credit reporting industry invades individual privacy and the way in which information contained in an individual's credit report is utilized. (Staff Contact: Walt Corneille)

### Recording Personal Information on Credit Card Charge Slips

In conjunction with the Committee's inquiry into credit privacy, the Committee has examined the practice of merchant's requiring phone numbers and addresses when credit cards are used to purchase goods or services. Often this information is used for marketing or promotion and does not serve any purpose in the way of security when a credit card is used. The Committee reviewed legislation to prohibit the recording of personal information on credit card charge slips as well as the use of credit card charge slips that are preprinted with a space for recording telephone numbers. (Staff Contact: Walt Corneille/Benson Porter)

### Mortgage Points and Loan Origination Fees

It is sometimes difficult to determine the overall interest paid on a mortgage loan when points and origination fees are charged by the lender. It is also often difficult to compare the effective interest rate on a loan between lenders when the origination fees and points vary and there is no standard overall interest rate. The Committee reviewed this practice and the extent to which it might mislead consumers, as well as the possible impact on lenders if origination and mortgage points were prohibited. (Staff Contact: Benson Porter)

### Credit Card Fraud

The Committee has reviewed existing laws that address credit card fraud. It is considering possible changes that may strengthen laws that address this type of fraud. The Committee also addressed the concern expressed by financial institutions that they need to be protected from liability if they report suspected fraud. (Staff Contact: Benson Porter)

### Bank Robberies/Washington State

Washington State is ranked sixth in the country in the number of bank robberies. The Committee convened hearings to investigate the reason for the apparent prevalence of bank robberies in Washington. Some discussion was made over whether or not some state laws could be revised to better discourage bank robberies in Washington State. (Staff Contact: Benson Porter)



## FINANCIAL INSTITUTIONS AND INSURANCE (Continued)

### Reverse Mortgages

Reverse mortgages occur when a person has a substantial equity in their home and turns that equity into a monthly income by borrowing against the home. Reverse mortgages operate such that the financial institution providing the income obtains a lien on the house which is satisfied when the house is sold. This allows people that have paid off all or a majority of their mortgage to supplement a fixed or limited income to help offset increased property taxes and other expenses such as health care. (Staff Contact: Walt Corneille/Benson Porter)

### Reorganization, Savings and Loan, Banking and Securities Divisions

The benefits of establishing a financial institution department that would consolidate the savings and loan, banking, securities divisions, and the Secretary of State's functions as related to corporations, has been reviewed. Past proposals and possible new considerations in light of the current financial markets were examined. (Staff Contact: Walt Corneille/Benson Porter)

### White Collar Crime in Financial Institutions

The extent to which criminal behavior was involved in failed savings and loans in Washington State was reviewed. The Supervisor of Savings and Loans provided information on cases they have participated in. Prosecutors also provided information on the extent to which white collar crime has impacted Washington State financial institutions. (Staff Contact: Benson Porter)

### Prohibiting the Recording of Credit Card Numbers on Checks

During the 1990 session, legislation was enacted that prohibited the recording of credit card numbers on checks. A review of the effectiveness of this legislation indicates that some businesses still are requiring credit card numbers be written on checks when used to purchase merchandise or services. Also, the Committee has learned of a practice that some businesses use to gain the credit card number of individuals to secure payment of the check in case it is dishonored. Legislation to perfect the 1990 enactment is being considered. (Staff Contact: Walt Corneille)

### Penny Stock Fraud

One of the major areas of abuse in the securities industry is the purchase and sale of low-cost securities called "penny stocks." Although much has been done at the federal level and by our securities division, there are still some firms that manipulate the market in these stocks to artificially inflate the price. The

## FINANCIAL INSTITUTIONS AND INSURANCE (Continued)

unaware consumer is often sold a stock whose price is overinflated which results in the purchaser realizing a substantial loss. (Staff Contact: Walt Corneille)

### Income Tax Exemption on the Sale of a Residence

The federal government allows a one-time exemption from the income that is realized from the gain on the sale of a piece of property. This exemption is available for people over age 55 when selling their primary residence, and can only be taken once. The maximum amount of the exemption is \$125,000. With the increase in the value of property in Washington State, concern was expressed that this exemption, enacted over 10 years ago, does not adequately protect the taxpayers in today's market. (Staff Contact: Walt Corneille)

### Deceptive Loan and Mail Solicitations

The Committee reviewed the practice of soliciting people for loans by mailing documents that look like negotiable checks. In addition, the Committee reviewed other potentially deceptive practices used in promotional mailings that offer prizes and gifts. The Committee has worked with the Attorney General's Office in perfecting legislation in this area and have formulated a draft that may be the subject of legislation in the next session. (Staff Contact: Benson Porter)

### Private Pension Systems

Recently there has been concern expressed that the investment practices of private pension systems may leave participants without benefits at the time they are eligible. The Committee also reviewed the extent to which these pension systems have unfunded liabilities and how it could impact residents of Washington State who participate in these pension funds. (Staff Contact: Walt Corneille)

### Activities Monitored

The staff has continued to monitor the implementation of legislation from the last two sessions regarding underground storage tanks, mandatory auto insurance and financial planners. The staff also has kept watch over developments at the federal level regarding the savings and loan bailout legislation. Also on the federal level, staff has monitored the increasing amount of discussion and proposals that would undermine the state's authority to regulate the business of insurance provided for in the McCarran/Ferguson Act.

## GOVERNMENTAL OPERATIONS (Senator McCaslin, Chair)

### Whistleblowers

Staff has done an extensive re-examination of all facets of the whistleblower statute. A special emphasis was placed on the possible refinement of provisions relating to findings of retaliatory action. (Staff Contacts: Eugene Green/Barbara Howard)

### Establishing a State Recording Officer

The Secretary of State, through the Division of Archives and Records Management, would be designated as the State Recording Officer. It is felt that the public and the business community of this state would benefit from the standardization and modernization of recording systems among the counties. (Staff Contact: Barbara Howard)

### Property Taxation

The Committee examined rising property values (especially in King County), homeowner impacts, assessments. Exemptions were explored, as well as the current situation and developments in selected other states. Trends and projections were discussed. The King County Assessor, as well as staff from the Department of Revenue, discussed some possible options. (Staff Contact: Dick Armstrong)

### Drug Testing of Constitutional Officers

Consideration was given to testing constitutional officers for the use of drugs. This would apply to all officers provided for in the Washington State Constitution. The results of a positive confirmation test, or a positive first test for which the officer waived the right to a retest, would be made available to the public 30 days after notification of the result is given to the officer. (Staff Contact: Dick Armstrong)

### Optical Imaging of Public Records

Given the new techniques for optical imaging, questions have arisen about the acceptable forms of documents and comprehensive standards for quality and performance of equipment and software. The Division of Archives and Records Management, within the Office of Secretary of State, would be given the responsibility for these new functions. (Staff Contact: Barbara Howard)

### Privacy WACS

The implementation of Chapter 256, Laws of 1990, was delayed to give individuals who represent a particular area of interest and expertise a chance to participate in resolving questions and

## GOVERNMENTAL OPERATIONS (Continued)

concerns raised during the special session of the Legislature. These include: commercial interests concerned with land-title records; state and local agencies interested in implementation impacts on data processing systems; and legal and law enforcement representatives concerned with areas of statutory interaction, litigation procedures and liability. (Staff Contacts: Eugene Green/Dick Armstrong)

### Growth Strategies Commission

The Commission was mandated to make recommendations to the Legislature for the 1991 session. Recommendations were made in many areas, including: siting of state facilities, local government compliance, conservation, low-cost housing, penalties for noncompliance, and sharing of economic growth. The recommendations will be drafted into a bill and presented to the Legislature. (Staff Contact: Eugene Green)

### "No Protest" Covenants/City Annexations

Staff examined procedures used by cities to annex unincorporated property owned by people who have signed "no protest" agreements. This sometimes is necessary in order to get a city to supply an area with sewer or water service outside of its boundaries. (Staff Contact: Dick Armstrong)

### County Home Rule Charters/Alternative Procedure

This proposed constitutional amendment would allow the drafting of model charters by a temporary commission. These charters could then be voted on directly by the people, obviating the need to call a board of freeholders. This method would be in addition to the existing freeholder method. (Staff Contact: Eugene Green)

### Criminal Justice Funding Assistance

A Committee meeting was held to have local officials discuss how they were going to prioritize the use of these new funds. The funding is eliminated in three years (state general funds, MVET, and local sales tax). (Staff Contact: Eugene Green)

### Plat Designations

A number of bills were introduced requiring lot numbers, addresses, or the availability of utilities on recorded plats. Technical problems arose and are being worked out with representatives of land surveyors, local officials, and the like. (Staff Contact: Dick Armstrong)

## GOVERNMENTAL OPERATIONS (Continued)

### Building Permits/Water Supply

The growth management legislation passed in 1990 requires builders statewide to provide proof of an adequate drinking water supply before they can be issued a building permit (Sec.63, SHB 2929). The Department of Ecology has promulgated WACs and rural health departments are experiencing difficulties in implementing the WACs. (Staff Contact: Dick Armstrong)

### Limiting Terms of Elected Officials

The State of Oklahoma recently passed an initiative limiting the terms of elected officials. Colorado and California have ballot propositions this November. A number of the pros and cons are quite subtle and revolve around some very basic principles of representative government. (Staff Contact: Barbara Howard)

### Election Cost-Sharing

The state reimburses counties for a share of the cost of the administration of elections in odd-numbered years. The share paid by the state is based upon costs attributable to electing state officers and running state measures on the ballot. The state does not share in the expense of conducting even-year general elections, nor in the expense of electing federal officers, unless an election is held to fill a vacancy in the federal House or Senate. It is argued that the state should assume (perhaps phased in over a period of years) a greater share of the cost of conducting elections. (Staff Contact: Eugene Green)

### Confidentiality of Petitioners

The Public Disclosure Act requires that state and local government agencies make records available for inspection and copying, unless a record is within a category exempt from disclosure. It is unclear whether names and addresses on state and local initiatives, referenda, and recall petitions are exempt. The Office of Secretary of State very much wants these names to remain confidential. (Staff Contact: Dick Armstrong)

## HEALTH AND LONG-TERM CARE (Senator West, Chair)

### Public Hearings

The Committee held public hearings in Yakima, Seattle and Olympia (2). A fifth hearing is planned in Olympia for November 30. In addition, Committee members and staff have participated in numerous public hearings, work sessions, retreats, and conferences for the Long-Term Care Commission and the Health Care Cost Control and Access Commission (see below for details). Committee hearing topics have included: providing health care to low-income individuals; community and migrant health clinics; community solutions to problems with chemically dependent pregnant women; a briefing on the Americans with Disabilities Act; developmental disabilities issues including the unserved population, children with special needs, and compliance with federal requirements for state residential habilitation centers; supported employment for the disabled; health promotion and disease prevention issues; implementation of the First Steps program; and immunization issues. The Committee's November 30 hearing will consider a report on health care provider shortages, including shortages of mental health professionals. (Staff Contact: Don Sloma)

### Health Promotion and Illness and Injury Prevention

The Committee received testimony at its September 28 hearing on a new draft of legislation establishing regional and state health promotion and illness and injury prevention centers. Senator West indicated an interest in sponsoring this legislation in the 1991 session. (Staff Contact: Don Sloma)

### Immunizations for Preventable Diseases

The Committee heard testimony on outbreaks of vaccine preventable diseases. Currently, a number of at risk populations are vulnerable to future outbreaks and include children ages 18 months to four years, health care workers and adults born after 1957 who do not have natural immunity and may have received bad vaccinations during their childhood. (Staff Contact: Scott Plack)

### Drug Affected Infants and Pregnant Women

The Committee's interest in this issue continues. Several bills are expected to assure babies born to drug dependent women have access to needed medical services; prevention and treatment services are available to the mother or expected mother; and community pilot projects are established to prevent substance abuse among pregnant women. (Staff Contact: Scott Plack)

## HEALTH AND LONG-TERM CARE (Continued)

### Health Care Provider Shortages/LTC Commission Manpower Proposals

The Committee's November 30 hearing in Olympia will include the results of a Committee staff interim study on health professional labor needs. The report will contain recommendations to improve access and availability of health care provider training; collect accurate data on the supply of providers; improve recruitment and retention efforts; provide incentives to increase the supply of health workers; and make regulatory modifications for out-of-state personnel wanting to practice in Washington. The study will include an examination of mental health (as per Senate resolution), midwifery (in consultation with Senate Children and Family Services Committee and House Health Care Committee) and long-term care (in consultation with the Long-Term Care Commission) labor needs as well as numerous other regulated health professions. In addition, the study is coordinating with the Legislative Budget Committee examination of health provider regulation for competency in the state. Separate legislation is anticipated to establish a loan forgiveness/scholarship program for mental health workers and to achieve wage parity between mental health workers in state institutions and those working in community mental health centers. (Staff Contact: Scott Plack)

### Adult Family Homes

In 1989 the Legislature modified and expanded the licensure of adult family homes in the state. During the implementation of the new law misunderstandings about the law and regulations have made it apparent that further legislative action may be needed to create effective training programs for providers and regulators. In addition, the law did not stipulate penalties for failure to become licensed. As a result, some adult family homes may not comply with the law, and further legislation may be needed to add enforcement provisions. (Staff Contact: Scott Plack)

### Children's Mental Health

The Statewide Action Plan for Children's Mental Health, developed by the Mental Health Division of the Department of Social and Health Services, is expected to result in recommendations to redefine children's eligibility for mental health services and improve cross-system collaboration, consultation, and coordination. Legislative proposals are being developed. (Staff Contact: Suzanne Brown)

## HEALTH AND LONG-TERM CARE (Continued)

### Special Needs Children

The Committee heard testimony during a July 18 hearing regarding the appropriate state response to the increasing number of special needs children. Committee members are considering proposals received during this hearing, including enhancements in service coordination and availability of specialized personnel and programs. (Staff Contact: Suzanne Brown)

### Developmental Disabilities Issues

Several issues related to people with developmental disabilities were examined in interim Committee hearings. Topics included special needs children, services to the unserved, program outcomes, and alternatives to our current involvement with the federal ICF/MR program. Legislative proposals are in development. (Staff Contact: Suzanne Brown)

### Supported Employment for the Disabled

At the August 15 interim hearing the need was identified to expand language in the Community Mental Health Act to encourage supported employment activities for the mentally ill. In addition, there is need to expand supported employment activities for the developmentally disabled and to consider pilot projects for supported employment for the head injured. (Staff Contact: Don Sloma)

### Harper Revisited

The Committee is developing a proposal which would streamline procedures for medicating psychiatric patients in involuntary settings. A recent U.S. Supreme Court decision overturning the "Harper Decision" may provide certain latitude in making alterations in current statutorily required court medication review hearings. (Staff Contact: Don Sloma)

### Disabilities Land Trust Legislation

The Committee will once again consider legislation being developed by Senator Wojahn to identify surplus state institutional lands and to place such lands in a trust for the benefit of disabled populations including the mentally ill, developmentally disabled and others. (Staff Contact: Don Sloma)



## HEALTH AND LONG-TERM CARE (Continued)

### Community Clinics and Indigent Care

At its June hearing in Yakima the Committee heard testimony on the role of community clinics in providing health care to uninsured, low-income individuals. It is estimated that some 120,000 uninsured individuals currently receive primary health care each year through a state and federally funded system of community clinics. The Committee is considering means of continuing support for the community clinic system as an efficient, culturally-sensitive means of providing expanding access to health care among low-income populations. (Staff Contact: Don Sloma)

### Out-of-State Prescriptions

A legislative proposal is expected to restrict prescription refills for Washington residents which are written by out-of-state health care providers. (Staff Contact: Suzanne Brown)

### Community Outreach for Health

During its September 28 hearing, the Committee examined the use of lay community-based outreach workers to provide support services, case finding and referral to high-risk pregnant and parenting women. According to national reports and expert interviews, this approach provides an effective and economical alternative to professional outreach or support services among a variety of high-risk groups, including adolescents, substance abusers and high-risk pregnant women. The Committee is considering the development of legislation in this area. (Staff Contact: Suzanne Brown)

### Health Care Cost Control and Access Commission

House Concurrent Resolution 4443 established a 17-member Health Care Cost Control and Access Commission. Senators West, Kreidler and Cantu were appointed as Senate members to the Commission. The Commission will make recommendations by December of 1990 to increase the efficiency and effectiveness of state health care purchasing. The Commission met four times through the interim and will meet again in November and December. During a September retreat, the Commission developed a work program which includes issues of universal access to health care, consolidation of purchasing, expanding managed care, and other issues relating to the cost, access and quality of health care. (Staff Contact: Don Sloma)

## HEALTH AND LONG-TERM CARE (Continued)

### Long-Term Care Commission

The 1989 Legislature created the Long-Term Care Commission to suggest actions needed to develop a comprehensive and integrated long-term care program for the state. Senator West and Wojahn are the Commission's Senate members. The Commission is scheduled to submit its recommendations in time for the 1991 legislative session. The Commission met several times during the 1990 interim to consider reports and recommendations from a series of technical advisory committees. In September, the Commission took public testimony on these technical advisory committee recommendations in public hearings in Spokane, Bellingham and Tacoma. The technical advisory committee recommendations include: a variety of community program expansions, consolidation and decentralization of administration for all long-term care services, establishment of a state dedicated fund to provide publicly financed long-term care insurance to all state residents and in the interim, expansion of Medicaid and other public funding; training for large numbers of additional workers to provide long-term care services; and improvements in information systems. (Staff Contact: Don Sloma)

### Tobacco Education and Intervention

The Committee is anticipating a proposal to establish a chronic disease prevention program within the Department of Health which would identify populations at high risk of death from preventable illnesses, especially related to smoking. Training and education in tobacco use prevention and cessation would be funded by a tax on cigarettes, restrictions on placement of vending machines, and penalties for the sale of tobacco products to minors. The state Board of Health would be authorized to adopt rules governing the sale of tobacco products and their use in public places. (Staff Contact: Don Sloma)

### AIDS Network Allocation Formula

The Committee anticipates receiving a proposal to revise the allocation formula for regional AIDS service networks to include maintenance of current funding levels, and distribution of increases in the funding level based on population and prevalence of HIV infection. A requirement is included for submission of annual regional plans to be reviewed and approved by the department, as is an identification of the department as responsible for coordination of statewide HIV-AIDS prevention and treatment efforts. (Staff Contact: Don Sloma)

## HEALTH AND LONG-TERM CARE (Continued)

### Amendments to the Clean Air Act

The Committee anticipates a proposal which would amend the Clean Air Act to give the Board of Health rule-making authority regarding tobacco use. (Staff Contact: Don Sloma)

### Bicycle Helmets

The Committee anticipates receiving a proposal which would increase regulations requiring approved bicycle helmets. (Staff Contact: Don Sloma)

### Initiative 119

The Committee anticipates receiving an initiative which would make certain amendments to the Natural Death Act and would allow terminal patients to seek physician assistance in ending their lives. In addition, it is anticipated that alternative proposals will be submitted. (Staff Contact: Don Sloma)

### Food Protection

A proposal is expected to improve inspections and monitoring for food among retailers, manufacturers and distributors to reduce the number of people who become ill due to improper storage and handling of the food supply. (Staff Contact: Scott Plack)

### Expanded Prescriptive Authority for Advanced Registered Nurse Practitioners

Negotiations are continuing between physicians and nurses regarding expanding the types of controlled substances ARNPs may prescribe. The negotiations result from an unsuccessful effort in the 1990 session which would have allowed ARNPs to prescribe schedule 2 through 4 controlled substances. The primary focus of the legislation was to allow ARNPs practicing in rural areas to have greater prescriptive authority enabling them to better serve their patients in the community. (Staff Contact: Scott Plack)

### Continuing Care Retirement Communities (CCRCs) Consumer Reporting

Continuing Care Retirement Communities (CCRCs) are long-term residential settings for the elderly where entrance fees and monthly payments are paid in exchange for housing, nursing and personal care services. Currently, the state does not regulate CCRC contracts with respect to consumer disclosure of services, resident rights and responsibilities and financial risk. Legislation is expected to establish consumer disclosure requirements. (Staff Contact: Scott Plack)

## HEALTH AND LONG-TERM CARE (Continued)

### Making Technical Corrections in DOH Statutes

SB 6152 enacted in the 1989 legislative session created the State Department of Health. The bill transferred functions from the Department of Social and Health Services and the Department of Licensing. Not all the relevant sections of law containing functions transferred to the new department were properly amended. Legislation is expected to make the needed technical changes in statute. (Staff Contact: Scott Plack)

### Emergency Medical Services Authorizing Statutes

Separate sections of current law authorize counties, cities and others to create emergency medical service entities. These sections overlap, causing confusion in some areas of the state regarding priorities in operating emergency medical services. Legislation is expected to clarify the statutes. (Staff Contact: Scott Plack)

### Rural Health Care

In 1989 the Legislature created the Rural Health System Projects and directed the creation of 12 demonstration projects. The projects provide technical and financial assistance to rural communities to restructure the delivery of health care to be more effective and cost-efficient. Legislation is expected to authorize additional rural health system projects. (Staff Contact: Scott Plack)

### Harborview Hospital Governance Issues

The Committee may see proposals from King County, Harborview, and/or the University of Washington to streamline the operating procedures for Harborview Medical Center. A cumbersome governance structure was identified in a recent consultant report to the Senate Committee on Ways and Means as impeding efforts to efficiently manage hospital budgets and operations. (Staff Contact: Don Sloma)

### Compliance with Federal Requirements Concerning Land, etc.

The Committee expects a proposal to clarify the statute prohibiting an increase in reimbursement as a result of a sale of land and to revise financial reporting requirements for nursing homes handling patient's personal funds. (Staff Contact: Don Sloma)

## HEALTH AND LONG-TERM CARE (Continued)

### Utilization Review of Nursing Facilities

The Committee expects a proposal to amend state statutory language to conform to the Omnibus Budget Reconciliation Act of 1987 (OBRA). Provisions of the federal law require a change in the Resident Needs Assessment System and an upgrade of all nursing homes to nursing facilities. (Staff Contact: Don Sloma)

### Extension of AIDS Insurance Premium Payments

The Committee expects a proposal to permit the Department of Social and Health Services to continue to pay health insurance premiums for persons with Class IV human immunodeficiency virus and to eliminate the June 30, 1991 sunset provision. (Staff Contact: Don Sloma)

### Residential Habilitation Centers

The Committee expects a proposal to remove the word "Children's" from the title of the Frances Haddon Morgan Center. (Staff Contact: Suzanne Brown)

### 120 Day Billing Period for Vendors

The Committee expects a proposal to increase the time allowed for medical practitioners to present charges to the Department of Social and Health Services from the current 120 days to twelve months. (Staff Contact: Don Sloma)

### Center for Health Statistics/Vital Records

The Committee expects a proposal to establish the Center for Health Statistics within the Department of Health as the central repository for health related statistical data. This proposal would also bring the department's minimum guidelines for collection of health data into compliance with national guidelines, allow for statewide electronic registration of and access to all vital records, and simplify adoption and paternity proceedings. (Staff Contact: Don Sloma)

### Health Professional Regulation Modifications

Staff has monitored the development of numerous proposals in the area of health professional regulation. They include:

- \* Physical Therapy -- Legislation is expected to repeal the sunset on direct access (no physician referral required). In addition, voluntary continuing education requirements are

## HEALTH AND LONG-TERM CARE (Continued)

- being replaced by mandatory continuing competency requirements.
- \* Nursing Assistants -- Several statutes regulate nursing assistants. Legislation is expected to combine them into one statute.
  - \* Medical Technology -- Legislation is expected to require licensure of medical technologists.
  - \* Licensed Practical Nursing -- Legislation is expected to make minor technical changes in the LPN practice act.
  - \* Nursing Home Administrators -- Legislation is expected to require a baccalaureate degree as an educational pre-requisite for licensure.
  - \* Physicians -- Legislation is expected to amend the medical practice act to: (a) create an inactive licensure status, and (b) allow the Medical Disciplinary Board access to driver's license records for the purpose of identifying DWI convictions on the part of physicians in order to direct them into treatment.
  - \* Veterinarians -- Legislation is expected to allow for out-of-state licensure by endorsement and to do specialty licensing.
  - \* Pharmacy -- Legislation is expected to regulate medical gases and to make technical corrections to the Uniform Controlled Substances Act.
  - \* Osteopathy -- Legislation is expected to make technical changes to the osteopathic practice act.
  - \* Acupuncture -- The profession is expected to suggest modifications in its practice act.

(Staff Contact: Scott Plack)

### Agency Reports

During the interim, Committee staff have monitored the development of several studies. Final reports are now or will be available by January of 1991 and include:

State Health Report (DOH)  
Children's Mental Health Plan (DSHS)  
Cross-Credentialing/Multi-Skilled Training (DOH)

## HEALTH AND LONG-TERM CARE (Continued)

Midwifery (DOH)  
Department of Health Charity Care Report (DOH)  
Nurse Articulation Plan (HEC Board)  
Implementation Status Report on Mental Health (DSHS)  
Rural Health Insurance Arrangements (Insurance Commissioner)  
Health Care Cost Containment and Access Commission  
Long-Term Care Commission  
LBC Study of Health Professions Regulation (LBC)  
Children's Health Report (UW/HPAP)  
State Health Care Purchasing Study (Health Care Authority)

## HIGHER EDUCATION (Senator Saling, Chair)

### Access to Master's Degrees for Teachers

State law requires that after August 31, 1992, all K-12 teachers holding only initial certification must be enrolled in a master's degree program within two years of that certification, and must complete the program within a maximum of seven years after initial certification in order to receive continuing certification. One of the major unanswered questions is whether very large numbers of fully certified teachers without master's degrees will now want to enter degree programs, even though they are not required to do so by law. The size and interests of this group are being factored into the Higher Education Coordinating Board's study of both the demand for and the availability of master's programs. All of the teacher training institutions have been actively engaged in reassessing what they are providing, and how and where it is provided. The results of the study, including recommendations, will be presented to the HEC Board at the December, 1990 meeting. (Staff Contact: Jean Six)

### Articulation

The state of Washington has a very comprehensive community college system which prepares a significant number of students for upper division course work on the four-year campuses. With the development of the branch campuses as providers of upper division and graduate programs, the need for smooth transfer among all institutions of higher education becomes increasingly important. The Committee has heard testimony from many of the schools with regard to this issue, and early in the 1991 session can expect to hear a progress report from the Council of Presidents, the State Board for Community College Education, and the Higher Education Coordinating Board. (Staff Contact: Jean Six)

### Assessment

There is continuing progress in all sectors with regard to accountability and development of an effective performance evaluation program. Each program includes the following common components: collection of entry level baseline information, intermediate assessment of quantitative and writing skills and other appropriate intermediate assessment as determined by the institution, end-of-program assessment, post-graduate assessment of the satisfaction of alumni and employers, and periodic program review. The state of Washington is considered a leader on the issue of assessment. (Staff Contact: Jean Six)



## HIGHER EDUCATION (Continued)

### Branch Campus Development

The branch campuses of the University of Washington began serving students in the fall of 1990 in temporary (5-10 years) sites in Tacoma and Bothell. Washington State University is providing upper division and graduate programs in its three locations; one operating temporarily on the site of Clark College in Vancouver. Selection of the permanent sites for not only the UW branches but also the WSU branch in Southwest Washington will be made by the Higher Education Coordinating Board following a number of public hearings and recommendations from the Boards of Regents. Decisions are expected prior to the 1991 session.

Two proposals have been forwarded which would increase the enrollment level of each of the five branch campuses in the next biennium (UW Tacoma, UW Bothell, WSU Southwest Washington, WSU Spokane and WSU Tri-Cities). The Higher Education Opportunity Act of 1991 would increase branch campus enrollments at the five branch sites. The Higher Education Coordinating Board, with the goal of achieving branch campus enrollments of 17,000 headcount students by the year 2010, has recommended an increased enrollment at the five campuses of 878 FTE students. (Staff Contacts: Jean Six/Scott Huntley)

### Campus Security

Committee staff attended the May 1990 White House Conference on Campus Security. The Conference was briefed on the provisions of federal legislation requiring the reporting of campus crime statistics. The federal legislation is similar to the new Washington statute passed in the 1990 legislative session. The new Washington law is in effect for the first time in the new academic year.

The Federal law would, however, apply to private colleges (the Washington law does not) as well as public institutions, if the private schools receive federal funds. The federal legislation passed Congress and was delivered to the President for signature on October 24, 1990. (Staff Contact: Scott Huntley)

### Community College Faculty Tenure

During the 1990 session the Legislature passed a bill requiring modification of the community college faculty tenure system and the development of a system-wide salary allocation model. The salary allocation model is being developed by the State Board for Community College Education, but the tenure modification portion of the bill was vetoed by the Governor. A tenure bill, containing the provisions of the vetoed legislation, has been drafted for the

## HIGHER EDUCATION (Continued)

1991 session, and conversations have been held with groups representing the faculty. (Staff Contact: Scott Huntley)

### Faculty Load/Contact Hours

A staff report on credit hours produced by the various faculty levels at our colleges and universities was completed and presented to the Senate Higher Education Committee at the June Committee Weekend hearing. The Committee received lengthy testimony on the issues of faculty teaching loads and contact hours from institutional and faculty representatives.

At the present time only one state in the nation, Florida, has any statutory requirements regarding faculty contact or teaching hours. A copy of the staff report on credit hour production, and of the Florida statute, is available. (Staff Contact: Scott Huntley)

### Gender Equity Implementation/Conference

Staff is monitoring the progress of the institutions as they develop their plans for gender equity in athletics on the state's campuses. Rules are being drafted to implement the tuition and fee waivers. The Committee is also following the progress of the institutions as they complete their self-studies with regard to gender equity in all areas of campus activity. The first conference on women in sport was held on October 26-27, 1990, on the campus of The Evergreen State College. (Staff Contact: Jean Six)

### Higher Education Opportunity Act of 1991

The goal of the Higher Education Opportunity Act of 1991 is to provide increased access to higher education in the state of Washington by lifting the enrollment lids and moving higher education toward its former proportion of the state's general fund budget. The Committee has completed a series of meetings around the state and has taken testimony from Presidents of community colleges, four-year institutions, branch campuses, and a representative of the major independent degree-granting institutions in Washington state. Testimony has provided the Committee with information indicating the number of students each is willing to take in the next biennium in order to provide increased access at all levels. The Chairman will introduce a specific enrollment proposal prior to the beginning of the 1991 session. (Staff Contacts: Scott Huntley/Jean Six)

## HIGHER EDUCATION (Continued)

### International Education

The economic health of our state will depend on our ability to operate in and understand a multi-cultural world. At this point the Committee is not aware of any pending legislation but there does appear to be a commitment on the part of many of the nation's universities to place a very high priority on internationalizing both the curriculum and other areas of campus life. One of the recurring themes seems to be a recognition of the need to not only expand our understanding of the cultures outside our nation but to also develop a greater awareness and understanding of the diverse cultures within our own state and nation. (Staff Contact: Jean Six)

### Student Loan Default Rates/Department of Education Rules

The Federal Department of Education established new rules in 1989 designed to reduce student loan default rates. The implementation of these rules required colleges with vocational education programs to report detailed student follow-up data in a form known as "Track Record Disclosure." At the time these rules were instituted our state community colleges, which offer vocational programs, maintained no data comparable to the track record disclosure required by the Department of Education. This data was required in order for a college's students to continue receiving federal financial aid funds. Financial aid funds could also be cut off if an institution's overall default rate exceeded 30 percent.

State community college officials worked with Department of Education staff to develop alternative data which would satisfy the track record disclosure requirements. This effort was successful, and the DOE relaxed their student follow-up requirements to allow for the use of a vocational outcomes study to meet them. This new data reporting system has been successfully tested by our state community colleges, and will be implemented in December of 1990. In March of 1990, the DOE reported that no Washington public college exceeded the 30 percent default rate on federal student loans, thus ensuring the continued availability of federal financial aid funds at our colleges which offer vocational education programs. (Staff Contact: Scott Huntley)

### Vocational Education System

The Governor's Council on the Investment in Human Capital has been meeting throughout the interim as mandated by SB 6411. Of particular interest to the Committee on Higher Education is the provision in the legislation which requires that the council provide "a specific recommendation identifying one agency as the governing body for all postsecondary vocational education and the

## HIGHER EDUCATION (Continued)

first two years of postsecondary education not under the jurisdiction of a four-year institution of higher education, including the identification of the elements necessary to implement this recommendation." The council is not yet prepared to forward any recommendations, but will continue to meet throughout the next two months. Legislation is expected from this group, though the specifics are not yet determined. (Staff Contact: Jean Six)

## LAW AND JUSTICE (Senator Nelson, Chair)

### DWI Related Issues

During the interim the Senate Law and Justice Committee examined numerous legislative proposals concerning alcohol-related driving offenses. A public hearing concerning these issues was held in Pullman on September 7. Draft legislation presented at the hearing included:

1. Shifting the burden of proof on the issue of causation to the defendant for the offenses of vehicular homicide and vehicular assault;
2. Reducing the intoxication standards for juvenile DWI offenders from the current standard of alcohol in the blood or breath from .10 to anything more than .00;
3. A new offense of Driving While Impaired is created which makes it an offense to drive a motor vehicle with a blood or breath alcohol level of .07 to .10;
4. Amending the penalties for the offense of negligent driving. The existing penalty provides for a fine of \$250. The amendment allows a fine of \$1,000 and/or up to 30 days in jail;
5. Simplifying the procedure to revoke driver's licenses for DWI offenders. The Department of Licensing is authorized to suspend or revoke licenses of a driver arrested with an alcohol reading of .10 or greater; and
6. Moving the office of the State Toxicologist from the University of Washington to the Washington State Patrol.

Staff has continued to study and revise these drafts for the 1991 legislative session. (Staff contact: Richard Rodger)

### No-Fault Automobile Insurance

Pursuant to Senate Resolution 1990-8785 the Senate Law and Justice Committee has undertaken a study of a comprehensive, pure no-fault automobile insurance program. The proposed system requires the owner of each automobile to provide insurance to cover their own expenses arising from an accident. The insurance must include coverage for medical expenses, disability benefits, and property damage. This issue was the topic of a public hearing held in Richland on June 26, 1990. Staff is preparing draft legislation with staff from the Senate Committee on Financial Institutions and Insurance. (Staff contact: Richard Rodger)

## LAW AND JUSTICE (Continued)

### State-Operated Automobile Liability Insurance

The Committee is also studying proposed legislation creating a state-operated automobile liability insurance system similar to the insurance program operated by the Insurance Corporation of British Columbia. The legislation was reviewed by the Committee at the public hearing held in Richland. Staff is preparing a report for the Legislature with staff from the Senate Financial Institutions and Insurance Committee. (Staff contact: Richard Rodger)

### Liability Issues

The Committee undertook a review of the 1990 legislative proposals regarding tort liability. The issues reviewed at the Pullman public hearing included: (1) requiring an attorney's certificate of merit for lawsuits against licensed professionals; (2) clarifying joint and several liability; (3) changing provisions relating to prejudgment interest; and (4) limiting the application of the good samaritan law. (Staff contact: Richard Rodger)

### Workers' Compensation for Jurors and Witnesses

The Committee examined a proposal to limit the scope of workers' compensation coverage for jurors and witnesses at the Committee weekend hearing held in Olympia in September. This issue arose in response to the Washington State Supreme Court's recent ruling which provides workers' compensation coverage to jurors. Staff is working on legislation for the upcoming session which excludes witnesses from insurance coverage and removes coverage for jurors in transit to and from the courthouse. (Staff contact: Richard Rodger)

### Knowing Transmittal of HIV

The Senate Law and Justice Committee staff drafted legislation which amends the assault statutes to encompass an offense for the knowing or negligent transmittal of the Human Immunodeficiency Virus. The Committee reviewed the legislation at a hearing held on September 28, 1990. Staff is continuing to review and revise the draft. (Staff contact: Richard Rodger)

### Alternative Dispute Resolution

Committee staff has drafted legislation relating to the subject of alternative dispute resolution. The staff attended all meetings of the newly-formed Alternative Dispute Resolution Committee of the Washington State Bar Association and obtained the input of the committee's members. Staff is continuing to revise the legislation

## LAW AND JUSTICE (Continued)

and review the changes with the Bar Association committee. (Staff contact: Richard Rodger)

### Real Estate Contract Forfeiture/Attorneys Fees

Existing law allows a seller of real property on a real estate contract to forfeit a purchaser's interest upon default and to recover attorneys' fees only if they are provided by the contract. The law was amended in 1988 to also allow the recovery of attorneys' fees where the seller forecloses the contract as a mortgage. Legislation which would further amend current law to require a purchaser in default to pay any attorneys' fees incurred by the seller in preparing to commence forfeiture proceedings has been drafted and is currently being reviewed by the real estate, probate, and trust section of the Washington State Bar Association. Staff is continuing to monitor the efforts of the Bar Association in this area. (Staff contact: Ben Barnes)

### Consumer Protection Commission

Legislation creating a Consumer Protection Commission has been drafted and revised. Staff is currently working with the Consumer Protection Division of the Attorney General's Office to refine the latest draft for introduction during the upcoming session. (Staff contact: Ben Barnes)

### Washington State Civil Rights Act

Existing statutes which address discrimination in housing, employment, public accommodations, etc. have been reviewed and updated. Staff is currently working with the Human Rights Commission to refine the draft legislation for introduction during the 1991 session. (Staff contact: Ben Barnes)

### Washington Condominium Act

The Washington Condominium Act was enacted in 1989 and went into effect on July 1, 1990. Staff is currently in the process of correlating the most recent RCW codification -- from SSB 6776, to the Official Comments to Washington Condominium Act. Once completed, the Comments will be forwarded to West Publishing Company for inclusion in the 1991 RCWA pocket supplement. The Washington State Bar Association Condominium Task Force is continuing to review the Act for further revisions. (Staff contact: Ben Barnes)

## LAW AND JUSTICE (Continued)

### Indian Artifacts

The Governor's Office of Indian Affairs has drafted a proposal which would, among other things, establish a registration system for Indian artifacts. Copies of the proposal have been distributed to several local tribes and other interested parties. A meeting is scheduled for late October to further refine the legislation for introduction during the up-coming session. (Staff contact: Ben Barnes)

### Juvenile Justice

On October 9, 1990, the Committee held a hearing in Everett regarding juvenile gangs. Testimony was received from several law enforcement officials and community service organizations from the Seattle vicinity. Staff is currently working with the African American Commission to draft a gang intervention and prevention proposal modeled after an existing California statute. (Staff contact: Ben Barnes)

### Cross-Gender Pat Searches

Last year, several inmates at the Washington Corrections Center for Women filed a class action lawsuit in the U.S. District Court of Seattle against the Department of Corrections protesting pat searches by male correctional officers. The federal court subsequently enjoined the department from conducting such searches. The department is presently appealing the order in the 9th Circuit Court of Appeals. A proposal authorizing a study of the training procedures at WCCW as they relate to cross-gender pat searches has been drafted and circulated for comment. (Staff contact: Ben Barnes)

### Domestic Violence

A draft proposal which would allow the use of the "battered spouse syndrome" as a defense in a criminal proceeding has been drafted and circulated for comment. (Staff contact: Ben Barnes)

### Disposition of Unclaimed or Forfeited Firearms

A special committee to examine the issue of unclaimed firearms was formed and chaired by a representative of the Washington State Patrol during the summer of 1989. Discussion focused on: (1) revising the disposition of proceeds from the auctioning of judicially forfeited or unclaimed firearms; and (2) the desire of some jurisdictions to have the option to destroy these firearms. Concerns arose with respect to House legislation introduced during



## LAW AND JUSTICE (Continued)

the 1990 session, so the Senate Law and Justice Committee decided to further address these areas during this interim. Hearings were held on May 22 in Seattle, and June 14 in Millwood, and the Committee continues to work with the various interest groups to achieve a consensus on legislation for introduction during the upcoming session. (Staff contact: Jon Carlson)

### Dangerous Dogs

Last summer the Washington State Supreme Court upheld a 1987 Yakima ordinance which prospectively bans pit bull terriers within the city limits, and requires licensing and certain restrictions for those pit bull terriers within the city limits prior to the effective date of the ordinance. A number of dog owners feel that certain breeds are being unfairly maligned, and are concerned that local jurisdictions will continue to enact ordinances that ban specific breeds. During the last session, the Senate Law and Justice Committee considered a bill which would have amended the current dangerous dog statute to prohibit local jurisdictions from passing breed-specific dog bans. The Committee revisited this issue during a hearing on June 14 in Millwood, and will again consider this proposal in the 1991 legislative session. Several other suggested modifications to the dangerous dog statute are also being reviewed. (Staff contact: Jon Carlson)

### Crime Stoppers Program

The Crime Stoppers Program offers cash rewards and anonymity to persons who provide details leading to the arrest or charging of suspected criminals. Last session, the Legislature appropriated \$200,000 in the supplemental budget to the Attorney General's Office for grants to local governments for the operating expenses of Crime Stoppers Programs. On May 22, the Senate Law and Justice Committee held a hearing on a measure which would require the Attorney General to establish a Crime Stoppers Assistance Office. Law enforcement agencies with qualified Crime Stoppers Programs would be able to receive grants from the assistance office. This proposal was introduced during last session (SB 6215), and is likely to be reintroduced in substantially the same form during the upcoming session. (Staff contact: Jon Carlson)

### Needle Exchange Program

Several jurisdictions in the state are either contemplating or have undertaken needle exchange programs. The general purpose is to combat the spread of AIDS by insuring, to the extent possible, that those who use hypodermic needles to inject drugs use sterilized rather than unsterilized needles. However, it is illegal under this state's controlled substances statute to deliver drug

## LAW AND JUSTICE (Continued)

paraphernalia. Concern is raised because it appears that some jurisdictions will proceed with needle exchange programs despite this prohibition. Questions surrounding the legality, effectiveness, and policy direction of these programs are an ongoing source of debate. The Senate Law and Justice Committee heard testimony on needle exchange programs June 14 in Millwood, and will continue to monitor this issue in the months ahead. (Staff contact: Jon Carlson)

### Methamphetamine Laboratories

The Washington State Patrol has two clandestine laboratory teams, one in Olympia and one in Yakima, which work to dismantle illegal drug laboratories. The State Patrol coordinates with many other agencies and departments to bring the laboratory seizures to a successful conclusion. On July 27 in Vancouver, the Senate Law and Justice Committee received a history and development of the State Patrol clandestine laboratory teams, and the results of its operations. Testimony was also submitted which focused on the funding needs of the Washington Department of Health and the Department of Ecology with regard to the cleaning up of contaminated residences and laboratory dump sites. A review of the sentencing guidelines' standard range for the manufacture of a controlled substance was also recommended. (Staff contact: Jon Carlson)

### Paralegals

In the past decade, attorneys have increasingly relied on the assistance of paralegals for research, investigation of details, assemblage of data, and other matters related to case preparation. Recently, paralegals and consumer groups have shown interest in expanding the realm of services provided by paralegals into areas that are now limited to attorney practice. At present, two states (California and Illinois) have drafted legislation which would allow paralegals to engage in limited legal practice. This approach was considered by the Senate Law and Justice Committee during its July 27 meeting. (Staff contact: Jon Carlson)

### Juvenile Issues

On October 9, the Senate Law and Justice Committee heard several issues pertaining to juvenile justice. Testimony was given regarding the Serious Habitual Juvenile Offender Program, which is currently being employed in Bellingham and Whatcom County as a means of closely tracking those juveniles who are committing the most serious offenses with the greatest frequency. The Committee also heard reports from OFM concerning their upcoming study of the state's Juvenile Rehabilitation System, and the Governor's Juvenile

## LAW AND JUSTICE (Continued)

Justice Advisory Committee on the subject of detention standards.  
(Staff contact: Jon Carlson)

### Franchise Act

During the 1990 regular session, a franchise act passed the Senate, but did not reach a vote in the House. This act represented the work of a committee of the Washington State Bar Association and was directed primarily toward bringing the Washington franchise laws into greater congruity with those of other states and the Federal Trade Commission regulations. The act also represented, to some degree, a compromise between franchisor and franchisee interest groups. The Committee held a hearing in Vancouver, Washington on July 27, at which time parties were given the opportunity to restate their positions on the legislation. The Securities Division of the Department of Licensing is now interested in modifying the proposed legislation to incorporate some further changes in a model franchise act developed under the aegis of the ABA this summer. They are seeking the concurrence of the Washington State Bar Association. (Staff contact: Rod McAulay)

### Interpersonal Violence

Interpersonal violence has been examined as an issue covering both domestic and non-domestic environments. The topic was the subject of a hearing in Richland on June 26 and was addressed by both public health officials and police. Consideration was given to responding to interpersonal violence as a public health problem using a broader base of community services in situations where police are called to intervene. The subject was further examined at a federally funded symposium in Seattle in September. No specific legislation is being developed by the Committee at this time. (Staff contact: Rod McAulay)

### Child Support

The staff has continued to monitor activity with regard to child support schedules. Numerous constituent complaints have been handled and the staff has participated with the WSBA Domestic Relations Task Force which is examining the whole dissolution and custody process with respect to its fairness and accessibility to the poor. Staff has reviewed alternative methods of designing support schedules developed by economists and a hearing will be held for a general review on November 30, 1990. (Staff contact: Rod McAulay)

## LAW AND JUSTICE (Continued)

### Indigent Access to Justice

Staff has continued to monitor the activity of the Indigent Defense Task Force established by the Legislature several years ago. No specific legislative agenda has been developed to date. There continues to be some interest in generating funds for indigent representation from additional filing fees. The data gathered by the task force reflects a growing demand for indigent services with inadequate county and municipal resources to respond. The task force is considering a proposal for a statewide defender system. (Staff contact: Rod McAulay)

### Missing Children/Parental Kidnapping

The staff has reviewed a list of proposals to assist the State Patrol in tracing children who are missing or have been kidnapped by non-custodial parents. A bill has been drafted responding to these concerns, clarifying the authority of the State Patrol in these situations and providing them some additional tools to assist in their activities. No hearings are presently scheduled on this issue. (Staff contact: Rod McAulay)

### SUBCOMMITTEE ON CORRECTIONS (Senator Thorsness, Chair)

Following the close of the 1990 legislative session the Subcommittee on Corrections of the Senate Law and Justice Committee has focused on two major subject areas: alternative sanctions and prison siting. Other issues which have received attention include the use of computers by inmates, sex offender registration, security at juvenile facilities, and limitation of right to jury trials. The Subcommittee held hearings on May 16, July 10 and September 27, 1990.

### Alternative Sanctions

The Subcommittee has pursued a detailed inquiry into alternative sanctions, because of anticipated overcrowding in both jails and prisons. These alternatives have included victim-offender reconciliation programs, intensive supervision probation, house arrest with electronic surveillance, monetary fines, work programs, community service and drug treatment. At three Subcommittee hearings, testimony was given by Chase Riveland, the Secretary of the Department of Corrections, other DOC officials, county officials and private citizens with expertise and interest in the criminals justice process. The staff has prepared several written reports and extensive research has been conducted into national and international experiences and studies. The staff is proceeding with an evaluation of cost issues and is in communication with the DOC and interest groups with regard to the development of legislation. (Staff contact: Rod McAulay)

## LAW AND JUSTICE Subcommittee on Corrections (Continued)

### Alternative Drug Treatment

The Subcommittee, in conjunction with its review of alternative sanctions, is reviewing drug treatment alternatives. The largest single component of the growing inmate population is involved with the sale and use of illegal drugs. The alternative models for treatment include individual therapy, group therapy, detoxification programs, and intensive supervision with regular testing. Staff has gathered data regarding the relative effectiveness of these modalities and a hearing was conducted on September 27. The Subcommittee anticipates holding a hearing in December at which Dr. David Lipton, a national expert on drug treatment in the criminal justice environment, will testify. (Staff contact: Rod McAulay)

### Sex Offender Registration

Statutes enacted during the 1990 regular session required that sex offenders register with the local police in the jurisdiction in which they establish residence upon release from custody. Since the effective date of this law, there has been substantial non-compliance. A hearing was conducted on September 27, 1990 at which members of the Seattle Police Department testified regarding their difficulties in enforcing this provision. Greater assistance from the Department of Corrections may help and minor amendments to the statute may be proposed. (Staff contact: Rod McAulay)

### Elimination of Jury Trial for Petty Offenses

Over the years, the United States Supreme Court has consistently ruled that there is a category of minor criminal offenses which is not subject to the jury trial requirement under the Sixth Amendment. This generally applies whenever the offense carries a maximum prison term of six months or less. However, this state's courts have held that, under the Washington State Constitution, a person is entitled to a trial by jury for any criminal offense. The Subcommittee on Corrections held a hearing on this issue at a meeting in Tukwila on May 16, and considered a constitutional amendment which would allow non-jury trials for petty criminal offenses. The Subcommittee will continue to review this issue as it explores avenues for reducing the considerable caseload at the district and municipal court levels. (Staff contact: Rod McAulay)

### Prison Siting

On June 1, the Subcommittee on Corrections' issue of prison siting was heard at a public hearing during Committee Weekend in Yakima before the Senate Law and Justice Committee to review and consider three alternative bills which would create a Prison Siting Authority. The Sentencing Guidelines Commission and the Department

## LAW AND JUSTICE Subcommittee on Corrections (Continued)

of Corrections testified as to the need for the proposed legislation. Testimony was also received from government officials and citizens of several cities currently being considered for placement of future sites. A follow-up hearing by the Subcommittee on Corrections was held on September 27 to introduce the newly-appointed Siting Director and to update Subcommittee members on the Department of Correction's current siting activities. Staff is continuing to monitor the efforts of the Department in this area. (Staff contact: Ben Barnes)

### Correctional Industries

Prior to 1990, Correctional Industries was authorized to sell its products and services only to public agencies and nonprofit organizations. The Legislature recently enacted a statute (SSB 6473) which expands the customer base of Correctional Industries to include private businesses, provided the goods or services are ultimately used by a public agency or nonprofit organization. The Department of Corrections is considering a bill from last session (SB 6401) which would further expand the customer base of Correctional Industries to include other businesses in the private sector. Staff is currently researching the nature and extent of correctional industries programs in other states.

The DOC has drafted a proposal (S-5638) to require the Department of General Administration to amend its mandatory agency purchase contracts to include a provision allowing the purchase of products from Correctional Industries. The proposal would exempt Correctional Industries from the business and occupation tax as well as the leasehold excise tax. A meeting to further refine the draft is scheduled for late October. (Staff contact: Ben Barnes)

### Inmate Labor

Existing law allows the Department of Corrections to use inmate labor for construction, repair, or modification of its buildings. Staff is currently examining the use of inmate labor in other jurisdictions for the purpose of revising legislation (SB 6723) from last session requiring the Department to use inmate labor for prison construction. The resulting proposal will be distributed to interested parties for comment. (Staff contact: Ben Barnes)

### Jail Standards Incentives Board

Existing law requires each city and county which operates a jail to adopt and follow standards related to the operation of that jail. In the past three years, virtually every city and county has adopted jail standards, but many are seriously overcrowded and few can demonstrate compliance with these standards. Staff is

LAW AND JUSTICE Subcommittee on Corrections (Continued)

currently refining draft legislation (SSB 6419) from last session which would create a single statutory entity to address statewide issues of jail conditions on a systematic basis. The resulting proposal will be distributed to interested parties for review and comment. (Staff contact: Ben Barnes)

## TRANSPORTATION (Senator Patterson, Chair)

In July the 23-member Legislative Transportation Committee (LTC) held a two-day retreat to explore what the role of the LTC should be--as differentiated from the House and Senate standing Committees on Transportation.

The members who participated in these discussions concluded that, initially, they wanted the LTC to focus on development of the 1991-93 biennial transportation budget to be addressed during the 1991 session. Specifically, they wanted to gain a full understanding of the major budget "decision packages" developed by transportation agencies, with the goal of developing LTC recommendations on those issues.

To that end, an LTC meeting was held on September 6 to review the budget development process. Further meetings are scheduled for November 14 and December 12, during which the "decision packages" will be reviewed in depth. (Staff Contact: Vicki Fabre)

### High Capacity Review Panel

A 10 member Expert Review Panel was authorized in SHB 1825, enacted in 1990, to oversee high capacity planning efforts in the Central Puget Sound area. The Panel is appointed jointly by the Governor, Secretary of Transportation, and Chair of the Legislative Transportation Committee. The Panel consists of persons expert in various disciplines involved in planning light rail systems and/or busways including transportation planning, engineering, cost estimating, finance and transportation technology.

The Panel meets quarterly to review and assess ridership and cost estimates and technology assumptions being prepared by METRO and other transit agencies. The high capacity planning effort will last through Spring, 1992 and the Panel will report its findings to State officials and to local transit agencies. (Staff Contact: Gene Baxstrom/Judy Burns)

### Public Transportation Study

The Legislative Transportation Committee was directed to undertake a comprehensive study of public transportation to address efficiency, effectiveness and funding. A twelve member Legislative Steering Committee which includes eight Transportation Committee members and four fiscal committee members is directing the study.

Preliminary cost estimates for the study are greater than the \$750,000 appropriated to accomplish the original scope of work. A detailed scope of work is currently being drafted for the transit funding portions of the study. This is intended to provide information for the 1992 legislative session. Issues remaining to



## TRANSPORTATION (Continued)

be addressed include para-transit (elderly and handicapped, dial-a-ride, etc) needs assessment, transit system governance, and land use/transit relationships. Additional funding to address the issues may be requested in the 1991 session. (Staff Contact: Gene Baxstrom)

### Bicycle Safety

The LTC is reviewing the bicycle safety legislation that failed last session. Specific attention is being paid to requirements for mandatory bicycle helmets. Recommended legislation will be prepared for the 1991 legislative session. (Staff Contact: Brad Lovaas)

### Petroleum Marketing

The LTC has extended its price and supply monitoring contract with the Washington State Energy Office. This effort has been very beneficial for the public information it has provided during these times of supply disruption and price fluctuations. The LTC contract calls for the WSEO to provide a rationale for the differences in gasoline prices between the different areas of the state. (Staff Contact: Brad Lovaas)

### Transportation Analysis Group (TAG)

The Road Jurisdiction Committee has evolved into the Transportation Analysis Group (TAG). Membership continues to include four representatives each from the Department of Transportation, Association of Cities, and Association of Counties; in addition, four representatives of transit have been added. The Group's mission is to serve as a resource to the Legislative Transportation Committee.

Given the breadth of knowledge and understanding of transportation issues embodied in the TAG membership, the LTC has directed TAG to undertake three of the major studies called for in the 1990 supplemental transportation budget. Those efforts are underway, and eight legislators (four Senate, four House) have been appointed as liaison members to TAG in order to provide legislative input to the study efforts. The three studies are:

1. Programming and Prioritization: An analysis of current state and local transportation program prioritization processes to assess their ability to address current transportation needs.

## TRANSPORTATION (Continued)

2. Cost Responsibility Study: An analysis of use of, damage to, and benefits derived from the different users of the state's transportation system.
3. Motor Vehicle Fund Allocation Formulas: An analysis of methods to guarantee a minimum allocation of Motor Vehicle Fund revenues on a geographical basis.

Findings and recommendations from the three studies will be reported to the LTC over the next couple of years. (Staff Contact: Gene Schlatter)

### Joint Subcommittee on Trucking Issues

The 17-member (seven Senators and ten Representatives) interim Subcommittee on Trucking Issues is addressing the following truck weight issues:

1. Gross Weight Violations: (a) the current gross weight fine distribution formula; (b) the effect of increasing overweight fines to deter overloading; and (c) the feasibility of changing the current fine formula by specifying that a portion of the fine be used to offset pavement damage.
2. Truck Scale Facilities: In conjunction with the interim Subcommittee on Washington State Patrol (WSP) Programs, the Trucking Subcommittee is studying: (a) the location and operation of current scale facilities; (b) the possible relocation of certain scale facilities to prevent overloaded trucks from using alternative routes; and (c) new technologies that may streamline weighing procedures.
3. Containerized Cargo: The Subcommittee is exploring ways to address overweight containers entering and leaving Washington ports. One possibility might be a scale demonstration project at a port facility. Because of the international nature of these movements, the ultimate solution is uniformity in standards at the federal level.
4. Weigh-in-Motion (WIM): The Committee is monitoring an on-going, multi-state highway WIM project which will determine the effectiveness and accuracy of weighing trucks while travelling at speeds of 35 miles per hour or more. WIM scales were recently installed at the Kelso weigh station on I-5. (Staff Contact: Mary McLaughlin)

## TRANSPORTATION (Continued)

### Joint Subcommittee on Marine Transportation

The eight-member (four Senators and four Representatives) interim Joint Subcommittee on Marine Transportation has oversight and study responsibility for a variety of marine issues including:

1. Passenger-Only Ferry Service The subcommittee is reviewing the certification process for private passenger-only ferry service and the relationship with the Washington State Ferry System.

Recent interest in expanding passenger-only ferry service on Puget Sound and in the San Juan Islands by private operators (Clipper Navigation and Puget Sound Express) has led to a request by the DOT for an Attorney General's Opinion on a variety of questions regarding the legality of such operations, the most important of which is the question of whether such operations violate a 40-year-old statute prohibiting private competition with an existing public ferry route.

The subcommittee is also overseeing the work of a consultant hired by the state ferry system to investigate and measure the noise and wake problem created by the two new passenger-only ferries placed in service in May of this year on the Seattle to Bremerton and Seattle to Vashon routes. A final report on the issue will be delivered to the subcommittee at its November 13 meeting.

2. Ports Study The subcommittee has received updates on the Washington Public Port Association feasibility study on establishing waterborne, high-speed passenger and package freight service in Puget Sound. A final report will be delivered to the subcommittee in December.
3. Anacortes/San Juan/Sidney Ferry Run As a result of a provision in the 1990 Transportation Supplemental Budget the Department of Transportation is studying the economic impact of the Anacortes/San Juan Islands/Sidney ferry route, its relationship to the Department's vessel acquisition plan, and the type and nature of the financial arrangement for a British Columbia terminal. The department will present its finding to the subcommittee on November 13.
4. WSF/L&I Compliance In accordance with the 1989-1991 budget requirement the Washington State Ferry System is working with the Department of Labor and Industries to meet a July 1990 deadline to establish regulations on safety and health standards for ferry vessels.

## TRANSPORTATION (Continued)

The Subcommittee also has responsibility for reviewing the Marine Division Operating and Capital Budget Request for the 1991-93 biennium and submitting a recommendation on the budget to the Legislative Transportation Committee. (Staff Contact: Vicki Fabre)

### Inland Waters Study

Under the 1990 Legislative Transportation Committee (LTC) Study Plan, the LTC Executive Committee is charged with overseeing a joint study between the LTC, the State Transportation Commission, and DOT to develop and evaluate data related to cross-sound transportation policy issues. This study will look at: (1) alternatives to the existing and proposed ferry system, including bridging, ferry route consolidation, additional passenger-only and auto ferries, tunnels, an assessment of the Tacoma Narrows Bridge and the DOT, Marine Modal Long-Range Plan; (2) demand analysis; (3) cost estimates for alternatives and cost benefit analysis; (4) revenue estimates; and (5) environmental/social impacts analysis.

The goal of the study is to provide information upon which the Commission and the Legislature can make decisions regarding cross-sound transportation, whether they be based on cost effectiveness or quality of life. The findings and recommendations of the study may be critical to future decision-making on the acquisition of additional jumbo ferries planned for 1996. While the scoping phase of the study should be completed by the end of the year, no time frame has been established for completion of the study. (Staff Contact: Vicki Fabre)

### Joint Subcommittee on DOL Programs

The Joint House and Senate Transportation Subcommittee on Department of Licensing Programs has responsibility for overseeing the Department of Licensing and recommending policies and a budget for 1991-93 that will meet the public's service needs.

The Subcommittee has concentrated its efforts on service delivery. Both licensing services (motor vehicle and driver licensing) provided by the department are being examined to see if individual service or joint service delivery is desirable.

Service delivery is directly affected by the computer systems that support the activity. The DOL Subcommittee is providing legislative oversight for the LAMP (Licensing Application Migration Project) computer system. LAMP is the replacement of the computer system that has supported the DOL programs for the last 20+ years and is now unresponsive to legislative and service demands.

## TRANSPORTATION (Continued)

The Subcommittee is overseeing the implementation of the 1990 transportation revenue package. Other issues the Subcommittee is overseeing deal with driver improvement, financial responsibility, records retention, driver license i.d. problems, etc. (Staff Contact: Brad Lovaas)

### Joint Subcommittee on WSP Programs

A Joint House and Senate Transportation Subcommittee on Washington State Patrol Programs is charged with overseeing the Washington State Patrol, and to recommend policies and a 1991-93 budget that meets the public need.

The issue of building a new WSP headquarters has been a dominant issue for the entire interim. The Subcommittee is trying to resolve this issue that has been debated by the LTC since 1983. The Subcommittee is working with all parties to develop a model that will accurately forecast an appropriate number of traffic troopers for the WSP.

The Subcommittee is also concentrating efforts on commercial motor vehicle enforcement. The siting of weighing facilities is seen as a critical component of these activities. The Subcommittee has been working jointly with the Joint Subcommittee on Trucking to reach solutions to enforcement problems. (Staff Contact: Brad Lovaas)

WAYS AND MEANS (Senator McDonald, Chair)

Most of the following Ways and Means Committee staff interim activities have resulted in final products, which are on file for use by Senators and their staffs.

General Activities:

1. Coordinated and produced Legislative Budget Notes for the 1990 Supplemental Budget. (All Staff)
2. Participated in the redesign of the computerized budget development system with the LEAP and House Appropriations Committee. (Hodgins/Brownell/Poole/Groesch/Guykema)
3. Prepared a report on types of bills referred to the Ways and Means Committee in 1989-91. (Freund)
4. Worked with LEAP, the House, and OFM to develop simplified, consistent balance sheet display for use in budget publications. (Freund)
5. Monitored and participated in Governor's Capital Forum, composed of legislative and executive members. The purpose of the forum is to address weaknesses in the state's capital budget process. (Freund)
6. Participated in Department of General Administration's Capital Master Plan update for Thurston County. (Freund)
7. Toured various capital projects requested by Department of Fisheries, Eastern Washington University, Washington State University and others. (Freund/Brownell/Groesch)
8. Served on Audit Committee of the East Capitol Campus construction projects. (Jones)
9. Monitored activities of the Health Care Access and Cost Control Commission. (Hodgins)
10. Reviewed Department of Labor and Industries fund management and budgeting practices. (Windels)
11. Evaluated, with OFM staff, budget guidelines and changes to the budget system for higher education budget submittals. (Brownell)

## WAYS AND MEANS (Continued)

12. Monitored the Health Care Authority development of state employee health insurance rates, K-12 benefits, and retirees' benefits. (Groesch/Kanikeberg)
13. Participated in the development of the 1990 Salary Survey and the redesign of the salary calculation model. (Groesch)
14. Developed a background paper on state sick leave buy-out policies with comparisons with other jurisdictions. (Groesch)
15. Participated in sessions of the Washington State Trial Court Commission's Funding Subcommittee on behalf of the Ways and Means Committee members. The Commission was formed by Chief Justice Callow of the State Supreme Court, to recommend ways to improve the operation of Washington State trial courts. (Poole)
16. Served on the Parking Fee Evaluation Committee. The Committee was formed to respond to legislative directive to the Department of General Administration regarding parking fees for state employees working on the capitol campus be set in a fair and equitable manner, taking market rates into account. (Poole)
17. Served on the Indigent Defense Advisory Commission, which was established to pursue ways for the judicial system to address the high cost of funding indigent defense. (Poole)
18. Monitored the Title and Registration Study, being conducted by the Department of Licensing. The purpose of the study was to examine the process and costs associated with issuing vehicle titles and registration, and revenues generated. (Poole)
19. Participated as a member of the Program Effectiveness Study Team being conducted by the OFM Efficiency and Accountability Commission. The study was commissioned by the Legislature to recommend a structure, process and methodology to evaluate the effectiveness of programs. (Poole)
20. Compiled comparative information and performed background research on collective bargaining. (Groesch)
21. Work is underway on development of 1991-93 budget recommendations. Agency submittals are being evaluated for the development of current level recommendations. (All Staff)

## WAYS AND MEANS (Continued)

### Revenue/Taxation:

1. Participated in preparation and presentation of a study of ways to improve Washington's Economic and Revenue Forecast. (Freund)
2. Monitored Economic and Revenue Forecasts. Participated in the Economic and Revenue Forecast workgroup. (Freund)
3. Worked with House Revenue Staff to improve revenue models and convert to new computer software. (Freund)

Legal research was conducted and memoranda prepared on the following subjects:

- A. Current status of the property taxation of computer software (Wilson)
- B. Imposition of sales taxes on the sale of religious items by religious organizations: A summary of Jimmy Swaggart Ministries v. California Board of Equalization (Wilson)
- C. Rate variations in property taxes (Wilson)
- D. Governor Gardner's property tax relief proposal (Wilson)
- E. Overview of property taxation in Washington State (Wilson)
- F. Taxation of retirement income of Washington residents by states of former residence (source taxation) (Wilson)

Charts and summary tables were compiled on the following:

- A. Constitutional limitations and statutory framework of Washington property taxes (Wilson)
- B. Operation of the 106 percent limit (Wilson)
- C. History of property taxes in Washington State (Wilson)
- D. Property revaluation cycle schedules (Wilson)
- E. Regular property tax levy rates (Wilson)
- F. Regular property tax proration priorities (Wilson)
- G. 1990 county/city property tax capacity (Wilson)
- H. Property tax proposals since May 1990 (Wilson)
- I. Motor vehicle excise tax distribution flow chart (Wilson)

Pending litigation against the state was monitored in the following areas:

- A. Wholesale functions tax under the business and occupation tax (Wilson)
- B. Validity of the business and occupation tax credit fix for persons engaged in multiple activities (National Can) (Wilson)



## WAYS AND MEANS (Continued)

- C. Property tax valuation methodologies and personal property exemptions with respect to railroads and other utilities (Wilson)

### Legal Research:

Legal research was conducted and memoranda prepared on the following topics:

1. Constitutional limitations on state and local K-12 funding. (Jones)
2. Exemptions to the local option real estate excise tax for conservation areas. (Jones)
3. Leasehold excise tax on federal lands. (Jones)
4. Taxation of timber harvests. (Jones)
5. State legislation to ban export of logs from state trust lands. (Jones)
6. Statutory restrictions on commercial activities by public agencies. (Jones)
7. Duty of Legislature to appropriate funds to judicial agencies. (Jones)
8. Legislative intent of supplemental appropriation for K-12 books and equipment. (Jones)

### Criminal Justice:

1. Prepared various materials summarizing the local criminal justice fiscal assistance bill (SB 6913) which was enacted during the Legislature's second extraordinary session. (Hodgins/Jones/Wilson)
2. Participated in the Community Protection Act oversight and evaluation committee. (Hodgins)
3. Prepared a summary of anti-drug abuse funding in Washington State, to be completed by December. (Hodgins/Guykema)

### Social and Health Services:

1. Compiled lists and descriptions of state funded human services programs. Project to be completed during next interim. (Hodgins/Hayes/Poole/Windels)

## WAYS AND MEANS (Continued)

2. Conducted, with House Appropriations staff, a joint fiscal hearing committee on the Harborview Medical Center Study. (Hodgins)
3. Prepared an outline of government social services that benefit low-income families with dependent children. (Hayes)
4. Studied the Federal Job Training Partnership Act (JTPA); Reviewed 1991 plans with the State JTPA Coordinating Council. (Hayes)
5. Reviewed and collected data for the State JOBS Plan, which outlines key components and policies surrounding a new federal AFDC work program. (Hayes)
6. Monitored new developments related to the Family Independence Program (FIP) such as the effect of freezing enrollment, new management proposals, the status of budget neutrality negotiations with the federal government, and updated forecasts of costs and caseloads. (Hayes)
7. Prepared material on recent changes in how AFDC eligibility is determined relative to state need and payment standards for public assistance which includes the fiscal impact for the current and ensuing biennium. (Hayes)
8. Examined cost components of various state need and payment standards in regards to federal laws and treatment of housing costs. (Hayes)
9. Participated on DSHS's Cost of Living Advisory Committee examining options for reviewing and updating how the State's need standard is calculated. (Hayes)
10. Prepared materials on the status of the Automated Client Eligibility System (ACES) project. Researched federal reporting requirements under JOBS as it related to electronic data collection and other states who have automated the calculation of benefits and other public assistance recordkeeping tasks. (Hayes)
11. Reviewed LBC audit findings for DSHS, Division of Alcohol and Substance Abuse, examining the status and cost of improving the existing management information system called SAMS. (Hayes)

## WAYS AND MEANS (Continued)

12. Participated in an employment assistance demonstration project designed for recovering addicts (VOTE). (Hayes)
13. Gathered program and fiscal data to evaluate social services available for "special need" children. (Hayes)
14. Reviewed preliminary recommendations of the State's Child Care Coordinating Committee. Examined the different policies of subsidizing daycare across programs. Monitored the joint effort of DSHS and DCD to reduce barriers to child daycare site development and licensing. (Hayes)
15. Developed study objectives, selected contractor, and monitored the progress of the Long-Term Care Commissions's Study of the nursing home Medicaid reimbursement system. (Windels)
16. Served on advisory committees for Legislative Budget Committee studies of downsizing of institutions for the developmentally disabled, and implementation of mental health reform. (Windels)
17. Served on advisory committee for drafting of statewide children's mental health action plan. Researched programs and sources of funds for children's mental health services throughout state government. (Windels)
18. Monitored the Division of Developmental Disabilities downsizing efforts from state and private institutions, and the division's efforts to cope with further certification difficulties. (Windels)
19. Assisted with Health and Long-Term Care issue paper on the Federal Intermediate Care Facility for the Mentally Retarded (ICF-MR) Program. (Windels)
20. Prepared memoranda on the following issues:
  - A. Use of Western State Hospital grounds for a Department of Corrections parking facility (Windels)
  - B. Social services programs available in King County (Windels)
  - C. The cost and steps necessary to implement a wage increase for COPES providers and medicaid eligibility for individuals in the COPES program and in nursing homes (Windels)
  - D. Senior Citizens' Services Act funding for Volunteer Chore Services (Windels)

## WAYS AND MEANS (Continued)

21. Collected information regarding the management of state lands held in trust and other lands devoted to the care of the mentally ill and developmentally disabled, per SCR 8444. (Windels)
22. Monitored implementation of mental health reform in the development of outcome measures for regional support networks and the development of the first biennial budget request for the networks. (Windels)

### Natural Resources:

1. Monitored the progress of the Wildlife and Recreation Coalition acquisitions and the development of an Operations and Maintenance Study for state recreation and habitat lands. (Groesch)
2. Tracked the activities of the Department of Natural Resources activities in purchasing common school construction land for conservation areas and preserves; and implemented in the transaction with State Parks. (Groesch)
3. Reviewed agency estimates of potential employment loss due to federal timber harvest reductions. Monitored the Governor's efforts to solicit federal money to finance an action plan which targets social services and employment assistance to families in affected communities. (Groesch/Freund/Hayes/Poole)
4. Developed preliminary cost estimates of the Growth Management Initiative and reviewed the state agency fiscal impact statement developed by OFM. (Groesch)
5. Reviewed expenditures relating to the Indian shellfish litigation. (Groesch)
6. Monitored progress of negotiations between Pollution Liability Reinsurance Program and reinsurance companies. (Groesch)

### K-12 Education:

1. Conducted a comprehensive study of teachers' compensation in Washington (longitudinal); teachers' compensation in Washington compared with the nation; and the status of teachers' supply and demand in Washington (today and ten years from today). (Kanikeberg/Goldstein/Guykema)

## WAYS AND MEANS (Continued)

- The study has five participants: the Senate, the House, OFM, the Superintendent of Public Instruction, and the Washington Education Association.
  - The nationwide comparative portion of the study has been contracted. A survey will be sent to 4,000 school districts around the nation and to the education departments in each of the states.
2. Produced a report that summarizes enhancements in K-12 education funding since the 1985-87 biennium. (Kanikeberg)
  3. Participated on the oversight committee responsible for implementing SHB 2014, developing and implementing a process whereby school districts can bill medical assistance for eligible services included in the handicapped education programs. (Kanikeberg)
  4. Prepared summary descriptions of the 1990 K-12 health insurance legislation (VEBA). (Kanikeberg)
  5. Monitored the progress of the local levy study undertaken by the University of Washington, Institute for Public Policy and Management. (Kanikeberg)
  6. Monitored both the financial position of the Washington Institute of Applied Technology, and the Institute's progress in implementing the 1990 supplemental budget provisions. (Kanikeberg)
  7. Prepared comparative per capita expenditure information for K-12 education in Washington and its neighboring states. (Kanikeberg)
  8. Researched and drafted legislation on the Quality Schools Act (SB 6903). (Jones)

### Higher Education:

1. Examined procedures used by higher education institutions for recovering general fund state expenditures for non-state supported areas. (Brownell)
2. Assisted the Higher Education Coordinating Board (HECB) staff in developing facilities and space standards for higher education. (Brownell)

## WAYS AND MEANS (Continued)

3. Worked with OFM, the House and higher education institution staff to develop a consistent employee classification system among two and four-year higher education institutions for the purpose of allocating salary increases in a uniform manner for the 1991-93 biennium. (Brownell)
4. Served on the HECB graduate education study sub-panel considering associated costs (still in progress). (Brownell)
5. Worked with the HECB on the Education Cost Study determining educational costs and tuition fees for the 1991-93 budget. (Brownell)
6. Reviewed data and recommendations with the HECB to complete branch campus enrollment and cost estimates planning and development through 2010. (Brownell)
7. Monitored enrollment levels for University of Washington branch campuses; prepared periodic reports to update members. (Brownell)
8. Participated in the Department of Information Services ISB Telecommunications Study planning effective incremental implementation of a coordinated statewide video telecommunications system. (Brownell)

## WASHINGTON 2000 (Senator Bluechel, Chair)

There were four major activities for the Committee and staff during the interim:

### Legislative Symposium

A symposium was held in September for legislators and legislative staff. About 130 were in attendance at the one-day event, which was designed to help the Legislature begin to focus on long-range solutions to the problems of poverty and lifelong learning. The keynote speaker was former Governor Richard D. Lamm of Colorado, who outlined several reasons why the Legislature needs to "think in different terms." Videotape highlights of this event should be available before the 1991 Session. (Staff Contact: Steve Boruchowitz)

### Fiscal Impact Analysis Study

The first phase was completed at the end of the 1990 legislative session. Phase II will be completed by December 30, 1990 and recommendations presented to the full Committee. The study seeks ways in which to provide adequate impact analysis for the "futures" bills that are and will be in the Project's database. The private sector is providing technical assistance to Project staff for this study. (Staff Contact: Steve Boruchowitz)

### Project Update Newsletter

During the interim, a "Project Update" newsletter was inaugurated. The Update is mailed to the Project's mailing list, which includes all members and staff, agency liaisons, lobbyists and other interested parties. The plan is to have a bi-monthly publication in the interim, and monthly during the sessions. It will contain short excerpts from recent publications of interest, reports of Committee and staff activity, and from time to time highlights of sources in the Washington 2000 Database. (Staff Contact: Steve Boruchowitz)

### Outside Presentations

The last area of activity was making presentations and responding to outside requests for information. Chairman Alan Bluechel made presentations to various groups, including several chambers of commerce, the National Conference of State Legislatures, the Council of State Governments, and the Kentucky State Legislature. The staff director was named to the Council of State Government's Subcommittee on Strategic Planning. (Staff Contact: Steve Boruchowitz)

JOINT SELECT COMMITTEE ON WATER RESOURCE POLICY (Senator Barr, Representative K. Wilson, Co-Chairs)

General Activities

The Committee's primary focus during the 1990 interim was implementation of ESHB 2932, the committee-sponsored bill requiring comprehensive water resource planning on a regional basis throughout the state. The bill called for a cooperative effort in which state government (legislative and executive), Indian tribes, local governments and interested parties would together identify and address the growing water supply needs of our state. The bill also required the development of a thorough data management program to support planning efforts.

In May, Committee members participated in an historic water resources planning retreat on Orcas Island. The three-day "Rosario retreat" was attended by 170 representatives of government and private interests in the water resource field. Participants agreed to work together to develop a planning process that would then be implemented in identified regions of the state. Committee members will participate in a November follow-up retreat that will determine the process for planning and managing our state's water resources.

Senator Madsen represented the Committee on a data management task force created by ESHB 2932 to evaluate and make recommendations on data needs and information management. The task force issued a report to the Legislature in September containing preliminary findings and recommendations for a comprehensive water resource data program.

Committee meetings were held in April and June to inform members of significant developments in water resource issues across the state. Staff from the Departments of Ecology and Health, and the Attorney General's Office briefed Committee members on significant water resource decisions recently made or currently pending with the agencies. (Staff Contact: Ed Dee)

Water Transfers; Water Conservation and Efficiency

In September, a Committee meeting focused on water marketing and transfers. Briefings from two nationally recognized experts and from state agency staff provided background information to Committee members to evaluate possible legislative options in this area. A November meeting is scheduled to consider agency sponsored legislation dealing with transfers. The Committee also intends to consider legislative proposals dealing with water conservation and efficiency. (Staff Contact: Ed Dee)



## JOINT SELECT COMMITTEE ON WATER RESOURCE POLICY (Continued)

### Public Water Supply

The Committee formed a subcommittee on public water supply co-chaired by Senator Madsen and Representative Miller. Meetings were held in July, August, and October to consider issues involving the state's domestic water supply, focusing primarily on small water systems and their ability to meet increased health and safety standards imposed by the federal Safe Drinking Water Act. The Committee is working with state agencies and local governments to develop legislation ensuring all water systems, both public and private, can provide safe and reliable drinking water to all customers. (Staff Contact: Ed Dee)

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